



Fiji's Proposed Constitution

An Assessment of the 2026 Government Draft against
the 2013 Constitution and the 2026 CRC Draft



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Contents

Introduction	i
1 State, Identity and Founding Values	1
2 Bill of Rights and Access to Justice	5
3 Land, Environment and Community Rights	13
4 Elections and Political Parties	17
5 Parliament and Making Laws	22
6 President, Prime Minister and Cabinet	27
7 Courts and Legal Institutions	31
8 Public Service, Police, Corrections and Military	36
9 Public Money, Integrity and Independent Institutions	39
10 Bose Levu Vakaturaga	45
11 Rotuma, Local Government and Participation	47
12 Emergencies and Historical Immunity	50
13 Amendment, Commencement and Transition	54
Conclusion	58

Readers Guide

Texts and references

- 2013 means the Constitution of the Republic of Fiji 2013.
- CRC means the CRC Draft Constitution 2026 dated 31 August 2026.
- Fiji Government Draft Constitution (GDC) means the government draft contained as a Schedule in the Constitution Amendment Bill 2026 (Bill No. 32 of 2026). GDC is used as its short name. The Bill includes an outer amending instrument and the proposed Constitution attached to it as a Schedule.
- GDC section references normally mean sections of the proposed Constitution in the Schedule. A reference marked “outer” means a section of the amending instrument itself. These are different sets of section numbers.
- “s” means section and “ss” means sections. Numbers in brackets identify subsections. The opening statements, called preambles, and CRC’s immunity recommendation have no section numbers, so their actual locations are cited.

How to read the comparison

The table is a comparison, rather than a word-for-word reproduction. It explains the important conditions behind a power or right. If the Constitution does not expressly provide something, ordinary legislation may still regulate it. Where a draft gives conflicting rules, the table identifies the problem rather than assuming a correction.

Key terms

- Dissolution ends Parliament’s term so an election follows.
 - Prorogation ends a session without ending the term.
 - Assent is the President’s formal approval of a law.
 - An appropriation is legal authority to spend public money.
 - A two-thirds or three-quarters vote means that share of the membership identified in the section.
- Consultation means seeking and considering views; consent means agreement.

Abbreviations

BLV	Bose Levu Vakaturaga
CDD	Centre for Democracy & Dialogue
CRC	Constitution Review Commission
DPP	Director of Public Prosecutions.
FICAC	Fiji Independent Commission Against Corruption.
GCC	Great Council of Chiefs
GDC	Government Draft Constitution
LOTO	Leader of the Opposition
MP	Member of Parliament
PM	Prime Minister

Introduction

Understanding the constitutional choices before Fiji

A Constitution is not simply a collection of legal rules. It determines who may exercise public power, how that power is acquired, how it is limited, which institutions can restrain it, what rights citizens possess against the State, and ultimately how political disagreement is managed without resorting to force. In a country with Fiji's constitutional history, these questions are not abstract. The design of constitutional institutions has repeatedly shaped the country's democratic stability, ethnic relations, accountability and political development. As CDD argued during the 2026 constitutional review, a Constitution is the supreme legal and political compact of the nation, and both its content and the legitimacy of the process through which it is made matter.

This book has been prepared to help Fijians understand the choices now before them. It compares three constitutional frameworks: the Constitution of the Republic of Fiji 2013, the Constitution Review Commission Draft Constitution 2026, and the Fiji Government Draft Constitution contained in Bill No. 32 of 2026, referred to throughout this book as the GDC. The purpose is not merely to identify changes in wording. It is to explain what those changes would mean for the way Fiji is governed, the rights of its people, the independence of its institutions and the distribution of constitutional power.

The comparison covers thirteen broad areas, ranging from State identity, human rights and elections to Parliament, executive government, courts, independent institutions, the Bose Levu Vakaturaga, Rotuma, local government, emergencies, immunity and constitutional amendment. The underlying comparison identifies around 140 distinct areas in which the constitutional texts can be examined against one another.

Constitutional reform should solve constitutional problems

CDD has consistently supported reform of the 2013 Constitution. But supporting reform does not mean accepting every departure from the existing Constitution as progress. The 2013 Constitution contains serious structural weaknesses. Most importantly, it concentrates substantial power in the political executive and leaves a number of supposedly independent institutions vulnerable to political influence and capture. Its Constitutional Offices Commission is structurally dominated by government-aligned members; senior judicial appointments involve significant executive influence; rights protections contain broad limitation provisions; and legislation can be expedited with insufficient safeguards for deliberation and public scrutiny.

At the same time, the 2013 Constitution contains important democratic achievements that should not be discarded simply because the Constitution itself is being reviewed. It abolished communal electoral rolls and ethnically reserved parliamentary seats, established a common national electoral roll, adopted equal citizenship and the principle of one person, one vote, one value, created an open-list proportional electoral system, affirmed Fiji as a secular State, and placed national legislative authority in a fully elected Parliament. CDD has argued that these are important features of a modern, multi-ethnic liberal democracy and should be preserved.

The proper question is therefore not whether the 2013 Constitution should be defended or rejected as a whole. The question is: which parts should Fiji retain, which defects should be corrected, and whether the proposed replacements genuinely produce a more democratic, accountable and institutionally balanced constitutional order. That is the approach taken throughout this book.

Neither proposed Constitution is treated as automatically superior

The CRC Draft contains a number of significant democratic reforms. It strengthens the test for limiting fundamental rights, broadens access to constitutional remedies, proposes a more independent Constitutional Offices Commission, reduces political influence over senior judicial appointments, limits Cabinet size, restricts the number of occasions on which a person may serve as Prime Minister, constitutionalises caretaker conventions, strengthens local government and provides more detailed integrity and accountability mechanisms.

In some areas, the GDC retains useful CRC reforms. In others, however, it removes them and returns substantially towards the 2013 constitutional architecture. The GDC, for example, removes the CRC Cabinet-size cap and Prime Ministerial term limit, restores the politically constituted Constitutional Offices Commission, restores direct Prime Ministerial influence over senior judicial appointments, removes the constitutional guarantee of elected local government, and establishes an appointed Senate in which a majority of members are appointed on the advice of the Bose Levu Vakaturaga. It also retains the 2013 historical immunity regime while adding a new immunity provision whose temporal scope potentially extends beyond the period already protected under the current Constitution.

But this book also does not assume that every CRC proposal is desirable. CDD has concerns about the reintroduction of an unelected Senate, the electoral system, some institutional design choices and several drafting problems within the CRC text itself. The purpose of constitutional comparison is precisely to resist the temptation to choose between entire packages and instead examine each institutional choice on its merits.

The central question is the distribution of power

Constitutions are ultimately about power. Who appoints the Electoral Commission? Who appoints judges? Who determines whether watchdog institutions are truly independent? Who makes laws, and how easily can those laws be rushed through Parliament? Who can remove a President? Who can change the Constitution? Who controls the police, military and public service? Who can challenge government action in court? Who may limit fundamental rights? And how frequently must those exercising political power return to the people for a renewed democratic mandate?

These questions often matter more than constitutional language that sounds attractive but does not alter institutional power. For this reason, this book pays particular attention to the structures behind constitutional institutions. A commission may be declared “independent”, for example, but that independence becomes questionable if the government effectively controls the body that appoints its members. A Bill of Rights may appear extensive, but its strength depends on how easily rights can be restricted and whether ordinary citizens can realistically seek a remedy. A Parliament may be described as representative, but democratic accountability changes if unelected institutions receive significant legislative power.

CDD’s position throughout the constitutional review has therefore been that Fiji should retain the modern democratic foundations of the 2013 Constitution while correcting its structural concentration of executive power.

Democracy means more than majority rule

Fiji is a diverse society. Constitutional design must therefore do two things simultaneously. It must protect minorities, indigenous communities, cultural identity, customary rights and communities vulnerable to majoritarian domination. But it must also avoid recreating political structures in which citizens are permanently divided into separate constitutional categories based primarily on ethnicity.

CDD has argued that constitutional design in Fiji should encourage political inclusion, minority protection and inter-ethnic cooperation, while avoiding the creation of race-based or ethnically defined structures of political power that risk entrenching the very divisions constitutional reform should help transcend.

That tension appears repeatedly in this book, particularly in relation to the Senate, the Bose Levu Vakaturaga, land, Rotuma, electoral design and constitutional veto powers. Protecting indigenous and minority rights is essential. But protection of rights and culture is not necessarily the same thing as allocating disproportionate national political power according to communal identity. The challenge is to design institutions that protect communities while maintaining the principle that all citizens belong equally to the same democratic State.

How to read this book

Each chapter contains a comparative table. The first three substantive columns explain the relevant rules under the 2013 Constitution, the CRC Draft and the GDC. The final column explains the practical or legal consequences of the differences. The tables are intended to make complex constitutional provisions

understandable without reproducing hundreds of pages of legal text. They are therefore summaries, not substitutes for the original Constitutions. A statement that a Constitution does not expressly provide for something does not necessarily mean that the matter could not be regulated through ordinary legislation. Where provisions conflict internally, this book identifies the conflict rather than silently assuming what the drafter intended.

There is also an important distinction between the CRC Draft Constitution and recommendations contained in the CRC Report. Where the Report proposes something that was not incorporated into the actual constitutional text, this book treats it as a recommendation rather than describing it as an operative constitutional provision. Similarly, Bill No. 32 must be read carefully because the GDC is not simply the constitutional text appearing in its Schedule. The Bill also contains an outer amending instrument. Those outer provisions determine, among other things, how the 2013 Constitution is amended and which existing provisions are preserved. This becomes particularly important when considering commencement, transition and historical immunity. The underlying comparison therefore distinguishes between provisions of the proposed Constitution and provisions of the outer Bill.

The “What matters most” sections

Not every difference between Constitutions is equally important. Changing the wording of an administrative provision is not constitutionally equivalent to changing who appoints the Chief Justice, whether Parliament is fully elected, whether the Government controls the appointments commission, whether citizens retain a referendum over constitutional amendments, or whether people involved in unconstitutional government may receive immunity.

For this reason, each chapter concludes with a What matters most section. These boxes identify the changes CDD considers most consequential and explain why they matter for democracy, accountability, rights, institutional independence and the distribution of power. They are deliberately analytical. They do not pretend that constitutional design is simply a mechanical exercise in comparing sections.

Where a provision represents a democratic improvement, this book says so. Where the CRC proposal is better than both 2013 and the GDC, it says so. Where the 2013 Constitution provides a stronger democratic safeguard than either proposed replacement, that is also stated clearly. And where either draft introduces a provision that CDD considers regressive, dangerous or insufficiently explained, the analysis identifies the concern directly.

Drafting matters

The comparison has also revealed a number of provisions that appear internally inconsistent, incomplete or difficult to reconcile. These are not necessarily political disagreements. Some are basic constitutional drafting problems: conflicting deadlines, inconsistent cross-references, different descriptions of the same institution, competing amendment rules, and transitional provisions that do not fit neatly with the permanent constitutional framework.

Such problems matter because a Constitution is meant to provide certainty precisely when political disagreement is at its greatest. Ambiguity over an ordinary statute can be inconvenient. Ambiguity over who lawfully governs the country, how an election is conducted, whether a constitutional institution exists, or whether a provision can be amended can produce a constitutional crisis. Where such problems appear, this book identifies them.

The Constitution must ultimately belong to the people

Perhaps the most important lesson from Fiji's constitutional history is that constitutional durability cannot be secured by legal text alone. A Constitution imposed by one political side upon another may govern for a period, but it does not necessarily create a shared constitutional settlement. Fiji has repeatedly experienced constitutional ruptures, replacements and attempts to redesign political institutions after changes in political power. That cycle should end.

CDD has argued throughout the current review that constitutional reform must be modern, democratic, inclusive, rights-protecting and institutionally balanced. It should limit power rather than simply transfer it from one political group or institution to another.

This book is therefore intended not simply for lawyers, politicians or constitutional specialists. It is for citizens. The Constitution determines how long a government may remain in office, how elections are conducted, whether courts can restrain the State, whether public officials can be held accountable, whether local communities elect their own representatives, how public money is scrutinised, whether minorities are protected, whether the military is subordinate to civilian authority, and whether those who exercise public power can ultimately be called to account. Those decisions are too important to be left to constitutional experts alone.

Fiji needs a Constitution that can outlive the government that drafts it, the Parliament that adopts it and the political controversies of the moment. It must be capable of protecting those in government today when they become the Opposition tomorrow, and protecting those in Opposition today if they later exercise power. Most importantly, it must protect citizens regardless of who governs. That is the standard against which the three constitutional frameworks in this book are compared.

1 State, Identity and Founding Values

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
Preamble and constitutional history	The opening statement recognises iTaukei, Rotumans, descendants of indentured labourers and later settlers. It commits Fiji to equal citizenship, human rights, justice and protecting the environment. (2013, Preamble.)	The opening statement describes cession, independence, earlier constitutions and interruptions to constitutional government. It recognises Christianity, other religions, cultural diversity and the family. (CRC, Preamble.)	The opening statement describes Fiji's constitutional history. It recognises Christianity, other religions, the family, cultural diversity and descendants of Girmitiyas. (GDC, Schedule Preamble.)	All three recognise Fiji's different communities and their shared future. The CRC and GDC say more about history and religion. An opening statement helps explain the Constitution's purposes, but the detailed sections determine the powers and rights it creates. There is a grammatical error in the GDC relating to the insertion of girmitya (2013, Preamble; CRC, Preamble; GDC, Schedule Preamble.)
Founding values	Fiji is founded on equal citizenship, human rights, equality, dignity, accountable government and protecting nature. Government powers must be limited and divided among institutions. (2013, s 1.)	Fiji is founded on equal citizenship, human rights, equality, dignity, accountable government and protecting nature. Government powers must be limited and divided among institutions. (CRC, s 1.)	The founding values include Christianity and the family, as well as human rights, equality, dignity and accountable government. Worship and reverence for God are described as a source of good government and leadership. (GDC, s 1.)	The three texts share many basic values. GDC expressly adds Christianity and family values as founding values.. That statement must be read together with its requirement to treat religions equally and give no religion preference. The draft does not explain fully how those statements would work together. (2013, s 1; CRC, s 1; GDC, ss 1, 4.)
Religion and the State	Religion and the State must be separate. Public officials must treat religions equally, cannot dictate religious beliefs and cannot favour a religion over another religion or a non-religious belief. Religious belief cannot justify disobeying the Constitution or a law. (2013, s 4.)	Public officials must treat religions equally, cannot dictate religious beliefs and cannot favour a religion over another religion or a non-religious belief. Nobody may impose religious practices or control on another person except as allowed by law. There is no express sentence requiring separation of religion and the State. Religious belief also cannot be used as a legal reason to disregard the Constitution or another law. (CRC, s 4.)	Section 1(2) says religion and the State are separate, while also linking worship and reverence for God to good government. Section 4 requires equal treatment of religions, prohibits dictated belief and prohibits preference for a religion over other religions or non-religious belief. Religious belief cannot be used as a legal reason to disregard the Constitution or written law. (GDC, ss 1, 4.)	All three protect equal religious treatment and freedom from government-imposed belief. The 2013 text and GDC expressly separate religion and the State. CRC does not repeat that sentence, but still prohibits religious preference. CRC also expressly addresses imposing religious practices on another person. (2013, s 4; CRC, s 4; GDC, ss 1, 4.)
The highest law and unlawful changes of government	The Constitution is the highest law. A law that conflicts with it is invalid to the extent of the conflict. Courts must enforce it. Nobody may cancel or suspend it. Attempts to establish a government outside its rules are unlawful, and legal immunity	The Constitution is the highest law. Conflicting laws are invalid to the extent of the conflict, and courts must enforce it. Nobody may cancel or suspend it. Attempts to establish a government outside its rules are unlawful, and legal immunity	The Constitution is the highest law. Conflicting laws are invalid to the extent of the conflict, and courts must enforce it. Nobody may cancel or suspend it. Attempts to establish a government outside its rules are unlawful, and legal immunity cannot be granted for helping	All three reject taking power outside the Constitution. This rule concerns unconstitutional government, but does not by itself remove the separate protections for past events discussed in Part 12. Those historical protections must also be examined. (2013, s 2; CRC, s 2; GDC, s 2.)

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
	cannot be granted for helping such attempts. (2013, s 2.)	cannot be granted for helping such attempts. (CRC, s 2.)	such attempts. (GDC, s 2.)	
Interpretation and official versions	Anyone interpreting the Constitution must promote its purposes and the values of dignity, equality and freedom. iTaukei and Hindi translations must be available. If a translation and the English text differ, the English text controls. (2013, s 3.)	Anyone interpreting the Constitution must promote its purposes and democratic values. iTaukei, Rotuman and Hindi translations must be available; English controls if they differ. A person dealing with a public-service office or local government may use English, iTaukei, Rotuman or Hindi, directly or through an interpreter. (CRC, ss 3, 54.)	Anyone interpreting the Constitution must promote its purposes and democratic values. iTaukei, Rotuman and Hindi translations and a Braille transcription must be available; English controls if versions differ. Indigenous languages must be protected and promoted. (GDC, ss 3, 52.)	CRC adds a practical right to use any of four languages when dealing with public offices. GDC adds a specific Braille requirement. Making a translated Constitution available does not, on its own, give a right to receive every government service in that language. (2013, s 3; CRC, ss 3, 54; GDC, ss 3, 52.)
Citizenship by birth and naturalisation	Citizenship can be obtained by birth, registration or naturalisation. Laws passed by Parliament set the conditions and procedures. A Fiji citizen may also hold another country's citizenship. (2013, s 5.)	A child born in Fiji becomes a citizen unless a parent is a foreign diplomat and neither parent is a Fiji citizen. A child born overseas may be registered if either parent was a citizen when the child was born. An applicant for naturalisation must have been lawfully present in Fiji for 5 of the previous 10 years. Multiple citizenship is allowed. (CRC, s 5(3)–(8).)	A child born in Fiji becomes a citizen if at least one parent is a Fiji citizen. A child born overseas may be registered if either parent was a citizen when the child was born. A law sets the period of lawful presence needed for naturalisation. Multiple citizenship is allowed. Laws on removing citizenship must provide a fair process. (GDC, s 5.)	CRC would give citizenship at birth to most Fiji-born children of foreign parents. GDC would require a citizen parent. The 2013 Constitution leaves the detailed birth rules to legislation. CRC fixes the 5-in-10-year naturalisation requirement in the Constitution; GDC leaves the period to legislation. (2013, s 5; CRC, s 5(3)–(8); GDC, s 5.)
Common national identity	All Fiji citizens are called Fijians. (2013, s 5(1).)	Citizens continue to be called Fijians while the common national name is discussed. Communities must be consulted for up to 12 months. If no national agreement is reached, a referendum must be held within the next 12 months to determine the majority view. (CRC, s 6.)	All Fiji citizens are called Fijians. Indigenous Fijians may also be called iTaukeinivanua o Viti. (GDC, s 6.)	CRC allows the common name to be reconsidered through consultation and, if needed, a public vote. The other texts settle the common name in the Constitution. GDC's additional name for indigenous Fijians does not replace the name shared by all citizens. (2013, s 5(1); CRC, s 6; GDC, s 6.)
Distribution of public authority	Government powers must be limited and separated. Different chapters give powers to Parliament, the President, Ministers, courts and other public institutions. There is no single	Section 7 explains how the people's authority is divided. It identifies Parliament, the President, government leaders, courts, local government, independent bodies,	Government powers must be limited and separated. Different chapters give powers to national institutions and other bodies. There is no single section listing the full distribution of public	CRC expressly recognises more institutions when explaining how the people's authority is exercised. This does not give each listed body unlimited power. Its powers still depend on the detailed sections that apply to it. (2013, ss 1(f), 46–47, 81–82, 91–92, 97, 123–132; CRC, s 7; GDC, ss 1(1)(f), 55–56,

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
	section listing the full distribution of public authority. (2013, ss 1(f), 46-47, 81-82, 91-92, 97, 123-132.)	the public service, indigenous coordinating bodies and the disciplined forces. Each body's detailed powers appear elsewhere in the Constitution. (CRC, s 7.)	authority. (GDC, ss 1(1)(f), 55-56, 98-100, 109-111, 118, 143-157, 178.)	98-100, 109-111, 118, 143-157, 178.)

Note: Fiji Government Draft Constitution 2026 - The reference to “descendants of Girmitiyas” appears to have been inserted into the GDC Preamble at a later stage without sufficient attention to the grammar of the sentence into which it was placed. The original CRC wording refers to “the arrival of forebears of subsequent settlers”, followed by a list of those forebears. By inserting “descendants of Girmitiyas” into that list without rewriting the sentence, the GDC now effectively refers to the forebears of the descendants of Girmitiyas, which is logically and grammatically incorrect because the historical group whose arrival is being recalled were the Girmitiyas themselves, not their descendants. The problem could easily have been avoided by referring simply to “Girmitiyas”, or “Girmitiyas and other Indians”, and the error suggests that the insertion was made without properly checking how it affected the meaning and structure of the sentence as a whole.



What matters most: State, Identity and Founding Values

Religion and the character of the State

The most significant difference is the GDC's decision to make Christianity and family values founding values of the State, and to say that worship and reverence for God are a source of good government and leadership. At the same time, it says religion and the State are separate and that all religions must be treated equally. This creates a tension that does not arise in the same way under the 2013 Constitution or the CRC Draft. For a diverse and multi-faith society such as Fiji, in modern day liberal democracies, a constitutionally neutral State is preferable. A Constitution should strongly protect Christianity and every other religion, but the State itself should not constitutionally privilege one faith over others or over non-religious belief.

How constitutional power is understood

The CRC Draft goes further than the other two texts by expressly stating that the sovereign authority of the people is distributed among Parliament, the Executive, courts, local government, independent institutions, the public service and other constitutional bodies. The 2013 Constitution and GDC distribute powers through separate chapters but do not contain an equivalent overall statement. This matters because a democratic constitution should begin from the principle that State power is divided, limited and exercised by different institutions, rather than concentrated in one part of government. The detailed provisions ultimately determine whether that happens, but the CRC expresses the principle most clearly.

Citizenship and Inclusion

The CRC also adopts the most inclusive citizenship-by-birth rule, generally giving citizenship to children born in Fiji even where their parents are not citizens, while GDC requires at least one citizen parent and the 2013 Constitution leaves the detailed rules to legislation. CDD considers constitutional arrangements that reduce exclusion and the risk of statelessness preferable, particularly in a society with Fiji's history of migration and diverse communities.

National Identity and Language

All three texts preserve a common national identity, but the CRC allows the common national name to be reconsidered through consultation and, if necessary, referendum. It also gives people a practical right to use English, iTaukei, Rotuman or Hindi when dealing with specified public institutions. These provisions recognise that national unity does not require cultural uniformity. For Fiji, constitutional arrangements are stronger when they combine a common citizenship with meaningful recognition and protection of the country's different communities.

CDD Assessment

On these founding questions, the CRC Draft provides the stronger liberal-democratic framework. It more clearly treats constitutional power as dispersed, adopts a more inclusive approach to citizenship and language, and avoids constitutionally elevating Christianity above other beliefs. The 2013 Constitution also strongly protects equal citizenship and State religious neutrality. The GDC retains many of those protections, but its explicit Christian framing introduces an unnecessary tension into a Constitution intended to govern a religiously and culturally diverse society.

2 Bill of Rights and Access to Justice

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
Who must respect rights	Government bodies and public officials must respect, protect, promote and fulfil these rights. A private person or organisation can also be required to respect a right, depending on what the right protects and what duty it imposes. Companies can claim rights appropriate to their nature. (2013, s 6(1)–(4).)	Government bodies and public officials must respect, protect, promote and fulfil these rights. A private person or organisation can also be required to respect a right, depending on what the right protects and what duty it imposes. Companies can claim rights appropriate to their nature. (CRC, s 8.)	Government bodies and public officials must respect, protect, promote and fulfil these rights. A private person or organisation can also be required to respect a right, depending on what the right protects and what duty it imposes. Companies can claim rights appropriate to their nature. (GDC, s 7.)	Rights can protect people from private conduct as well as government conduct. However, every right does not apply in exactly the same way to a company and an individual. For example, the nature of a right determines whether a company can claim it or must respect it. (2013, s 6(1)–(4); CRC, s 8; GDC, s 7.)
When rights may be restricted	Rights may be restricted as expressly allowed by the Constitution. Section 6(5) also allows necessary restrictions made or authorised by law. Many individual rights list reasons for which legislation may restrict them. (2013, ss 6(5), 7.)	A restriction must be made by law and be reasonable and justified in a democratic society. The decision-maker must consider its purpose, how much it restricts the right and whether a less restrictive approach would work. Whoever defends the restriction must justify it. Every proposed law needs an explanation of its effects on rights. (CRC, s 9.)	A restriction must be made by law and be reasonable and justified in a democratic society. Its purpose, its effect and less restrictive alternatives must be considered. Whoever defends it must justify it. Proposed laws restricting rights need an explanation of their effects on rights. (GDC, s 8.)	The CRC and GDC give a clearer general test for restrictions: there must be a good reason, and the restriction must not go further than justified. CRC requires an explanation of the effects on rights for proposed laws generally; GDC requires it for proposed restrictions. The rules attached to each individual right also matter. (2013, ss 6(5), 7; CRC, s 9; GDC, s 8.)
International law in interpreting rights	When interpreting rights, a court may consider relevant international law. (2013, s 7(1)(b).)	Courts, tribunals and other authorities must consider relevant international human-rights law when interpreting rights. (CRC, s 10(1)(b).)	Courts, tribunals and other authorities must consider relevant international human-rights law when interpreting rights. (GDC, s 9(1)(b).)	The CRC and GDC make consideration of relevant international law compulsory. The 2013 constitution makes it optional. This helps guide interpretation, but does not automatically turn every international treaty into a law that can be enforced in Fiji. (2013, s 7(1)(b); CRC, s 10(1)(b); GDC, s 9(1)(b).)
Who can ask a court to protect rights	A person who says their rights have been, are being or are likely to be breached may apply to the High Court. Someone else may apply for a detained person. The Court can make orders to protect the right. (2013, s 44.)	A person with an interest in enforcing a right may apply to the High Court, including someone acting for a person unable to act. The Court can also begin action itself. It may order that no legal costs be awarded against an applicant if the enforcement proceedings are in the interests of justice or the public interest. (CRC, s 11.)	A person who says their rights have been, are being or are likely to be breached may apply to the High Court. Someone else may apply for a detained person. The Court can make orders to protect the right. (GDC, s 10.)	CRC would make it easier to bring a case even where the applicant is not personally affected. Its protection against paying the other side's costs depends on the Court's decision; it is not automatic. GDC's rights-enforcement wording focuses on the affected person and applications for detainees. (2013, s 44; CRC, s 11; GDC, s 10.)

