

## **Pacific Regional Conference on Law and Civil Society**

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### **NATURE, PURPOSE and FUNCTION of NGOs /CSOs**

Panel presentation: Akuila Yabaki, CEO, CCF, Fiji.

#### **What an NGO is**

A non-governmental organisation is any organisation outside the government and business. The phrase 'non-governmental' suggests organisations are either government or they are not. It's a term as we know which is widely used; in areas as UN circles for instance. The term is used to make the distinction between the First sector, which is government, and the Second sector, which is industry, and includes agriculture, manufacturing and tourism

The Third Sector is more easily defined in what it is not (rather than what it is): it is not part of the government and is not primarily motivated by the need to make a profit. The Third Sector has different philosophy and worldview from the other two. It is the community non-profit sector. A variation on this is the concept of social profit. This is more positive than 'non profit' it also highlights the social well being arising from this sector's work: non-governmental organisation.

The Christian Churches are seen as the world's oldest continuous NGOs. They began as NGOs on the fringes of the Roman Empire and were heavily persecuted by the government.

In the Pacific particularly the churches, Protestant as well as Catholic, have provided basic necessities in society such as hospitals and schools. Churches have five advantages over secular NGOs:

1. Churches have a unique standing in society.
2. Churches have more members than all other NGOs.
3. Churches are among the wealthiest institutions in most countries. Assets include land, buildings and investments.
4. Churches have good access to the mass media. Most churches have their own news papers or magazines; some obtain time on radio and television.
5. Churches are extensive global networks. Pacific Conference of Churches network; World Council of Churches: 350 member churches in the world. When it was established in 1948 it had only 147 member-churches, most of which were from developed Western countries.

One thing the churches have spoken against is the nuclear arms race. Involved in this work is research, analysis and speaking out with authority, and at the right time. In the Pacific Churches have indeed spoken together against Nuclear testing.

**In this presentation I want to speak about Rights based NGOs in Fiji. These are secular NGOs.**

### **Rights based NGOs**

In Fiji while organisations like the Fiji Women's Crisis Centre (FWCC) and Fiji Women's Rights Movement (FWRM) were created in the 1980s to deal with increasing domestic violence, sexual offences and discrimination against women in all areas of life, other rights-based NGOs have only been formed just over a decade ago. WAC began in 1993. CCF began in 1991, while Femlink' and ECREA started just a few years ago.

The other NGOs will not be considered in this discussion as they choose not to be part of coup-related protests as they are considered politics-related activities.

The May 14 1987 coup was an unimaginable and unforeseen event that irrevocably changed the social, political and economic life of Fiji. Rights-based non-government organisations (NGOs) at the national level have their origins of just a few decades.

FWRM is an advocacy and lobby-oriented organisation that deals with women and girl issues.

FWCC deals with violence against women, including counselling for physical and sexual offences.

WAC, also a women's organisation, deals with marginalised communities – including ex-prisoners, squatters, rural and peri-urban poor communities, and children at risk. They use theatre and playback to educate schools and communities on human rights and social justice issues.

**CCF is the only NGO that was created directly in response to the 1987 coup, specifically to address issues such as racism, understanding about the constitution, democracy and human rights. CCF therefore educates and advocates for the Constitution, democracy, human rights and multiculturalism in Fiji. Vision of equality, justice and peace; respect the rule of law, constitution that guarantees democracy and human rights. We work with politicians, political parties, women, youth, grassroots and marginalised groups, community leaders and NGOs across the region.**

ECREA – broad social justice platform, churches, marginalised communities – squatter settlements, villages, negative economic impacts of bad policies of government.

Femlink' – women and media. Radio, newsletter, etc.

### **Special Focus**

**As CCF is the only NGO formed to address the negative impact of the 1987 coup (ethno-phobia, racial discrimination, lack of religious tolerance, racialised and polarised politics, lack of feelings of equality and upholding of democratic principles and undermining rule of law) this paper will have a special focus on CCF. The NGO Coalition, after its formation in the 1990s, has been active at a broad and sporadic way (mostly reactive) in relation to the coups.**

### **Background**

The May 14 1987 coup generated shocked reactions from individuals, academics, professionals and people from NGOs that were already working in the area of specific human rights issues.

The coup generated response against racial violence and discrimination targeted against particular racial groups, in favour of one racial group. Many events were organised, protests planned, discussions, workshops and seminars held. After the introduction of the 1987 constitution, there was an inaudible sigh of relief among members of civil society. But then, tensions kept brewing as the nationalists agitated against the FLP dominated government, led by Fiji's first Indo-Fijian Prime Minister, Mahendra Chaudhry.

