

## LOOKING BACK

The Citizens' Constitutional Forum (Fiji) began as a forum for dialogue and debate unaligned to any political party or interest group. In its work programme of national consultations it brought together religious, political, and social leaders as well as women's representatives, religious groups, academic, and other concerned individuals. Constitutional alternatives and options arising from consultation discussions were shared through public education and the media.

The first two CCF consultations in December 1993 and April 1994 were held because a review of Fiji's Constitution was close at hand. Fiji's constitutional problems were discussed in their social and economic setting. Fiji's new Constitution was to be based on what was in the best interests of all its people. The discussions shed light on two separate issues: one was the process of constitution making and the other, its substance.

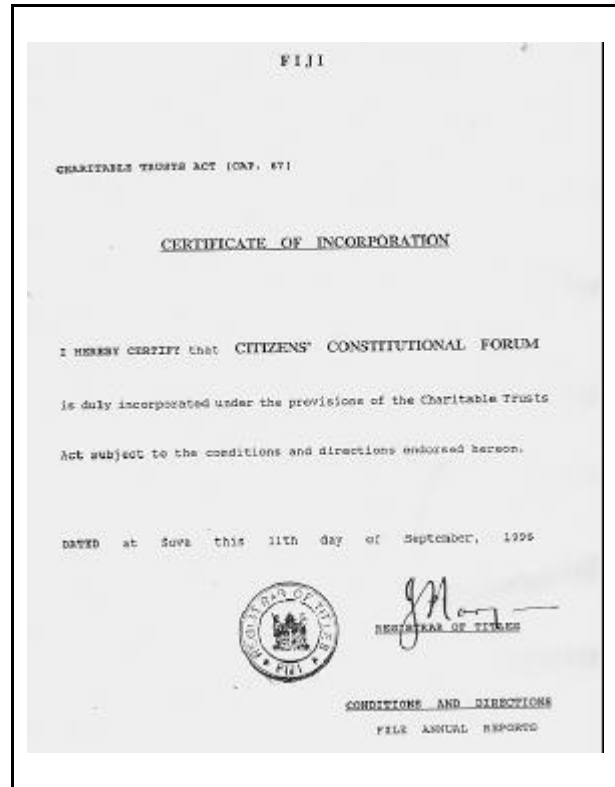
The third consultation in 1995 focussed on electoral systems and power sharing. It considered as critical that a new form of political representations be devised. It carefully discussed affirmative action as a means of addressing inequities between ethnic groups in the context of power sharing.

CCF also conducted a number of smaller workshops which considered specific issues such as indigenous interests, human rights and codes of conduct. International experts were also involved in these consultations.

In July 1996 CCF was registered and incorporated under the Charitable Trusts Act Cap 67. The objectives are :

1. To raise public awareness of the issues and options in the Constitution Review process and to explore ways of dealing with them through both Constitutional and Civil society initiatives; and

2. To create an environment where fear and suspicion are lessened and where respect for others is encouraged.



## LULL BEFORE THE STORM, JANUARY TO MAY, 2000

Since much of the CCF 2000 Report is taken up with a record of CCF's lead role in civil society's campaign and advocacy to return the country to constitutional democracy, respect for human rights and the rule of law, it is important to recall that, during the first quarter of the year 2000, CCF was actively working with some willing cooperation from the Chaudhry Coalition Government, to progress toward full implementation of the 1997 Constitution. Little knowledge of the Constitution was obviously dangerous, so efforts to introduce the CCF People's Version of the Constitution, "Your Constitution Your Rights" into schools and to the grassroots continued.

CCF built on its international network with the Executive Director being invited to several international conferences. These

included a Workshop in February 2000 on Gender and Democracy convened by the London-based Commonwealth Secretariat in Zambia.

It was noted that the 9 month old Fiji Parliament had 11% women parliamentarians with four holding ministerial positions including one Deputy Prime Minister and one cabinet minister. Following the Zambia Workshop, CCF at the request of the Commonwealth Secretariat, assisted in identifying women parliamentarians from Fiji to be invited as participants in a Commonwealth programme to uplift the role of women in the Parliamentary process.