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
Right to truth and a remedy	A person can seek High Court orders for a breach of rights. There is no separate right to have the truth about a violation established and acknowledged. (2013, s 44.)	A person whose human rights have been violated has a right to a remedy and to the truth. This includes prompt, impartial and thorough investigation, verification and disclosure of the facts, reparations, preservation of evidence, access to relevant archives and rights of victims' relatives and affected communities to commemorate and mourn. (CRC, ss 11, 16.)"	A person can seek High Court orders for a breach of rights. There is no separate right to have the truth about a violation established and acknowledged. (GDC, s 10.)	CRC expressly recognises that victims may need to know what happened, have it acknowledged and obtain a remedy. This goes beyond merely winning compensation. Whether past wrongs can be addressed also depends on the historical-immunity issue discussed in Part 12. (2013, s 44; CRC, ss 11, 16; GDC, s 10.)
Life, torture slavery and trafficking	Nobody may be arbitrarily deprived of life. Slavery, human trafficking, torture and cruel, inhumane or degrading treatment are prohibited. Forced labour is prohibited, but the section permits certain work, including court-ordered work, reasonable prison work and duties of disciplined-force members. (2013, ss 8, 10-11.)	Nobody may be arbitrarily deprived of life. Slavery, human trafficking, torture and cruel, inhumane or degrading treatment are prohibited. The forced-labour ban excludes court-ordered work, reasonable prison work, disciplined-force duties and reasonable work forming part of normal communal or civic obligations. (CRC, ss 12, 14-15.)	Nobody may be arbitrarily deprived of life. Slavery, human trafficking, torture and cruel, inhumane or degrading treatment are prohibited. The forced-labour ban excludes court-ordered work, reasonable prison work, disciplined-force duties and reasonable work forming part of normal communal or civic obligations. Allows lawful and moderate chastisement for the purposes of correction (GDC, ss 11, 13-14, 40.)	The core protections are shared. The CRC and GDC add an exception for reasonable communal or civic work to the forced-labour rule. GDC also allows lawful and moderate chastisement for the purposes of correction in section 40; that creates a tension with section 14's general protection from violence and must be read with it. (2013, ss 8, 10-11; CRC, ss 12, 14-15; GDC, ss 11, 13-14, 40(1)(e).)
Liberty and searches	A person may be deprived of liberty only on legal grounds, such as a court sentence, a reasonable suspicion of an offence or a lawful immigration decision. Searches and seizures must have legal authority and must not be unreasonable. (2013, ss 9, 12.)	A person may be deprived of liberty only on legal grounds, such as a court sentence, a reasonable suspicion of an offence or a lawful immigration decision. Searches and seizures must have legal authority and must not be unreasonable. (CRC, ss 13, 17.)	A person may be deprived of liberty only on legal grounds, such as a court sentence, a reasonable suspicion of an offence or a lawful immigration decision. Searches and seizures must have legal authority and must not be unreasonable. (GDC, ss 12, 15.)	All three protect people from detention and searches without lawful grounds. They still allow lawful arrests and searches. CRC gives search protection additional protection against the special emergency restriction power, as explained in Part 12. (2013, ss 9, 12; CRC, ss 13, 17; GDC, ss 12, 15.)
Time before an arrested person goes to court	An arrested or detained person must be brought to court as soon as reasonably possible and within 48 hours of arrest. If that is not reasonably possible, the person	An arrested or detained adult must be brought to court as soon as reasonably possible and within 48 hours. For a child, the limit is 24 hours. If appearance within the	An arrested or detained adult must be brought to court as soon as reasonably possible and within 48 hours. For a child, the limit is 24 hours. If appearance within the	The CRC and GDC halve the normal time before a child must appear in court. All three allow a delay where meeting the deadline is not reasonably possible, but require appearance as soon as possible afterwards. None of these provisions substitutes a general

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
	must be brought to court as soon as possible afterwards. (2013, s 13(1)(f).)	relevant period is not reasonably possible, it must happen as soon as possible afterwards. (CRC, s 18(1)(d).)	relevant period is not reasonably possible, it must happen as soon as possible afterwards. (GDC, s 16(1)(d).)	"next court day" rule. (2013, s 13(1)(f); CRC, s 18(1)(d); GDC, s 16(1)(d).)
Fair trial and legal representation	An accused person is presumed innocent until proved guilty. They must know the charge, have time to prepare a defence, be able to challenge evidence and ordinarily have a public trial without unreasonable delay. Legal aid is available where they lack the means to pay and justice requires it. (2013, ss 14-15.)	An accused person is presumed innocent until proved guilty and has rights to prepare a defence, challenge evidence and a fair trial without unreasonable delay. Legal aid is available where the person cannot afford a lawyer and justice requires it. Court fees must be reasonable and must not prevent access to justice. (CRC, ss 19-20.)	An accused person is presumed innocent until proved guilty and has rights to prepare a defence, challenge evidence and a fair trial without unreasonable delay. Legal aid is available where the person cannot afford a lawyer and justice requires it. Court fees must be reasonable and must not prevent access to justice. (GDC, ss 17-18.)	All three require any court-access fee to be reasonable and not impede access to justice. CRC and GDC additionally strengthen criminal disclosure by expressly requiring disclosure beyond evidence the prosecution intends to rely upon. Unlike 2013, their general public-hearing provision does not expressly exclude military courts. (2013, ss 14-15; CRC, ss 19-20; GDC, ss 17-18.)
Evidence obtained unlawfully	Evidence obtained unlawfully must be excluded unless admitting it is required in the interests of justice. (2013, ss 14(2)(k), 15(12).)	Section 20(12) says evidence obtained by breaching a constitutional right or another law must be excluded. However, section 19(2)(k), dealing with accused persons, allows unlawful evidence where the interests of justice require its admission. (CRC, ss 19(2)(k), 20(12).)	Evidence obtained by breaching a constitutional right or another law must be excluded unless admitting it is required in the interests of justice. (GDC, ss 17(2)(k), 18(12).)	CRC contains two rules that do not match: one requires exclusion without an exception; the other allows an exception. It is therefore unclear which rule would control a criminal trial. The 2013 text and GDC expressly allow the interests-of-justice exception. (2013, ss 14(2)(k), 15(12); CRC, ss 19(2)(k), 20(12); GDC, ss 17(2)(k), 18(12).)
Fair government decisions and written reasons	Executive and administrative decisions must be lawful, sensible, no more restrictive than justified, procedurally fair and reasonably prompt. A person adversely affected is entitled to written reasons and may seek review. These rights cannot be exercised against a registered company. The section applies only to actions after the first elected Parliament's first sitting. (2013, s 16.)	Executive and administrative decisions must be lawful, sensible, no more restrictive than justified, procedurally fair and reasonably prompt. A person adversely affected is entitled to written reasons and may seek review. These rights cannot be exercised against a registered company. The section applies only to actions after the first elected Parliament's first sitting. (CRC, s 21.)	Executive and administrative decisions must be lawful, sensible, no more restrictive than justified, procedurally fair and reasonably prompt. A person adversely affected is entitled to written reasons and may seek review. These rights cannot be exercised against a registered company. The section applies only to actions after the first elected Parliament's first sitting. (GDC, s 19.)	These rights help people challenge unfair government decisions. The company exception concerns who can be challenged: it does not say that companies can never claim these rights. The proposals repeat the first-Parliament starting point, which leaves a question about coverage during their transition to a new Constitution. (2013, s 16; CRC, s 21; GDC, s 19.)
Speech assembly association and religion	People may express opinions, publish, meet peacefully without weapons, form associations and practise a religion or hold no religious	People may express opinions, publish, meet peacefully without weapons, form associations and practise a religion or hold no religious	People may express opinions, publish, meet peacefully without weapons, form associations and practise a religion or hold no religious belief.	The basic freedoms are present in all three. The proposals add the general requirement to justify restrictions and consider less restrictive alternatives. Their religious founding statements do not remove the separate right to

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
	belief. Laws may restrict these freedoms for reasons listed in the relevant sections, including public safety and protecting other people's rights. Expression does not protect war propaganda, incitement to violence or an uprising against the Constitution, or promoting hatred on a prohibited discrimination ground while inciting harm. (2013, ss 17-19, 22.)	belief. Expression does not protect war propaganda, incitement to violence or an uprising against the Constitution, or promoting hatred on a prohibited discrimination ground while inciting harm. Restrictions must fall within the relevant grounds and satisfy the general test for justified restrictions. (CRC, ss 9, 22-24, 27.)	Expression does not protect war propaganda, incitement to violence or an uprising against the Constitution, or promoting hatred on a prohibited discrimination ground while inciting harm. Restrictions must fall within the relevant grounds and satisfy the general test for justified restrictions. (GDC, ss 8, 20-22, 25.)	practise a religion or hold no religious belief. Both CRC and GDC remove the 2013 Constitution's specific limitation ground for enforcing media standards and regulating, registering and governing the conduct of media organisations. This does not necessarily prohibit all media regulation, but any restriction would instead have to be justified under the remaining grounds and the general proportionality test. (2013, ss 17-19, 22; CRC, ss 9, 22-24, 27; GDC, ss 8, 20-22, 25.)
Employment collective bargaining and strikes	Workers have rights to fair employment practices and to form and join unions. Workers and employers may bargain collectively. The section allows legislation to regulate or restrict these rights on listed grounds. It does not expressly state a right to strike. (2013, s 20.)	Workers have rights to fair employment practices, unions, collective bargaining and strikes. Legislation may impose restrictions on the grounds listed in the section, including in relation to disciplined forces, and must satisfy the general justification test. (CRC, s 25.)	Workers have rights to fair employment practices, unions, collective bargaining and strikes. Legislation may impose restrictions on the grounds listed in the section, including in relation to disciplined forces, and must satisfy the general justification test. (GDC, s 23.)	Both CRC and GDC expressly create a right to strike and also remove several broad 2013 limitation grounds that specifically authorise regulation of unions, collective bargaining, strikes, lockouts and essential services. Restrictions remain possible, but must fit the narrower grounds and satisfy the general justification test (2013, s 20; CRC, s 25; GDC, s 23.)
Movement and residence	People have rights to move within Fiji, leave Fiji and choose where to live. Citizens also have rights to enter and remain in Fiji. Laws may impose necessary restrictions for listed reasons, including security, public health and environmental protection. (2013, s 21.)	People have rights to move, leave Fiji and choose where to live; citizens may enter and remain in Fiji. Laws may restrict these rights for listed reasons, including protecting customary authority, peace and good order, local economies and distinctive cultures. Restrictions must also satisfy section 9. (CRC, s 26.)	People have rights to move, leave Fiji and choose where to live; citizens may enter and remain in Fiji. Laws may restrict these rights for listed reasons, including protecting customary authority, peace and good order, local economies and distinctive cultures. Restrictions must also satisfy section 8. (GDC, s 24.)	CRC and GDC retain several 2013 grounds, including ecology, but add new express grounds concerning customary-authority decisions, the economy of a particular area and its distinctive culture. (2013, s 21; CRC, s 26; GDC, s 24.)
Political participation privacy and information	Adult citizens may take part in politics, vote and stand for election, subject to the Constitution. People have privacy rights and may obtain State information. They may obtain another person's information where needed to exercise or protect a legal right. Laws may impose restrictions on the	Adult citizens may take part in politics, vote and stand for election, subject to the Constitution. Privacy expressly includes personal data. People may obtain State information and another person's information needed to exercise or protect a legal right. Restrictions must	Adult citizens may take part in politics, vote and stand for election, subject to the Constitution. Privacy expressly includes personal data. People may obtain State information and another person's information needed to exercise or protect a legal right. Restrictions must satisfy the applicable grounds and	All three protect political participation, privacy and access to information. The proposals expressly mention personal data, which matters when records are stored and shared electronically. The information right needs practical procedures and does not give unrestricted access to every confidential record. (2013, ss 23-25; CRC, ss 28-30; GDC, ss 26-28.)

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
	grounds listed. (2013, ss 23–25.)	satisfy the applicable grounds and general test. (CRC, ss 28–30.)	general test. (GDC, ss 26–28.)	
Equality and customary exceptions	Everyone is equal before the law. Unfair discrimination is prohibited on grounds including sex, ethnicity, religion, sexual orientation and gender identity. Exceptions cover certain public-service pay and benefits, retirement ages, customary land, chiefly titles and communal arrangements. (2013, s 26.)	Everyone is equal before the law and protected from unfair discrimination. CRC retains exceptions for appropriations, retirement ages, non-citizens and certain family or pension matters, but removes special State-service and public-office exceptions, while adding more detailed provisions for iTaukei, Rotuman and Banaban customary governance. (CRC, s 31.)	Everyone is equal before the law and protected from unfair discrimination on the listed grounds. Exceptions cover certain public-service pay and benefits, retirement ages, customary land, chiefly titles and communal arrangements. (GDC, s 29.)	CRC removes one group of express exceptions that appears in the other texts, so those arrangements would have to be assessed without that specific exemption. Customary exceptions do not override every other constitutional right. CRC section 31(10) contains an apparent incorrect reference within its qualification. (2013, s 26; CRC, s 31; GDC, s 29.)
When the State can take property	The State may take property compulsorily only for a public purpose and with compensation agreed with the owner or assessed as just and equitable. The section lists factors for assessing compensation and exceptions, such as taxation, that do not count as compulsory acquisition. (2013, s 27.)	The State may take property compulsorily only for a public purpose and with compensation agreed with the owner or assessed as just and equitable. The section lists factors for assessing compensation and exceptions, such as taxation, that do not count as compulsory acquisition. (CRC, s 32.)	The State may take property compulsorily only for a public purpose and with compensation agreed with the owner or assessed as just and equitable. The section lists factors for assessing compensation and exceptions, such as taxation, that do not count as compulsory acquisition. (GDC, s 30.)	All three require a public purpose and compensation for a compulsory taking. “Just and equitable” compensation is assessed using the constitutional factors; it need not always equal market value. Separate rules protect customary land and determine mineral ownership. (2013, s 27; CRC, s 32; GDC, s 30.)
Government resources and improving services	For rights such as education, work, housing, food and water, social security and health, the State must take reasonable steps, using available resources, to improve access over time. The relevant sections require the State to show that resources are unavailable if it says it cannot afford to comply. (2013, ss 31–38, 42.)	Section 33 requires the State to take reasonable steps, using available resources, to achieve the rights in the social, economic and cultural Part over time. That Part includes children’s rights and disability rights. Section 9 separately requires justification for restrictions on rights. (CRC, ss 9, 33–43.)	Section 31 requires the State to take reasonable steps, using available resources, to achieve the rights in the social, economic and cultural Part over time. That Part includes children’s rights and disability rights. Section 8 separately requires justification for restrictions on rights. (GDC, ss 8, 31–41.)	CRC and GDC put a single resource rule across the whole Part. This must be read with the individual rights; it does not necessarily allow every duty to be delayed. Showing that resources are unavailable and justifying a restriction are different legal requirements. This is broader than 2013 because the general resource/progressive-realisation rule also applies to children’s rights and disability rights, which are not generally resource-qualified in the 2013 Constitution. (2013, ss 31–38, 42; CRC, ss 9, 33–43; GDC, ss 8, 31–41.)
Education and school languages	Everyone has a right to early childhood, primary, secondary and further education. The State must progressively provide free education at these levels using available resources. Conversational and contemporary iTaukei	Everyone has a right to free early childhood, primary and secondary education. The right to free further education expressly covers people unable to complete primary and secondary education. iTaukei, Rotuman and	Everyone has a right to free early childhood, primary and secondary education. The right to free further education expressly covers people unable to complete primary and secondary education. iTaukei, Rotuman and Hindi must be taught	The proposals remove the 2013 text’s general statement of a right to further education and replace it with a provision for people who could not complete earlier schooling. They add Rotuman to primary-school language teaching. Neither proposal expressly guarantees free university education for everyone. (2013, s 31; CRC, ss 33–34; GDC, ss 31–32.)

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
	and Fiji Hindi must be compulsory subjects in all primary schools. (2013, s 31.)	Hindi must be taught in all primary schools. These duties are subject to the general reasonable-steps and resources rule. (CRC, ss 33-34.)	in all primary schools. These duties are subject to the general reasonable-steps and resources rule. (GDC, ss 31-32.)	
Work wages economic participation and transport	People may choose their work, trade or profession and take part in economic life. The State must take reasonable steps within available resources towards access to work, a fair minimum wage and reasonable access to transport. (2013, ss 32-34.)	People may choose their work, trade or profession and take part in economic life. The State must take reasonable steps within available resources towards access to work, a fair minimum wage and reasonable access to transport. (CRC, ss 33, 35-37.)	People may choose their work, trade or profession and take part in economic life. The State must take reasonable steps within available resources towards access to work, a fair minimum wage and reasonable access to transport. (GDC, ss 31, 33-35.)	The broad protections are shared. They require reasonable government action and improvement over time. They do not promise each person a particular job, set a wage amount in the Constitution or require a transport service on every route. (2013, ss 32-34; CRC, ss 33, 35-37; GDC, ss 31, 33-35.)
Housing sanitation and eviction	The State must take reasonable steps within available resources towards adequate housing and sanitation. A person's home cannot be taken from them by eviction, or demolished, without a court order made after considering the relevant circumstances. Arbitrary eviction cannot be authorised by law. (2013, ss 35, 39.)	The State must take reasonable steps within available resources towards adequate housing and sanitation. The housing section also protects against arbitrary eviction and requires a court order, after considering the relevant circumstances, before eviction or demolition of a home. (CRC, ss 33, 38.)	The State must take reasonable steps within available resources towards adequate housing and sanitation. The housing section also protects against arbitrary eviction and requires a court order, after considering the relevant circumstances, before eviction or demolition of a home. (GDC, ss 31, 36.)	The proposals combine housing and eviction protections that appear in separate 2013 sections. Improving the supply of housing is a continuing government duty. Requiring a court order before eviction is a separate safeguard that can matter immediately to a person facing loss of their home. (2013, ss 35, 39; CRC, ss 33, 38; GDC, ss 31, 36.)
Food water social security and health	The State must take reasonable steps within available resources towards adequate food, clean and safe water, support in times of need and health care, including reproductive health care. A person must not be refused emergency medical treatment. (2013, ss 36-38.)	The State must take reasonable steps within available resources towards adequate food, clean and safe water, support in times of need and health care, including reproductive health care. A person must not be refused emergency medical treatment. (CRC, ss 33, 39-41.)	The State must take reasonable steps within available resources towards adequate food, clean and safe water, support in times of need and health care, including reproductive health care. A person must not be refused emergency medical treatment. (GDC, ss 31, 37-39.)	The main protections are similar. The duty to improve services over time must be distinguished from the specific prohibition on denying emergency medical treatment. The latter is an express protection for a person needing immediate care. (2013, ss 36-38; CRC, ss 33, 39-41; GDC, ss 31, 37-39.)
Children and physical punishment	Children have rights to care, basic necessities and protection from abuse, neglect, harmful cultural practices, violence and inhumane punishment. Detention must be a last resort. The child's best interests must be	Children have rights to care, basic necessities and protection from abuse, neglect, harmful cultural practices, violence and inhumane punishment. Detention must be a last resort. Their best interests must be the	Children have rights to care, basic necessities and protection from harm. Their best interests must be the primary consideration. Section 40(1)(e) nevertheless allows lawful and moderate "chastisement" for correction, meaning	Only GDC expressly allows lawful and moderate corrective punishment. These words limit the exception, but leave questions about what punishment is permitted. It must be read with the general protection against violence and cruel treatment, and with the requirement to put the child's best interests first. (2013, s 41; CRC, ss

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
	the primary consideration. There is no express exception allowing physical punishment for correction. (2013, s 41.)	primary consideration. There is no express exception allowing physical punishment for correction. The general social-rights rule also applies. (CRC, ss 33, 42.)	corrective punishment. The general protection against violence in section 14 and the social-rights rule also apply. (GDC, ss 14, 31, 40(1)(e), (2).)	33, 42; GDC, ss 14, 31, 40(1)(e), (2).)
Persons with disabilities	People with disabilities have rights to reasonable changes to buildings, services and workplaces to meet their needs; access to transport and information; and appropriate communication, including sign language and Braille. Laws may restrict these rights only to the extent necessary; this section does not expressly make them subject to available resources. (2013, s 42.)	People with disabilities have rights to access, reasonable changes to buildings and services, and appropriate communication, including sign language and Braille. The general duty to take reasonable steps within available resources applies. (CRC, ss 33, 43.)	People with disabilities have rights to access, reasonable changes to buildings and services, and appropriate communication, including sign language and Braille. The general duty to take reasonable steps within available resources applies. (GDC, ss 31, 41.)	The practical access protections are similar. The proposals place them under a general resource rule. GDC also requires a Braille transcription of the Constitution itself, giving a specific additional measure for access to the constitutional text. (2013, s 42; CRC, ss 33, 43; GDC, ss 3, 31, 41.)
Human Rights and Anti Discrimination Commission	A five-member Human Rights and Anti-Discrimination Commission promotes rights, investigates complaints and can seek court orders. Its chair must qualify for appointment as a judge. Separate transitional provisions restrict complaints and proceedings concerning certain past events. (2013, ss 45, 172(5), 173(4).)	A five-member Human Rights and Anti-Discrimination Commission promotes rights, investigates complaints and can seek court orders. Its chair must qualify for appointment as a judge. It may also ask the Supreme Court to decide a constitutional question. (CRC, ss 44, 123.)	A five-member Human Rights and Anti-Discrimination Commission promotes rights, investigates complaints and can seek court orders. Its chair must qualify for appointment as a judge. Section 226 separately keeps the historical restriction on specified court proceedings. (GDC, ss 42, 226(2).)	All three provide a body to assist with protecting rights. CRC gives it direct access to Supreme Court constitutional rulings. GDC does not repeat every old restriction on Commission complaints, but its separate saved restriction on court proceedings may still prevent a court remedy for some past events. (2013, ss 45, 172(5), 173(4); CRC, ss 44, 123; GDC, ss 42, 226(2).)



What matters most: Bill of Rights and Access to Justice

A much stronger test for limiting rights

One of the most important improvements in both the CRC Draft and GDC is that government can no longer rely on the broad 2013 approach to justify restrictions on constitutional rights. Under both proposals, a restriction must be authorised by law and must be reasonable and justifiable in an open and democratic society. Its purpose, the extent of the restriction, the connection between the restriction and its purpose, and whether a less restrictive approach could achieve the same objective must all be considered. Importantly, the person defending the restriction bears the burden of justifying it. This closely reflects what CDD proposed to the CRC: a strict proportionality test requiring the State to justify interference with rights and show that less restrictive alternatives are unavailable. For CDD, this is a major democratic improvement in both drafts. Rights should constrain government, not merely exist on paper while Parliament is given broad discretion to limit them.

The CRC goes considerably further in making rights practically enforceable

CRC creates broader avenues for people to obtain justice when rights are violated. A person with an interest in enforcing a right may approach the High Court even if they are not personally the victim; someone may act for a person unable to act; the Court may begin proceedings on its own initiative; and it may protect an applicant from adverse costs where proceedings serve justice or the public interest. GDC largely returns to the narrower 2013 model, focused on the person whose own rights have been violated and applications concerning detained persons. CRC therefore makes public-interest constitutional litigation considerably easier and reduces the risk that serious violations go unchallenged because a victim lacks money, capacity or the ability to bring a case.

Both CRC and GDC strengthen workers' rights by protecting the right to strike

The 2013 Constitution protects fair employment practices, trade union membership and collective bargaining, but does not expressly recognise a right to strike. It also specifically permits laws regulating unions, collective bargaining, strikes, lockouts and essential services. CRC and GDC expressly recognise the right to strike and remove several of those broad 2013 limitation grounds. Restrictions remain possible, particularly for disciplined forces and where other constitutional grounds are satisfied, but the starting position is significantly stronger for workers. This is an important improvement in freedom of association and collective labour rights.

CRC and GDC also provide a stronger constitutional starting point for media freedom

The 2013 Constitution expressly permits freedom of expression to be restricted for the enforcement of media standards and for regulating, registering and governing media organisations. CRC and GDC remove this specific constitutional ground. This does not make the media immune from regulation, and restrictions may still be justified under other constitutional grounds. But it removes a broad, media-specific permission for government regulation from the Constitution itself. A democratic Constitution should protect media freedom and require government to justify restrictions under ordinary constitutional standards.

CRC also recognises that justice means more than obtaining a court order

CRC creates an express right to a remedy and to the truth following human-rights violations. This includes investigation, disclosure of what happened, preservation of evidence, access to relevant archives, reparations and recognition of the interests of victims' families and affected communities. Neither the 2013 Constitution nor GDC contains an equivalent right. CRC also gives the Human Rights and Anti-Discrimination Commission direct access to the Supreme Court for constitutional determinations, another mechanism absent from GDC. These are important advances because a modern Bill of Rights should not only prohibit wrongdoing, but also give people practical means to establish the truth and obtain effective remedies.

