

GROUP AND MINORITY RIGHTS IN FIJI

**A Research Paper
of the
Citizen's Constitutional Forum**

Consultant: Paulo Baleinakorodawa

Supported by the European Union

Content

1. ACKNOWLEDGEMENT.....	3
2. INTRODUCTION.....	4
3. DEFINING GROUP AND MINORITY RIGHTS IN FIJI.....	5
4. RESEARCH METHODOLOGY.....	10
5. KEY FINDINGS.....	12
a) Group and Minority Rights – the International Law	
b) Group and Minority Rights and the Fiji 1997 Constitution	
c) Group and Minority Rights and the Fiji Human Rights Commission Affirmative Action Report	
d) Lessons learnt – Affirmative Action- the South African and Malaysian experience	
e) Affirmative Action in Education in Fiji	
f) Ethnic Group and Affirmative Action and Economic Development	
6. RECOMMENDATIONS.....	19
7. CONCLUSION.....	20
8. BIBLIOGRAPHY.....	22
1. ACKNOWLEDGEMENT	

This research paper is the result of a Group and Minority Rights consultation undertaken by the Citizens' Constitutional Forum. It would not have been possible without the kind assistance and support of the following organizations and people:

- The Citizens' Constitutional Forum wishes to acknowledge the significant financial contribution from the European Union for this project.
- CCF is grateful to all the speakers and panellists who came to share their expertise, opinions and experiences on Group and Minority Rights; Sincere thanks to Dr. Shaista Shameem (Fiji Human Rights Commission), Dr. Steve Ratuva (USP), Dr. Anirudh Singh (USP), Mr. Remesio Rogovakalali, Sunil Kumar (USP), Noelene Nabulivou (Womens' Action for Change WAC), Pateresio Nunu (Melanesian Community), Francis Sokonibogi (Fiji Indigenous Ownership Rights Association , FIORA), Teatu Rewi (Chairman Rabi Council).
- CCF is also thankful to the Group and Minority Rights Consultation participants for their opinions and sharing of experiences that helped informed this paper.
- CCF would also like to extend its appreciation to the Staff for their comments and contribution in issues captured in this paper and the Consultancy Team, Paulo Baleinakorodawa and Lois Tuwere for putting this together.

3. INTRODUCTION

Groups (indigenous) and minority rights have been acknowledged internationally through treaties that seek to promote the needs of those that may be discriminated against by policies and structures in place by states. Those treaties specify those rights as distinct to these groups' human rights. Their distinct identities require special protection from

discrimination as well as special action to promote the preservation of their cultures, religions and languages. Their equal participation in the public sphere needs to be supported.¹ According to these treaties, it is state's obligations to see to the protection of these rights for groups (indigenous) and minorities.

Fiji is not excluded from this obligation. The 1997 Constitution contains clauses that clearly define rights distinct for indigenous and minority groups in Fiji. But the political climate experienced in Fiji in the recent years, has surfaced the well founded fears and anxieties entrenched in the lives of indigenous and minority groups about their rights and interests. As can be expected, these fears and anxieties intensify when political instability and economic pressures emerge.

This research intends to discuss the issues surrounding group and minority rights in Fiji. It highlights the requirements of international law on group and minority rights and what the 1997 Fiji Constitution provides for the protection of group and minority rights. The paper also discusses lessons learnt, gaps and challenges from international experiences and how relevant the lessons are to the implementation and improvement of affirmative action policies in Fiji. Some sections of the paper discuss emerging trends and critical issues surround group and minority rights in the local and international scenes.

The paper also contains recommendations significant for future discussions on group and minority rights in Fiji.

4. DEFINING GROUPS AND MINORITIES IN FIJI

Minority Group Rights

In Fiji, there are a number of minority groups, which are collectively referred to as "Others". There is a contradiction here between the state imposed political label of "Others" or "General Electors" to refer collectively to those who are neither Fijians nor

¹ PRSPs, Minorities and Indigenous Peoples – An Issues Paper, 2005, MGR UK

Indo-Fijians on one hand and the distinctive identity of the various minority ethnic groups concerned on the other.

