

**Promoting Democratic Institutions and Multiculturalism:
Post 1997 Constitution Era**

**ANNUAL REPORT
1998**

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1.0 Overview of the Year 1998

This year has been a stage of transition for CCF in the period after the acceptance of the 1997 Constitution by all major political parties. This was a major achievement of CCF since its inception. Its work and dedication to lobby for a new constitution had paid off magnanimously. However, the work had not finished at this stage. It was realized that even though the constitutional rights may be accepted in principle, it still did not mean it will be properly implemented. Moreover, there was still need for improvements in certain areas of the constitution. Thus the need for CCF as a 'watch dog' and instigator of new ideas and forum for the citizens' voice was still there.

Introduction

2.1 Report Period

This report is for the period 1st January to 31st December, 1998.

2.2 Programme Location

Suva, Fiji

2.3 Programme Partners

Citizens' Constitutional Forum (CCF) and Conciliation Resources (CR), London.

2.4 Background

The military coups of 1987 and the subsequent 1990 Constitution created an environment characterised by deep ethnic division, extreme social polarisation and economic uncertainty in Fiji. The social and economic repercussions from this have been tremendous. There were spontaneous mass responses to the 1987 coups including pro-democracy initiatives from the political parties, trade unions and smaller groups like the "Back to Early May Movement", but before 1993 the only organised citizens groups active on the democracy debate were the Methodist Church and the Taukei Movement - both of whom promoted pro-coup positions.

In this context, the CCF-organised consultation held at the University of the South Pacific in 1993 provided a space where important national issues could be debated privately by representatives of political parties and civil society. This was the first time, following the coups of 1987, that such a diverse group representing most shades of political opinion deliberated upon — and established — an agenda to address key national issues. This included an open commitment to reviewing the 1990 Constitution.

The Citizens' Constitutional Forum evolved from this 1993 consultation. By promoting dialogue and consensus-building, it helped create an environment that favoured a review of the 1990 constitution. The CCF promoted dialogue about the critical problems that Fiji faced, the constitutional and non-constitutional frameworks for dealing with them and the mechanisms through which a review of the 1990 constitution could take place between 1994 and 1997. Following agreement in Parliament about the terms of reference for review of the 1990 Constitution and the setting up of a Constitution Review Commission, the CCF revised its strategies. It played an important role in helping to build consensus amongst political parties, particularly through a series of closed consultations aimed at engaging political party leaders (and other opinion leaders) in meaningful debate on constitutional issues. It also began to promote public education on constitutional models where broad consensus had already been attained. In the design and implementation of all these activities, the CCF was

assisted by Conciliation Resources of London and through them a number of international resource persons were identified who facilitated these activities. The formal review of the Constitution was completed with the passing of the Constitution (Amendment) Act in July 1997. Though its overall impact is more difficult to quantify, the CCF's contribution to the review of the constitution in 1997 has been widely acknowledged.

The review of the 1990 constitution has brought to an end a period of uncertainty in parliamentary politics in Fiji. The key pillars of the 1997 constitutional settlement are reserved racial seats in Parliament broadly in proportion to the population of the main ethnic groups, the constitutional entrenchment of indigenous Fijian interests, and a system of power sharing at the executive level. The settlement also provides for a more open and inclusive system of government though electoral politics will still be largely, but not exclusively, based on ethnicity. While much is expected from the 1997 constitutional settlement, it cannot provide social stability on its own.

Fiji's problems are far from over. The 1997 constitutional settlement rests uneasily. The level of support for it is still questionable as many groups regard the settlement as unjust. It is likely that some political groups will be marginalised further as a result of the new electoral/voting machinery. Such groups can threaten the settlement and put severe pressure on the unfolding democratisation process.

3.0 Programme Objectives

The CCF's activities noted in this report worked to the following objectives :

- To promote democratic institutions
- To facilitate discussions on aspects of the constitution such as the Human Rights Commission
- To educate the public on the principles of the constitution and their rights
- To foster multiculturalism through dialogue and education
- To educate the public on the new voting system

The CCF worked along the above objective through national consultations and workshops, seminars and community workshops around the country. This was done in collaboration with non-government organisations, local communities, government agencies and with the help of overseas consultants. Working with these groups ensured that a wide number and range of individuals and institutions benefited from the various activities of the programmes.