GDC's constitutional permission for violence against children is an extraordinary regression

The most disturbing provision in this chapter is GDC s 40(1)(e), which permits "lawful and moderate chastisement ... for the purposes of correction". Neither the 2013 Constitution nor CRC contains such an exception. Both instead protect children against violence and inhumane punishment and require their best interests to be the primary consideration. CDD regards this as an abhorrent and disgraceful proposition for a modern Constitution. A Bill of Rights should strengthen protection for children, not constitutionalise an exception allowing adults to inflict physical punishment and leave courts to determine what level of violence is sufficiently "moderate". The provision is also difficult to reconcile with GDC's own protection against violence and its requirement that the child's best interests come first.

CDD Assessment

Both CRC and GDC improve significantly on the 2013 Constitution by imposing a stronger test for limiting rights, recognising the right to strike and removing the 2013 Constitution's specific media-regulation ground. CRC is nevertheless significantly stronger overall because it combines these improvements with broader standing, public-interest litigation, stronger access to justice, a right to truth and remedy, and additional avenues for constitutional accountability. GDC keeps the improved limitation test but removes several of the CRC's most progressive enforcement mechanisms, bringing the practical enforcement of rights much closer to the 2013 model. Its decision to constitutionally authorise physical punishment of children is a particularly serious regression and is fundamentally inconsistent with the rights-protecting purpose that a modern democratic Constitution should serve.

3 Land, Environment and Community Rights

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
Land planning and environmental governance	Separate sections protect property, customary land, land leases, mineral royalties and the environment. There is no detailed constitutional system for land records, planning, permits and environmental studies. (2013, ss 27–30, 40.)	Land records, planning, permits and environmental studies must be open, accessible and allow participation. Owners must give neighbours reasonable notice of changes in land use that could affect them. Foreshore between low spring tide and mean high spring tide is declared public land. (CRC, s 45.)	Land records, planning, permits and environmental studies must be open, accessible and allow participation. Owners must give neighbours reasonable notice of changes in land use that could affect them. Natural resources are defined broadly, including marine and genetic resources. (GDC, ss 43–44.)	Both CRC and GDC add duties about how land decisions are made, rather than only protecting ownership. CRC's declaration that foreshore is public land must be read with its separate protection of customary foreshore rights. Ownership and a customary right to use an area are different matters. (2013, ss 27–30, 40; CRC, s 45; GDC, ss 43–44.)
Consultation and consent for major projects	The Constitution protects land, property and the environment. It does not contain a general requirement to consult affected communities and obtain their consent for major land or resource projects. (2013, ss 27–30, 40.)	Before approving or undertaking a project likely to harm land-related rights or interests, the State and developer must inform and consult affected people and seek agreement. For large proposed projects, they must obtain free, prior and informed consent. Consultation must continue while the project affects those rights or interests. (CRC, s 46.)	Affected landowners and communities must be consulted before the relevant development or resource project proceeds. Free, prior and informed consent is required for large-scale projects. Written law must identify the large projects for which consent is required. Parliament may also prescribe processes for carrying out the consultation duties.. (GDC, s 45.)	Consultation means asking for and considering views. Consent means obtaining agreement before proceeding, without pressure and with enough information to decide. Both CRC and GDC require consent for major projects, rather than every small project. CRC expressly requires continuing consultation; GDC leaves more detail, including the large-project category, to legislation. (2013, ss 27–30, 40; CRC, s 46; GDC, s 45.)
National Consultative Land Forum	There is no constitutionally required land forum. Land rights are protected in the rights chapter. (2013, ss 27–30.)	Parliament must establish a National Consultative Land Forum. State representatives, landowners and tenants must have equal numbers of representatives, with an independent chair knowledgeable about land law or administration. The Forum educates, researches and advises on land policy and laws. (CRC, s 47.)	There is no constitutionally required land forum. The Constitution instead sets out land-management and consultation duties. (GDC, ss 44–45.)	CRC gives owners and tenants a permanent channel to discuss land issues and advise government. A forum could still be created by ordinary legislation under the other texts, but its existence would not have CRC's constitutional protection. (2013, ss 27–30; CRC, s 47; GDC, ss 44–45.)
Clean environment and future generations	Everyone has a right to a clean and healthy environment and protection of nature for present and future generations. Necessary restrictions may be made or authorised by law. (2013, s 40.)	Everyone has a right to a clean and healthy environment and protection of nature for present and future generations. The State must take reasonable steps within available resources to achieve this over time. (CRC, s 48.)	Everyone has a right to a clean and healthy environment and protection of nature for present and future generations. The State must take reasonable steps within available resources to achieve this over time. (GDC, s 46.)	The environmental aim is shared. The CRC and GDC expressly link implementation to reasonable steps and available resources. That qualification does not itself permit environmental damage without legal control. Restrictions must also meet their general test for justified limits on rights. (2013, s 40; CRC, s 48; GDC, s 46.)
Mineral ownership and royalties	The State owns minerals. Landowners and holders of	The State owns minerals. Landowners and holders of	The State owns minerals. Landowners and holders of	Both CRC and GDC keep mineral ownership with the State and add an express requirement for fair

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
	registered customary fishing rights are entitled to a fair share of royalties or other extraction payments in their areas. A law may set the calculation framework, taking account of factors including the State's administration costs. (2013, s 30.)	registered customary fishing rights are entitled to a fair share of royalties or other extraction payments. Distribution among the owners must also be fair. A law may set the calculation framework. (CRC, s 49.)	registered customary fishing rights are entitled to a fair share of royalties or other extraction payments. Distribution among the owners must also be fair. A law may set the calculation framework. (GDC, s 47.)	distribution among owners. Mineral ownership, royalty payments and project consent are separate issues. Paying royalties does not, by itself, show that the required consent has been obtained. (2013, s 30; CRC, s 49; GDC, s 47.)
Customary land ownership and acquisition	iTaukei, Rotuman and Banaban land cannot be permanently sold or transferred away, except to the State for a public purpose with compensation. Land taken after this Constitution starts must return to its customary owners when the State no longer needs it. (2013, s 28.)	Customary ownership is protected, including rights over foreshore, seabed, reefs and riverbeds. State acquisition must meet the property-taking rules. Land acquired after commencement must return when no longer needed. The Banaban paragraph incorrectly refers to Rotuman land in part of its protection. (CRC, s 50.)	Customary ownership is protected and the stated coverage includes foreshore, seabed, reefs, riverbeds and genetic resources. Land taken by the State must return when no longer required; there is no express restriction to post-commencement takings. Customary use and access rights over foreshore, seabed, reefs and riverbeds survive a transfer to the State. (GDC, s 48.)	GDC gives broader express protection to customary use and access and removes the date restriction on return of acquired land. GDC removes the express words 'after commencement', but its reversion rule applies to land acquired 'in accordance with section 30'. It is therefore unclear whether the provision reaches land acquired before the new Constitution commenced, and the text should not be read as clearly requiring return of historical acquisitions. CRC section 50(5) needs correction because its Banaban provision partly names Rotuman land. (2013, s 28; CRC, s 50; GDC, s 48.)
Freehold land leases and tenants	Existing land ownership and lawful land leases continue. Freehold land stays freehold, unless transferred to or lawfully acquired by the State. Leases must provide fair returns to owners and secure, fair terms for tenants. Termination must follow the lease. These lease protections exclude leases of buildings and dwellings. (2013, s 29.)	Existing land ownership and lawful land leases continue. Freehold land stays freehold, unless transferred to or lawfully acquired by the State. Leases must provide fair returns to owners and secure, fair terms for tenants. Termination must follow the lease. These lease protections exclude leases of buildings and dwellings. (CRC, s 51.)	The section protects freehold land, fair returns to owners and termination according to the lease. In protecting lease and tenancy interests, it uses the wording "customary rights and interests". Leases of buildings and dwellings are excluded from these particular lease protections. (GDC, s 49.)	All three aim to protect landowners and land tenants. GDC's added word "customary" leaves uncertainty about how widely that particular lease protection applies. Because building and dwelling leases are excluded, these sections should not be treated as a complete set of rules for renting a house. (2013, s 29; CRC, s 51; GDC, s 49.)
Special protection for land legislation	Land rights are protected by the Constitution. There is no separate constitutional voting procedure for changing a named list of land Acts. Changing the constitutional rights themselves requires the constitutional amendment procedure. (2013, ss 28-30, 159-160.)	Changing any of the 8 listed land and community Acts, or the Agricultural Landlord and Tenant Act, requires 3 readings in each House and support from at least two-thirds of all members of each House at the third reading. (CRC, s 52.)	Changes to the listed land and community Acts, and new laws about iTaukei matters, require support from at least 9 of the 14 BLV-advised senators. Changes to the 2 listed Rotuman Acts also need the Rotuma-appointed senator's support. Changing the Agricultural Landlord and Tenant Act requires two-thirds of each House. (GDC, s 50.)	CRC and GDC make some ordinary laws harder to change. CRC uses a two-thirds vote in each House. GDC gives specified senators the power to stop changes; its BLV voting requirement also covers listed Rotuman and Banaban laws. These are separate from the rules for changing the Constitution. (2013, ss 28-30, 159-160; CRC, s 52; GDC, s 50.)

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
Land Acts receiving special voting protection	There is no separate constitutional list of ordinary land Acts protected by a special parliamentary vote. The land rights themselves are protected by the constitutional sections. (2013, ss 28-30, 159-160.)	The list covers the iTaukei Affairs, iTaukei Development Fund, iTaukei Lands, iTaukei Land Trust, Rotuma, Rotuma Lands, Banaban Lands and Banaban Settlement Acts. A separate subsection gives the Agricultural Landlord and Tenant Act the two-thirds voting protection as well. (CRC, s 52.)	The list covers the iTaukei Affairs, iTaukei Development Fund, iTaukei Lands, iTaukei Land Trust, iTaukei Trust Fund, Rotuma, Rotuman Lands, Banaban Lands and Banaban Settlement Acts. New laws about iTaukei matters also receive the BLV-senator protection. A separate subsection protects the Agricultural Landlord and Tenant Act. (GDC, s 50.)	GDC adds the iTaukei Trust Fund Act to the named list and extends protection to new laws about iTaukei matters. Its requirement for 9 BLV-advised senators also applies to the listed Banaban and Rotuman Acts; the Rotuman Acts additionally require the Rotuma senator's vote. (2013, ss 28-30, 159-160; CRC, s 52; GDC, s 50.)
Community rights languages and customary law	The opening statement recognises different communities. Specific provisions protect religious freedom, prohibit discrimination including on cultural grounds, protect customary land and related interests, and require specified school-language teaching. There is no separate chapter of group rights. (2013, Preamble; ss 22, 26, 28, 31.)	Communities have equal rights, including the right to make their permanent homes in Fiji. English, iTaukei, Rotuman and Hindi have equal status. Cultural heritage must be protected. Parliament may legislate for customary law, subject to the Constitution and other laws. (CRC, ss 53-56.)	Communities have equal rights, including the right to make their permanent homes in Fiji. Indigenous languages and cultural heritage must be protected. Parliament must legislate for customary law, subject to the Constitution and other laws. (GDC, ss 51-54.)	CRC expressly gives equal status to 4 languages. GDC requires legislation on customary law, while CRC permits it. In both proposals, recognising customary law remains subject to the Constitution and other laws; it does not give custom unlimited power to override individual rights. (2013, Preamble; ss 22, 26, 28, 31; CRC, ss 53-56; GDC, ss 51-54.)



What matters most: Land, Environment and Community Rights

More participatory land governance

Both CRC and GDC require greater transparency, consultation and participation in land and resource decisions. CRC goes further by requiring continuing consultation, free, prior and informed consent for major projects, and a permanent National Consultative Land Forum giving landowners and tenants an institutional voice. These are desirable safeguards because they reduce unilateral State decision-making and give affected communities a meaningful say over decisions that directly affect their land and livelihoods.

Stronger recognition of communities and cultural rights

CRC gives English, iTaukei, Rotuman and Hindi equal constitutional status and expressly recognises community rights, cultural heritage and customary law. GDC also strengthens recognition of community rights and customary law, but does not give the four languages equal status. For a diverse society such as Fiji, constitutional recognition of minority languages and cultures is important, provided customary law remains subject to the Constitution and individual rights.

How land laws are protected matters

CRC protects key land laws through a two-thirds vote in both Houses. GDC instead gives BLV-advised Senators, and in some cases the Rotuma-appointed Senator, a direct blocking role over specified laws. CDD supports strong protection of indigenous and minority land rights, but such protection is preferable when it is achieved through transparent constitutional rights and broad democratic supermajorities.

A caution about group-based rights

Strong protection of indigenous, minority and cultural rights is important in Fiji, but there is also a risk in organising too much constitutional power around separate ethnic or communal groups. Fiji's history shows how easily communal identities can become political divisions. The Constitution should therefore protect culture, language, land and minority interests without encouraging people to see themselves primarily as members of separate constitutional communities rather than as equal citizens of one State. Group protections should also be carefully designed so that consultation and consent requirements do not become unnecessarily broad vetoes that prevent legitimate infrastructure, investment or development. The objective should be meaningful participation and protection from exploitation, while still allowing development that is lawful, justified and in the wider public interest.

CDD Assessment

CRC provides the stronger overall framework because it combines protection of customary land and culture with participation, consent and institutional dialogue. GDC also makes important improvements, particularly by requiring consultation and consent for major projects. However, both drafts require care where constitutional rights or political powers are organised around particular communities. In Fiji, strong minority and indigenous protections should coexist with a common civic identity, equal citizenship and the ability of the State to pursue legitimate development. CDD therefore favours protections that prevent dispossession and arbitrary State action without creating permanent communal divisions or unnecessarily broad vetoes over development.

4 Elections and Political Parties

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
Electoral system and House size	The 2013 constitution established an Open List Proportional Representation system (OLPR). The whole country is one electoral district. Each voter has one vote for a candidate. Party seats are allocated according to national vote shares, and votes for individual candidates help determine who gets those seats. The 2013 text starts with 50 seats and provides for population-based adjustment by the Electoral Commission. (2013, ss 53–54.)	The CRC draft proposes a Mixed Member Proportional Representation (MMP). The elected House has 41 members: 26 elected from local constituencies and 15 from party lists. List seats top up a party's constituency seats towards its share of the overall vote. (CRC, ss 68–69.)	The GDC proposes a Mixed Member Proportional Representation (MMP). The elected House starts with 55 members: 33 elected from local constituencies and 22 from party lists. The highest-polling candidate wins each constituency. List seats top up party representation towards its overall vote share. Parliament may change both seat numbers by ordinary legislation. (GDC, ss 63–64.)	Both CRC and GDC would give voters local constituency representatives with a requirement to keep overall party representation proportional. CRC fixes 41 seats in the Constitution. GDC allows Parliament to change the numbers by ordinary law, which is susceptible to be manipulated by an incumbent party. The 2013 constitution allows house size to be adjusted systematically without changing the constitution which is an innovative provision that eliminates scope for manipulation by incumbents having a simple majority in parliament. (2013, ss 53–54; CRC, ss 68–69; GDC, ss 63–64.)
Votes threshold and independents	A party or independent candidate must receive at least 5% of all votes to qualify for a seat. A qualifying independent receives one seat. (2013, s 53.)	Party representation is calculated from the combined votes for its constituency candidates. A party qualifies for proportional allocation by winning either 5% of the vote or one constituency. Independent candidates may win constituency seats. (CRC, s 69.)	Party representation is calculated from the combined votes for its constituency candidates. A party needs at least 5% of the vote for proportional allocation. Independent candidates may win constituency seats. (GDC, s 64.)	CRC lets a smaller party qualify for list seats through a single constituency win. GDC does not have that alternative, however, GDC's 5% list threshold does not expressly cancel a constituency seat already won. Neither proposal expressly gives each voter a second, separate party-list ballot. (2013, s 53; CRC, s 69; GDC, s 64.)
Fair shares of seats and island constituencies	Seats must reflect national votes as closely as practicable. There are no separate local or maritime constituencies. The 5% threshold excludes parties and independents below it from seat allocation. (2013, ss 53–54.)	Rotuma, Yasawa, Kadavu, Lomaiviti and Lau each have a maritime constituency. These constituencies are exempt from the usual requirement for roughly equal voter numbers. Party-list seats must help make overall representation reflect party votes as closely as practicable. (CRC, ss 69, 96.)	Rotuma, Yasawa, Kadavu, Lomaiviti and Lau each have a maritime constituency. These constituencies are exempt from the usual requirement for roughly equal voter numbers. Party-list seats must help make overall representation reflect party votes as closely as practicable. (GDC, ss 64, 94.)	The CRC and GDC guarantee representation for dispersed island groups even if their voter numbers are smaller. All three aim at proportional results, but thresholds and rounding whole seats can affect the outcome. The proposals also need legislation to address cases where a party wins more constituencies than its proportional share. (2013, ss 53–54; CRC, ss 69, 96; GDC, ss 64, 94.)
Women and diversity in candidate lists	The Constitution does not require party candidates to be arranged alternately by sex or require a woman to be first on a list. (2013, ss 53, 56.)	Party lists must alternate women and men, starting with a woman, to achieve as nearly equal numbers as possible. (CRC, s 69(8).)	Parliament may make laws temporarily requiring measures to improve gender balance or other diversity on party lists. The Constitution itself does not require alternating women and men. (GDC, s 64.)	CRC makes the list rule compulsory as soon as the Constitution applies. GDC leaves Parliament to decide whether to introduce such measures. Alternating lists can increase women's opportunities, but cannot by itself ensure that exactly half of the entire House will be women. (2013, ss 53, 56; CRC, s 69(8); GDC, s 64.)
Constituency Boundaries Commission	There is no constituency-boundary commission because the whole country	A 3-member commission draws constituency boundaries. The	The President appoints a chair on the Prime Minister's advice and one member on the	CRC puts appointments in the hands of constitutional commissions. GDC gives political leaders direct roles in appointment and removal of 2

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
	forms one electoral area. (2013, s 53.)	Electoral Commission appoints it after consulting the Constitutional Offices Commission. Its chairperson must be a Judge. Its boundary decisions are final. (CRC, s 96.)	Opposition Leader's advice. Four senior government officials are also part of the commission. Up to 3 technical advisers may join without votes. The Prime Minister and Opposition Leader can advise removal of their respective appointees. (GDC, s 94.)	members, and puts 5 out of 6 members directly under the control of the government /incumbent party. Both require consideration of voter numbers, geography and travel, while exempting the named maritime constituencies from the ordinary voter-number rule. 2013 constitution does not have constituencies, thus completely eliminating any scope for gerrymandering. (2013, s 53; CRC, s 96; GDC, s 94.)
Voting age registration and exclusions	A Fiji citizen may register if they are at least 18 by the election writ date. A person cannot register, or loses registration, while serving a prison sentence of at least 12 months, while legally declared of unsound mind, or while serving a voter-registration disqualification under electoral-offence law. (2013, s 55.)	A Fiji citizen may register if they are at least 18 by the election writ date. There must be a common national voter register. This section does not expressly exclude prisoners, people under a court mental-capacity declaration or people with electoral convictions. (CRC, s 97.)	A Fiji citizen may register if they are at least 18 by the election writ date. There must be a common national voter register and constituency rolls. This section does not expressly exclude prisoners, people under a court mental-capacity declaration or people with electoral convictions. (GDC, s 95.)	All three use a voting age of 18. The CRC and GDC remove the stated exclusions from the constitutional registration section. That changes what the Constitution expressly says; the validity of any restriction introduced by legislation would still need to be assessed against the constitutional rights. (2013, s 55; CRC, s 97; GDC, s 95.)
Who can stand for election	Candidates must be Fiji citizens without another citizenship, registered voters and normally resident in Fiji for the previous 2 years. They cannot be bankrupt without having been legally discharged, under a prison sentence, or current or recent Electoral Commission members (within 4 years). They cannot have a conviction in the previous 8 years for an offence carrying a maximum prison penalty of at least 12 months, or any conviction under election, party-registration or voter-registration law. Former election Supervisors must also wait 4 years. Public officers, including judges, State employees and union officers, leave their offices when nominated, subject to the section's exceptions for political offices. (2013, ss 56–57.)	Candidates must be Fiji citizens, registered voters and normally resident in Fiji for the previous 2 years. They cannot be bankrupt without having been legally discharged, under a prison sentence, or current or recent Electoral Commission members (within 4 years). They cannot have a conviction in the previous 8 years for an offence carrying a maximum prison penalty of at least 12 months, or any conviction under election, party-registration or voter-registration law. Dual citizenship is not excluded by this section. (CRC, s 70.)	Candidates must be Fiji citizens, registered voters and normally resident in Fiji for the previous 2 years. They cannot be bankrupt without having been legally discharged, under a prison sentence, or current or recent Electoral Commission members (within 4 years). They cannot have a conviction in the previous 8 years for an offence carrying a maximum prison penalty of at least 12 months, or a conviction in the previous 5 years under election, party-registration or voter-registration law. Dual citizenship is not excluded by this section. (GDC, s 65.)	Both CRC and GDC remove the express ban on dual citizens standing for election. GDC limits the electoral-offence bar to 5 years; CRC and 2013 give no express time limit for it. The serious-conviction test concerns the offence's maximum possible penalty, not necessarily the sentence actually imposed. The 2013 text also expressly makes certain public officers leave office upon nomination. (2013, ss 56–57; CRC, s 70; GDC, s 65.)

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
Political-party standards funding and campaigns	People have political-participation rights, and electoral bodies are established. The Constitution does not itself set out a detailed code for party democracy, donations and media access. (2013, ss 23, 75-76.)	Parties must follow democratic standards and the Constitution. The draft controls donations and financial reporting and provides rules for fair campaigns and media arrangements. Legislation supplies further detail. (CRC, ss 98-101.)	People have political-participation rights. The Electoral Commission has duties concerning elections and party registration or deregistration. The Constitution does not itself set out a detailed code for party donations and campaigning. (GDC, ss 26, 92.)	CRC would protect more party and campaign standards directly in the Constitution. Under the other texts, ordinary legislation would do more of this work. The absence of detailed constitutional rules does not mean donations or campaigns are legally unrestricted although this drastically increases scope for an unscrupulous majority to amend legislation to advance political interests.. (2013, ss 23, 75-76; CRC, ss 98-101; GDC, ss 26, 92.)
Electoral administration and late law changes	An Electoral Commission and Supervisor of Elections run the electoral system. There is no constitutional pre-election ban on major changes to election laws. (2013, ss 75-76.)	An Electoral Commission and Supervisor of Elections run the electoral system. Major new election laws, including amendments to existing election laws, cannot be enacted during the 9 months before the normal 4-year parliamentary term ends. (CRC, ss 94-95, 102.)	An Electoral Commission and Supervisor of Elections run the electoral system. Major new election laws, including amendments to existing election laws, cannot be enacted during the 9 months before the normal 5-year parliamentary term ends. (GDC, ss 92-93, 96.)	The CRC and GDC aim to prevent major changes just before a scheduled election. Their wording measures the 9 months from the normal parliamentary term's end. It does not expressly reset the period to cover every unexpected early election. Who appoints the electoral bodies is also important to their independence. (2013, ss 75-76; CRC, ss 94-95, 102; GDC, ss 92-93, 96.)
Election timetable and by elections	The President issues the formal election order on the Prime Minister's advice within 7 days of expiry or dissolution. Nominations close 14 days after that order. Voting begins no later than 30 days after nominations close. Separate sections govern vacancies and replacement elections. (2013, ss 59-61, 64-65.)	The President issues the formal election order on the Prime Minister's advice within 7 days of expiry or dissolution. Nominations close 14 days later. Voting begins no later than 30 days after nominations close. Constituency vacancies normally require a by-election, with an exception in the last 6 months of the term. (CRC, ss 71-72, 74-75.)	The President issues the formal election order on the Prime Minister's advice within 7 days of expiry or dissolution. Nominations close 14 days later. Voting begins no later than 70 days after nominations close. Constituency vacancies normally require a by-election, with an exception in the last 6 months of the term. (GDC, ss 68-69, 71-72.)	The 2013 text and CRC both allow up to 30 days from the close of nominations to the start of voting. GDC allows up to 70 days. List vacancies and constituency vacancies have different replacement rules. (2013, ss 59-61, 64-65; CRC, ss 71-72, 74-75; GDC, ss 68-69, 71-72.)
Election challenges and final decisions	Election challenges go to the High Court as the Court of Disputed Returns. A voter, candidate or the Attorney-General can bring an election petition. It normally must be filed within 21 days of the result, except where corrupt practice is alleged. The Court must decide within 21 days; there is no appeal. (2013, s 66.)	Election challenges go to the High Court as the Court of Disputed Returns. One provision allows a voter or candidate to file within 21 days, except for corrupt-practice allegations. Another allows a voter, candidate or the Attorney-General to file within 6 weeks. Decisions must be made within 21 days and are final. (CRC, s 103.)	Election challenges go to the High Court as the Court of Disputed Returns. One provision allows a voter or candidate to file within 21 days, except for corrupt-practice allegations. Another allows a voter, candidate or the Attorney-General to file within 6 weeks. Decisions must be made within 21 days and are final. (GDC, s 97.)	Both CRC and GDC have conflicting provisions about the filing deadline and who can apply. This matters because a late petition may be rejected without the merits being heard. The comparison cannot safely choose 21 days or 6 weeks as the single correct deadline; the drafts need clarification. (2013, s 66; CRC, s 103; GDC, s 97.)

What matters most: Elections and Political Parties

The 2013 national constituency has major democratic advantages for Fiji

A single national constituency encourages parties and candidates to seek support across the whole country rather than building politics around particular ethnic communities or geographic strongholds. This is especially valuable given Fiji's history of communal politics. It also completely removes the possibility of gerrymandering, a serious risk in an ethnically divided society where voting patterns often follow ethnic lines. The 2013 system also guarantees one person, one vote, one value in a way that the CRC and GDC do not, because both proposed systems create constituencies and expressly allow the five maritime constituencies to depart from equal voter numbers. CDD has previously supported retaining national OLPR for these reasons, while lowering the threshold to improve proportionality and political competition.