There are definitional problems relating to the term 'minority', but the widely used 'working definition' is that of UN Rapporteur Capotorti:

The term 'minority group' refers to a group numerically inferior to the rest of the population of the state, in a non-dominant position, whose members – being nationals of the state – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity directed towards preserving their culture, traditions, religion or language.²

It is important to note that the defining characteristics of minorities evolve over time as a result of complex historical developments. Also what has been accepted as ethnic identities of these groups has been based on both internally generated definitions as a result of collective historical experiences and externally imposed definitions by the state or by other groups.

Moreover, in the case of Fiji, the collective historical experiences of the various groups differ considerably. For instance the Melanesians who mostly live in close communities and around certain parts of Fiji were descendants of labourers who were forcefully brought to Fiji from the Solomon Islands and Vanuatau to work in the European plantations in the 19th century. The Banabans were relocated to Rabi Island in the 1940s after Ocean Island, their ancestral home, was devastated and became inhabitable after years of mining by the British. The *Vasus*, or those with mixed European and Fijian ancestry, due to their 'dual' identity have not been fully accepted into either the European or Fijian community and continue to exist on the 'margins' of both communities. These examples are just to illustrate the fact that the different historical experiences of these groups and the way they have developed their own self-identity in relation to others make them distinct ethnic minority groups in their own right.

² United Nations. 1991. Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities, New York: United Nations. UN Sales No. E. 91, XIV, para 568

However, this distinctiveness has been undermined by the artificial category of “Others” or “Generals” externally imposed by the state and other groups over the years.

The main communities which could be designated as minorities in Fiji are shown in Table 1 below.³ While the table simply lists down the designated minorities, it does not highlight the fact that certain minorities are far more underprivileged and marginalized than others. For instance, the Melanesians are much more economically and politically underprivileged as a group than the *Vasus*. But as can be recognized, there is also a gap in the *Vasu* group between the well-off and the underprivileged.

The minority groups listed in the table below total approximately 42, 684 or 5.5% of the total Fiji population.⁴ They generally share the following characteristics:

- They are all nationals who have been established in Fiji for periods ranging from a century or more to a few decades only, but they are numerically inferior to the rest of the population.
- Most of them possess ethnic and cultural characteristics, which make them different from the rest of the population, despite years of social interaction.
- Some of them are slowly ‘disappearing’ as a result of absorption through marriage and cultural assimilation into other communities.
- Most of them have been deprived of political bargaining position. They have been simply collectively labelled as “Others” or “Generals”
- Most of them have been economically underprivileged as a result of lack of development policies targeted specifically towards their particular needs. Due to political and economic neglect, many are now caught in the vicious cycle of poverty.
- Some of them are landless, as a community and continue to depend entirely on the generosity of some local landowners and organizations, who provide them with land. Lack of land security contributes to their insecurity and vulnerability.

³ Table available from: Ethnicity, National Identity and Church Unity – A Study on Fiji 2001 pg26

⁴ Fiji Bureau of Statistics. 1998. 1996 Census of Fiji. Suva FBS: 29

Table 1: List of Minority Communities in Fiji and Brief Historical Background⁵

Community	Brief Background
Asian	This is a very small minority, which consists of Filipinos, Burmese, and other Asians who have taken up Fiji citizenship. They are mostly professionals.
Banabans	Mostly live on Rabi Island. Others live in various urban centres around Fiji. They were relocated to Rabi in the 1940s after their homeland, Ocean Island, was used for phosphate mining.
Chinese	The 'first wave' arrived in the early 20 th century and the 'second wave' arrived in the 1980s and 1990s. They are mostly businesspersons and commercial farmers.
European	Some have been in Fiji since the 1800s and others came later. Europeans are mostly involved in business and professional occupations.
Gilbertese	Small communities of Gilbertese have been in Fiji for several decades. They have largely been "invisible" from mainstream national life.
Melanesian	They are descendants of labourers forcefully brought to Fiji to work in plantations during the 1800s 'Blackbirding' era. They largely live in communities around the main urban centres.
Part-European	These are those of mixed European and Fijian descendants, usually of Fijian matrilineal lineage.
Part-Chinese	These are those of mixed Chinese and Fijian descendants, usually of Fijian matrilineal lineage
Rotuman	Sometimes classified as 'Fijians' and usually accorded the same privileges as Fijians.
Samoan	Most have been in Fiji since the early 1900s and live in isolated small communities around Fiji. Samoans who came to Fiji two centuries ago have been absorbed into the Fijian community.
Tongan	Tongans have been in Fiji for a number of centuries and have been absorbed through inter-marriage and cultural mix over the years. However, some of the late comers now live in isolated communities.
Tuvaluan	Many live on Kioa Island and some live in isolated communities around Suva.
Walis and Futuna	Many of these live in communal settlements such as the one in Tamavua., Suva. Many have been gradually absorbed in to the Fijian community through marriage.