4.0 Project Activities

4.1 National Workshop on the Importance of National Human Rights Commissions

In the wake of the Fiji Constitutional Settlement in 1997 CCF set about its work of building on the democratic gains of the new constitution; to that end several major steps were taken towards helping to implement the various new provisions. With the view that a Human Rights Commission was to be established in July 1998 CCF together with the University of the South Pacific's Institute of Justice and Applied Legal Studies (IJALS) took the opportunity on 21st February to co-host a workshop on The Importance of Human Rights Institutions at N111, USP. The purpose of the workshop was :

- to begin public debate on and build awareness of the importance of human rights commissions; ascertain what a human rights commission could do for Fiji;
- consider comparative models of human rights commissions and
- determine how human rights commissions can assist the work of NGOs.

A broad range of experienced people spoke on these topics including the Hon. Justice Kepa, the Ombudsman for Fiji; Brian Burdekin, special advisor to the UN High Commissioner for Human Rights; Chris Sidoti of the Asia Pacific Forum of National Human Rights Institutions; the Hon. Major-General Sitiveni Rabuka, the Prime Minister of Fiji, the Hon. Jai Ram Reddy, the Leader to Opposition; and Dr Heinz Schurman-Zeggel of Amnesty International. . Close to a hundred participants were listed. At the end of the workshop CCF and IJALS welded together a submission to the Attorney General on the Establishment of a Human Rights Commission for Fiji.

4.2 *Launch of the CCF booklet, 'Your Constitution, Your Rights'*

The CCF booklet, 'Your Constitution, Your Rights' was launched by the Prime Minister, Hon Major Sitiveni Rabuka. The booklet was a simplified form of the constitution which was produced for the public. It sets out in terms which all members of the community, from school children to educated adults, can understand how the Constitution works, the instruments within the government and what it means for the ordinary citizen. Most of the work was done by Kushma Ram and Steven Ratuva which the production and layout was done through Conciliation Resources (our overseas partner in London). This was later translated and printed in Fijian and Hindi. These booklets were distributed through the local non-government organizations, local churches and some through the Ministry of Education who expressed interest in distributing it to all schools. Talks are still going on with the Ministry to put this booklet as part of the recommended readings for the secondary school curriculum.

4.3 *Educating for Multiculturalism : Beyond the 1997 Constitution*

This workshop developed out of a CCF consultation on August, 1997 on (civil society). That workshop accepted to need to take couple of hefty actions at different levels to support the goals and aspirations of the 1997 Constitution. It also noted that such actions could focus on promoting multiculturalism. The workshop was held on the 14th-15th August, 1998 at the Fiji Teachers Union Hall, Berry Rd.

The workshop objectives were :

- This workshop was convened by the CCF to specifically consider the scope for developing initiatives that promote increased intercultural awareness in Fiji's school system.
- Examine the possibility of a CCF, Ministry of Education and Education sector representatives partnership in developing this initiatives
- Setting in process a small working team to develop initiatives in this case

The meeting was attended by university academics, non-government organisations, representatives of the Ministry of Education, representatives of religious organisations, interested school teachers and citizens. The question of what does multiculturalism mean and how education could be used to promote intercultural awareness was answered by a paper by Professor Jagdish Gundara, Head of Intercultural Studies, London University. Non-government organisations, local academics and representatives of the Ministry of Education made their own presentation of possible initiatives,

problems being encountered and future possible agendas. It was agreed that the Ministry of Education and CCF would work together to make a booklet on Multiculturalism which would then be used in the curriculum. Meetings were held with the ministry and a working group was set. This included Sr Emi Oh, Jane Ricketts, Premila Singh, Satend Prasad and Cynthia Naidu. It was also proposed that curriculum should not only be made more multicultural (including education on the minority cultures in Fiji) but also explore the potential in non-formal education and teacher training.

4.4 Constitution Matters Lecture

The first of the annual Constitution Matters Lectures was given on 27th August 1998 by Yash Ghai on the theme of the Implementation of the Fiji Islands Constitution. It was commented on by Mr John Wilson, the First Parliamentary Counsel. The series was inaugurated by the CCF to evaluate key issues in the development of the Constitution and to provide a platform for the audit of the implementation of the constitution. The lecture was attended by over 80 persons, including leading politicians, officials, diplomatic staff, academics, students and human rights activists. The lecture was published by the CCF in conjunction with Oceania Centre of the University of the South Pacific.

4.5 Voter Education Workshops

The new voting system, Alternative Vote, heralded the need for education. Although the Elections Office was putting out materials, it was felt that this was not enough. CCF decided to do their own voter education program whose targets were all interested citizens of Fiji. The end of 1998 was taken by just producing the materials since the production took a long time. The workshops were to start in the beginning of the 1999 since the elections were in May, 1999.