Both proposed MMP systems have a serious unresolved design problem

CRC provides 26 constituency seats and only 15 compensatory list seats, while GDC provides 33 constituency seats and 22 list seats. Neither text clearly explains what happens when a party wins more constituency seats than its proportional entitlement. Until an overhang mechanism is specified, both systems are incomplete and could fail to function properly. The risk is significant because constituency seats outnumber compensatory seats in both models.

House size and boundary-setting should not be open to political manipulation

The 2013 Constitution uses an objective population-based formula administered by the Electoral Commission to adjust Parliament's size. CRC fixes the House at 41 members, while GDC allows an ordinary parliamentary majority to change both constituency and list-seat numbers, which should never be the case for such fundamental matters. GDC also gives government-controlled actors a decisive 5-1 majority in the Constituency Boundaries Commission, whereas CRC uses an independent appointments structure. For CDD, electoral rules should be insulated as far as possible from incumbent manipulation.

CRC contains important safeguards for political inclusion and fair competition

It constitutionally requires alternating women and men on party lists, creating a much stronger mechanism for gender parity than either 2013 or GDC. CRC also places democratic party standards, political-finance rules, donation controls, financial reporting and fair-campaign requirements directly in the Constitution. That is highly desirable because an unscrupulous parliamentary majority should not be able easily to rewrite campaign-finance rules to favour itself.

The GDC election timetable creates a much longer pre-election period

It permits up to 70 days between nominations closing and polling beginning, compared with 30 days under both 2013 and CRC. Because caretaker government begins when the election writ is issued, this would also produce a substantially longer caretaker period, with consequences for ordinary government decision-making.

Election law must be watertight

Both CRC and GDC contain conflicting provisions on election petitions, with one rule referring to a 21-day filing period and another to six weeks, while also differing on who may bring a petition. That is unacceptable in an area as contested and consequential as elections. Electoral law should leave as little room as possible for uncertainty over deadlines, standing or the validity of a result.

CDD Assessment

The 2013 national OLPR model remains highly attractive for Fiji because it promotes national rather than communal politics, guarantees equal vote value and eliminates gerrymandering. CRC nevertheless contains valuable reforms, particularly its gender-parity mechanism, stronger political-finance protections and more independent boundary-setting arrangements. Both CRC and GDC, however, need a clear overhang mechanism before their MMP systems can operate reliably, while GDC creates serious concerns by allowing greater political control over House size and constituency boundaries and by substantially extending the election timetable.

**CAUTION****A serious gerrymandering risk in the Fiji Government Draft Constitution 2026**

The GDC creates a very serious risk of political manipulation of constituency boundaries. Its six voting members are: a chair appointed on the Prime Minister's advice; one member appointed on the Opposition Leader's advice; and four ex officio members, namely the Permanent Secretaries for land, iTaukei affairs and multi-ethnic affairs, and the chief executive of the statistics authority. Up to three technical experts may be added, but they cannot vote. This means that only one of the six voting members is appointed through the Opposition, while the chair is directly selected on the Prime Minister's advice and four others are senior officials within the executive administration. Structurally, that creates a decisive 5–1 government-aligned majority on the body drawing electoral boundaries. Its decisions are also final.

In contrast, the CRC had proposed a three-member Constituency Boundaries Commission appointed by the Electoral Commission after consultation with the Constitutional Offices Commission, with the chairperson required to be a Judge and every member required to be politically independent, including not having held office in a political party or been an election candidate during the previous eight years. The government draft has discarded that substantially more independent model and instead proposes a Commission whose voting membership is overwhelmingly drawn from a Prime Minister-appointed chair and senior executive officials, creating a body structurally dominated by the government of the day.

This is exceptionally dangerous in an ethnically divided society. Gerrymandering occurs when constituency boundaries are deliberately drawn to improve one party's electoral prospects, for example by concentrating opposition voters into a small number of seats or dividing them across several constituencies so that they cannot form a majority. In Fiji, where voting has historically been strongly influenced by ethnicity, boundaries could also be drawn so that particular ethnic groups form electoral majorities or minorities in strategically chosen constituencies. A party controlling the boundary process could therefore potentially convert the same national vote into substantially more constituency seats.

CDD considers this an unacceptable risk to electoral fairness. It is one of the principal reasons CDD has consistently favoured the 2013 Constitution's single national constituency: there are no constituency boundaries to manipulate and therefore no possibility of gerrymandering. If Fiji is to return to multiple constituencies, the body drawing those boundaries must be demonstrably independent of the government and incumbent party, with balanced appointments and safeguards strong enough to command confidence across the political spectrum.

5 Parliament and Making Laws

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
Parliamentary structure and Senate membership	Unicameral Parliament -consists of the members of Parliament and the President. There is one elected chamber and no Senate. (2013, s 46.)	Bicameral Parliament - has an elected House of Representatives and 19 senators: 8 appointed by the BLV, 5 by the Prime Minister, 4 by the Opposition Leader, one by the Rotuma Island Council and one by the Rabi Council of Leaders. Appointments by the BLV, Prime Minister and Opposition Leader must reflect Fiji's diversity, including minority groups. (CRC, ss 57-58, 79.)	Bicameral Parliament- consists of the President, the elected House and 23 senators appointed by the President: 14 on BLV advice, 6 on Prime Ministerial advice, 2 on Opposition Leader advice and one on Rotuma Island Council advice. The Prime Minister's and Opposition Leader's choices must reflect Fiji's diversity, including descendants of Girmitiyas and other minority groups. (GDC, ss 55, 76.)	Both CRC and GDC introduce an unelected second chamber with legislative functions. BLV-advised members would be a numerical majority in GDC's Senate. CRC provides a dedicated Rabi senator; GDC does not. (2013, s 46; CRC, ss 57-58, 79; GDC, ss 55, 76.)
Length of the term and ending it on Prime Ministerial advice	Parliament normally lasts 4 years from its first meeting after an election. On the Prime Minister's advice, the President may end a parliamentary session without ending the term, called prorogation. The President may end the term itself, called dissolution, on that advice only after 3 years and 6 months. A separate earlier-dissolution process appears in section 62. (2013, ss 58, 62.)	Parliament normally lasts 4 years from its first meeting after an election. After 3 years and 6 months, the President must dissolve Parliament if advised to do so by the Prime Minister. Section 59 does not contain a separate prorogation power. A separate earlier-dissolution process appears in section 60. (CRC, ss 59-60.)	The House normally lasts 5 years from its first meeting after an election. On the Prime Minister's advice, the President may end a parliamentary session without ending the term, called prorogation. The President may dissolve Parliament on that advice only after 4 years and 6 months. A separate earlier-dissolution process appears in section 67. (GDC, ss 66-67.)	GDC increases term of parliament to 5 years. The 2013 text and GDC distinguish ending a session from ending Parliament's term. CRC's late-term dissolution wording says the President "shall", while the others say "may". The earlier-dissolution vote is explained separately below. (2013, ss 58, 62; CRC, ss 59-60; GDC, ss 66-67.)
Opposition motion to end the term early	Only the Opposition Leader may move this motion, on the ground that government lacks Parliament's confidence, and only after a no-confidence motion has been rejected. It cannot be moved in the first 18 months or last 6 months of the term. If at least two-thirds of all MPs support it, the President must dissolve Parliament. (2013, ss 62, 94.)	Only the Opposition Leader may move this motion, on the ground that government lacks the House's confidence, and only after a no-confidence motion has been rejected. It cannot be moved in the first 18 months or last 6 months of the term. If at least two-thirds of all House members support it, the President must dissolve Parliament. (CRC, ss 60, 117.)	Only the Opposition Leader may move this motion, on the ground that government lacks the House's confidence, and only after a no-confidence motion has been rejected. It cannot be moved in the first 18 months or last 6 months of the term. If at least two-thirds of all House members support it, the President must dissolve Parliament. (GDC, ss 67, 113.)	This process ends the term so an election can follow. It differs from a successful no-confidence motion, which replaces the Prime Minister without necessarily ending the term. All three require a prior failed no-confidence motion and a larger, two-thirds majority for this dissolution process. (2013, ss 62, 94; CRC, ss 60, 117; GDC, ss 67, 113.)
Ordinary laws and Senate disagreement	A proposed law is considered and voted on in the single elected chamber, then sent to the President for formal	Normally both Houses must pass a proposed law. For an urgent measure certified by the Prime Minister, it	The Senate may reject a proposed law once. If the House passes and sends it back, the Senate must approve it.	CRC gives the Senate a stronger ability to stop ordinary laws. GDC generally lets the elected House overcome one Senate rejection. The urgent procedure in each proposal

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
	approval. (2013, ss 47-48.)	may proceed without Senate agreement if sent at least 7 sitting days before session-end and the Senate does not pass it, or the Houses do not agree on its amendments, within 7 sitting days. (CRC, s 61.)	An urgent law certified in writing by the Prime Minister may proceed without Senate agreement if sent at least 7 sitting days before the session ends and the Senate fails to pass it within 7 sitting days, or passes amendments the House does not agree to within that period. (GDC, s 56.)	has its own timing requirements. Special votes protecting land laws or constitutional provisions must still be considered; the ordinary procedure cannot simply be assumed to remove them. (2013, ss 47-48; CRC, s 61; GDC, s 56.)
Expedited or urgent legislation	A Bill may bypass the normal timetable if its mover asks for urgent consideration and a simple majority agrees. (2013, s 47(2)-(3).)	PM must certify urgency and the Senate gets up to 7 sitting days. The CRC Report also recommends considering a cap of 3 urgent Bills per parliamentary year, limiting urgency to genuine disasters or emergencies, and bipartisan committee review of key Bills. (s 61(3); CRC Report.)	Uses essentially the same constitutional urgent procedure as CRC, but without the additional safeguards recommended in the CRC Report. (s 56(4).)	CRC represents a significant improvement in approach to rushed law-making. Its Report recognises the danger of abuse and proposes a numerical cap, genuine-emergency test and bipartisan scrutiny. GDC adopts the basic procedure but not these additional proposed safeguards.
Money Bills and appropriation	Only the finance Minister, or a Minister authorised by Cabinet, may introduce a Money Bill, covering matters such as tax, spending and public loans. A law authorising or increasing spending, imposing or increasing tax, or reducing a debt owed to the State needs Cabinet's consent, communicated by the finance Minister. (2013, ss 47, 143.)	Only the finance Minister, or a Minister authorised by Cabinet, may introduce a Money Bill. The Senate cannot amend tax or appropriation Bills or increase a financial burden. A Speaker-certified appropriation Bill goes to the President if the Senate fails to pass it unchanged by the next sitting day. Other Speaker-certified Money Bills go to the President if sent at least 21 sitting days before the session ends and not passed unchanged within 21 sitting days. In either case, the House may decide otherwise. (CRC, ss 61(1), 62-63.)	Only the finance Minister, or a Minister authorised by Cabinet, may introduce a Money Bill. The Senate cannot amend tax or appropriation Bills or increase a financial burden. A Speaker-certified appropriation Bill goes to the President if the Senate fails to pass it unchanged by the next sitting day. Other Speaker-certified Money Bills go to the President if sent at least 21 sitting days before the session ends and not passed unchanged within 21 sitting days. In either case, the House may decide otherwise. (GDC, ss 56(1), 57-58.)	Both CRC and GDC limit the appointed Senate's control over raising money and authorising spending. The different deadlines matter: an appropriation Bill is treated faster than other Money Bills. The relevant certification and transmission requirements must be met. (2013, ss 47(4), 143; CRC, ss 61-63; GDC, ss 56-58.)
Assent publication and commencement	The President must formally approve a passed Bill within 7 days. If that does not happen, it is treated as approved. It must be published in the Gazette within 7 days of approval. It starts on	The President must formally approve a passed Bill within 7 days. If that does not happen, it is treated as approved. It must be published in the Gazette within 7 days of approval. It starts on	The President must formally approve a passed Bill within 7 days. If that does not happen, it is treated as approved. It must be published in the Gazette within 7 days of approval. It starts on	The President cannot indefinitely stop a properly passed law simply by withholding approval. Passing a law, formal approval, publication and the date it starts are separate steps. The Act can set a later starting date. (2013, ss 48-49; CRC, ss 64-65; GDC, ss 59-60.)

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
	the date set under the Act, or otherwise on the seventh day after publication. (2013, ss 48-49.)	the date set under the Act, or otherwise on the seventh day after publication. (CRC, ss 64-65.)	the date set under the Act, or otherwise on the seventh day after publication. (GDC, ss 59-60.)	
Delegated laws and treaties	Regulations and other laws made below an Act need express authority from the Constitution or a written law. The public must have a reasonable opportunity to participate where practicable. Parliament must approve an international treaty before it binds Fiji. (2013, ss 50-51.)	Regulations and other laws made below an Act need express authority from the Constitution or an Act. The public must have a reasonable opportunity to participate where practicable. Parliament must approve an international treaty before it binds Fiji. (CRC, ss 66-67.)	Regulations and other laws made below an Act need express authority from the Constitution or an Act. The public must have a reasonable opportunity to participate where practicable. Parliament must approve an international treaty before it binds Fiji. Treaty rules needing domestic implementation become Fiji law only to the extent Parliament enacts them. (GDC, ss 61-62.)	All three require authority for regulations and parliamentary approval of treaties. GDC also expressly distinguishes approving Fiji's international commitment from making the treaty's rules enforceable as Fiji law. Considering international law when interpreting rights is a separate requirement. (2013, ss 50-51; CRC, ss 66-67; GDC, ss 61-62.)
Committees public participation and evidence	Parliament must provide for committees and public participation and public access. Committees can require people to attend and give evidence or documents. Public access may be restricted on the constitutional grounds. Ministers are not expressly excluded from all committees. (2013, ss 70, 72, 74.)	Parliament must provide for committees and public participation and public access. Committees can require attendance, evidence and documents. Ministers cannot be committee members. Public access can be restricted on the constitutional grounds. (CRC, ss 85, 90-91.)	Parliament must provide for committees and public participation and public access. Committees can require attendance, evidence and documents. Ministers cannot be committee members. Public access can be restricted on the constitutional grounds. (GDC, ss 83, 88-89.)	The CRC and GDC keep Ministers off committees, helping members outside Cabinet examine the government's work. All three provide ways for the public to be heard. Public access is protected but can be restricted where the Constitution permits it. (2013, ss 70, 72, 74; CRC, ss 85, 90-91; GDC, ss 83, 88-89.)
Attendance voting and parliamentary staff	At least one-third of members must attend ordinary business; a majority must attend for a Bill. Ordinary questions are generally decided by a majority of members present and voting. The President appoints the Secretary-General on the advice of the Constitutional Offices Commission. (2013, ss 68-69, 79.)	A majority of each House must attend for business to proceed. Ordinary questions generally require a majority of those present and voting. The Constitutional Offices Commission appoints each House's Secretary-General after consulting the Speaker. (CRC, ss 86-87, 93.)	A majority of each House must attend for business to proceed. Ordinary questions generally require a majority of those present. The President appoints each House's Secretary-General on the advice of the Constitutional Offices Commission following consultation with the Speaker. (GDC, ss 84-85, 91.)	The CRC and GDC require more members to attend ordinary business. GDC counts members present, while CRC counts those present and voting. That distinction can matter if members abstain: under GDC, an abstention may make it harder to reach the required majority. (2013, ss 68-69, 79; CRC, ss 86-87, 93; GDC, ss 84-85, 91.)
Speaker Opposition and parliamentary immunity	The Speaker must be an eligible person outside Parliament. The Deputy Speaker is an MP. Members who do not support government choose the	The Speaker must be an eligible person outside the House; the Deputy Speaker is a House member. Non-government members choose the	The Speaker may be an eligible House member who is not a Minister or an eligible person outside the House. Non-government members choose the	GDC broadens who may become Speaker. CRC's two rules about independent members' participation in Opposition leadership need clarification. Protection for parliamentary speech and debate is different from protection against

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
	Opposition Leader. Parliamentary speech and proceedings receive legal protection. (2013, ss 73, 77-78.)	Opposition Leader. One subsection includes independent non-supporting members, but another excludes members wishing to be independent. Parliamentary speech and proceedings receive legal protection. (CRC, ss 76-77, 88.)	Opposition Leader. Parliamentary speech and proceedings receive legal protection. (GDC, ss 73-74, 86.)	liability for past political events. (2013, ss 73, 77-78; CRC, ss 76-77, 88; GDC, ss 73-74, 86.)
When the Opposition leadership is vacant	If an Opposition Leader cannot be elected, actions requiring that person's advice, nomination or consultation can proceed without it. (2013, s 78(6).)	If an Opposition Leader cannot be elected, actions requiring that person's advice, nomination or consultation can proceed without it. During a vacancy, the Prime Minister makes the Senate appointments that would otherwise be made by the Opposition Leader. (CRC, ss 77(6), 79(3).)	If an Opposition Leader cannot be elected, actions requiring that person's advice, nomination or consultation can proceed without it. During a vacancy, the Prime Minister advises the Senate appointments that would otherwise be advised by the Opposition Leader. (GDC, ss 74(6), 76(3).)	A vacant Opposition office does not necessarily stop appointments or other decisions. In both CRC and GDC, it also transfers the Opposition Senate-appointment role to the Prime Minister. That can change the balance of appointments without any constitutional amendment. (2013, s 78(6); CRC, ss 77(6), 79(3); GDC, ss 74(6), 76(3).)
Party discipline and losing a seat	A party MP loses their seat for leaving the party, voting or abstaining against party instructions without prior permission, or being expelled under the party's rules. Expulsion cannot concern their conduct as a parliamentary committee member. The Speaker must receive written notice signed by the party leader and secretary. The MP has 7 days to challenge the vacancy in the Court of Disputed Returns, which must decide within 21 days. Its decision is final. (2013, s 63.)	Section 73(1) makes a constituency seat vacant for leaving the party, voting or abstaining against party instructions without prior permission, or expulsion within 18 months of a Prime Minister taking office. Expulsion must follow party rules and cannot concern parliamentary committee work. Section 73(3) requires written notice signed by the party leader and secretary but does not repeat the time limit or restriction to constituency seats. A vacancy challenge must be filed within 7 days and decided within 21 days; the decision is final. (CRC, s 73.)	Section 70(1) makes a seat vacant for leaving the party within 18 months of a Prime Minister taking office, or contrary voting or abstention without permission or expulsion within 18 months after a general election. Expulsion must follow party rules and cannot concern parliamentary committee work. Section 70(3) requires written notice signed by the party leader and secretary but does not repeat those limits. A deregistered party's members keep their seats as independents. A vacancy challenge must be filed within 7 days and decided within 21 days; the decision is final. (GDC, s 70.)	The CRC and GDC appear to limit some party powers to remove members after an initial 18 months, but their later notification clauses leave uncertainty. CRC uses the Prime Minister's starting date. GDC uses that date for resignation and the general election date for contrary voting and expulsion. CRC's opening rule also concerns constituency seats, while its notification clause is broader. These differences prevent a clear promise of freedom from party discipline after 18 months. (2013, s 63; CRC, s 73; GDC, s 70.)
Replacing list and constituency members	A vacant party seat goes to the highest-ranked available unelected candidate of the same party. If no such candidate is available, a by-election must be held. An	A vacant party-list seat is filled by the next eligible person on that party's list. A constituency vacancy normally requires a by-election. The draft does not expressly explain what happens if	A vacant party-list seat is filled by the next eligible person on that party's list. If the list is exhausted, a by-election procedure applies. Constituency vacancies normally require by-elections. (GDC, ss	Replacement rules preserve representation between general elections. GDC expressly deals with a party list running out of eligible names. CRC leaves that situation less clearly addressed. A constituency replacement election and replacing someone from a party list are different processes. (2013, ss 64-65;

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
	independent-member vacancy also requires a by-election. A vacancy occurring more than 3 years and 6 months after Parliament first met remains vacant until the next general election. (2013, ss 64–65.)	the party list has no eligible candidates left. (CRC, ss 74–75.)	71–72.)	CRC, ss 74–75; GDC, ss 71–72.)



What matters most: Parliament and making laws

Both CRC and GDC introduce unelected lawmakers

The 2013 Constitution has a single, fully elected legislative chamber. CRC and GDC both create appointed Senates with real law-making powers which can be considered a democratic regression. Legislative power should principally rest with representatives chosen by voters.

GDC gives the BLV disproportionate influence over national law-making

Under CRC, the BLV appoints 8 of 19 Senators and its nominees, like the main PM and Opposition nominees, must reflect Fiji's diversity, including minority groups. GDC instead gives 14 of 23 Senate seats to persons appointed by the President on BLV advice, an outright majority, while removing the CRC diversity requirement from those BLV nominees. This gives one communal institution decisive influence in an unelected legislative chamber. In a multi-ethnic democracy such as Fiji, such disproportionate communal influence would be difficult to reconcile with equal citizenship and representative government.

A five-year parliamentary term weakens electoral accountability

CRC retains the present four-year term, while GDC extends the House to five years. CDD considers this a significant regression. Elections are the principal mechanism through which citizens hold governments accountable, and extending the normal term means an ineffective or unpopular government can remain in office for an additional year before voters have the opportunity to remove it.

Rushed law-making needs stronger safeguards

The 2013 Constitution allows a simple majority to accelerate a Bill. CRC and GDC improve the constitutional procedure by requiring written Prime Ministerial certification and giving the Senate a seven-sitting-day period. Importantly, the CRC Report went further, recommending consideration of a maximum of three urgent Bills per parliamentary year, restricting the procedure to genuine disasters or emergencies, and bipartisan committee scrutiny. CDD had instead proposed that expedited legislation require a two-thirds parliamentary majority, except in narrowly defined emergencies, together with written justification, time limits and post-enactment review. CDD's approach is preferable to a rigid numerical cap: if three urgent Bills had already been used and Fiji then faced a cyclone, pandemic or other genuine emergency requiring immediate legislation, an absolute annual limit could itself become a problem. A supermajority test better restrains abuse while still allowing urgent action where there is broad political agreement or a genuine emergency.

CDD Assessment

CRC contains important improvements in legislative scrutiny, but its unelected Senate is still a step backwards from Fiji's fully elected legislature. GDC goes considerably further in the wrong direction by combining an unelected Senate with a BLV-appointed majority and a five-year elected House term. For CDD, the preferable constitutional model is one in which legislative authority remains democratically representative, no communal institution is given disproportionate control over national law-making, governments face voters at reasonable intervals, and rushed legislation is tightly constrained.