Groups Rights

⁵ Adapted from Fiji Bureau of Statistics. 1998. 1996 Census of Fiji. Suva FBS: 29

In the Fiji context, group rights refer to the rights and interests of indigenous populations. The definition of indigenous according to ILO is

Those people in inhabited countries who are regarded as indigenous on account of their descent from the population which inhabited the country or the geographical region to which the country belonged at the time of conquest or colonization or the establishment of the present state, and who irrespective of their legal status retain some or all of their own social, economic, cultural and political institutions.”⁶

The 1997 Fiji Constitution safeguards and promote the rights and interests of all citizens regardless of their ethnicity, social status, political convictions and religious beliefs. But while it does so, several of its provisions pay particular attention to the safeguarding and protection of indigenous Fijians, Rotumans and Banabans.

The Compact includes 3 principles which uphold the rights of indigenous Fijians and Rotumans. These are:

- (i) the ownership of Fijian land according to custom,
- (ii) the rights of the Fijian and Rotuman people to governance through their separate administrative systems and
- (iii) the central principle that ‘where the interests of different communities are seen to conflict, the paramountcy of Fijian interests as a protective principle continues to apply to ensure that the interests of the Fijian community are not subordinated to the interests of other communities’.⁷

The Compact of the 1997 Fiji Constitution also clearly stipulates that the purpose of the provision of affirmative action programs is to secure equality of access to opportunities, amenities and services for the Fijian and Rotuman people.

Chapter 13 of the 1997 Constitution makes the Agricultural Landlord and Tenants Act (ALTA) an entrenched legislation. This would mean that any attempts to change to

⁶ Refer to ‘Protecting Fijian Interests and Building A Democratic Fiji’ – A consultation on Fiji’s Constitution Review, Printhouse Ltd, 2001 pp38

⁷ Refer to CCF’s Your Constitution :Your Rights, 1998 pp 20

change this legislation would have to have a majority vote in each house of Parliament as well as the majority of support from the Great Council of Chiefs.

In addition, Chapter 13 also instructs Parliament to make provisions for the application of customary laws and for dispute resolution in accordance with appropriate traditional Fijian processes and a respect for the customs, traditions, usages, values and aspirations of the Fijian and Rotuman people.⁸

The entrenched laws safeguarding the Group rights of the Indigenous Fijians, Rotumans and Banabans include:

- (i) The Fijian Affairs Act
- (ii) Fijian Development Fund Act
- (iii) Native Lands Act
- (iv) Native Land Trust Act
- (v) Rotuma Act
- (vi) Rotuman Lands Act
- (vii) Banaban Lands Act and
- (viii) Banaban Settlement Act

⁸ Ref: Your Constitution: Your Rights: pp 21

5. RESEARCH METHODOLOGY

Information for this research was obtained using two major methods:

(a) Consultation on Group and Minority Rights

A consultation on Group and Minority Rights was organized to gather a variety of views on how group and minority rights are understood in the international and the Fiji contexts. The consultation had prominent academics from the University of the South Pacific and a human rights activist from the Fiji Human Rights Commission share views, opinions and experiences on the various aspects of group and minority rights in Fiji and abroad. The consultation also provided the space for key speakers to analyse, critique and substantiate arguments related to group and minority rights. The information gathered from the consultation is used as bases for the arguments in this research paper.

Minority groups are often discriminated against and are often excluded in many public debates about human rights here in Fiji. More and more, debates on human rights have become too politicised and polarized that in many cases disregards those of minority groups in Fiji. The debates often revolve around the rights of the two major races, Indigenous Fijians and Indo-Fijians and seldom address the rights of other minority groups such as the Melanesian and Banaban communities. To ensure that the voice of the minorities regarding their rights be heard, the consultation prioritized the inclusion and

participation of minority groups. While not all the minority groups in Fiji were represented, the few that were, strongly represented their minority groups in the discussions and openly shared the concerns, fears and hopes of their respective groups.