In May, the Executive Director, with assistance from Minority Rights UK, participated in a three week training course in Geneva on how oppressed people throughout the world can be enabled to utilise UN instruments to lobby for improvement of their lot as minorities. From there he learned of the attempted coup by George Speight in Fiji. He left the training programme immediately to attend to early efforts by CCF to press for international solutions to the Fiji crisis, with the cooperation of Conciliation Resources, London and the Ecumenical Centre for Study, Information, Education, on Pacific Issues (ECSIEP) based in Zeist, Netherlands. He also met with ACP senior officials in Brussels and the World Council of Churches Pacific Desk, Geneva to bring international influence towards what was then hoped would be an early return to Parliamentary rule in Fiji. However it soon dawned on CCF that this was to be later than we had initially hoped.

### **GOVERNMENT RECOGNITION OF CCF CONTRIBUTION**

In 1999 Prime Minister Mahendra Chaudhry wrote to CCF in recognition of the contribution of CCF to the creation of the 1997 Constitution. Mr Chaudhry's appreciation of CCF's independent views

was reinforced when the Executive Director shared in a panel with him at the Royal Commonwealth Society in London in August, several weeks after his release from Parliament.

### **January 2000: Social Justice Taskforce**

Following contributions from Professor Yash Ghai and Dr Satendra Prasad in a major submission to the formulation of Social Justice Bill, the CCF Executive Director was invited as an NGO member of the Government Task Force. The Coalition Government's Social Justice Taskforce began meeting in January, 2000 with its work incomplete at the time of the May coup, 2000.

### **AMENDMENT BILL NO 1 2000**

This was the Coalition Government's first attempt to produce an amendment to the Constitution which brought them into power. CCF disagreed with the need to rush so soon into an amendment. While Government maintained that these were minor amendments CCF believed the consequences would be regressive and that the timing was not right when the Government was still struggling to establish political stability and legitimacy. CCF's particular objection was against the Government proposal of an amendment which would breach the constitutional guarantee of equality and protection from unfair discrimination on grounds of a person's gender and sexual orientation.

### **NATIONAL PLANNING SUMMIT**

Rev. Akuila Yabaki was invited by the Government Ministry of National Planning to chair the Race Relations Sector Committee which made proposals for a national development plan where considerations of human rights received greater emphasis. The work came to a halt in May 2000.

## **PUBLIC SERVICE COMMISSIONERS REMOVED**

Amongst the first casualties of the attempted or claimed abrogation of the 1997 Constitution were two members of the CCF Steering Committee, Jane Ricketts and Dr Satendra Prasad. Jane and Satendra were notified of the termination of their services as Commissioners on 31<sup>st</sup> May, 2000; within 48 hours after the revoking of the 1997 Constitution by the Military.

Other Members of the CCF also helped by invitation to provide contributions to Government Committees including the Poverty Alleviation Committee.

## **NGO COALITION ON HUMAN RIGHTS**

For the second year running CCF played a lead role in the NGO Coalition on Human Rights with the Executive Director re-elected Chairperson. The Coalition decided to review the way it issued public statements agreeing that when two or three members agreed on a particular matter, a statement could be issued. With more flexibility in the structure of the coalition, it is possible to respond immediately whenever issues of accountability in state and society emerge.

Examples are :

- i) a submission to the President of the Republic for investigations into the actions taken by three judges in advising the abrogation of the Constitution by the President; and
- ii) public campaigns in support of the Constitution.

## **ABORTED LAND ISSUES CONFERENCE**

Before the seizure of the elected Government, the CCF was in the final stages of work on a conference on land issues at which all the major stakeholders, - the Sugar Industry, the Government, the Farmers and the Native Land Trust Board - had agreed to participate. This conference was aborted by the coup.