6 President, Prime Minister and Cabinet

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
Executive authority and advice	The President is Head of State and formally holds executive authority. The President must act on the constitutionally specified advice of Cabinet, a Minister or another prescribed body. The President's military role is ceremonial. (2013, ss 81-82.)	The President is Head of State, represents Fiji and formally holds executive authority. The President must act on the constitutionally prescribed advice and make Cabinet the default source of advice where written law is silent. The Commander-in-Chief role is ceremonial. (CRC, ss 104-106.)	The President is Head of State, represents Fiji and formally holds executive authority. The President must act on the constitutionally prescribed advice and make Cabinet the default source of advice where written law is silent. The Commander-in-Chief role is ceremonial. (GDC, ss 98-100.)	These provisions do not give the President a general power to govern independently of the required advice. Cabinet runs government, while the military Commander has operational military responsibilities. The President's formal and ceremonial roles must be kept separate from those responsibilities. (2013, ss 81-82; CRC, ss 104-106; GDC, ss 98-100.)
Choosing the President	PM and Opposition Leader each nominate one person; Parliament chooses by majority of members present. After three unsuccessful rounds, the PM's nominee is appointed. If both nominate the same person, no vote is required. (2013, s 84.)	A 7-member Presidential Appointment Commission selects the President. It consists of 3 BLV nominees, the Prime Minister, Opposition Leader, a Fiji Council of Churches nominee and an Interfaith Search Fiji nominee. (CRC, s 108.)	The BLV appoints the President and Vice-President after consulting the Prime Minister. (GDC, s 103.)	The 2013 text gives the elected chamber the appointment decision. CRC gives it to a mixed commission. GDC gives it directly to the BLV. Consulting the Prime Minister requires seeking their views; it does not make the appointment dependent on parliamentary approval or appointment on the Prime Minister's advice. (2013, s 84; CRC, s 108; GDC, s 103.)
Presidential eligibility	The President must have had a distinguished career, must hold only Fijian citizenship, must not be a member or office-holder of a political party or a candidate for another State office, and must not have been convicted of any offence during the 6 years immediately before nomination. (2013, s 83.)	The President must be a Fiji citizen with a distinguished career and must not currently belong to a party or be a candidate for another State office. They must not have held party office or stood for election in the previous 8 years. The conviction rule excludes anyone ever convicted of an offence described as having a prison term of 12 months or more. That wording gives no time limit. (CRC, s 107.)	The President and Vice-President must be Fiji citizens with distinguished careers, must not belong to a political party or be candidates for another State office, and must not be under sentence or awaiting sentence for an offence punishable by at least 12 months in prison. (GDC, s 102.)	CRC adds an 8-year separation from party office or election candidacy. That is not an 8-year ban on every political activity or on past ordinary party membership. Its conviction wording also differs from the current-sentence or pending-sentence test in the other texts. (2013, s 83; CRC, s 107; GDC, s 102.)
Presidential terms and acting arrangements	The President serves 3 years and may be appointed for one further 3-year term. Earlier service counts when eligibility is assessed. The Chief Justice performs the President's functions during an absence, inability to act or vacancy. (2013, ss 85, 88.)	The President serves 3 years and may be appointed for one further 3-year term. Earlier service counts when eligibility is assessed. The Speaker performs the President's functions during an absence, inability to act or vacancy. (CRC, ss 109, 112.)	The President and Vice-President each serve 4 years and may be appointed for one further 4-year term. Earlier service counts. The Vice-President acts for the President; the Speaker provides the stated fallback if the Vice-President cannot act. (GDC, ss 101, 104, 108.)	GDC creates a permanent Vice-President and longer terms. CRC uses the Speaker rather than the Chief Justice as acting President. Earlier service must be counted, so starting a new Constitution does not automatically give an incumbent a fresh entitlement to 2 full terms. (2013, ss 85, 88; CRC, ss 109, 112; GDC, ss 101, 104, 108.)
Removing the President	Removal is allowed only for inability to perform the office or misbehaviour. The Prime Minister requests	For incapacity, at least two-thirds of each House must support starting an inquiry at a joint sitting. The	The Prime Minister requests a medical board or tribunal through the Chief Justice. The report	The decision-makers differ. Parliament must follow the inquiry advice under the 2013 process. CRC's two-thirds vote starts the incapacity inquiry; it is not a second

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
	an inquiry; the Chief Justice appoints a medical board or tribunal. Its report goes through the Chief Justice and Prime Minister to Parliament. Parliament must follow the board's or tribunal's advice. (2013, s 89.)	Speaker appoints a medical tribunal. Its findings determine whether the President returns, remains suspended for possible recovery or is removed. A serious criminal conviction can separately cause automatic loss of office under s 202. Code-of-Conduct breaches are dealt with under s 203, which provides sanctions such as reprimand or suspension rather than a general additional removal mechanism. (CRC, ss 108(2), 199, 202-203.)	returns to the Prime Minister, with the Chief Justice's recommendations where required. The Prime Minister decides whether to refer it to the BLV. The BLV decides whether to remove the President or Vice-President. (GDC, s 107.)	discretionary removal vote after the medical findings. GDC gives the Prime Minister a referral choice and the BLV the final removal decision. (2013, s 89; CRC, ss 108(2), 199, 202-203; GDC, s 107.)
Cabinet size and accountability	Cabinet consists of the Prime Minister and the Ministers the Prime Minister appoints. Its members are individually and collectively accountable to Parliament and must answer questions and provide reports. There is no stated maximum number of Ministers in Cabinet. (2013, ss 90-92.)	Cabinet consists of the Prime Minister and no more than 14 other Ministers. Members are individually and collectively accountable to Parliament and must answer questions and provide reports. (CRC, ss 113-114.)	Cabinet consists of the Prime Minister and the Ministers the Prime Minister appoints. Its members are individually and collectively accountable to Parliament and must answer questions and provide reports. There is no stated maximum number of Ministers in Cabinet. (GDC, ss 109-110.)	CRC caps Cabinet at 15 people including the Prime Minister. The other texts leave its size to the Prime Minister. In all three, Ministers must account to Parliament for their work; collective responsibility does not replace individual accountability. (2013, ss 90-92; CRC, ss 113-114; GDC, ss 109-110.)
Choosing and limiting the Prime Minister	If one party wins more than half the seats, its leader becomes Prime Minister. Otherwise, Parliament votes to choose a person with the required majority. If the voting process fails, an early election follows. There is no express limit of 2 appointments. (2013, ss 92-93.)	If one party wins more than half the seats, it names an eligible House member as Prime Minister. Otherwise, the House uses the prescribed voting process; failure leads to an early election. A person may be appointed Prime Minister on only 2 occasions. Appointments before commencement do not count under the stated rule. (CRC, ss 115-116.)	If one party wins more than half the seats, it names an eligible House member as Prime Minister. Otherwise, the House uses the prescribed voting process; failure leads to an early election. There is no express limit of 2 appointments. (GDC, ss 111-112.)	The CRC and GDC let the majority party name someone other than its formal leader. CRC counts occasions of appointment, rather than completed parliamentary terms. Its limit therefore cannot accurately be described as an automatic 8-year maximum. (2013, ss 92-93; CRC, ss 115-116; GDC, ss 111-112.)
Votes of no confidence	A motion to remove the Prime Minister must name another MP to replace them. It must be voted on within 24 hours and needs a majority of all MPs. If it passes, the Prime Minister leaves office, other Ministers are treated as resigned and the named	A motion to remove the Prime Minister must name another House member to replace them. It must be voted on within 24 hours and needs a majority of all House members. If it passes, the Prime Minister leaves office, other Ministers are treated as resigned and	A motion to remove the Prime Minister must name another House member to replace them. It must be voted on within 24 hours and needs a majority of all House members. If it passes, the Prime Minister leaves office, other Ministers are treated as resigned and	All three require members to agree on a replacement when removing the Prime Minister. A simple majority of the members who happen to vote is insufficient: a majority of the whole elected chamber is needed. The 6-month pause after a failed motion limits repeated attempts. (2013, s 94; CRC, s 117; GDC, s 113.)

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
	replacement takes office when sworn in. If it fails, another motion is barred for at least 6 months. (2013, s 94.)	the named replacement takes office when sworn in. If it fails, another motion is barred for at least 6 months. (CRC, s 117.)	the named replacement takes office when sworn in. If it fails, another motion is barred for at least 6 months. (GDC, s 113.)	
Caretaker government	The Prime Minister remains in office until the next Prime Minister is appointed. The 2013 Constitution does not contain equivalent express constitutional list of caretaker restrictions. (2013, ss 93(7), 95.)	From issue of the writ for the general election until the day before the first House sitting, government serves in a caretaker capacity. It must avoid major policy decisions, significant commitments or actions binding the incoming government, except where the public interest requires them. (CRC, s 119.)	From issue of the writ for the general election until the day before the first House sitting, government serves in a caretaker capacity. It must avoid major policy decisions, significant commitments or actions binding the incoming government, except where the public interest requires them. (GDC, s 115.)	The CRC and GDC spell out limits intended to prevent an outgoing government tying the hands of its successor. Their stated caretaker period ends before the first House sitting, which is not necessarily the same time as appointment of the next Prime Minister. Continuity and caretaker provisions must be read together. (2013, ss 93(7), 95; CRC, s 119; GDC, s 115.)
Attorney General and Solicitor General	The Attorney-General, a Minister, is the government's chief legal adviser. The President appoints the Solicitor-General on Judicial Services Commission advice after that Commission consults the Attorney-General. (2013, ss 96, 116.)	The Attorney-General is a Minister, but the independent Solicitor-General is the government's chief legal adviser. The Solicitor-General is appointed through the Judicial Services Commission. (CRC, ss 120, 141.)	The Attorney-General, a Minister, is the government's chief legal adviser. The Solicitor-General provides independent legal advice and is appointed through the Judicial Services Commission after consultation with the Attorney-General. Specific rules protect the Solicitor-General's term and pay. (GDC, ss 116, 136.)	CRC more clearly separates the chief legal-advice role from a political Minister. GDC keeps the Attorney-General as chief adviser while protecting the Solicitor-General's independent advice. Those specific protections remain relevant even though GDC does not list that office in its general independent-bodies section. (2013, ss 96, 116; CRC, ss 120, 141; GDC, ss 116, 136.)
Who may be Attorney General	The Attorney-General must be admitted as a lawyer in Fiji, have at least 15 years of legal practice and never have been found guilty in disciplinary proceedings involving lawyers. If no qualified, suitable or available MP supporting government can be appointed, the Prime Minister may appoint an outsider who also meets the election-candidate requirements. That person may sit in Parliament but cannot vote. (2013, s 96.)	The Attorney-General may be a House member or senator and must be admitted as a lawyer in Fiji, have at least 15 years of legal practice and never have been sanctioned for professional misconduct. If no qualified, suitable or available parliamentarian can be appointed, the Prime Minister may appoint an outsider who may sit in the House but cannot vote. (CRC, s 120.)	The Attorney-General may be a House member or senator and must be admitted as a lawyer in Fiji with at least 15 years of practice. They must not have been sanctioned for professional misconduct in the previous 8 years. If no qualified, suitable or available parliamentarian can be appointed, the Prime Minister may appoint an outsider who may sit in the House but cannot vote. (GDC, s 116.)	The CRC and GDC allow a senator to hold this ministerial office. All three allow an outsider in the stated circumstances without giving that person an elected-chamber vote. GDC lowers the threshold by reducing the professional-misconduct exclusion to previous 8 years; the other texts do not give that express time limit. (2013, s 96; CRC, s 120; GDC, s 116.)



What matters most: Executive Power and Accountability

CRC places important limits on the power of the Prime Minister, which GDC removes

CRC caps Cabinet at 15 members, including the Prime Minister, and limits a person to being appointed Prime Minister on only two occasions. GDC removes both restraints and largely restores the 2013 position, allowing the Prime Minister to determine Cabinet size and imposing no term limit. These were precisely the kinds of reforms CDD had proposed: a 15-member Cabinet cap to prevent executive bloat and ministerial appointments being used as political rewards, and a two-term limit to prevent excessive personalisation of power and encourage leadership renewal. For Fiji, where constitutional reform should reduce rather than restore executive dominance, their removal from GDC is a major regression.

Caretaker conventions are a major improvement in both CRC and GDC

The 2013 Constitution contains no equivalent detailed constitutional restrictions on an outgoing government. Both 2026 texts require caretaker government from the issue of the election writ and prohibit major policy decisions, significant commitments or actions binding an incoming government unless required in the public interest. This is a significant democratic safeguard because incumbency should not allow a government to use State power during an election period to make major decisions that constrain its possible successor.

CRC also better separates political office from independent legal advice

Under CRC, the independent Solicitor-General becomes Government's chief legal adviser. GDC instead restores the political Attorney-General as chief legal adviser, while giving the Solicitor-General a separate independent-advice role. For CDD, the CRC model provides the stronger institutional separation between political decision-making and authoritative legal advice to government.

Why was the Attorney-General integrity threshold reduced to eight years?

Under both 2013 and CRC, a person sanctioned for professional misconduct is permanently disqualified from appointment as Attorney-General. GDC instead allows appointment once eight years have passed since the sanction. The draft provides no apparent constitutional rationale for choosing eight years. Given that the Attorney-General is the Government's chief legal adviser and holds exceptional responsibility for the rule of law, the question must be asked: why should a professional-misconduct finding cease to matter after eight years, and why eight years specifically? Any weakening of an integrity qualification for such an important constitutional office requires a compelling explanation.

CDD Assessment

CRC makes substantial progress in restraining executive power through a Cabinet cap, Prime Ministerial term limits, caretaker conventions and greater separation of independent legal advice from political office. GDC retains the valuable caretaker rules but removes two of the CRC's most important checks on Prime Ministerial power and restores much of the 2013 executive architecture. For CDD, that is a significant lost opportunity to create a more accountable and less concentrated system of government.

7 Courts and Legal Institutions

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
Court structure and Military Court	The Constitution provides for the Supreme Court, Court of Appeal, High Court, Magistrates Court and other courts created by law. It does not establish a separate Military Court in the Constitution. (2013, ss 97–102.)	The Constitution provides for the main civilian courts and a Military Court headed by a High Court judge. The Military Court section refers to criminal proceedings under military law “and any written law”. Appeals go to the Court of Appeal. (CRC, ss 125–131.)	The Constitution provides for the main civilian courts and a Military Court headed by a High Court judge. That Court hears criminal proceedings triable under military law. Appeals go to the Court of Appeal. (GDC, ss 119–125.)	Both CRC and GDC put military justice in the Constitution and provide a civilian judge and appeal court. CRC’s additional reference to “any written law” could give the Court a wider role than GDC. The wording needs clarification before the two courts can be described as having identical powers. (2013, ss 97–102; CRC, ss 125–131; GDC, ss 119–125.)
Challenging unconstitutional laws and actions	The High Court may hear cases about the Constitution and its interpretation. A person may also seek orders for a breach of their rights under the rights-enforcement section. (2013, ss 44, 100(4).)	Constitutional cases may be brought in the public interest, on behalf of another person or by groups and associations. Courts may declare a law invalid and make fair remedial orders, including delaying invalidity to allow correction or limiting its effect on past events. The Court of Appeal also has power to hear constitutional cases directly. (CRC, ss 11, 122, 127(5), 128(4).)	The High Court may hear cases about the Constitution and its interpretation. A person may also seek orders for a breach of their rights. These provisions do not expressly set out broader public-interest categories of applicants or detailed powers to delay or limit an order declaring a law invalid. (GDC, ss 10, 122(4).)	CRC expressly makes constitutional cases accessible to more applicants and gives courts flexibility in correcting unconstitutional laws. GDC still permits constitutional review through the High Court. Separate restrictions, including historical-immunity provisions, may nevertheless prevent particular cases. (2013, ss 44, 100(4); CRC, ss 11, 122, 127(5), 128(4); GDC, ss 10, 122(4).)
Supreme Court constitutional opinions	Cabinet may ask the Supreme Court for an opinion on a constitutional question through the constitutional advice procedure. (2013, ss 91(5), 98(3)(c).)	Cabinet, the Constitutional Offices Commission, Ombudsman, Human Rights Commission and Law Reform Commission may ask the Supreme Court to decide constitutional questions, including questions about proposed laws. (CRC, s 123.)	Cabinet may ask the Supreme Court for an opinion on a constitutional question. This referral provision does not give the independent oversight bodies their own equivalent power. (GDC, ss 110(5), 120(3)(c).)	CRC lets several oversight bodies seek an early ruling without waiting for an ordinary dispute. The other texts reserve this particular process to Cabinet. Ordinary cases and appeals can still raise constitutional questions; this is an additional way of obtaining a ruling. (2013, ss 91(5), 98(3)(c); CRC, s 123; GDC, ss 110(5), 120(3)(c).)
Judicial independence immunity and pay	Courts must be independent and have adequate resources. Judges have protection from liability for exercising judicial functions. Pay is determined through the constitutional arrangements and cannot be reduced except as part of a generally applicable austerity reduction. (2013, ss 97, 113.)	Courts must be independent and have adequate resources. Protection from liability for judicial functions expressly depends on acting in good faith. The Salaries and Benefits Commission determines remuneration under the relevant provisions. (CRC, ss 124, 182.)	Courts must be independent and have adequate resources. The judicial-function immunity provision does not expressly require good faith. A Prime Minister-established committee process determines senior judges’ remuneration; the President determines the remuneration of other judicial officers on the advice of the JSC, following recommendation from	All three state judicial independence, but the details affect its practical strength. CRC expressly limits judicial immunity to good-faith acts. The pay-setting bodies also differ, including GDC’s Prime Minister-linked process for senior judges. (2013, ss 97, 113; CRC, ss 124, 182; GDC, s 118.)

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
			an independent committee appointed by the Commission. (GDC, s 118.)	
Judicial Services Commission membership	The Commission has 5 members: the Chief Justice, Court of Appeal President, justice Permanent Secretary, a qualified lawyer and a non-lawyer. The President appoints the last 2 on Chief Justice advice after consultation with the Attorney-General. (2013, s 104.)	The Commission has 6 members: the Chief Justice and Court of Appeal President, or their nominees; justice Permanent Secretary; Public Service Commission chair; Law Society President or an eligible nominee; and a non-lawyer nominated by the Constitutional Offices Commission. (CRC, s 133.)	The Commission has 6 members: the Chief Justice and Court of Appeal President, or their nominees; justice Permanent Secretary; Public Service Commission chair; Law Society President or an eligible nominee; and a non-lawyer nominated by the Constitutional Offices Commission. A nominating person or body may remove its nominee. (GDC, s 127.)	The CRC and GDC add the Public Service Commission and Law Society roles to the membership. GDC's nominee-removal power can affect how independently a nominee acts. The Commission's independence also depends on how the officials who sit on it obtain their own offices. (2013, s 104; CRC, s 133; GDC, s 127.)
Choosing judges and qualifications	The President appoints the Chief Justice and Court of Appeal President on Prime Ministerial advice after consultation with the Attorney-General. Other judges are appointed on Judicial Services Commission recommendations after its consultation with the Attorney-General. Qualification routes include prior judicial service or 15 years' legal practice for judges and 10 years for magistrates. (2013, ss 105-106.)	The President appoints the Chief Justice and Court of Appeal President on Constitutional Offices Commission advice, and other judges on Judicial Services Commission advice. Qualification routes include prior judicial service or 15 years' legal practice for judges and 10 years for magistrates, with the stated professional-conduct requirements. (CRC, ss 134-135.)	The President appoints the Chief Justice and Court of Appeal President on Prime Ministerial advice, and other judges on Judicial Services Commission advice. Qualification routes include prior judicial service or 15 years' legal practice for judges and 10 years for magistrates. The practice route uses a 10-year period for the professional-misconduct exclusion. (GDC, ss 128-129.)	CRC moves the 2 senior appointments from direct Prime Ministerial advice to the Constitutional Offices Commission. The practice-based experience periods are already present in 2013; the proposals do not increase them. GDC time-limits its stated professional-misconduct exclusion, unlike the corresponding wording in the other texts. (2013, ss 105-106; CRC, ss 134-135; GDC, ss 128-129.)
Judicial retirement foreign terms and removal	Supreme Court and Court of Appeal judges normally retire at 75; High Court judges at 70. Foreign judges may serve renewable terms of up to 3 years. Removal requires the medical-board or tribunal process, and the President must follow its advice. (2013, ss 110-112.)	Judges normally retire at 75. The Judicial Services Commission may permit further service if the judge remains mentally and physically fit. Foreign judges may serve renewable terms of up to 3 years. Removal and discipline follow the protected procedures, including special rules for judges. (CRC, ss 138, 198-204, 212.)	Judges normally retire at 75. The JSC may permit further service if the judge remains mentally and physically fit. Foreign judges may serve renewable terms of up to 3 years. A medical board or tribunal investigates removal; the President may remove after a recommendation to do so. (GDC, ss 132-134.)	The CRC and GDC raise the normal High Court retirement age to 75. GDC says the President "may" remove after an adverse recommendation; the 2013 process requires following the advice. CRC's general misconduct system has special judicial safeguards and does not give the Ombudsman unrestricted power to punish judges. (2013, ss 110-112; CRC, ss 138, 198-204, 212; GDC, ss 132-134.)
FICAC existence and prosecution	The Constitution continues the Fiji Independent Commission Against Corruption, known as FICAC. It investigates and prosecutes	The Constitution establishes FICAC to investigate corruption and recommend prosecution to the Director of Public Prosecutions. The	GDC repeals FICAC's statutory foundation and does not establish a corresponding permanent anti-corruption commission.	GDC would remove FICAC's statutory foundation, rather than simply remove its name from the Constitution. CRC keeps FICAC but sends prosecution recommendations to the DPP. GDC's general continuity rules leave

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
	corruption under its governing law. The Constitution does not itself specify the appointment method for the Commissioner and Deputy Commissioner; it does prescribe their remuneration through a President/JSC process. (2013, s 115.)	Commissioner and Deputy Commissioner are appointed through the Judicial Services Commission. (CRC, s 140.)	Transitional provisions permit pending proceedings and investigations to continue, but the long-term institutional replacement is not specified in the Constitution. (GDC, ss 178, 225, 228–229.)	important questions about future powers, staff, assets and handling every pending case. (2013, s 115; CRC, s 140; GDC, ss 178, 225, 228–229.)
Director of Public Prosecutions	The independent Director of Public Prosecutions may bring criminal prosecutions, take over proceedings brought by others, and stop proceedings before judgment. The President appoints the DPP on JSC recommendation following consultation with the Attorney-General, for a renewable 7-year term. The takeover and discontinuance powers expressly exclude FICAC proceedings. (2013, s 117.)	The independent Director of Public Prosecutions may bring criminal prosecutions, take over proceedings brought by others, and stop proceedings before judgment. The President appoints on Judicial Services Commission recommendation for a renewable 7-year term. The section does not give express FICAC exceptions to takeover and discontinuance. (CRC, s 142.)	The independent Director of Public Prosecutions may bring criminal prosecutions, take over proceedings brought by others, and stop proceedings before judgment. The President appoints on Judicial Services Commission recommendation for a renewable 7-year term. The section does not give express FICAC exceptions to takeover and discontinuance. (GDC, s 137.)	All three protect independent prosecution decisions and give a renewable 7-year term. The proposals omit the express FICAC exceptions. Under CRC, FICAC's recommendation process makes the DPP's decision on prosecution particularly important; GDC separately repeals the FICAC Act. (2013, s 117; CRC, ss 140, 142; GDC, ss 137, 229.)
Military prosecution	There is no separate Director of Military Prosecutions established by the Constitution. The DPP is the general constitutional prosecution office. (2013, Chapter 5, especially s 117.)	A Director of Military Prosecutions is established. The President appoints that person on Judicial Services Commission advice after consultation with the military Commander. The Director must qualify for appointment as a judge. (CRC, s 143.)	There is no separate Director of Military Prosecutions. Instead, the DPP may, after consulting the RFMF Commander, appoint a legal practitioner as prosecutor for any military criminal proceeding in the Military Court. (GDC, ss 123, 137(7).)	CRC creates both a military court and a separate military prosecution office. GDC creates the court without this constitutional prosecution office. GDC places military prosecution within the DPP framework rather than creating CRC's separate military prosecution office. (2013, Chapter 5, especially s 117; CRC, s 143; GDC, Chapter 6, especially ss 123, 137.)
Legal aid and professional discipline	The Legal Aid Commission provides legal assistance under the constitutional and legislative arrangements. The Independent Legal Services Commission handles lawyers' professional discipline under its governing law. (2013, ss 114, 118.)	The Constitution specifies Legal Aid Commission membership and administration. It also specifies the Independent Legal Services Commission's disciplinary work and rules for regulating legal practice. (CRC, ss 139, 144.)	The Legal Aid Commission provides free assistance to people unable to afford a lawyer, subject to legislation, and must give regular updates to the Attorney-General. The Independent Legal Services Commission's functions are prescribed by law. (GDC, ss 135, 138.)	All three recognise legal aid and professional discipline. CRC states more institutional detail directly in the Constitution. GDC's duty to report to the Attorney-General does not itself authorise the Minister to decide every individual legal-aid application. (2013, ss 114, 118; CRC, ss 139, 144; GDC, ss 135, 138.)
Law reform and mercy	There is no constitutionally established Law Reform Commission. A Mercy Commission, chaired by the AG	A Fiji Law Reform Commission is established, with its membership and functions prescribed by written law. It may	A Law Reform Commission is established, with its membership and functions set by legislation. The Mercy	CRC specifies a broader mixture of participants for mercy decisions and gives law reform a direct constitutional-review role. GDC leaves the Law Reform Commission's design to legislation. Mercy can

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
	with 4 other members, considers relief for convicted persons through the constitutional process. (2013, Chapter 5, especially s 119.)	apply to the Supreme Court for a constitutional determination. The Mercy Commission is chaired by a Judge and also includes the Attorney-General or nominee, church and FCOS nominees and a psychiatrist. (CRC, ss 123, 145-146.)"	Commission is chaired by the Attorney-General and has 4 other members. (GDC, ss 139-140.)	reduce or remove punishment after conviction; it is separate from appealing a court decision. (2013, Chapter 5, especially s 119; CRC, ss 123, 145-146; GDC, ss 139-140.)
Public Service Disciplinary Tribunal	A 3-member Public Service Disciplinary Tribunal hears the specified staff-discipline matters. Its chair must qualify as a judge. The President appoints members on Judicial Services Commission advice after consultation with the Attorney-General. Decisions may be reviewed by the High Court. (2013, s 120.)	There is no separate Public Service Disciplinary Tribunal established by the Constitution. General staff rules and the conduct, discipline and removal system address the relevant matters. (CRC, Chapters 12-13, especially ss 198-204, 225.)	A 3-member Public Service Disciplinary Tribunal hears the specified staff-discipline matters. Its chair must qualify as a judge. The President appoints members on Judicial Services Commission advice after consultation with the Attorney-General. Decisions may be reviewed by the High Court. (GDC, s 141.)	The 2013 text and GDC expressly provide the specialised tribunal. CRC's broader misconduct system is not simply that tribunal under a different name. Identifying the correct disciplinary body matters to both a fair hearing and the validity of any punishment. (2013, s 120; CRC, Chapters 12-13, especially ss 198-204, 225; GDC, s 141.)



What matters most: Courts and Legal Institutions

CRC significantly strengthens judicial independence; GDC largely reverses that reform

Under 2013, the Prime Minister advises the appointment of the Chief Justice and President of the Court of Appeal. CRC transfers these appointments to the Constitutional Offices Commission, reducing direct executive control. GDC restores the 2013 Prime Ministerial appointment model. This directly contradicts CDD's submission, which argued that senior judicial appointments should be made through an independent COC or strengthened JSC, with transparent, merit-based assessment and cross-party consultation. Judicial independence is fundamental because courts must be able to restrain the government without judges owing their appointment to the political executive they may later be required to review.

CRC also gives citizens and institutions stronger ways to defend the Constitution

It allows public-interest constitutional cases, representative actions by groups and associations, and more flexible remedies where laws are unconstitutional. It also allows bodies such as the Ombudsman, Human Rights Commission and Constitutional Offices Commission to seek Supreme Court rulings directly. GDC largely returns to the narrower 2013 approach. These CRC mechanisms are highly desirable because constitutional safeguards are meaningful only if people and independent institutions can realistically enforce them.

Some GDC provisions weaken protections around the Judiciary

Senior judicial remuneration involves a committee established by the Prime Minister, and after an adverse removal inquiry the President may, rather than must, remove a judge. Constitutional design should minimise political influence over judicial appointment, tenure and remuneration because even the appearance of executive leverage can undermine confidence in the courts.

The disappearance of FICAC from GDC is a major institutional change

CRC retains a constitutionally protected anti-corruption commission, while separating investigation from prosecution by having FICAC recommend prosecutions to the independent DPP. GDC instead repeals FICAC's statutory foundation and establishes no permanent constitutional replacement, although pending investigations and proceedings are preserved. For CDD, removing a major anti-corruption institution without clearly establishing what replaces it creates an important accountability gap that requires explanation.