Materials that have been produced include :

i. A Question and Answer Pamphlet in English

It was decided not to translate the pamphlet as translation into either Fijian or Hindi causes problems in getting agreement on the correctness of the final text. It was felt that with the time running short the pamphlet should be distributed as widely as possible in English. This has been done together with the other materials produced. 5,000 copies have gone out into the community.

ii. Posters in English, Fijian and Hindi

One poster is entitled 'MY VOTE' and explains in simplest terms the fact that each voter has two votes, one for a communal candidate in a Communal Constituency, and one for a candidate of any ethnic group in an Open Constituency.

The second poster entitled 'HOW TO VOTE' explains the ballot paper, and draws attention to the value of using the 'below the line' numbering of candidates to gain maximum benefit from the Alternative Vote system.

iii. Voter Education Kit

The kit explains how the Alternative Vote system works. By using the different election papers given, people do a practical exercise like a counter in the elections. They are taught the difference between the previous system and the current system; what the tick above the line and numbering below the line means and the importance of preferences. This is a very simple and effective kit and people who

have already been instructed by the Elections Office trainers have only come to full understanding after working through this kit.

iv. Distribution of Materials

Pamphlets, posters and kits have been distributed through :

- The District Administration (Tim Namotu at the Rural Development Office)
- The Fijian Administration
- Fiji Council of Social Service (is an umbrella organisation for a number of NGOs)
- Local non – government organisations
- Political parties
- Workshops
- Inclusion with other mailing from CCF

4.6 Submissions to the Parliamentary Select Committees

A number of submissions were called from the public by the parliament on particular bills. CCF made submissions to amend five of the bills for which submissions were called – Public Finance Management Bill, Electoral Act, Freedom of Information Bill, Human Rights Commission Bill and the Code of Conduct and Leadership Code Bill. The response from the government to our submissions were very positive as we received letters stating that our submissions had been taken into account during parliamentary discussions. Satend and Claire were also able to make a verbal submission for the Public Finance and Management Bill. The CCF, through Jone Dakuvula, also wrote letters to the editor in the local newspapers trying to inform the public of what exactly the sexual orientation bill meant and why the government should not take out the term sexual orientation out of the Bill of Rights.

4.7 Publications

- a. Citizens' Constitutional Forum/Conciliation Resources, (1998) *Your Constitution, Your Rights. A Popular Guide to the 1997 Constitution*, Suva
- b. Kelera's Hope : Na Noqu Vakauinui (Fijian Cartoon)
- c. Citizens' Constitutional Forum/Institute of Justice and Applied Legal Studies (USP), 1998, "*The Importance of National Human Rights Institutions : A Submission to the Attorney General on the Establishment of a Human Rights Commission for Fiji and Report of a Workshop held at USP on 21st Feb. 1998*", Official Report, CCF.
- d. Citizens' Constitutional Forum, 1998, "*The Implementation of Fiji Islands Constitution*", Official Report, CCF.
- e. Citizens' Constitutional Forum, (1998) *How to Vote and The Right to Vote* Posters in English, Fijian and Hindi, Suva.
- f. Citizens' Constitutional Forum, (1998) *The Alternative Vote : Questions and answers about our new voting system*, Suva.
- g. Citizens' Constitutional Forum, (1998) Voting Kit, Suva.

5.0 Evaluation

5.1 Internal

Andy Carl visited CCF in July and held extensive discussions with the CCF secretariat. Discussions on future work of CCF, accountability, new operating office system and sustainability were held. Satendra Prasad also moved back to Fiji which strengthened the CCF secretariat. A new coordinator, Afshana Ali, due to the previous coordinator leaving, was also appointed.

5.2 External

An external auditor was hired to audit the CCF accounts. However, there has been no formal evaluation of the programmes by external agencies.

6.0 Finances

6.1 Donors

The CCF received funds from various sources, local and overseas donor agencies to fund the CCF projects. The donors are duly thanked for their faith and generosity in providing funds which enable the above projects to be successful. There have been many requests for the projects to be carried on in the next year in an effort to see total implementation of the CCF work. Funds used for the 1998 period came from the following donors :

- Australian High Commission
- Canada Fund
- EMW (Germany)
- British High Commission
- AusAID

Local funds were also raised through book sales.