## **MAY19 ATTEMPTED COUP**

A protest march through Suva on the morning of May 19<sup>th</sup>, organised by a nationalist political party, escalated into a national crisis when it was overtaken by “failed businessman” George Speight and his supporters, who entered parliament and held Prime Minister, Mr Mahendra Chaudhry and other parliamentarians hostage at gunpoint for 56 days.

Speight announced that any attempt to storm Parliament would jeopardise the lives of the hostages. But his “abrogation” of the 1997 Constitution failed to take immediate effect. On 29<sup>th</sup> May the Fiji Military Forces (FMF), in a bid to arrest the rapid deterioration of law and order, revoked the 1997 Constitution and imposed martial law. It had earlier asked President Ratu Sir Kamisese Mara to step down to allow the military to bring normalcy to the country. The military leader, Commodore Frank Bainimarama, took over as self-declared Head of State. Fiji’s judiciary accepted the interim military government.

In the twists and turns of events in Fiji over the next 56 days and beyond, the fate of the country was between the Military and the Great Council of Chiefs. Some public figures were also trying to exert influence one way or the other on the local situation. No overseas Governments pledged support for the coup makers but there was a concerted call by international communities such as the European Union and the Commonwealth and individual

countries, notably United States, Australia, New Zealand, the UK, France, Japan and India, for democracy to be restored as soon as possible. Fiji stood to lose thousands of jobs, millions of dollars through trade sanctions and international standing because of the coup.

## **ROUND TABLE LOBBYING**

In May, June and July, CCF staff spoke in Europe (Brussels, Geneva and London), Australia and New Zealand briefing the Commonwealth Secretariat, High Commissioners, the European Union, foreign governments and activist organisations overseas on the coup and on what might be an appropriate response to the changing situation in Fiji.

CCF advised them to support the restoration of the legal democratic government under the 1997 Constitution.

## **LEGAL BRIEFING TO THE MILITARY**

On a visit to Fiji in November, 2000 Professor Yash Ghai, a founding member of CCF and an eminent constitutional lawyer, was invited to address a meeting of senior military leaders.

The military leaders were advised by Professor Ghai to assist in the restoration of the 1997 Constitution. With the legacy of the two 1987 coups by Sitiveni Rabuka still in memory and yet another abrogation of the constitution on May 28 it was important for the military not to be seen by the Fiji public and the world as destroyers of the Constitution whenever there was dissatisfaction with a constitutional settlement. Professor Ghai said there was a golden opportunity for the military to use its institutional influence in the cause of returning Fiji to constitutional democracy and the rule of law. In so doing the Fiji Military Forces could retrieve its waning reputation as custodian of Fiji's democratic rule. This advice may have contributed to a

more respectful attitude to the Courts, although it was not fully heeded.

Speaking prior to the court declaration of November 15th, 2000 in which Justice Anthony Gates ruled that the 1997 Constitution remained the supreme law of the land, the Military was offered two options:

- to return Fiji to the path of constitutional democracy which would lift economic sanctions and set the nation on the road to immediate economic recovery; or to do the opposite. CCF was disappointed that the military chose to ignore Professor Ghai's advice. This decision did nothing to alleviate Fiji's economic woes or to restore international confidence.

## **MEDIA**

In order to promote the 1997 Constitution among Fijians, CCF decided to use radio since it is the main source of information for rural people in Fiji. Paid radio messages were broadcast regularly informing people about the Constitution.

Literally hundreds of letters and statements, many being responses to issues, were sent to the media both local and international. Many of these were published, helping to raise public awareness of the options which are available within the 1997 Constitution for resolving conflicts. Such exchanges brought informed insights and researched information into public debate. There has been a lot of support, expressed both publicly and privately, for the statements of CCF. An immediate result is that CCF is better known now and regarded with respect for its independence, principles and consistency.