CDD Assessment

CRC provides the strongest overall framework in this chapter because it reduces executive influence over senior judicial appointments, broadens constitutional access to justice and retains stronger independent accountability institutions. GDC retains many formal statements of judicial independence but restores important elements of executive influence found in 2013 and removes CRC safeguards in several areas. Both 2026 texts also constitutionalise a Military Court, unlike 2013; the civilian judge and Court of Appeal oversight are important safeguards, but the jurisdiction of such a court should be tightly and unambiguously confined.

8 Public Service, Police, Corrections and Military

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
Public service values and citizenship	Public service must be ethical, impartial, efficient and accountable. Recruitment must be impartial, competitive and based on merit. Appointees generally must be Fiji citizens; non-citizens need Prime Ministerial approval, apart from the offices covered by the judicial chapter. (2013, ss 123-124.)	Public service must be ethical, impartial, efficient and accountable, with recruitment based on merit and diversity. Staff must report wrongdoing and must not be punished for carrying out lawful duties. Appointees generally must be citizens; non-citizens need Prime Ministerial approval, apart from the judicial-chapter offices. (CRC, ss 148-149.)	Public service must be ethical, impartial, efficient and accountable. Recruitment must reflect merit and Fiji's diversity. Appointees generally must be Fiji citizens; non-citizens need Prime Ministerial approval, apart from the offices covered by the judicial chapter. (GDC, ss 143-144.)	The main service standards are shared. Both CRC and GDC expressly add representation of Fiji's diversity to recruitment principles. CRC expressly protects staff who report wrongdoing or properly perform their duties. The citizenship rule has exceptions and does not prohibit every appointment of a foreign judge or other foreign professional. (2013, ss 123-124; CRC, ss 148-149; GDC, ss 143-144.)
Permanent secretaries	The Public Service Commission appoints and removes Permanent Secretaries with the Prime Minister's agreement and can discipline them. Permanent Secretaries manage ministry staff: appointment, removal, discipline and employment arrangements require agreement from the responsible Minister. (2013, ss 125-127.)	The Public Service Commission appoints, removes and disciplines Permanent Secretaries without an express requirement for Prime Ministerial agreement. Permanent Secretaries manage ministry staff and are accountable to their Ministers for administration and must follow general policy directions. (CRC, ss 150-152.)	The Public Service Commission appoints and removes Permanent Secretaries after consulting the responsible Minister and can discipline them. Permanent Secretaries manage ministry staff and employment conditions. Appointment or removal of director-level and higher staff requires consultation with the Minister. (GDC, ss 145-147.)	CRC protects appointment of permanent secretaries from ministerial/political influence. GDC requires consultation rather than agreement. (2013, ss 125-127; CRC, ss 150-152; GDC, ss 145-147.)
Ambassadors and principal representatives	The Prime Minister appoints and removes ambassadors and other principal representatives on the foreign-affairs Minister's advice. (2013, s 128.)	The President appoints and removes ambassadors and other principal representatives on Prime Ministerial advice after consultation with the foreign-affairs Minister. (CRC, s 153.)	The Prime Minister appoints ambassadors and other principal representatives on the foreign-affairs Minister's advice. (GDC, s 148.)	All three keep these appointments with the political leadership. CRC changes the formal appointing person to the President. Its consultation requirement differs from the other texts' requirement to act on the foreign-affairs Minister's advice. (2013, s 128; CRC, s 153; GDC, s 148.)
Police leadership and personnel	The President appoints the Police Commissioner on Constitutional Offices Commission advice after consultation with the police Minister. The Commissioner controls organisation and operations and appoints, removes and disciplines personnel. General ministerial policy directions must be followed. The Minister must agree to employment terms, qualifications and the selection process, pay	The President appoints the Police Commissioner on Constitutional Offices Commission advice after consultation with the police Minister. The Commissioner controls organisation, operations and personnel and must follow general ministerial policy directions. The Commissioner determines employment terms, qualifications and selection procedures,	The President appoints the Police Commissioner on Constitutional Offices Commission advice after consultation with the police Minister. The Commissioner controls organisation and operations and appoints, removes and disciplines personnel. General ministerial policy directions must be followed. The Minister must agree to employment terms, qualifications and the selection process, pay	All three separate operational command from general political policy, but keep ministerial roles in policy and employment conditions. A general policy direction is different from an instruction about a particular investigation. Differences in the appointments commission also affect selection of the Commissioner (CRC has an independent COC). (2013, s 129; CRC, s 154; GDC, s 149.)

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
	and staff numbers. Pay and staffing must stay within the approved budget. (2013, s 129.)	pay and staff numbers, subject to the approved budget. Unlike 2013 and GDC, s 154 does not expressly require the Minister's agreement for those employment matters. (CRC, s 154.)	and staff numbers. Pay and staffing must stay within the approved budget. (GDC, s 149.)	
Corrections leadership and personnel	The Corrections Commissioner controls organisation, operations and personnel. The responsible Minister can give general policy directions that must be followed. The Minister must agree to employment terms, qualifications and the selection process, pay and staff numbers. Pay and staffing must stay within the approved budget. (2013, s 130.)	The Corrections Commissioner controls organisation, operations and personnel and must follow general ministerial policy directions. The Commissioner sets employment terms, qualifications and the selection process, pay and staff numbers, with pay and staffing within the approved budget. The subsection does not require the Minister's agreement. (CRC, s 155.)	The Corrections Commissioner controls organisation, operations and personnel. The responsible Minister can give general policy directions that must be followed. The Minister must agree to employment terms, qualifications and the selection process, pay and staff numbers. Pay and staffing must stay within the approved budget. (GDC, s 150.)	CRC removes an express requirement for the Minister's agreement on employment arrangements. It still allows general policy directions. This gives the Commissioner more room over personnel terms without removing all political responsibility for corrections policy. (2013, s 130; CRC, s 155; GDC, s 150.)
Military mission and civilian control	The military has overall responsibility for Fiji's security, defence and well-being. The Commander exercises military executive command. (2013, s 131.)	The military protects Fiji against external threats. It may assist civilian authorities for limited periods and specified purposes under law. Disaster or emergency assistance needs Cabinet authority and must stay within the civilian authority's request. The Commander is subject to Cabinet through the responsible Minister. (CRC, s 156.)	The military protects Fiji against external threats. It may assist civilian authorities for limited periods and specified purposes under law. Disaster or emergency assistance needs Cabinet authority and must stay within the civilian authority's request. The Commander is subject to Cabinet through the responsible Minister. (GDC, s 151.)	Both CRC and GDC replace the broad responsibility for "well-being" with defined defence and assistance tasks. They expressly put military command under civilian government. Domestic assistance remains possible, but on the stated legal, Cabinet and civilian-request conditions. (2013, s 131; CRC, s 156; GDC, s 151.)
Disciplined force appointments and terms	The President appoints the police, corrections and military heads on Constitutional Offices Commission advice, with the relevant consultation. Force heads control appointments and discipline. The stated employment arrangements require agreement with the responsible Minister. Separate provisions protect tenure and prescribe removal inquiries. (2013, ss 129-131, 133-138.)	The President appoints force heads on Constitutional Offices Commission advice after the relevant ministerial consultation. They serve renewable 5-year terms. Role-specific rules govern staffing and protected removal, including inquiry procedures. (CRC, ss 154-156, 231-234.)	The President appoints force heads on Constitutional Offices Commission advice after the relevant ministerial consultation. They serve renewable 5-year terms. Role-specific rules govern staffing and protected removal, including inquiry procedures. (GDC, ss 149-151, 179(6), 192, 197-199.)	The formal appointment process is similar, but the composition of the appointments commission differs. Independence also depends on term length, removal safeguards, staffing powers and ministerial policy authority. A commission appointment alone does not settle all these questions. (2013, ss 129-131, 133-138; CRC, ss 154-156, 231-234; GDC, ss 149-151, 197-199.)

What matters most: Public service, Police, Corrections and Military

CRC makes the strongest move towards a professional and politically neutral public service

Under the 2013 Constitution, the Public Service Commission requires the Prime Minister's agreement to appoint or remove Permanent Secretaries, while CRC removes that requirement entirely. GDC improves on 2013 but still requires consultation with the responsible Minister. This is important because Permanent Secretaries should serve the State rather than depend on the political executive for their appointment or continued tenure. CDD specifically recommended that Prime Ministerial agreement should no longer be required for their appointment or removal.

CRC also provides greater operational independence to the Police and Corrections Services.

CRC removes the requirement for ministerial agreement over employment conditions, qualifications, recruitment procedures, pay and staffing numbers, leaving these matters with the respective Commissioner within the approved budget. GDC largely restores the 2013 requirement for ministerial agreement. Ministers should legitimately determine broad policy, but political control over personnel and employment arrangements risks compromising the institutional independence of disciplined services.

The narrowing of the military's constitutional role is a major improvement in both CRC and GDC

The 2013 Constitution gives the RFMF responsibility for Fiji's "security, defence and well-being", an unusually broad constitutional mandate. CRC and GDC instead confine the military primarily to defence against external threats and tightly regulated assistance to civilian authorities, while expressly placing the Commander under civilian government authority. For CDD, this is an important democratic correction. The military should defend the State and assist civilians when lawfully requested, not possess an open-ended constitutional mandate over the country's "well-being".

CRC provides additional protections for an ethical public service

It expressly requires public servants to report wrongdoing and protects them from punishment for properly carrying out lawful duties, protections not stated in the same way in 2013 or GDC. These safeguards are important in building a professional public service capable of resisting improper political pressure.

CDD assessment

Both CRC and GDC significantly improve the constitutional definition of the military's role and strengthen civilian control. However, CRC provides the stronger overall framework for an independent public administration and disciplined services by removing more opportunities for ministerial interference in appointments and personnel management. GDC improves on 2013 in some areas, but retains significantly more political influence over Permanent Secretaries, Police and Corrections than CRC recommended.

9 Public Money, Integrity and Independent Institutions

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
Tax revenue budgets and appropriation	Taxes and public spending need legal authority. Revenue normally goes into the Consolidated Fund, and withdrawals require authorised spending laws. The finance Minister presents an annual budget. Before a new annual spending Act starts, limited ordinary spending may be authorised, capped at one-third of the previous year's ordinary appropriations. (2013, ss 139-144.)	Taxes and public spending need legal authority, with a public fund, annual budget and spending laws. Limited advance ordinary spending is allowed, capped at one-third of the previous year's ordinary appropriations. Public-finance decisions must also follow principles of participation, fairness between areas and responsibility to future generations. (CRC, ss 167-173.)	Taxes and public spending need legal authority, with a public fund, annual budget and spending laws. Limited advance ordinary spending is allowed, capped at one-third of the previous year's ordinary appropriations. Public-finance decisions must also follow principles of participation, fairness between areas and responsibility to future generations. (GDC, ss 158-164.)	All three require legal authority and control of budgets. The CRC and GDC add general principles for fair and responsible public finance. The advance-spending rule helps services continue when a budget Act is delayed, but is capped; it does not permit unlimited spending without parliamentary authority. (2013, ss 139-144; CRC, ss 167-173; GDC, ss 158-164.)
Tax waivers and office based exemptions	If a tax or fee is waived, reasons and records must be kept and reported to the Auditor-General. A law cannot exempt a public officer from tax merely because of their office or the nature of its work. (2013, s 139(2)-(4).)	If a tax or fee is waived, reasons and records must be kept and reported to the Auditor-General. A law cannot exempt a public officer from tax merely because of their office or the nature of its work. (CRC, s 168(2)-(4).)	If a tax or fee is waived, reasons and records must be kept and reported to the Auditor-General. A law cannot exempt a public officer from tax merely because of their office or the nature of its work. (GDC, s 159(2)-(4).)	These safeguards already exist in the 2013 text. They make tax concessions traceable for auditing and prevent office-based tax privilege. The CRC and GDC preserve those protections rather than introducing them for the first time. (2013, s 139(2)-(4); CRC, s 168(2)-(4); GDC, s 159(2)-(4).)
Procurement guarantees and public accounts	Public money must be properly accounted for. Government cannot guarantee another person's borrowing or financial obligations without parliamentary authority under law. Specified salaries, pensions and debt payments have standing authority for payment from the public fund. (2013, ss 145-148.)	Public money must be properly accounted for, and government guarantees need parliamentary authority under law. Public procurement must be fair, open, competitive and cost-effective. Legislation must provide spending controls and independent internal auditing. Specified salaries, pensions and debt payments have standing payment authority. (CRC, ss 174-178.)	Public money must be properly accounted for, and government guarantees need parliamentary authority under law. Public procurement must be fair, open, competitive and cost-effective. Legislation must provide spending controls and independent internal auditing. Specified salaries, pensions and debt payments have standing payment authority. (GDC, ss 165-169.)	The CRC and GDC add express constitutional standards for how public goods and services are purchased. Government guarantees can create future public liabilities, so requiring authority matters even before money is spent. Standing payment authority covers the stated obligations; it is not permission for arbitrary spending. (2013, ss 145-148; CRC, ss 174-178; GDC, ss 165-169.)
Auditor General and Reserve Bank	The independent Auditor-General examines public accounts, may access relevant records and reports to Parliament. Legislation may require a public corporation to use another auditor, but must allow Auditor-General review. The Reserve Bank independently carries	The independent Auditor-General examines public accounts, may access relevant records and reports to Parliament. Legislation may require a public corporation to use another auditor, but must allow Auditor-General review. The Reserve Bank independently carries	The independent Auditor-General examines public accounts, may access relevant records and reports to Parliament. Legislation may require a public corporation to use another auditor, but must allow Auditor-General review. The Reserve Bank independently carries	The main audit and central-bank protections are shared. Their effectiveness also depends on appointment and funding rules. The audit provisions expressly allow another statutory audit arrangement for some corporations, subject to Auditor-General review; they do not require every entity to be audited identically. (2013, ss 151-153; CRC, ss 179-181; GDC, ss 170-172.)

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
	out central-bank functions and provides quarterly and annual parliamentary reports. (2013, ss 151-153.)	out central-bank functions and provides quarterly and annual parliamentary reports. (CRC, ss 179-181.)	out central-bank functions and provides quarterly and annual parliamentary reports. (GDC, ss 170-172.)	
Salaries and benefits oversight	Political salaries are governed by legislation and judicial pay by specific constitutional arrangements. There is no general Salaries and Benefits Commission established by the Constitution. (2013, ss 80, 85, 113.)	A Salaries and Benefits Commission reviews salary and benefit limits for State officers every 4 years. Its 5 members include the Public Service Commission chair, 2 qualified or experienced experts, and a woman and man representing the public. The appointments committee appoints them and selects the chair. Its coverage includes political office-holders and BLV members. (CRC, s 182.)	A Salaries and Benefits Commission reviews salary and benefit limits every 4 years. The Vice-President chairs it; 2 other members are appointed on Prime Ministerial advice and 2 on Opposition advice. Its pay-setting role expressly excludes MPs, the Speaker, Deputy Speaker, President and Vice-President. (GDC, s 173.)	CRC gives the commission wider coverage, including political offices. GDC creates a commission but leaves those political salaries outside its mandate. The presence of the Public Service Commission chair in CRC does not automatically make that person the salary commission chair; the appointments committee selects the chair. (2013, ss 80, 85, 113; CRC, s 182; GDC, s 173.)
National planning infrastructure and public accounts	Parliament may create committees. The Constitution does not separately require a National Planning Commission, National Infrastructure Council or a Public Accounts Committee with a fixed membership. (2013, s 70; Chapter 8.)	A National Planning Commission advises on development planning. A National Infrastructure Council plans major long-term infrastructure. A 5-member House Public Accounts Committee examines public accounts; 3 members are from government and 2 from Opposition, with an Opposition chair. (CRC, ss 183-185.)	Parliament may create committees. The Constitution does not separately require a National Planning Commission, National Infrastructure Council or a Public Accounts Committee with a fixed membership. (GDC, s 83; Chapter 10.)	CRC guarantees dedicated planning and financial-scrutiny bodies in the Constitution. They could exist under legislation or parliamentary rules in the other systems, but would lack these specific constitutional guarantees about existence and membership. (2013, s 70; Chapter 8; CRC, ss 183-185; GDC, s 83; Chapter 10.)
Code of conduct and financial disclosure	Parliament must enact a conduct law covering conflicts of interest, private financial gain and enforcement. It must require public annual financial disclosures by officers and the relevant family members. An Accountability and Transparency Commission is provided. (2013, ss 121, 149.)	The Constitution directly regulates officers' duties, corruption, confidential information, gifts and conflicts. Financial declarations are required on appointment, at prescribed intervals of 2 to 4 years and when relevant information changes. The required information includes specified spousal and financial interests. (CRC, ss 186-197.)	Officers must avoid conflicts of interest, improper private gain and conduct that undermines integrity. Parliament must enact a conduct law. The stated investigation and enforcement machinery is left for Parliament to include if considered appropriate. There is no express requirement for public annual financial declarations. (GDC, ss 174, 193.)	CRC states many detailed conduct duties directly. However, it does not expressly require a public annual asset register in the way the 2013 text does. GDC leaves more of the disclosure and enforcement system to legislation, affecting how much is guaranteed by the Constitution itself. (2013, ss 121, 149; CRC, ss 186-197; GDC, ss 174, 193.)
Gifts conflicts and public property	A conduct law must address conflicts and private financial gain. The Constitution does not itself detail when official gifts must be	Official gifts must be handed to the relevant State authority. Certain personal gifts must be disclosed. Officers must withdraw from	The Constitution prohibits conflicts and improper private gain in general terms. It does not itself specify detailed rules for	CRC gives more detailed directions that an officer could follow without waiting for a conduct law. Its public-property wording needs correction: the comparison cannot turn apparent permission for

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
	handed to the State or when a personal gift must be declared. (2013, s 149.)	conflicted decisions. However, the public-property paragraphs say property may also be used “for any personal purpose”, apparently contrary to the integrity aim. (CRC, ss 191-196.)	surrendering gifts or withdrawing from a meeting where an officer has a conflict. (GDC, ss 174, 193.)	personal use into a prohibition that the supplied text does not actually state. (2013, s 149; CRC, ss 191-196; GDC, ss 174, 193.)
Serious criminal offences and office loss	Different offices have different conviction, sentencing and removal rules. There is no single provision automatically removing all State officers for a serious criminal conviction. (2013, ss 63, 83, 89, 111-112, 137-138.)	A State officer other than an MP automatically loses office on conviction for an offence punishable by 12 months or more in prison. The President is not expressly exempted. MPs have their own seat-vacancy rules. (CRC, ss 73, 202.)	A State officer automatically loses office on conviction for an offence punishable by 12 months or more in prison, except MPs, the President and Vice-President. MPs have their own seat-vacancy rules. (GDC, ss 70, 175.)	CRC's general rule expressly exempts only MPs. GDC also exempts both head-of-state offices, so their special removal procedures remain important. “Punishable by” concerns the offence's possible penalty; it does not necessarily require an actual prison sentence of that length. (2013, ss 63, 83, 89, 111-112, 137-138; CRC, ss 73, 202; GDC, ss 70, 175.)
Common guarantees for independent bodies	Individual sections protect particular commissions and offices through independence, staffing, funding and removal rules. There is no single general list applying one common system to all of them. (2013, ss 45, 104, 114-121, 125, 132-138, 151-153.)	The listed independent commissions, offices and BLV receive common protections for funding, budget control, staffing and reporting. The list includes FICAC and the SG. Investigative bodies have stated powers to require evidence and documents. (CRC, ss 207, 213-223.)	The listed independent commissions and offices receive common protections for funding, budget control, staffing and reporting. The general list does not include FICAC, the Solicitor-General or BLV. Other sections separately address the Solicitor-General and BLV. (GDC, ss 136, 152, 178, 182-191.)	The CRC and GDC use a shared framework, but apply it to different bodies. Omission from GDC's general list does not remove every protection found in an office-specific section. FICAC is different because GDC also repeals its founding Act. (2013, ss 45, 104, 114-121, 125, 132-138, 151-153; CRC, ss 207, 213-223; GDC, ss 136, 152, 178, 182-191, 229.)
Constitutional Offices Commission	The 6-member Commission consists of the Prime Minister as chair, Opposition Leader, Attorney-General, 2 Prime Ministerial nominees and one Opposition nominee. It advises on appointments to major constitutional offices. (2013, s 132.)	The Commission has 5 members with distinguished careers and a record of service to the public. They must not belong to a party and must not have held party office or been election candidates in the previous 8 years. Section 208 says the President appoints on an appointments committee's advice; section 209 says that committee appoints. (CRC, ss 208-210.)	The 6-member Commission consists of the Prime Minister as chair, Opposition Leader, Attorney-General, 2 Prime Ministerial nominees and one Opposition nominee. It advises on appointments to major constitutional offices. (GDC, s 179.)	CRC aims to separate the Commission's membership from current political leadership. Its appointments committee comprises the FCOSS Director, University of the South Pacific Vice-Chancellor and Medical Association President. GDC keeps the political membership model of 2013. (2013, s 132; CRC, ss 208-210; GDC, s 179.)
Terms of office and removal safeguards	Separate sections set terms and removal safeguards for each office. For protected removal, a medical board or tribunal generally investigates and gives the advice required by the relevant section. (2013, ss 104, 110-112, 133-138.)	Common rules set terms and protect officers against removal without the required process. The conduct and removal system includes medical inquiries and misconduct procedures. Specific office rules and	Common term and removal rules apply alongside office-specific provisions. Section 192 provides an inquiry procedure for persons appointed under section 179(6). Other officers, including judges and certain commission members,	No single removal rule covers every independent body. GDC section 192 is tied to a particular appointment list, rather than all independent offices. CRC's general appointment qualifications also need to be read with membership obtained automatically by holding another office. (2013, ss 104, 110-112, 133-138; CRC, ss 198-204, 211-212, 231-234; GDC, ss 181, 192, 197-199.)

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
		exceptions, including judicial safeguards, must also be applied. (CRC, ss 198-204, 211-212, 231-234.)	have separate removal procedures. (GDC, ss 181, 192, 197-199.)	
Information access and whistle blowers	Parliament must enact an access-to-information law. Conduct legislation must include protection for whistleblowers, meaning people who report wrongdoing. (2013, ss 25, 149(e), 150.)	State bodies must establish procedures for access to information. A person making a good-faith disclosure to a State officer or body receives protection from liability where they reasonably believe it shows illegality or specified danger to health, safety or the environment. (CRC, ss 226-227.)	State bodies must establish procedures for access to information. A person making a good-faith disclosure to a State officer or body receives protection from liability where they reasonably believe it shows illegality or specified danger to health, safety or the environment. (GDC, ss 194-195.)	The proposals directly protect qualifying reports, rather than only requiring a future law. The conditions matter: the report must be in good faith, reasonably based and made to the stated State recipient. This is not an express blanket protection for every disclosure to the media. (2013, ss 25, 149(e), 150; CRC, ss 226-227; GDC, ss 194-195.)
Ombudsman complaints and sanctions	There is no constitutional Ombudsman. An Accountability and Transparency Commission and conduct-enforcement legislation are provided instead. (2013, ss 121, 149.)	The Ombudsman may investigate complaints and earlier events, follow fair procedures and report findings. A proven breach of the conduct rules or Constitution requires an official reprimand or suspension: for a period up to 6 months, until corrective action is taken, or until a prosecution referral is decided. The Ombudsman cannot impose sanctions on judges or MPs. Certain court matters, independent-body decisions and security operations are excluded. (CRC, ss 197, 203-204, 228-230.)	The Ombudsman must have integrity and relevant experience. The President appoints on Constitutional Offices Commission advice after consultation with the Public Service Commission. Legislation must define the office's functions. (GDC, s 196.)	CRC gives people an identifiable constitutional complaints process and states investigative powers and sanctions. GDC establishes the office but leaves its work to legislation. CRC's exclusions mean the Ombudsman cannot investigate or punish everyone on every subject. (2013, ss 121, 149; CRC, ss 197, 203-204, 228-230; GDC, s 196.)



What matters most: Public money, Integrity and Independent Institutions

CRC makes the strongest attempt to take key constitutional appointments out of government control

Its Constitutional Offices Commission is composed of politically independent members who must not belong to a political party or have held party office or contested elections during the previous eight years. GDC abandons that model and restores essentially the 2013 Commission chaired by the Prime Minister, with a 4-2 government-aligned majority. This was one of the central structural defects identified by CDD in its submission: institutions intended to scrutinise government should not themselves depend on an appointments body structurally controlled by the government of the day.

Why create an independent Salaries and Benefits Commission, but exclude the political offices whose remuneration most obviously requires independent oversight?

CRC places political office-holders within the Commission's remit. GDC creates a Salaries and Benefits Commission but expressly excludes MPs, the Speaker, Deputy Speaker, President and Vice-President from its pay-setting mandate. This is difficult to justify. One of the strongest reasons for an independent salaries body is precisely to prevent politicians from having excessive influence over the remuneration of political office. GDC therefore creates the institution while excluding from it some of the offices for which independent salary-setting is most important.

CRC provides considerably stronger constitutional integrity rules

It places detailed duties concerning conflicts of interest, gifts, corruption and financial disclosure directly in the Constitution. GDC contains general integrity principles but leaves much of the disclosure, investigation and enforcement framework to future legislation and contains no equivalent constitutional requirement for public annual financial declarations. For CDD, core integrity safeguards should not depend excessively on an ordinary parliamentary majority that may later weaken them.

CRC also constitutionalises stronger institutions of financial and administrative accountability

It expressly establishes an Opposition-chaired Public Accounts Committee, a National Planning Commission and a National Infrastructure Council, whereas GDC leaves these matters largely to ordinary parliamentary or legislative arrangements. CRC also gives the Ombudsman defined investigative and enforcement powers in the Constitution; GDC establishes an Ombudsman but leaves the office's substantive functions to legislation, meaning that a government (with simple parliamentary majority) can always curtail it.