The consultation also invited participants from diverse backgrounds to ensure a wider range of view sharing on group and minority rights. Notable in the consultation was the representation and active participation of participants from minority groups, non government organizations, church groups, academia, human rights activists and representatives from ethnic communities.

(b) Literature Review

Some available literature on Group and Minority rights were also reviewed to offer further information needed for this research paper. The literatures revealed relevant information regarding group and minority rights and how they are understood and experienced both locally and internationally.

The literatures reviewed validate the need to seriously consider the needs and rights of groups and minorities both at the international and local scenes. They also highlight gaps and challenges of structures and policies regarding human rights and the rights of groups and minorities.

One of the documents in the literatures reviewed specifically highlight the tensions that arise from ethnic identities in multi-cultural societies. The tensions are based on the contradiction between the protection of specific distinctive ethnic identities and how far an ethnic boundary must extend and the legitimacy of claims over territories, resources and cultural symbols.⁹ It claims that ethnicity is a source of conflict and has been conveniently deployed as a means of social organization, making political and national demands, exclusion and undermining of other groups' interests, needs and rights.

⁹ World Council of Churches, *Ethnicity, National Identity and Church Unity – A study on Fiji 2001*,

The literatures also offer practical and relevant suggestions on how group and minority rights issues could be discussed and used to inform policies and structures that will be conducive to human security, development and peace in Fiji, the Pacific region and in the international scene as well.

6.0 KEY FINDINGS

6.1 Group and Minority Rights and the International Law

- *International Law and the Principle of Equality (a fundamental human right)*

The Universal Declaration of Human Rights (UDHR) is the ultimate law on human rights. Departure from its principles results in the violation of this ultimate law on human rights. Fiji, as a member of the UN is expected to act in compliance with UDHR. The foundation of UDHR is that everyone is equal regardless of ethnicity, social status,

political convictions or religious beliefs. There cannot be any unfair discrimination on any ethnic or racial ground imposed on anyone by the state. It is the state's duty to ensure that everyone is treated the same as everyone else.

- *Fair and Unfair Discrimination*

While everyone is expected to be treated equally, in reality, people are different; some are rich while others are poor, some are more disadvantaged than others, some belong to a bigger group according to their identity and can therefore claim more resources than others. So in essence, everyone may be equal but they can also be different. Treating people differently because of these social and biological differences is discriminatory. But treating people differently need not be prejudice¹⁰. Discrimination is not the same as prejudice! The problem arises when people are treated differently and making them feel disadvantaged by removing from them benefits that others get, simply because they are different.

Unfair discrimination is defined as institutionalized prejudice. This happens when formal or informal institutions (such as the state, government, the church, and communities, structures of governance and administration etc) implement their prejudicial policies on members of other groups, whether they are numerically minority or majority. Therefore, unfair discrimination is imposed on others by those in power.

Fair discrimination is when people are treated differently to ensure equality, for example in the United States, the use of affirmative action as reparation for African slavery.

- *Group Rights and Unfair Discrimination*

Group rights versus individual rights have become the focus of international policies due to the unfair discrimination imposed on minority indigenous peoples. It is important to note that an individual's rights as a member of a minority group is no less than the right of the entire group. What group rights do is recognize individuals as members of a group. However there cannot be an over-emphasis of group rights, to the extent that, other groups are marginalized.

- *Genocide and Crimes against humanity*

¹⁰ Shaista Shameem explains this in detail in her paper Minority and Group Rights : International and National Law, presented at the Group and Minority Rights consultation 2007.

International law condemns and criminalizes the physical destruction of minority groups. Destruction of a minority group includes things like a program for reducing the births of a particular group on the basis of their race, language or religion. Genocide does not only mean physical destruction but also can happen when coordinated plans of different actions that aim to destroy the essential foundations of life of national groups. A more recent phrase used for genocide is ‘crimes against humanity’.

- *Customary International Law and Racial Discrimination*

The prohibition of racial discrimination now bears the value of customary international law and is an imperative law that cannot be changed by states even by agreement. The Chandrika Prasad case in Fiji 2000 and 2001 confirms this. The Genocide Convention was intended to prevent the worst form of discriminatory behaviour – physical extinction on the ground that a group has a particular national, ethnic or religious origin.