**Finally, the 19 May 2000 coup happened. The most traumatic part of the coup was the holding captive of the FLP coalition government. There appeared to be lethargy amongst people working to rid the country of the coup culture. It appeared that thirteen years of hard work that had culminated in the 1997 Constitution (regarded as one of the most progressive in the world) had come to nought and people were hurt, felt betrayed, angry and disappointed. But the NGO coalition on Human Rights (NGOCHR) spun into action and peaceful protests – including candle lit vigils, media advocacy, lobbying international community, donor organisations, and overseas governments were held. At this point, the Fiji Human Rights Commission (FHRC) was instrumental in uniting and encouraging the NGOCHR, which at that time had its secretariat based at CCF. NGOs were united in their actions, although based on their capacity; some were able to do more work than the rest. NGOs received moral, practical, knowledge and physical support from many concerned members of the community and civil society.**

The Interim Government and the Army did not uphold the judgement of the High Court, delivered by Justice Anthony Gates, that the 1997 Constitution was still valid, and the FLP Coalition government was still in existence and the government be returned to them. Instead, the country went to elections with victory of the SDL.

Under SDL, racist policies kept being supported by government and government MPs kept making derogatory racial comments in Parliament under the protection of parliamentary privilege.

**There was reluctance by the government to complete prosecutions against 2000 coup perpetrators and the government, instead was rewarding coup-related MPs and showing open sympathy and complicity with coup perpetrators. Government also increased salaries, increased VAT and introduced controversial bills such as RTU, Qoliqoli, Broadcast. Organisations working in the area of social justice, such as ECREA and WAC were finding that their poor, marginalised communities were getting worse off under the SDL government. CCF's own experience was the government was uncooperative and not willing to consult and engage in dialogue and discussions.**

**CCF's work involved elections monitoring and review, submissions and advocacy on controversial bills of parliament and the national budget, advocacy for the formation of the multi-party government, landowners and tenants workshops, constitution and human rights workshops in villages and settlements around Fiji, legal action against the unsubstantiated early release from prison of former Vice-President Ratu Jope Seniloli, engagement with the military to encourage de-politicisation and respect for the rule of law, conferences and seminars on religion and human rights to build religious tolerance, annual lectures on constitutional matters.**

The 2006 coup occurred in slow-motion, as gradually, the tensions kept building between the government and the army, and as instead of pressing on with 2000 coup investigations, the government became hell-bent on trying to find ways of replacing and/or prosecuting Commander of the RFMF Commodore Voreqe Bainimarama.

#### **Prior to 2006 coup**

**Prior to the coup, several attempts were made by stakeholders to diffuse the building tensions between the government and the army. The GCC sought to dialogue but appeared unable to communicate effectively – the failure of the GCC attempt could be because the GCC was comprised of members supporting the SDL/CAMV coalition. Therefore, they were not seen as a neutral party as this coalition had been supportive of the 2000 coup and of those behind the November 2, 2000 mutiny where Bainimarama narrowly escaped with his life.**

**The CCF made several attempts and wrote several confidential letters to the PM's office, to the Vice-President's office and to RFMF Commander ,Commodore Voreqe Bainimarama. The PM's office was non-responsive in replying. Finally, towards the end of November 2006, Jioji Kotobalavu responded to CCF's communication and telephoned back Mr Jone Dakuvula. However, by this time, Bainimarama was beyond approach and attempts to gain an audience with him or engage in any conversation was gaining little response. Thus, the government had failed to grasp the gravity of the situation and ignored or scoffed off attempts to diffuse tensions until it was too late.**

#### **After December 5 2006**

NGOs were at the forefront of voicing concerns against the coup and launched into calls for power to be handed back to the government. These included organisations like FWRM, FWCC, CCF and PCPI. Organisations like ECREA, appeared at first not to have any firm stance on the coup and sent out conflicting statements.

### **Citizens' Constitutional Forum**

CCF was among the first NGOs that sent out a press release condemning the coup. It appears the media was selective and not all organisations press releases were getting published. The work CCF had done with the army had made it realise that based on past experience, now that the coup had already happened, the only way that the army would retreat and hand back power to civilian government was:

- i) if they were assured of immunity for prosecutions,
- ii) if they were assured that their concerns were noted and would be given priority attention.

Based on this, the CCF continued to try and engage with the RFMF through confidential correspondence to encourage the army commander to hand power back to a government of national unity.

On a parallel, the NGO Coalition on Human Rights Fiji did not appear to be functioning and the secretariat, based at FWRM was finding difficulty in getting NGOs to act with a united front. The NGOs were divided and having difficulty in mobilising people.