CDD Assessment

CRC is substantially stronger in this chapter because it attempts to insulate appointments, integrity enforcement, financial scrutiny and political remuneration from the government of the day. GDC retains useful public-finance and audit protections, but its return to a politically dominated Constitutional Offices Commission, weaker constitutional integrity machinery and unexplained exclusion of senior political offices from the Salaries and Benefits Commission significantly weaken the accountability architecture.

**CAUTION****The Constitutional Offices Commission**

The composition of the Constitutional Offices Commission is one of the most consequential design choices in the entire Constitution. The COC helps determine who leads many of the institutions that are supposed to operate independently of government, including bodies that oversee elections, human rights, public finance and other areas of constitutional accountability. The independence of those institutions therefore begins with the independence of the body appointing their leadership. If the government controls the appointments body, formal statements that the resulting institutions are “independent” provide only limited protection. CDD identified this as a fundamental weakness of the 2013 Constitution, because its COC gives the government side an effective 4-2 majority.

The CRC recognised this problem and attempted to depoliticise the COC. GDC has deliberately returned to the 2013 political model. CRC proposed five politically independent members who could not belong to a political party or have held party office or contested elections during the preceding eight years. GDC discards that model and restores a six-member COC consisting of the Prime Minister as chair, the Attorney-General, two Prime Ministerial nominees, the Opposition Leader and one Opposition nominee. The obvious question is: why? If constitutional reform is intended to strengthen independent institutions, why restore a structure giving the government of the day a decisive majority over the body that appoints their leadership? Why should the Prime Minister chair it at all? The design inevitably raises the concern that the executive wishes to retain the appointment power available under the 2013 Constitution.

CDD proposed a genuinely balanced appointments body instead. Government and Opposition would have equal numbers of nominees, but those nominees could not be current MPs, party office-holders, recent candidates, ministerial advisers or recent senior political office-holders. The Fiji Law Society would nominate one member through an open process, while the Vice-Chancellors of Fiji's three universities would collectively nominate one distinguished academic in areas such as law, governance, public administration, political science, human rights or development studies. The chair would be an eminent independent person, preferably a retired judge or senior lawyer, appointed by agreement between the Prime Minister and Opposition Leader, with a Fiji Law Society shortlist as the fallback if agreement could not be reached. The purpose was not simply political “balance”, but to bring legal expertise, academic knowledge and constitutional independence into an institution whose principal role should be constitutional guardianship rather than executive control.

CDD welcomed CRC's attempt to remove politicians from the COC, although its appointments mechanism was itself difficult to understand. The CRC placed appointment of the COC in the hands of a committee involving the FCOSS Director, the University of the South Pacific Vice-Chancellor and the President of the Fiji Medical Association. The inclusion of the Fiji Medical Association was particularly puzzling. The COC is fundamentally concerned with constitutional governance, law, institutional independence and public administration; there is a much clearer institutional rationale for including the Fiji Law Society. Likewise, selecting the Vice-Chancellor of one university raises the question of why Fiji's other universities are excluded, including the national university. CDD's proposal that the Vice-Chancellors of Fiji's three universities jointly select a single high-standing academic avoids privileging one institution while bringing relevant scholarly expertise into the process.

CDD's concern is therefore not merely who sits on the COC, but what kind of constitutional system that composition produces. A politically controlled COC can reproduce political influence throughout supposedly independent institutions for years after an appointment is made. The Constitution should therefore make the COC one of the most insulated, balanced and professionally credible bodies in the State, not preserve a structure in which the government appointing the watchdogs also holds the decisive votes over who those watchdogs will be.

10 Bose Levu Vakaturaga

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
Status membership and funding	The Constitution does not establish the Bose Levu Vakaturaga, or BLV. It protects customary land and certain customary interests through the rights sections. (2013, ss 26, 28.)	The BLV is established with the President, Prime Minister, iTaukei-affairs Minister, 6 ministerial nominees, 42 provincial chiefs and 3 Rotuma nominees. Each province has 3 representatives. It has funding from the Trust Fund and other lawful sources and falls under the independent-body protections. (CRC, ss 157-158, 207, 213-222.)	The BLV continues in existence. Parliament must set its membership by law. When the BLV requests support, the State must provide or facilitate adequate funding for its constitutional functions, subject to available resources. (GDC, s 152.)	CRC fixes BLV membership in the Constitution and gives it common independent-body protections. GDC leaves membership to legislation while assigning major national powers elsewhere. The absence of a constitutional BLV in 2013 does not mean it cannot exist under ordinary legislation. (2013, ss 26, 28; CRC, ss 157-158, 207; GDC, s 152.)
Community governance and national powers	The Constitution gives the BLV no role in appointing senators or the President, or in the constitutional appointments commission. (2013, ss 46, 84, 132.)	The BLV supports iTaukei welfare, culture, customary governance, advice and reconciliation. It appoints 8 senators and nominates 3 members of the Presidential Appointment Commission. (CRC, ss 79, 108, 159.)	The BLV advises appointment of 14 senators and directly appoints the President and Vice-President after consulting the Prime Minister. If the Prime Minister refers an adverse inquiry to the BLV under s 107, the BLV decides whether the President or Vice-President should be removed. Specific provisions protect these arrangements against constitutional change. (GDC, ss 76, 103, 107, 152-153, 210.)	CRC describes the BLV's community responsibilities in detail and shares national appointment authority with other bodies. GDC gives it greater direct influence over the presidency and Senate. These appointment powers are separate from its customary-governance responsibilities. (2013, ss 46, 84, 132; CRC, ss 79, 108, 159; GDC, ss 76, 103, 107, 152-153, 210.)
Protecting BLV related constitutional rules	There is no special BLV approval requirement for constitutional amendments. The general constitutional amendment rules apply to provisions that can be amended. (2013, ss 159-160.)	The general procedure requires two-thirds of each House for constitutional amendments. Separate Rotuma-related approval requirements also apply where relevant. There is no special BLV-senator amendment veto. (CRC, ss 163, 239-240.)	Section 153 requires prior approval by at least 9 of the 14 BLV-advised senators for changes to the BLV chapter and listed appointment provisions. Section 210(1) separately requires 9 of those senators to support the third reading for its protected list. (GDC, ss 153, 210(1).)	GDC gives these senators additional power to stop certain constitutional changes, even where the general voting threshold is met. The 2 lists differ: section 153 includes presidential resignation under section 106; section 210(1) does not. They cannot safely be treated as one identical rule. (2013, ss 159-160; CRC, ss 163, 239-240; GDC, ss 153, 210(1).)



What matters most: Bose Levu Vakaturaga

The central issue is what constitutional powers should BLV exercise

CDD recognises the legitimate importance of the BLV in protecting iTaukei culture, welfare, customary governance and community interests. CRC largely reflects this role, while also giving the BLV some national appointment functions. GDC goes much further: the BLV effectively selects the President and Vice-President, appoints 14 of 23 Senators, can determine whether the President or Vice-President is removed in specified circumstances, and gains special veto power over amendments affecting several of these arrangements.

Giving one communal institution this degree of national political power is difficult to reconcile with equal citizenship

Fourteen BLV-appointed Senators form an outright majority of the Senate, giving an institution representing one ethnic community potentially decisive influence over national legislation affecting every citizen. This is qualitatively different from protecting indigenous land, culture, language and customary institutions. Fiji's Constitution should strongly protect indigenous and minority interests without recreating ethnically defined structures of national political power. CDD's submission specifically warned that constitutional reform should not create race-based or ethnically defined power structures because this risks entrenching the divisions the Constitution should instead help Fiji transcend.

GDC also gives the BLV extraordinary constitutional entrenchment

At least 9 of its 14 Senate nominees must approve amendments to specified BLV and appointment provisions, creating a special communal veto in addition to the ordinary constitutional amendment threshold. Minority and indigenous protections can legitimately justify special safeguards on matters such as customary land or culture, but extending such veto power into the architecture of national political appointments requires a much stronger democratic justification.

There is also an unusual design problem: GDC gives enormous constitutional powers to a body whose membership the Constitution does not itself determine.

CRC specifies the BLV's membership in the Constitution. GDC instead leaves its membership to ordinary legislation, even while assigning it entrenched powers over the presidency, Senate and constitutional amendment. This means Parliament can potentially alter the composition of a body exercising very significant constitutional authority without going through constitutional amendment itself.

CDD Assessment

The BLV can play an important constitutional role in safeguarding indigenous culture, customary governance and iTaukei interests. But GDC goes substantially beyond protection and consultation by transferring major elements of national political power to an unelected communal institution. For CDD, this risks reversing one of the most important democratic achievements of the 2013 Constitution: moving Fiji away from ethnically allocated political power towards a common and equal citizenship. CRC is more restrained, but even its national political role for the BLV requires careful justification. The Constitution should protect indigenous rights strongly without allowing communal institutions to acquire disproportionate control over the government of the State as a whole.

11 Rotuma, Local Government and Participation

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
Rotuma within Fiji and self government	The Constitution recognises Rotuman identity and protects Rotuman land. It does not contain a separate chapter guaranteeing Rotuma's self-government. (2013, Preamble; ss 26, 28–29.)	Rotuma is recognised as a sovereign indigenous entity within Fiji. The Rotuma Island Council has internal-government and welfare responsibilities and powers over the subjects provided by law, including local revenue, land, resources and culture. The State must provide adequate funding for its duties and agreed development. (CRC, ss 160–161.)	Rotuma is recognised as a sovereign indigenous entity within Fiji. The Rotuma Island Council has internal-government and welfare responsibilities and powers over the subjects provided by law, including local revenue, land, resources and culture. The State must provide adequate funding for its duties and agreed development. (GDC, ss 154–155.)	Both CRC and GDC recognise substantial self-government while expressly keeping Rotuma within Fiji. Calling it a sovereign entity within the Republic does not make it immediately independent. Legislation and the detailed consent requirements determine how its powers would work. (2013, Preamble; ss 26, 28–29; CRC, ss 160–161; GDC, ss 154–155.)
Rotuman consent and protected laws	Rotuman land is protected, but there is no general constitutional requirement for the Island Council to confirm Rotuman consent to government decisions applying to Rotuma. (2013, ss 28–29.)	The Island Council may propose changes to the named Rotuma Acts, but Government must agree to them. Government decisions about laws, policies or development applying to Rotuma need the Rotuman people's free, prior and informed consent. The Council determines whether that consent has been obtained. (CRC, s 161.)	The Island Council may propose changes to the named Rotuma Acts, but Government must agree to them. Government decisions about laws, policies or development applying to Rotuma need the Rotuman people's free, prior and informed consent. The Council determines whether that consent has been obtained. (GDC, s 155.)	The consent requirement extends beyond land transactions to laws, policies and development applying to Rotuma. Proposing a change to a Rotuma Act does not let the Council enact it alone. GDC also uses inconsistent titles and years for the land Act in sections 50 and 155(3), which need correction. (2013, ss 28–29; CRC, s 161; GDC, ss 50, 155.)
Process for possible Rotuman independence	There is no express process allowing the Rotuma Island Council to start discussions about Rotuma becoming independent. (2013, Chapter 1; ss 28–29.)	After consulting Rotumans, all Island Council members must agree to start independence discussions. Independence also requires cooperative consultation, Government's formal agreement, a referendum to determine the Rotuman majority view, a two-thirds Council vote for independence and a constitutional amendment. (CRC, s 162.)	After consulting Rotumans, all Island Council members must agree to start independence discussions. Independence also requires cooperative consultation, Government's formal agreement, a referendum to determine the Rotuman majority view, a two-thirds Council vote for independence and a constitutional amendment. (GDC, s 156.)	Neither CRC nor GDC lets Rotuma leave Fiji by a Council decision alone. Several approvals and constitutional change are required. Although a referendum must determine the majority view, the drafts do not expressly specify the favourable-vote threshold as a separate independence condition. That detail should be clarified. (2013, Chapter 1; ss 28–29; CRC, s 162; GDC, s 156.)
Approval needed to change Rotuma protections	Changes to constitutional Rotuma protections use the general amendment procedure, where amendment is allowed. There is no separate Island Council approval requirement. (2013, ss 159–160.)	Changing the Rotuma chapter or the listed Rotuma representation and group-rights provisions needs prior approval from two-thirds of Island Council members. The reference to section 69(1)(a) appears mistaken because the	Section 157 requires prior two-thirds Island Council approval for its listed Rotuma arrangements. Section 210(2) separately requires such approval before a Bill changing its protected provisions can be introduced. The lists overlap but use	Both CRC and GDC require territorial consent in addition to parliamentary votes. CRC has an apparent incorrect section reference. GDC refers to the whole Senate section in one list but the Rotuma-senator subsection in the other, and uses differently framed constituency references. Each requirement needs to be considered separately. Section 210(2) also protects itself, which is

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
		constituency rule is in section 69(2)(a). (CRC, s 163.)	different references. (GDC, ss 157, 210(2).)	another difference from the list in s 157. (2013, ss 159–160; CRC, s 163; GDC, ss 157, 210(2).)
Elected local government autonomy and funding	The Constitution does not expressly require an elected local-government system with guaranteed autonomy and funding. Local-government arrangements can be made under legislation. (2013, Chapters 3–6, 8.)	Local governments must be elected regularly through Electoral Commission-run elections. They must have powers and resources and adequate and reasonably predictable sources of revenue to deal with local services and needs. Government intervention is allowed only on the stated grounds and procedures, for suspected or proven corruption or serious mismanagement. Any intervention must have a time limit; extending it needs parliamentary authority. (CRC, ss 164–166.)	The public-finance principles refer to local government, but the Constitution does not expressly require an elected local-government system with guaranteed autonomy and funding. Local-government arrangements can be made under legislation. (GDC, s 158; Chapters 4–12.)	CRC gives local democracy, adequate resources and local decision-making constitutional protection. The other texts leave more to ordinary legislation. Merely mentioning local government in finance rules does not create a constitutional duty to hold local elections. (2013, Chapters 3–6, 8; CRC, ss 164–166; GDC, s 158; Chapters 4–12.)
Participation through forums and open institutions	The public can participate through parliamentary committees, public participation and access to proceedings, subject to permitted restrictions. There is no constitutionally required land forum or elected local-government system. (2013, ss 70, 72, 74.)	The public can participate through parliamentary committees, public participation and access to proceedings. The Constitution also requires a land forum and elected local governments, giving further channels for participation outside national Parliament. (CRC, ss 47, 85, 90–91, 164–166.)	The public can participate through parliamentary committees, public participation and access to proceedings. Affected people must also be consulted on relevant land projects. There is no constitutionally required land forum or elected local-government system. (GDC, ss 45, 83, 88–89.)	All three provide some public participation. CRC adds standing institutions through which communities can take part over time. Being consulted on one project and being represented in a permanent local institution are different forms of participation. (2013, ss 70, 72, 74; CRC, ss 47, 85, 90–91, 164–166; GDC, ss 45, 83, 88–89.)



What matters most: Rotuma, Local Government and Participation

CRC makes local democracy a constitutional obligation; GDC removes that guarantee

CRC requires local governments to be regularly elected, with elections conducted by the Electoral Commission, and guarantees them powers, resources and adequate and reasonably predictable revenue. It also tightly limits central government intervention in local councils and requires any intervention to be time-bound. GDC removes these provisions almost entirely. It mentions local government in its public-finance principles, but contains no constitutional requirement that local councils be elected at all.

That omission demands an explanation

Fiji has gone for long periods without municipal elections. The CRC proposal would have prevented future governments from indefinitely postponing local elections because the Constitution itself would have required regular democratic elections. Why did GDC discard that safeguard? Does the Government intend to guarantee the return and continuation of elected local government, or does it wish to preserve the ability of the Executive and Parliament to determine whether local elections occur at all? The omission does not, by itself, prove that there is no commitment to local elections, but it certainly means that GDC provides no constitutional assurance of that commitment.

Missed opportunity for democratic decentralisation

CDD's submission argued that decentralisation in Fiji should strengthen elected local government, municipal councils, provincial-level democratic structures and community decision-making, bringing government closer to citizens and improving accountability in everyday service delivery. CRC substantially advances that objective. GDC retreats to something much closer to the 2013 position, where the existence and democratic character of local government can largely be determined through ordinary legislation.

CRC and GDC significantly strengthen Rotuma's constitutional position

They recognise extensive Rotuman self-government, require free, prior and informed consent for specified laws, policies and development affecting Rotuma, and create special protections against alteration of Rotuma's constitutional arrangements. These protections recognise Rotuma's distinctive indigenous identity and legitimate interest in controlling matters directly affecting its land, culture and internal governance.

Strong group protections must be carefully designed

CDD supports minority and indigenous protections, while also cautioning against constitutional arrangements that unnecessarily fragment national political authority or create overly broad vetoes. In particular, requirements for consent over development should protect communities from exploitation without making legitimate, justified development impossible where wider public interests are also at stake.

CDD Assessment

CRC is clearly stronger on democratic participation because it does something the 2013 Constitution never did: it constitutionalises elected local government and prevents the national government from treating local democracy as optional. GDC abandons this major democratic reform. For a Constitution intended to deepen participation and bring government closer to citizens, removing the constitutional guarantee of regular local elections is a serious regression and requires a convincing explanation.

12 Emergencies and Historical Immunity

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
Declaring and confirming an emergency	The Prime Minister may declare an emergency on the Police Commissioner's and military Commander's recommendation if security and safety are threatened and an emergency is necessary. If Parliament is sitting, the declaration must be referred within 24 hours. Otherwise, the Speaker must seek confirmation by communication within 48 hours. Majority confirmation lasts one month and can be renewed. (2013, s 154.)	Cabinet may declare an emergency on National Security Council recommendation if security and safety are threatened and an emergency is necessary. If the House is sitting, the Prime Minister must refer the declaration within 24 hours. Otherwise, the Speaker must seek confirmation by communication within 48 hours. Majority confirmation lasts one month and can be renewed. (CRC, s 235.)	Cabinet may declare an emergency on National Security Council recommendation if security and safety are threatened and an emergency is necessary. If the House is sitting, the Prime Minister must refer the declaration within 24 hours. Otherwise, the Speaker must seek confirmation by communication within 48 hours. Majority confirmation lasts one month and can be renewed. (GDC, s 200.)	The CRC and GDC give Cabinet and a National Security Council the initiating roles. All three require legislative confirmation; without majority confirmation, the declaration and actions under it have no effect. The 48-hour rule is for seeking confirmation when members are not sitting, not simply for convening Parliament. One month is renewable, rather than a total duration limit. Both 2026 drafts contain an internal drafting inconsistency: subsection (1) gives Cabinet the power to declare the emergency, while subsections (4) and (5) refer to the declaration as having been made by the Prime Minister. (2013, s 154; CRC, s 235; GDC, s 200.)
Ending an emergency and judicial review	Parliament must confirm an emergency and vote on renewal. The High Court has general constitutional powers. There is no express emergency-specific provision allowing any person to apply to end the declaration. (2013, ss 100(4), 154.)	The House can end an emergency and amend or reject emergency regulations. Any person may ask the High Court to end an emergency that was unjustified or is no longer justified, or make other orders to restore constitutional government. (CRC, s 235(6).)	The House can end an emergency and amend or reject emergency regulations. The High Court has general constitutional powers, but this emergency section does not expressly let any person apply to end the declaration. (GDC, ss 122(4), 200(6).)	CRC gives a clear, direct court process for challenging whether an emergency remains justified. Its absence from the other texts does not mean that all constitutional court review is prohibited. The general court powers and any specific limits must still be considered. (2013, ss 100(4), 154; CRC, s 235(6); GDC, ss 122(4), 200(6).)
Recalling Parliament and extending its term	The emergency section does not expressly provide for recalling dissolved Parliament or extending its term by up to 12 months. (2013, s 154.)	If an emergency is declared after dissolution but before the election, the President must recall the dissolved House for emergency business. The election still proceeds and the recalled House ends again before polling. If the term would expire during an emergency, the President may extend it on Cabinet advice, for no more than 12 months in total. (CRC, s 236.)	If an emergency is declared after dissolution but before the election, the President must recall the dissolved House for emergency business. The election still proceeds and the recalled House ends again before polling. If the term would expire during an emergency, the President may extend it on Cabinet advice, for no more than 12 months in total. (GDC, s 201.)	The proposals let elected members supervise emergency action during the period between dissolution and polling. Recall does not cancel the pending election. The term-extension power is separate and has a total 12-month ceiling. (2013, s 154; CRC, s 236; GDC, s 201.)
Rules for restricting rights in emergencies	Emergency laws can restrict only the rights not excluded by section 43's list. A restriction must be strictly necessary for the emergency, meet Fiji's applicable international obligations and be published in the Gazette before taking effect. (2013, s 43.)	Emergency laws can restrict only the rights not excluded by section 237's list. A restriction must be strictly required by the emergency, meet the general justification test and Fiji's applicable international obligations, and be published in the	Emergency laws can restrict only the rights not excluded by section 202's list. A restriction must be strictly required by the emergency, meet the general justification test and Fiji's applicable international obligations, and be published in the Gazette	An emergency is not unlimited authority to remove rights. All three impose necessity and publication conditions, while the proposals also expressly require their general justification test. The list of rights protected from this special emergency power differs, as shown next. (2013, s 43; CRC, ss 9, 237; GDC, ss 8, 202.)

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
Which rights remain outside emergency limitation	The special emergency restriction power cannot be used against the listed rights to life; freedom from slavery and cruel treatment; arrested and accused persons' rights; access to courts; fair administrative action; religion; and equality. (2013, s 43(1)(a), referring to ss 8, 10-11, 13-16, 22, 26.)	The special emergency restriction power cannot be used against the listed rights to life; freedom from slavery and cruel treatment; remedy and truth; protection from unreasonable searches; arrested and accused persons' rights; court access; and movement. Administrative justice, religion and equality are not in this list. (CRC, s 237(1)(a), referring to ss 12, 14-20, 26.)	The special emergency restriction power cannot be used against the listed rights to life; freedom from slavery and cruel treatment; arrested and accused persons' rights; court access; fair administrative action; religion; and equality. Searches and movement are not in this list. (GDC, s 202(1)(a), referring to ss 11, 13-14, 16-19, 25, 29.)	CRC additionally protects truth and remedy, searches and movement from this emergency power, but omits administrative justice, religion and equality. GDC's list covers those 3 rights, like 2013. Being on a list prevents use of this special power; it does not erase qualifications already written into the right itself. (2013, s 43(1)(a), referring to ss 8, 10-11, 13-16, 22, 26; CRC, s 237(1)(a), referring to ss 12, 14-20, 26; GDC, s 202(1)(a), referring to ss 11, 13-14, 16-19, 25, 29.)
Safeguards for emergency detention	An emergency detainee must receive written reasons in a language they understand as soon as practicable and within 7 days. They must be able to consult a lawyer and communicate with or receive their spouse, partner or next of kin, lawyer, religious counsellor or social worker, and medical practitioner. A court must review detention within one month and at intervals no longer than one month afterwards. (2013, s 9(3)-(4).)	An emergency detainee must receive written reasons in a language they understand as soon as practicable and within 7 days. They must be able to consult a lawyer and communicate with or receive their spouse, partner or next of kin, lawyer, religious counsellor or social worker, and medical practitioner. A court must review detention within one month and at intervals no longer than one month afterwards. (CRC, s 13(3)-(4).)	An emergency detainee must receive written reasons in a language they understand as soon as practicable and within 7 days. They must be able to consult a lawyer and communicate with or receive their spouse, partner or next of kin, lawyer, religious counsellor or social worker, and medical practitioner. A court must review detention within one month and at intervals no longer than one month afterwards. (GDC, s 12(3)-(4).)	These safeguards are shared. The 7-day period concerns written detention grounds; it is not general permission to arrest anybody for 7 days. Monthly review of emergency detention is also a separate rule from the normal prompt appearance before court after arrest. (2013, s 9(3)-(4); CRC, s 13(3)-(4); GDC, s 12(3)-(4).)
National Security Council	No National Security Council is established by the Constitution. Emergency recommendations come from the Police Commissioner and military Commander. (2013, s 154.)	A National Security Council is established with the Prime Minister as chair, the listed responsible Ministers, Opposition representation and relevant parliamentary committee leadership. The Police Commissioner and military Commander are non-voting advisers. Legislation may add members. (CRC, s 238.)	A National Security Council is established. Its membership and functions must be set by legislation. (GDC, s 203.)	CRC guarantees participation beyond Cabinet and makes the police and military heads non-voting advisers. GDC leaves those choices to Parliament. Establishing a council by name does not itself guarantee Opposition participation or a particular balance between civilian and military members. (2013, s 154; CRC, s 238; GDC, s 203.)
Earlier historical immunities	Legal protections against liability granted under the 1990 Constitution and the 2010 law on prescribed political events continue. The	The immunity chapter contains an unnumbered note recommending repeal of that chapter. It contains no numbered immunity grant or	Protections granted under the 1990 Constitution and the 2010 law on prescribed political events continue. The outer amending instrument	CRC proposes ending the immunity chapter. GDC preserves both the old 2013 immunity chapter and immunity provisions in the proposed Constitution. Their legal interaction must be addressed rather than assuming there is only one set of

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
	Constitution restricts changes to them. (2013, ss 155–156, 158–159.)	completed legal repeal provision. (CRC, Chapter 15 unnumbered note.)	also leaves the 2013 immunity chapter in force. (GDC, outer s 2(a); proposed ss 204–205, 207.)	rules. (2013, ss 155–156, 158–159; CRC, Chapter 15 unnumbered note; GDC, outer s 2(a); proposed ss 204–205, 207.)
Immunity for government involvement from 2006	Listed office-holders and personnel are protected from criminal, civil and other liability arising from direct or indirect government participation, appointment or involvement between 5 December 2006 and the first sitting of the first Parliament under this Constitution. Offences in the listed Crimes Decree ranges are excluded. (2013, s 157.)	There is no numbered provision granting this immunity. The chapter instead contains a recommendation that the immunity chapter be repealed. (CRC, Chapter 15 unnumbered note.)	Listed office-holders and personnel are protected from criminal, civil and other liability arising from direct or indirect government participation, appointment or involvement between 5 December 2006 and the first sitting of the first Parliament elected after the new Constitution starts. Offences in the listed Crimes Act ranges are excluded. (GDC, s 206.)	GDC uses the new Constitution's first Parliament as the end point, potentially extending the protected period. The protection still depends on the connection to government involvement and does not cover every act by every person. Both grants exclude offences in ranges 133–146, 148–236, 288–351, 356–361, 364–374 and 377–386 of the named 2009 criminal law. (2013, s 157; CRC, Chapter 15 unnumbered note; GDC, s 206.)
Court bars compensation and amendment conflict	Courts cannot hear challenges to the immunity chapter or its protections. The State need not pay compensation for covered harm. The chapter says it cannot be changed, and the amendment rules also protect it. (2013, ss 158–159.)	The chapter recommends repeal. It does not contain a numbered provision preventing courts from hearing immunity challenges or prohibiting compensation. (CRC, Chapter 15 unnumbered note.)	Courts cannot hear challenges to the immunity chapter or its protections, and the State need not pay compensation for covered harm. Section 207 says the chapter cannot be changed. However, section 209 expressly provides a three-quarters vote in each House for changing those immunity sections. (GDC, outer s 2(a); proposed ss 207, 209(2)(b)(ii), (4).)	GDC gives conflicting answers about whether immunity can be changed. It also saves the old 2013 immunity chapter, adding another issue. It would be misleading to describe immunity as clearly permanent or clearly changeable by a three-quarters vote without explaining these conflicting provisions. (2013, ss 158–159; CRC, Chapter 15 unnumbered note; GDC, outer s 2(a); proposed ss 207, 209(2)(b)(ii), (4).)
Separate bar on challenging earlier decrees	Existing laws continue, but courts cannot hear the specified direct or indirect challenges concerning decrees and promulgations made between 5 December 2006 and the first sitting of the first Parliament under this Constitution, including certain decisions and actions under them. (2013, s 173(1)–(4).)	The draft provides for constitutional supremacy and court review. Its supplied transitional sections do not expressly preserve a special restriction on court challenges to historical decrees and actions under them. (CRC, ss 2, 122, 241–250.)	Existing laws continue with the necessary changes to fit the Constitution. However, section 226 expressly keeps the restriction on court proceedings described in 2013 section 173(4). (GDC, s 226.)	This restriction concerns court challenges to specified earlier laws and actions. It is separate from protecting individuals against liability. GDC keeps it, which can prevent a remedy even where an old law would otherwise face constitutional review. It is not a general bar against challenging every future law. (2013, s 173(1)–(4); CRC, ss 2, 122, 241–250; GDC, s 226.)