- *Minority Rights and Unfair Distribution*

The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities 1992, reconfirms the essential principles of equality and non-discrimination including the fundamental right to existence, that is, physical existence. There are two main elements in the Minority Rights Declaration – the right to physical existence and the right to equality and non-discrimination.

- *The Right to Autonomy*

Another international law relating to minorities is the ‘right to autonomy’. For minorities to flourish as distinct entities, they need to have autonomy.

6.2 Group and Minority Rights and the Fiji 1997 Constitution

The Fiji 1997 Constitution allows us to accept ‘fair discrimination’ as a principle. It complies with international law with respect to protection of minority rights. However, there are a number of provisions in the Fiji Constitution that needs re-visiting. One of the major areas of difficulty is an inherent tension within the Constitution which emanates from an abdication of state responsibility for the welfare and support of all the people. Like all other societies, Fiji has issues associated with different levels of achievement and property ownership but covering the issues with policies that neglect the right to equality further aggravates the problem.

6.3 Group and Minority Rights and the Fiji Human Rights Commission Affirmative Action Report

The UDHR and CERD were used as benchmarks to write the Fiji Human Rights Commission Report on Affirmative Action. Fiji's Affirmative Action policies, laws and programs neither confirmed with international law nor with the Fiji Constitution. Two rights breached in relation to Fiji's AA policies, are: the right to equality and the right to be free from unfair discrimination. This breach resulted from the government's failure to correctly read analyse data and misrepresented statistics to support programs and policies that breached international and domestic law. In addition, the AA policies and programs further aggravated the poverty situations of disadvantaged people in Fiji. The main finding is that ethnicity in Fiji cannot be equated with disadvantage.

6.4 Lessons Learnt – Affirmative Action, the South African and Malaysian Experience

Affirmative Action programs are government mandated policies expected to address the needs of the disadvantaged. The underlying motive for affirmative action is the Constitutional principle of equal opportunity, which holds that all persons have the right to equal access to self-development. In other words, persons with equal abilities should have equal opportunities.

One controversial issue in the above definition has to do with different definitions of 'disadvantaged' and who can be classified as disadvantaged to avail access to opportunities that will improve quality of life. One definition that guides the implementation of Affirmative Action programs is:

“...Deprived of some of the basic necessities or advantages of life, such as adequate housing, medical care, or educational facilities etc....”

Justification: Affirmative Action justification includes:

- (a) *Compensatory* - Affirmative action is public policy designed to compensate the victims of injustice. A just society would have the need to determine how the victims of injustice ought to be compensated, since history suggests that social contracts are likely to be violated.
- (b) *Historical rectification* - Affirmative action as public policy must rectify the harms inflicted on the disadvantaged from historical experiences.
- (c) *Equity* - Affirmative action programs must bring justice to those who have been discriminated against because of the category they fall in when classifying individuals or groups of people.
- (d) *Conflict Management* - Affirmative Action programs and policies must respond to, investigate, and mediate complaints alleging discrimination concerning access to opportunities that will improve quality of life.
- (e) *Level playing field* - Affirmative Action programs gives preferential treatment to the disadvantaged in an effort to level the playing field.

Affirmative Action Criticisms

- *Reverse Discrimination* - Affirmative action leads to reverse discrimination. Affirmative action is designed to end discrimination and unfair treatment of people, but it in effect does the opposite. For instance, in Fiji, Indigenous Fijians who work harder and/or are more qualified can be passed over strictly because they are Indigenous Fijians. Contrary to many stereotypes, many minorities fall into the middle or upper class, and many Indigenous Fijians live in poverty. Unfortunately, the way things are set up now, a poverty-stricken Indigenous Fijian who uses discipline and hard work to become the best he can be can be passed over by a rich minority student who doesn't put in much effort at all.