6.2 Financial Statements

See attached

7.0 Appendix

7.1 Citizens' Constitutional Forum

The Citizens Constitutional Forum(CCF) is an initiative which emerged several years after the military coups in Fiji with their first government-civil society roundtable in the Spring of 1993. The CCF represents a group of people who are engaged in promoting public dialogue and education on constitutional matters, civil liberties, human rights and democracy amongst citizens of Fiji. It is a non-partisan initiative bringing together religious, political and social leaders, as well as women's representatives, youth leaders, academics and other concerned individuals. Having successfully influenced Fiji's constitutional review process, their present activities are focused on deepening public understanding and debate around key areas of enabling legislation presently going through Parliament (notably on a Freedom of Information Act and a Code of Conduct for leaders and political parties. They have also just completed a cartoon-illustrated popular guide to the new constitution as part of their public education activities.

The Citizens' Constitutional Forum (CCF) opened a Secretariat in a central area of Fiji's capital city Suva. The office is staffed by a Co-ordinator and a Director, and supported by a number of volunteers, with regular support from members of the voluntary "Secretariat". The CCF also regularly commissions freelance support to manage projects including national consultations or public education materials as well as contracted support for bookkeeping and secretarial activities. Public education materials have included brochures and posters (prizewinners in a schools competition)

The CCF is a legally registered NGO, with a written constitution and voluntary management board - referred to as the "Secretariat". Membership of the Secretariat is open to all who have participated in CCF-sponsored events. The Secretariat of the CCF is presently chaired by Dr Vijay Naidu. Other members include Ms Claire Slatter, Dr. Arlene Griffen, Ratu Joni Madraiwiwi, Ms.Samantha Magick, Fr. David Arms, Mrs. Tessa Mackenzie, Ms. Christine Arjun, Mrs. Jane Ricketts, Professor Subramani, and Satendra Prasad. In addition to the international support from Conciliation Resources (London), the CCF has enjoyed regular support of Professors Yash Ghai (Professor of Public Law, University of Hong Kong) and Cheryl Saunders (Head of the Constitutional Law Unit, University of Melbourne), Dr. Peter Larmour (Australian National University).

Note: Revenue for the CCF comes entirely from grant-funding, sales and local donations. Its present projects are adequately funded. Besides their voluntary time and commitment, the CCF is committed to raising some of the programme costs from local donations, sales and appeals to past funding partners. They have a proven track record of success in this regard

Citizens' Constitutional Forum is a registered charity in Fiji with its offices in Suva. (Charity Registration No: 439) CCF Bankers: ANZ Bank, Account No:72-343184-00-CCF. Address: ANZ House, 25 Victoria Parade, Suva, Fiji. Auditors: Tom Ricketts (Chartered Accountant -CA) Suva, Fiji Contact: Dr Vijay Naidu, The Chairperson Address: P.O.Box 12584, Suva, Fiji. e-mail: ccf@is.com.fj

Visiting Address: 7A Thurston Street, Suva Fiji. Tel: +679 308-379 Fax: +679 308-380.

7.2 *Conciliation Resources*

Conciliation Resources (CR) was established to provide professional support to local groups seeking to play constructive roles in peacefully transforming conflict and preventing the escalation or outbreak of violence. CR's work is informed by the principle that there must be national solutions to what are predominantly national problems and that local "conflict prevention" initiatives can benefit from partnerships with qualified external agencies. CR's work in Fiji is characterised by a sustained commitment to building local capacities for conflict prevention. Where conflicts are deep-rooted, an effective response must involve more than a one-off fact-finding visit, training workshop or national conference. CR has made that institutional commitment to Fiji and to the CCF.

CR has learned in its work with the CCF that effective collaboration involves support in planning and design, logistics in organising international inputs (international exchanges), liaisons with donors and inter-governmental organisations. It also involves a certain amount of monitoring and supervision. CR is able to act as a channel for funding and able to monitor proper accounting procedures. CR's record of providing such services impartially has been further helped by the fact that CR operates from such a distance. The experience of the CCF/CR partnership offers important lessons and models for conflict prevention and human rights promotion work elsewhere in the world. CR is committed to disseminating the lessons from this experience to other groups working to prevent conflict in ethnically divided societies.

In addition to Conciliation Resources' programme support in Fiji, CR's other two primary areas of work are in West Africa and on the production of *Accord: An International Review of Peace Initiatives*, with issues on Liberia, Guatemala, Mozambique and Sri Lanka published or in production.

Conciliation Resources is a registered charity in the UK with its offices in London: (Charity Registration No: 1055436)

7.3 *International Resource Persons Engaged During the Year*

During the year, the CCF engaged the expertise of the following international resource persons :

Professor Yash Ghai
Professor Jagdish Gundara
Mr Brian Burdekin
Mr Chris Sidoti
Rev. Akuila Yabaki
Dr Heinz Schurmann-Zeggel

Ends.....