What matters most: Emergencies and Historical Immunity

CRC took the clearest position on Fiji's coup immunities: they should be removed.

Its immunity chapter contains no new operative grant of immunity and instead recommends repeal of the existing immunity framework. GDC moves in the opposite direction. Rather than dismantling the 2013 immunity architecture, the amending Bill expressly leaves the existing 2013 immunity chapter in force and then creates a further set of immunity provisions in the new Constitution. For CDD, this is one of the most serious regressions in the GDC.

The expansion is not merely that old immunities are retained. GDC effectively extends the period covered by constitutional immunity.

Under the 2013 Constitution, the special immunity for persons involved in government ran from 5 December 2006 until the first sitting of the first Parliament under the 2013 Constitution. GDC creates a new immunity in similar terms but changes the endpoint to the first sitting of the first Parliament elected after the new Constitution commences. Because the new Constitution is intended to commence years after the first post-2006 Parliament sat, this potentially extends the protected period far beyond the original 2013 cut-off. In practical terms, GDC does not simply preserve historical immunity for the 2006 coup period; it potentially constitutionalises protection for government involvement across a much longer period extending towards the commencement of the new constitutional order.

GDC also preserves the old immunity regime while adding the new one.

The outer amendment legislation leaves the 2013 immunity chapter operative, while the proposed Constitution contains its own immunity provisions. This produces an extraordinary situation in which Fiji may have two overlapping constitutional immunity regimes, rather than using constitutional reform as an opportunity to finally remove exceptional protections created after earlier coups.

The protection goes beyond personal immunity.

GDC also retains restrictions preventing courts from hearing specified challenges to decrees, promulgations and actions from the post-2006 period, preserving barriers to judicial remedies even where an old law or government action might otherwise be challenged constitutionally. It also maintains provisions preventing courts from hearing challenges to the immunity framework itself and excluding compensation for covered harm. The effect is therefore not simply to protect particular individuals from prosecution or civil liability, but also to restrict the ability of courts to examine parts of Fiji's post-coup legal order.

This is fundamentally about the constitutional treatment of coups.

Immunity provisions may have been defended historically as part of political transitions, but permanently constitutionalising them sends a very different message: that unlawful seizures of power and actions taken under them can ultimately be insulated from ordinary legal accountability. CRC recognised that Fiji should move away from this legacy. GDC instead entrenches it further.

CDD Assessment

The CRC approach is plainly preferable. A democratic Constitution should look forward by strengthening the rule of law and making clear that unconstitutional seizures of power do not create permanent legal privilege. GDC does the opposite: it retains the 2013 immunities, adds a new immunity framework, potentially extends the protected period, and preserves restrictions on judicial challenge. Rather than closing the constitutional chapter on Fiji's coup culture, it risks embedding that culture even more deeply into the new constitutional order.



If the new Constitution is commenced at any time before the writ for the next general election is issued (that is, between its enactment and 31 December 2026), and the current Parliament expires before the new electoral system is ready, Fiji could be left for an uncertain period with Cabinet continuing in office but no elected Parliament to scrutinise or hold it accountable. Because the new immunity in section 206 runs until the first sitting of the first Parliament elected after the new Constitution commences, that period of unelected government would, on the face of the provision, fall within the immunity period. This means the Constitution could create the extraordinary situation of undemocratic government continuing without Parliament while those exercising governmental power could benefit from a newly extended constitutional immunity. A legitimate question that would then arise is: why was the immunity period extended? Indeed, this would be the first Constitution in Fiji's history introduced by a democratically elected government under an uninterrupted constitutional order that creates a new immunity extending into future governmental activity.

13 Amendment, Commencement and Transition

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
Changing the Constitution under the ordinary procedure	An amendment Bill needs 3 readings, at least 75% of all MPs at the second and third readings, at least 30 days between those readings and a committee report. It then needs approval in a referendum by 75% of all registered voters. Some provisions cannot be amended. (2013, ss 159–160.)	An amendment Bill needs 3 readings in each House, at least two-thirds of all members of each House at the second and third readings, at least 30 days between those readings and committee scrutiny. There is no general referendum requirement for ordinary constitutional amendments. (CRC, ss 239–240.)	An ordinary amendment Bill needs 3 readings in each House, at least two-thirds of all members of each House at the second and third readings, at least 30 days between those readings and committee scrutiny. Additional rules apply to protected subjects. There is no general referendum requirement. (GDC, ss 208–210.)	The CRC and GDC replace the 2013 general referendum requirement with votes in both Houses. The 2013 referendum needs 75% of all registered voters, not just 75% of those who vote. Separate Rotuma consent and referendum provisions remain, so it is inaccurate to say the proposals remove all constitutional referendums. (2013, ss 159–160; CRC, ss 162–163, 239–240; GDC, ss 156–157, 208–210.)
Participation protected provisions and vetoes	Permitted amendments require debate, committee scrutiny and the referendum vote. Section 159 prohibits repealing or weakening the immunity chapter, protected transition provisions or the amendment chapter itself. (2013, ss 159–160.)	Amendments require debate and committee scrutiny. Changes to protected Rotuma-related provisions also need prior approval from two-thirds of Island Council members. (CRC, ss 163, 240.)	Amendments require debate and committee scrutiny. Listed immunity provisions have a three-quarters requirement, conflicting with the rule against changing immunity. Certain BLV-related changes need 9 of the 14 BLV-advised senators. Protected Rotuma changes need prior approval from two-thirds of Island Council members. (GDC, ss 153, 157, 207, 209–210.)	Meeting the general parliamentary vote is not always enough. Additional approvals can stop a change even when most MPs support it. Public consultation, committee scrutiny, a Debate, committee scrutiny, parliamentary votes, special BLV or Rotuma approvals and any referendum required by another constitutional provision are distinct steps; one does not automatically substitute for another. (2013, ss 159–160; CRC, ss 163, 240; GDC, ss 153, 157, 207, 209–210.)
Date of commencement	The Constitution starts on 7 September 2013. (2013, s 162.)	The starting date is left to be determined. (CRC, s 241.)	The outer amending instrument and the proposed Constitution give 31 March 2028 as the starting date. The proposed Constitution also says the President may proclaim an earlier date for “this Act”. (GDC, outer s 1(2); proposed s 211.)	GDC appears to intend an earlier-date option. However, that power sits in the Schedule that the outer instrument brings into force on the fixed date, and refers to “this Act”. Those drafting issues need resolution before an earlier lawful starting date can be treated as certain. GDC also uses inconsistent definitions: s 212 defines ‘this Constitution’ as the Constitution Amendment Act 2026, while s 213 defines ‘This Constitution’ for the transitional Part as the Constitution of the Republic of Fiji as amended by that Act. (2013, s 162; CRC, s 241; GDC, outer s 1(2); proposed s 211.)
Who implements the changes	Specific transition sections address continuity and adjustment when the 2013 Constitution starts. There is no separate implementation commission. (2013, ss 163–174.)	A Constitution Implementation Commission must be appointed through the Constitutional Offices Commission. A House oversight committee is also required. They normally operate for 5 years, with the stated possibility of House extensions. (CRC, ss	Government must organise implementation and report regularly to Parliament or a committee during the first 5 years. The House may establish an implementation oversight committee, but is not required to do so. (GDC, ss 213–215.)	CRC requires separate implementation and oversight bodies. GDC makes Government responsible and leaves the committee optional. CRC section 246(2)(a) refers to section 246(4) (c), but the relevant Commission reporting provision appears in section 245(4)(c); that reference needs correction. (2013, ss 163–175; CRC, ss 244–246; GDC, ss 213–215.)

Provision	2013 Constitution	CRC Draft Constitution 2026	Fiji Government Draft Constitution (GDC)	Comparative legal effect and analysis
		244-246.)		
Staggered terms and Electoral Commission mismatch	The Electoral Commission has a chair and 6 other members. Transition sections address the 2013 offices and institutions. (2013, ss 75(2), 163-174.)	Initial terms are staggered so that members of the Electoral, Boundaries, Mercy and Constitutional Offices commissions do not all leave at once. The Electoral Commission has 5 members. The Boundaries Commission's later term is described as 3 years in transition, but 5 years in the general rule. (CRC, ss 94(2), 211, 247-250.)	Initial Electoral and Mercy Commission terms are staggered. However, the main Electoral Commission section creates 5 members, while the transition gives different terms to 7 members. (GDC, ss 92(2), 216-217.)	Staggering terms can preserve experience during change. GDC's 5-member and 7-member rules do not fit together. CRC's 3-year and 5-year Boundaries Commission terms also conflict. These differences matter when deciding how many people can be appointed and when their terms end. (2013, ss 75(2), 163-175; CRC, ss 94(2), 211, 247-250; GDC, ss 92(2), 216-217.)
Existing Parliament President and Ministers	Transition provisions continue the President, government and public institutions at the start of the 2013 Constitution, subject to the stated rules. (2013, ss 163-170.)	The ending sections deal with implementation and commission transitions. They do not provide detailed general handover rules for all existing political offices. (CRC, ss 241-250.)	Existing MPs become members of the House and the existing Parliament remains subject to the four-year term rules in 2013 s 58.. The President continues for the existing appointment period. The PM and Ministers continue under the transition rules. (GDC, ss 219-221.)	GDC's new 5-year House term does not automatically add a year to the existing Parliament. Its 4-year presidential rule does not automatically restart the incumbent's term. CRC leaves more of the practical handover arrangements to be completed in the implementing instrument. (2013, ss 163-170; CRC, ss 241-250; GDC, ss 219-221.)
Staff finance licences cases and existing laws	The transition provisions continue the stated officers, public funds, State rights, laws and proceedings, with the specified constitutional qualifications and court restrictions. (2013, ss 170-174.)	The draft contains targeted commission transitions and refers to a constitutional amendment Act. It does not expressly provide general continuity rules for all officers, State finances, licences, laws and proceedings. (CRC, ss 243-250.)	Transition provisions continue public officers, funds, institutions, State rights and licences, pending appointments, court cases and investigations. Existing laws are adjusted to fit the Constitution, but the historical restriction on certain court proceedings is preserved. (GDC, ss 222-228.)	GDC provides fuller rules to keep government and pending matters running during change. General continuity still has to be read with express repeals, especially the repeal of FICAC's Act. CRC should not be treated as already providing every practical handover rule needed for enactment. (2013, ss 170-174; CRC, ss 243-250; GDC, ss 222-228.)
Express repeals and interpretation aids	The Constitution expressly repeals five named 2009 Decrees. Other existing laws continue subject to constitutional adjustments and exceptions. (2013, ss 163, 173.)	Review and parliamentary materials may help interpretation, and a law must identify them. Although the final chapter title mentions repeals, the supplied sections do not give a matching express list of laws to be repealed. (CRC, ss 243-250.)	The proposed Constitution repeals the 2013 Promulgation Decree and the FICAC Act, subject to the other provisions. The outer amendment separately saves the 2013 immunity chapter. GDC s 229 also appears to contain a circular drafting reference by making the repeals 'subject to Part E of this Chapter' when s 229 itself forms Part E. (GDC, outer s 2(a); proposed ss 226, 229.)	A chapter heading or explanatory note does not do the same work as a legal repeal provision. GDC's repeals must be read with its continuity and immunity savings. CRC's notes and references to an amendment Act leave implementing provisions to be completed. (2013, ss 163, 173; CRC, ss 243-250; GDC, outer s 2(a); proposed ss 226, 229.)



What matters most: Amendment, Commencement and Transition

Both CRC and GDC make constitutional amendment less directly democratic than the 2013 Constitution.

Under 2013, an amendment that survives the parliamentary process must also be approved in a national referendum. CRC and GDC remove that general referendum requirement and allow ordinary constitutional amendments to be made through supermajorities in Parliament, subject to additional requirements for certain specially protected provisions. The 2013 threshold is exceptionally demanding and may itself warrant reform, but abolishing the referendum altogether removes citizens from the final decision. For something as fundamental as changing the Constitution, CDD considers that a significant democratic loss.

The GDC's earlier-commencement option creates a potentially dangerous constitutional loophole that must be closed before enactment.

The stated commencement date is 31 March 2028, but the proposed Constitution also appears to give the President power to proclaim an earlier date, although the drafting of that power is itself unclear and internally inconsistent. If that power is legally effective and the Constitution were commenced between 24 and 31 December 2026, the consequences could be extremely serious. The existing Parliament could cease to exist while the Prime Minister and Cabinet continue in office under the transition provisions.

At the same time, an election under the new Constitution could not simply be held immediately.

GDC replaces the present national-constituency electoral system with an MMP-type system requiring constituency seats. The new Constituency Boundaries Commission must first determine those constituency boundaries, and the Electoral Commission must maintain a voter roll for each constituency. The danger is therefore obvious: Parliament could expire, Cabinet could remain in power, but the machinery required to elect a new Parliament might not yet exist. That could leave Fiji for an uncertain period with an executive government but no elected legislature capable of holding it to account. In substance, that creates the conditions for a serious constitutional and democratic crisis and a potential return to government without effective democratic mandate.

This loophole must be removed completely.

The Constitution should make it legally impossible for commencement to occur in a way that terminates the existing elected Parliament before a lawful general election can be conducted. The safest approach would be to retain the fixed commencement date, or expressly provide that the existing Constitution, Parliament and electoral system remain operative until the next general election has been completed and the institutions required for the new electoral system are fully established. This is not a minor drafting matter. It concerns whether Fiji could inadvertently enter a period of executive rule without an elected Parliament.

GDC also removes one of CRC's most important transitional safeguards: an independent Constitution Implementation Commission.

CRC requires an Implementation Commission appointed through the Constitutional Offices Commission and also requires a parliamentary oversight committee. GDC instead places implementation principally in the hands of the Government itself, requires reporting for five years, and merely permits rather than requires the House to establish an oversight committee. This raises another important question: why was the independent Implementation Commission removed? Implementing a new Constitution involves restructuring institutions, establishing new commissions, preparing an entirely new electoral system and ensuring that deadlines and safeguards are observed. Those tasks should not depend solely on the executive whose powers are themselves being regulated by the Constitution.

CDD Assessment

This chapter contains some of the most consequential risks in the entire GDC. Both 2026 proposals reduce direct citizen participation in future constitutional change by abandoning the general referendum requirement. But GDC creates the additional and much more immediate danger of an earlier commencement that could leave Fiji with a continuing Cabinet, no Parliament and no immediately workable electoral system. That loophole must be closed unequivocally before the Constitution is adopted. The removal of CRC's independent Implementation Commission compounds the concern by placing responsibility for an exceptionally complex constitutional transition primarily in the hands of the Government itself



If the President power to commence the new constitution is legally effective and the Constitution were commenced between 24 and 31 December 2026, the consequences could be extremely serious. The current parliament would expire, Cabinet would remain in power, but the machinery required to elect a new Parliament would not yet exist. That could leave Fiji for an uncertain period with an executive government but no elected legislature capable of holding it to account. In substance, that creates the conditions for a serious constitutional and democratic crisis and a potential return to government without effective democratic mandate.

Conclusion

This comparison shows that Fiji's constitutional debate is not simply about replacing one legal text with another. The real question is whether the proposed Constitution would produce more accountable government, stronger institutions and a better distribution of public power.

The 2013 Constitution has important democratic strengths, including equal citizenship, secularism, a common national electoral roll and a fully elected legislature. Its deeper weakness is the concentration of power in the Executive and the vulnerability of institutions that are supposed to hold government accountable.

The CRC Draft attempted to address that problem by redistributing power, strengthening institutional independence and placing greater limits on the Executive. It was not perfect, and this book identifies several serious weaknesses in it, but its overall constitutional philosophy was clearly different from that of 2013.

The GDC adopts some useful reforms, but it also abandons many of the CRC's most important structural safeguards. This leads to the central conclusion of this book: constitutional reform must be judged not by how many provisions have changed, but by where constitutional power ultimately sits.

The most important question: where does constitutional power sit?

A Constitution can contain hundreds of provisions, but one of its most consequential functions is the distribution of constitutional power. Who appoints the watchdogs? Who controls the institutions that supervise elections? Who appoints senior judges? Who can accelerate legislation? How long may a government remain in office before returning to voters? Who can change the Constitution? And what institutions can restrain the Executive when it abuses power?

Measured against this most important test, the GDC is much closer to the 2013 Constitution than it is to the CRC Draft.

The CRC attempted a different constitutional philosophy. Its broad direction was to disperse power away from the political Executive: depoliticise the Constitutional Offices Commission, remove direct Prime Ministerial control over senior judicial appointments, cap Cabinet at 15, limit a person to two appointments as Prime Minister, establish independent constitutional implementation machinery, strengthen elected local government, widen access to constitutional remedies and introduce stronger institutional checks on government. These reforms reflected the central problem CDD had identified in the 2013 Constitution: it combines progressive democratic principles with an institutional architecture that concentrates too much power in the Executive and leaves supposedly independent institutions vulnerable to political capture.

GDC does not adopt that architecture. In several of the most important areas, it restores or retains the 2013 model. It restores the politically constituted Constitutional Offices Commission chaired by the Prime Minister, with the same effective 4-2 government-aligned structure. It restores direct Prime Ministerial advice in the appointment of the Chief Justice and President of the Court of Appeal. It leaves Cabinet size entirely to the Prime Minister and contains no operative two-appointment limit on the office of Prime Minister, rejecting two important restraints contained in CRC. It also keeps the political Attorney-General as Government's chief legal adviser rather than adopting CRC's clearer separation between political office and independent legal advice.

In that sense, GDC does not represent the fundamental redistribution of constitutional power that CRC attempted. It is predominantly the 2013 executive architecture reorganised inside a different constitutional package.

More concerningly, there are important areas in which **GDC goes beyond 2013 and gives the Executive, or a governing majority, additional power or protection:**

- **A longer period between elections.** The elected House moves from a four-year term under 2013 to five years under GDC. This gives a government an additional year before it must return to the electorate for renewal of its mandate.
- **Prime Ministerial appointments to the legislature.** The 2013 Constitution has no appointed Senate. GDC gives the Prime Minister power to advise the appointment of six Senators, creating a new direct executive role in determining the membership of a law-making chamber.
- **Executive influence over constituency boundaries.** The 2013 national constituency requires no boundary commission at all. GDC introduces geographical constituencies and allows the Prime Minister to advise the appointment and removal of the chair of the Constituency Boundaries Commission. Four of its other voting members are senior State officials, who are subordinates to the incumbent government. In an electoral system dependent on constituency boundaries, this creates an entirely new area in which political power can potentially affect the electoral playing field.
- **Greater political control over the structure of the electoral system itself.** Under 2013, the Electoral Commission independently adjusts the size of Parliament according to a constitutional population formula. GDC instead begins with 33 constituency and 22 list seats but allows Parliament by ordinary written law to prescribe different numbers. A governing majority therefore receives considerably greater influence over the architecture of the electoral system under which it will itself seek re-election.
- **A stronger Prime Ministerial role in expedited legislation.** Under 2013, a Bill may bypass the normal timetable only where the mover requests urgency and a majority of Parliament votes to approve that request. Under GDC, the special urgent procedure is activated by the Prime Minister certifying in writing that a House-passed Bill is urgent, after which the seven-sitting-day Senate mechanism applies. This gives the Prime Minister a constitutional role in determining urgency that the 2013 procedure did not give to the office personally.
- **An additional Prime Ministerial gate over removal of the President.** Under 2013, once the Prime Minister initiates an inquiry, the tribunal or medical board reports and Parliament must act in accordance with its advice. Under GDC, after the inquiry the Prime Minister decides whether the adverse report should even be referred to the BLV for a removal decision. That creates a further political gate in the process.
- **Potential executive control over when the new constitutional order begins.** GDC states a commencement date of 31 March 2028 but also purports to allow the President to proclaim an earlier date. Because GDC also states that the President only acts on advice, and where the source of presidential advice is not specified, Cabinet is the source of that advice, this earlier-commencement power would in substance be exercised on Cabinet advice. Given the constitutional crisis that an early commencement could create before the new electoral machinery is operational, that is an exceptionally consequential power.
- **Government controls implementation of the new Constitution.** Instead of CRC's independent Constitution Implementation Commission and mandatory parliamentary oversight mechanism, GDC expressly makes Government responsible for implementation for the first five years, while making the parliamentary implementation committee optional. This concentrates responsibility for implementing restraints on government in the government being restrained.
- **A potentially expanded immunity for participation in government.** The 2013 immunity period ended at the first sitting of the first Parliament elected after commencement of the 2013 Constitution. GDC creates a fresh section 206 that runs until the first sitting of the first Parliament elected after the commencement of the new Constitution, potentially reopening and extending the protected period into the future. This is not an additional executive "power" in the conventional sense, but it is potentially an extraordinary additional protection from accountability for those participating in government.

There are also changes that do not directly grant the Executive a new power but remove external checks on political power. GDC abolishes the general requirement for citizens to approve constitutional amendments by referendum, transferring the final decision on ordinary constitutional amendment entirely to constitutional institutions rather than the electorate. Under 2013, even a constitutional amendment passed by Parliament must then receive the support of registered voters. GDC also expressly repeals the FICAC Act, removing an existing anti-corruption institution without establishing an equivalent permanent constitutional anti-corruption commission.

This does not mean that every GDC reform is regressive. Its constitutional caretaker conventions are a major improvement. Its stronger general proportionality test for limitations on rights is preferable to the 2013 framework. Its narrowing of the military's constitutional mission and express civilian authority over the military are also important democratic reforms. Any comparison should acknowledge those improvements. But those reforms do not alter the larger conclusion about where constitutional power sits.

The CRC Draft attempted to redesign the architecture of the State so that power was more dispersed, political appointments were more insulated from government, independent institutions were more genuinely independent, and the Executive faced stronger structural restraints. GDC has rejected much of that philosophy. In many of the institutions that matter most for controlling government power, it returns to the model of 2013; in several significant areas, it gives the Executive or governing majority powers that the 2013 Constitution did not possess.

That matters because accountable government cannot be created simply by declaring institutions independent, inserting additional rights, or creating new constitutional bodies. Accountability depends on the actual distribution of power between them. If the same political Executive continues to dominate appointments, controls important gateways, acquires influence over electoral boundaries and electoral architecture, remains further removed from elections, and operates within weaker external restraints, changing the name and structure of the Constitution will not by itself produce more accountable government.

For CDD, this is perhaps the most consequential conclusion of the entire comparison: Fiji's constitutional problem has never simply been that the 2013 Constitution uses the wrong words. Its deeper problem is the concentration of power. A replacement Constitution that substantially reproduces that concentration, and in some areas increases it, cannot credibly be presented as a fundamental reform of accountable governance.

Fiji's Constitutional Choices examines three constitutional frameworks shaping Fiji's current constitutional debate: the 2013 Constitution, the Constitution Review Commission Draft Constitution 2026, and the Fiji Government Draft Constitution contained in the Constitution Amendment Bill 2026.

The publication compares the three texts across thirteen major areas, including rights, elections, Parliament, executive government, the courts, independent institutions, the public service, the Bose Levu Vakaturaga, local government, emergencies, immunity and constitutional amendment.

It is designed to help citizens understand not only how the constitutional texts differ, but what those differences mean for democratic accountability, institutional independence, the protection of rights and the distribution of public power.

At its core, the publication asks a simple but fundamental question:

What kind of constitutional system should Fiji choose?