## **SUBMISSIONS TO PRESIDENT OF THE FIJI REPUBLIC**

- ? A submission advising on the appointment of an Interim Government, May 23 2000. This was an early proposal by CCF for the formation of a Government from among those parliamentarians who were not taken hostage in the parliamentary complex.
- ? To the President, Submissions with other NGOs to support the Blues Campaign, a movement seeking the restoration of democracy under the 1997 Constitution.
  - CCF joined forces with the Fiji Trade Unions Congress, Fiji Employers' Federation, Fijian Teachers' Association, Fiji Teachers' Union, Fiji Council of Social Services, NGO Coalition on Human Rights and Methodist Church Social Services and National Council of Women in a signed petition asking the President of the Republic to negotiate for the release of hostages in return for the lifting of economic sanctions against Fiji industries by international Trade Unions.
- ? To the President, Submission for Enquiry into the part played by Police Commissioner Isikia Savua in the events leading to the May 19<sup>th</sup> attempted coup. Despite the decision by the Chief Justice, Sir Timoci Tuivaga to clear the name of Police Commissioner Savua, doubts about the transparency of the process remained. One of CCF 's functions is advocating integrity and accountability amongst public servants. This submission served this aim.

#### **COMMANDER, FIJI MILITARY FORCES**

- ? Submission to Fiji Military Forces opposing the Abrogation of the 1997

Constitution by the Military and critical of the various decision of the FMF during the crisis.

- ? Submissions to Fiji Military Forces on Appointment of Civilian Interim Government while hostages were still held in Parliament.
- ? Submission to FMF Commander on the Appointment of Government of National Unity after release of hostages.
- ? Submission to FMF Commander on how to deal with ethno-nationalist movements.
- ? Submission to Commander on Approach to negotiations on Muanikau Accord and Release of hostages. The Muanikau Accord was not a solution to the crisis.

#### **COMMONWEALTH MINISTERS ACTION GROUP**

- ? Submission to Commonwealth Ministers' Action Group on the CCF's view on the Fiji situation.
- ? Second Submission to Commonwealth Ministers' Action Group (CMAG), September 2000.
- ? Submission to ACP Pacific Visiting Team headed by Sir John Kaputin. CCF appeared before this Kaputin Visiting Team with a substantial written submission. But contrary to CCF's expectation Kaputin had led a self-appointed Pacific Visiting Team to Fiji to give what was claimed in Sir John's own words "an independent report" on the Fiji crisis.
- ? Submission to the European Community on the Cotonou Agreement and its Application to the Fiji Situation.

- ? Submission to Commonwealth Envoy, Justice Pius Langa, November 2000. CCF expectations of the role of the Commonwealth Envoy.
- ? Submission to Pacific Forum Secretariat (copy of submission sent to European Union)
- ? AUSAID Applications including joint application with other NGOs

### **FIJI GOVERNMENT COMMISSIONS**

- ? Submission to the Commission of Enquiry to Corruption on Banaban Community Fund
- ? Submission to Senate Select Committee on Fijians in Business
- ? Preliminary discussion on a National Summit on Land Problems was interrupted by May 19 Coup.

### **MINORITY RIGHTS GROUP UK**

Work continued towards a Publication on the Minority Communities in Fiji Islands. Dr Satendra Prasad and Jone Dakuvula have collaborated on this project.

### **STUDY ON ETHNIC IDENTITY**

Ethnic Identity and National Identity and the Nature of the Churches in Fiji. This work was commissioned by the WCC Faith and Order Commission. The Executive Director was asked to be the Coordinator and Dr Sitiveni Ratuva, a member of the CCF Steering Committee, was engaged as Researcher. This work, which will be completed at the end of 2001, is an analysis of Fiji society to help Churches to re-examine the objectives of their mission in contemporary Fiji.

### **MULTICULTURALISM**

The work on producing a book on multiculturalism for use in schools has been deferred because of staff involvement in high priority work arising since May 2000.

Another book, *Educating for Multiculturalism*, was published. Edited by Jill Cottrell, it consists of formal papers and proceedings from the Workshop, "Beyond the 1997 Constitution, Education for Multiculturalism".