- *Political Mobilization* - A legitimate criticism of affirmative action is that it politicizes life chances and focuses blame on race.
- *Political Favour, reward* – Affirmative action programs are implemented as a political favour or reward by politicians.
- *Denial of other's rights* – While it is true that affirmative action programs are preferential programs to ensure access to opportunities of marginalized individuals or groups, it can become problematic because other individuals or groups will feel discriminated against and be denied of the same rights given to others.
- *Social engineering* – Affirmative action opponents have claimed that it is a misguided and even immoral piece of social engineering that will perversely perpetuate discrimination.
- *Middle Class beneficiaries* – In reality, affirmative action programs benefits middle class individuals or groups most.
- *Corruption*- Opponents of affirmative action is a malignantly evil form of racism that intrinsically amounts to an extended form of nepotism or inter-ethnic favouritism and corruption.

6.5 Affirmative Action in Education in Fiji

Dealing with racial disparity – the Fiji government way

- Governments have used their own methods to solve the ethnic disparity issue in Fiji.
- Affirmative Action was first used in Fiji by Ratu Mara's Alliance government that came into power after independence in 1970.
- Rabuka's 1990 constitution preserved 'such proportions of scholarships, training privileges and other special facilities, permits or licenses for the operation of businesses for Fijians and Rotumans as were deemed necessary.

- Qarase's Blueprint for the Affirmative Action on Fijian Education, launched in December 2000, was supposed to be the long sought-after panacea for the education gap between Fijians and others.
- What is particularly notable about this blueprint is that it was a **plan for Fijians by Fijians** for their future. It assumed that the problem could be, and must be, solved by Fijians themselves.
- What is common amongst all these plans is the lack of a fundamental principle, that affirmative action policies were adopted in an arbitrary manner. Qarase's blueprint did not try to identify the source of the disparity.
- Most affirmative action plans in the recent years seem to have been formed out of the political necessity to gain (or regain) political power.
- There is a need to address the ethnic mismatch issue in a professional and scholarly way, starting with the identification of the problem.
- School teachers and principals who implement the plans must have the relevant specialist knowledge and training needed to understand the principles behind a soundly-constructed affirmative action plan.

6.6 Ethnic Group and Affirmative Action and Economic Development

There are a number of social and economic reasons to support affirmative action policies in Fiji.

- First and foremost Fiji is a developing country where a substantial proportion of the people live well below the poverty line. That is, there are poor people who need assistance and most of whom are underprivileged with no means to escape from the scourge of poverty.¹¹
- There are communities that need support in order to live with dignity and self-respect with other communities.
- Affirmative Action policies are needed to compliment Fiji's development goals.

¹¹ Sunil Kumar explains economic implications of Affirmative Action policies in Fiji in his paper presented at the Group and Minority Rights consultation 2007

6.7 Panel Discussion on Group and Minority Rights in Fiji.

The panel discussion presented significant lessons for Fiji such as:

- Every ethnic group in Fiji including the Indigenous population need a sense of security. This is particularly a real fear for minority groups and the Indo-Fijian population whose land leases have expired and cannot be renewed.
- There needs to be some serious work done on working out a definition of common identity for all citizens in Fiji.
- In Fiji, affirmative action policies must ensure that they address rural and urban poor alike.
- Affirmative Action policies must be geared towards building capacity in people rather than seen and experienced as a 'hand out' mentality.

7.0 RECOMMENDATIONS

7.01 The Need for A National Identity

Fiji is the only country in the world that does not have a name for all citizens of this country. All communities and individuals need to feel secure in this country and for this to happen; we need to have a sense of *national identity*. The constitution should use all residents and citizens of Fiji as 'Fiji islanders' and not have different names for different ethnic groups. Having different names for different ethnic groups creates a sense of insecurity amongst the races. Promoting national Identity should be part of the education system as well. Education about national identity should start at a very young age and it should be part of early childhood learning. Without a national identity, the minorities will always be discriminated against.

7.02 Electoral System Reform

The present Electoral System in Fiji is very much based on a system that promotes voting on racial lines. Communal voting only exacerbates our racial differences by

complicating and fortifying them with political differences.¹² Fiji should find an alternative to the present system of ‘voting along racial lines’

7.03 Education System Reform

Racially segregated schools have existed in Fiji since the colonial days. Education – how do we communicate seeing that this is a sensitive issue?

7.04 Scholarship distribution

Scholarship distribution has been highly devious, unjust and problematic. Scholarships should not be based along racial lines. Multi-ethnic affairs scholarship should be reviewed so that the current corrupt practices in the selection processes are removed.