Consequently, they formed the Coalition for Democracy in Peace, which started out with a long list of ambitions, but which fizzled out within a few weeks after inception. Notable about this Coalition was that, although organisations had agreed they would send out joint statements, individual organisations also sent out their own different statements so you would have different people speaking on behalf of the Coalition. The peace vigil was not as effective as in 2000 because as there were no hostages held with lives at risk, it did not garner as much support. The activity was now publicised as a FEMlink' activity, rather than an activity of the NGOCHR.

### **After January 5 2007**

The division seemed to grow stronger among the NGOs viewpoint with regards to the coup, after the swearing in of Bainimarama as interim PM on January 5 2007. Some NGOs were not coming out with a strong statement against the coup – these were mostly NGOs that worked with marginalised and poor communities, which they say suffered under the SDL government. Furthermore, some new activists were accused of not being activists but political party supporters (Laisa Digitaki, Young People's Concerned Network, Democracy shrine).

A few NGOs took a hardline stance of non-engagement and outright condemnation of the new interim regime (FWRM, FWCC, PCPI and FEMlink').

The NGOs ECREA and WAC's stance appeared unclear and this point.

ECREA was showing sympathy for Bainimarama and was seemingly optimistic that the intentions of Bainimarama's coup were noble and the draconian effects of the SDL government's policies on the poor might now be reversed.

The NGO Divide has been written about by Professor Vijay Naidu, so please refer to his paper.

CCF as an organisation had condemned the coup, however, it continued internal discussions on how to move the country forward. The CCF devised a roadmap on how the country could be returned to democracy, and advocated that based on the Milbrook Action Programme, free elections should be held in Fiji within 24 months of the overthrow of an elected government. Basically, **CCF continued its work of advocating for the Constitution, democracy, human rights and multiculturalism in Fiji. Vision of equality, justice and peace, respect the rule of law, constitution that guarantees democracy and human rights.**

The CCF provided a report to Eminent Persons' Group (EPG) which was almost wholly accepted by the EPG, as reflected in their final report NGOCHR, however, worked through this trying time and through meetings, agreed on two issues where they were united:

- i) they opposed the illegal overthrow of the government
- ii) they opposed all human rights violations.

### **Argument**

However, in the early period after the coup, there was a negative reaction by some stakeholders (such as donor agencies NZAID and USAID) to CCF's work. CCF's continued work to engage and comment on these areas is a core focus of CCF's work.

The other NGOs have a core focus of other issues, and advocacy against coups in on a when its necessary basis. However, advocacy against coups, to prevent coups and engaging to find solution to move the country forward is the primary focus of CCF's work. Therefore, CCF cannot just issue blunt statements condemning the coup – it must, and has been at the forefront of commentating, dialoguing, critiquing and discussing.

CCF's work over the past sixteen years finally has borne some fruition. In the aftermath of the 2006 coup, there has been acknowledgement by former opponents of the merits of CCF's work:-

- i) Qarase's own change of tune now calling for democracy,
- ii) Grudging acknowledgement by the Methodist church of CCF's work in raising awareness and educating public on rights and the Constitution.

- iii) Appreciation by many Fijian listeners to radio station of CCF's talk-back show. Prior to the 2006 coup, this segment of society were voicing concern against CCF talkback shows.
- iv) CCF was requested by SDL to provide an affidavit in its case against government which it did.
- v) CCF has gone ahead in preparing and airing advertisements on democracy and human rights, as well as human rights under the emergency decree.

It is more difficult to remain engaged and find ways to resolve the situation and a way to move forward.

However, the need to remain engaged critically remains crucial, although it's a difficult task. The regime is running from tax-payers' money, and the grassroots level remains at a position where they are vulnerable to the government. NGOs are the only source who they can voice their concerns through.

At a recent grassroots workshop on the national budget, participants raised concern on the high level of corruption in government and the wastage of resources through inefficiency, which meant not enough was left over to build basic infrastructure, which has been promised to them over the past two decades. Participants wanted to know how they can get independent information about the performance of governments and political parties, so they can make up their minds themselves about who is the best to vote for. Participants also complained about how expensive it was to cater for government visits. We advised participants that Provincial Councils and the Fijian Administration were another arm of government, also funded through taxpayers' money and therefore were there to serve them (not doing a favour). We also advised them that government trips normally includes budget for catering and they should ask them to pay for catering. Also, they do not need to feel obliged to provide expensive gifts and feasting. Instead, air and voice your concerns and grievances as that is the few chances they have.

Thus, the need for education and advocacy remains great in Fiji and there is a need for NGOs to continue working with grassroots communities and remain engaged to voice concerns and relay it on behalf of the people.

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