### **INTERCULTURAL WORKSHOP**

A Workshop for Training Intercultural Facilitators was held in Suva on June 15-16, 2000. The Workshop was jointly run with People's Intercultural Awareness (PIA) and with the resources of Fr Frank Hoare, an experienced trainer in this field. PIA provided the facilitating team. A workshop which took place during the hostage crisis in Fiji couldn't avoid drawing background material from the current situation. CCF has plans to recall the facilitators for reports and for further training.

### **PUBLIC EDUCATION ABOUT THE 1997 CONSTITUTION**

With funding from NZODA, the Canada Fund and other overseas Government sources, CCF began sending teams to the Western Provinces of Fiji to distribute the CCF booklet, *Your Constitution Your Rights* together with Government educational booklets on the Constitution. These were positively received, especially in rural areas. Up to December 2000, the CCF had distributed 35,000 of these booklets and pamphlets (Fijian 23,000, English 9,000, Hindi 3,000). The CCF is

committed to continuing and intensifying this project into the future, so long as funding is available.

#### VISITORS TO CCF

- ? *Rae Julian, Coordinator of Canada Fund.*
- ? *Mike King, World Church Office, Methodist Church, UK.*
- ? *Valery Marusin, Asia Pacific Division, Political Affairs Department, United Nations, New York.*
- ? *Jack Lakavich, Chairperson, Pacific Peoples' Partnership, Canada.*
- ? *Professor James Haire and Rev Bill Fischer, Uniting Church of Australia.*
- ? *Dr Lothar Engel, EMW (Protestant Churches), Germany.*
- ? *Mitchell O'Brien and Rev David Pargeter Commonwealth Human Rights Group – to assess the Human Rights issues following May 19 coup.*

#### CCF FINANCIAL STATEMENT 2000 (Refer to attachment)

#### OTHER PUBLICATIONS OF CCF

1. *Report on a Consultation on the National Agenda 1993.*
2. *Report on a Consultation on Fiji's Constitution Review 1994.*
3. *Electoral Systems and Power Sharing: Report of a Consultation on Fiji's Constitution 1995.*

4. *Protecting Fijian Interests and Building a Democratic Fiji: A Consultation on Fiji's Constitution Review 1995.*
5. *One Nation Diverse People: Building a Just and Democratic Fiji: A Submission by Citizens Constitutional Forum (CCF) to the Constitutional Review Commission, 1995.*
6. *Citizens' Constitutional Forum, 1996a, Public Education Pack.*
7. *Citizens' Constitutional Forum, 1996b, CCF Workshop with Non-Governmental Organisations – A Report, Official Report, CCF.*
8. *Citizens' Constitutional Forum, 1996c, A Summary on the Workshop on the Report of the Fiji Constitutional Review Commission, Official Report, CCF.*
9. Report of the 1997 Constitutional Settlement: *Challenges for Civic Organisation in Developing our Democracy, Official Report, CCF.*
10. Citizens' Constitutional Forum/Conciliation Resources, 1998, *Your Constitution, Your Rights. A Popular Guide to the 1997 Constitution, Suva.*
11. Kelera's Hope: *Na Noqu Vakanuinui (Fijian Cartoon).*
12. *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 21<sup>st</sup> Feb. 1998, Suva.*
13. Citizens' Constitutional Forum, 1998a, Educating for Multiculturalism: *Beyond the 1997 Constitution, Official Report of the Workshop held on 14<sup>th</sup> – 15<sup>th</sup> August, 1998, Suva.*
14. Citizens' Constitutional Forum, 1998b, *The Implementation of Fiji Islands*

Constitution: *Inaugural Constitution Matters Series Lecture, Suva.*

15. *Voter Education Kit, 1999, Materials for Educating the Public on the Alternative Vote.* Booklet and practical voter kits, Suva.
16. *Report on Elections Watch: The Citizens' Review of the 1999 Fijian General Election.*
17. *Towards A More Representative Electoral System.* Second Inaugural "Constitution Matters" Series lecture 23<sup>rd</sup> August 1999. SSED University of the South Pacific.