7.05 Security in Fiji

Security should be defined according to the lived realities of our context and what it means to us. For instance, when we talk about land security, how secure is a person on the land and what does landownership mean.

7.06 Land Ownership in Fiji

Indigenous Fijians express a lot of frustration over land ownership in Fiji. The current practices and policies are not meeting the needs of modern Fiji. As a market economy, Fiji needs to be clear about what productive land is and what other uses of land are. The distribution of income through the land has become so hierarchical and unfair, thus land administration needs to be addressed. Current issues of land security for the minority groups also need some critical attention. E.g. The repossession of Rabi island, what is the historical analysis to this and what are the legal aspects now.

7.07 Opportunities for Dialogue

There should be more spaces for dialogue on human rights and we should be able to do so in the respective local languages; Fijian, Indian, Rotuman and the languages of other minority groups in Fiji. Minority groups must be given more opportunities to participate in public debate in issues pertaining to their rights as minorities

7.08 Socio-Economic Issues

¹² Refer to Mere Samisoni’s comments on the disadvantages of voting along racial lines and communal voting, 2006 General Election Audit Workshop Report, CCF, Suva

Programs and policies such as poverty alleviation, affirmative action etc. should be designed to effectively address socio-economic issues of disadvantaged groups. In Fiji, minority groups such as the Banaban and the Melanesian communities fall under the broad category of 'disadvantaged' groups. Data that gives evidence to the poor socio-economic realities of disadvantaged groups must be constantly reviewed and analysed.

7.09 Government Policies

Government policies must place heavy emphasis on meeting the needs and the rights of minority groups in Fiji.

7.10 Defining Groups and Minorities

Some clear justification should be made on who falls under which category in Fiji. There seems to be some confusion on minority groups (such as Rotumans, Banabans) who fall under the 'group' category here in Fiji.

8.0 CONCLUSION

The present political situation in Fiji can further exacerbate the conflict associated with group and minority rights if not clearly defined and understood by all citizens. The findings from this research point to important issues that must be considered in future conversations on group and minority rights.

Affirmative Action as a policy to provide equality in access and to deal with the racial disparity in Fiji needs to be reviewed. As argued in this paper, it further discriminates others who fall into the same category as those entitled to receive its benefits.

Security is a critical issue that needs some serious deliberations. It is a feeling that is experienced across the board amongst all the ethnic groups in Fiji. While the Fiji Constitution explicitly outlines the safeguarding of indigenous Fijians and Rotumans interests and rights to ownership of Fijian land, the right to governance through their respective administrative systems and the paramountcy of their interests when the interests of different communities are seen to conflict, there is still a lot of fears associated with these rights. Conversely, the Indo-Fijian farming population especially experience continuous threats on their security on land as many land leases expire and cannot be renewed. A good percentage of these populations are forced into squatter settlements on the mainland.

The government of Fiji has a huge responsibility in ensuring that all people are treated equally regardless of race, religion, or political conviction. Policies, structures and programs such as Affirmative Action must be built on the founding principle of equality and fairness amongst all citizens of Fiji.

9.0 BIBLIOGRAPHY

- a) Citizens' Constitutional Forum Ltd. Election Watch III, General Election Audit workshop, 2006
- b) Citizens' Constitutional Forum Ltd. Your Constitution Your Rights, Printhouse Limited, 1998
- c) Citizens' Constitutional Forum Ltd. Ethnicity, National Identity and Church Unity – A Study on Fiji, 2001
- d) Human Rights – Minority Rights – World Campaign for Human Rights, Fact Sheet No. 18, United Nations, Geneva GE. 91-18616 – March 1992
- e) Citizens Constitutional Forum, Protecting Fijian Interests and Building a Democratic Fiji: - A Consultation on Fiji's Constitution Review, Printhouse Ltd. 2001

- f) Boston, Thomas D. *Affirmative Action and Black Entrepreneurship*. Routledge, 1999.
- g) Shameem Shaista, Minority and Group Rights – International Law, The 1997 Constitution and the Fiji Human Rights Commission Report, 2007
- h) Ratuva Steve, Affirmative Action – The South African and Malaysian Experience, 2007
- i) Singh Anirudh, Affirmative Action in Education, 2007
- j) Kumar Sunil, Ethnic Group Affirmative Action and Development, 2007