

Annual Report 2003
Citizens' Constitutional Forum Limited



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C o n t e n t s

The Year in Review	1
Work Undertaken in 2003	1
1. Activities	1
a. Grassroots Human Rights Education Workshops	1
b. Paper on the Impact of the Religion and Culture on Women in Pacific Societies - February	1
c. Submission to the Committee on the Elimination of all Forms of Racism (ICERD) - March	2
d. Strategic Planning	2
e. Multiparty	2
f. Prevention of Armed Conflict	4
g. Accountants' Congress - May	4
h. CCF Submissions to the Media, Telecommunication, Mahogany and Immigration Bills	4
i. World Council of Churches Study Group on Ethnic and Unity in the Churches Meeting	6
j. CCF Registration under the Fiji Company Act	6
k. Militarism and Defence in Fiji	6
l. Festival of Unity	6
m. Church Leaders Workshop	6
n. Nadave Workshop for Church Leaders	7
o. Naviti Resort Retreat for the Women's Crisis Centre	7
p. Fiji Soldiers to Iraq	7
q. Peace Education Workshop	7
r. Good Governance Project	7
s. Constitutional Lectures	7
t. Public Meeting	7
u. Human Rights Award	8
v. EU Funding	8
2. Publications	9
3. From the Visitors Book	9
4. CCF Financial Statement 2003	9

Year in Review

The year 2003 was one of consolidation of the CCF work for Fiji following 2001.

CCF was deregistered in June 2001 under the Charitable Trust Act and was registered again this time as a Limited Company under the Fiji Companies Act as Citizens' Constitutional Forum Limited as of 10th July 2003.

The 10 member CCF Steering Committee which is the management body of CCF, continued to meet once every fortnight during the year, 2003.

An ad hoc committee is normally convened to look at issues including finance, recruitment of staff and programme events such as workshops and public lectures and to report back to the management. At these meetings members have the opportunity to raise questions, review CCF activities and have discussions on the shaping of the CCF programmes based on their own expertise.

Some progress was made in our cooperation with Government as evidenced in its various invitations to CCF to make submissions to Parliamentary Committees.

Work Undertaken in 2003

1. ACTIVITIES

a) *Grassroots Human Rights Education Workshops*

During February, September and December Ponipate Ravula, CCF Project Officer with his team conducted 2-week visits to the Ba and Ra Provinces under the Human Rights Grassroots Education Programme.

The team distributed the CCF constitutional booklet entitled *Your Constitution Your Rights* which is printed in 3 languages, English, Fijian and Hindi. Workshops were conducted in villages and settlements within the area. These rural workshops provide an opportunity for rural communities to learn about their constitutional and human rights, and to discuss and debate issues both of local and national importance,

like resource rights and good governance.

Sometimes the discussions and debates assist villagers and rural communities to find solutions to their local concerns or problems. Other times they provide participants with practical ideas on how and where to seek solutions to their concerns and problems. Thus these rural visits seek both to educate and empower rural communities around Fiji.

There are still institutional barriers to CCF's work in Human Rights education in certain parts of Fiji mainly coming from conservative provincial councils or from Methodist Church circuits. CCF will continue to seek dialogue with these two powerful ethnic based institutions to clarify certain misconceptions of the work of CCF and seek common ground so as to develop and ensure effective collaboration in Human Rights education particularly within villages and rural communities.

b) *Paper on The Impact of Religion and Culture on Women in Pacific Societies - February*

The Executive Director presented a paper on *The Impact of Religion and Culture on Women in Pacific Societies*. The conclusion of the paper was that the two factors both have a restricting influence on the place of women in Pacific societies. The Workshop was organized by UNIFEM.



c) Submission to the Committee on the Elimination of All Forms of Racism (ICERD) - March

The Executive Director, Akula Yabaki and Program Director, Jone Dakuvula, traveled to Geneva to present submissions to the Committee on the Elimination of All Forms of Racism (ICERD). The submissions were made on behalf of the NGO Coalition on Human Rights.

CCF also made representation to CERD and was granted a 5-minute presentation on the matter at the March 2004 session of the CERD Committee in Geneva. Clive Woodward and Margot Salomon of Minority Rights, UK, helped to bring the issue to the attention of the CERD Committee on behalf of CCF.

Following the submissions Akula Yabaki and Jone Dakuvula together with Dr. Ganesh Chand representing the Fiji National Farmers' Union, who also made a submission to the informal session, were allowed to sit in as observers at the formal session where a seven member delegation from the Fiji Government presented *A Fiji Report to ICERD*.

Although the official view of the Fiji Government was that the NGO submission was unwarranted and misleading, the view of the UN CERD Secretariat in Geneva was totally different. The informal commentary was welcomed. Observers hailed this reporting by CCF as a first class advocacy campaign which was crowned with success in that it forced the Fiji Government to move towards updating its reporting to CERD after 18 years.

Contact was also made with Amnesty International staff who agreed to produce a working summary that could be used by CCF to take up essential points with Government. It was noted from Prime Minister Qarase's recent public comments that a change for the better could be detected as a result of the CERD Report.

d) Strategic Planning

A Strategic Think Day was held in March in which

CCF held discussions on the priorities for 2003. CCF decided that the lobby for implementation of the Constitutional provisions of the Multiparty Government for Fiji should be encouraged. On December 13th and 14th a second Strategic Planning Workshop was held at Raffles Trade Winds conference room to review CCF work and activities and to look at the 2004-2006 project which had been approved for funding by EU viz *Democratization, Human Rights and Ethnic Group Reconciliation in Fiji Islands*.

Mr. Andy Carl of Conciliation Resources (CR), London was also present in an advisory role in the development of inputs as a partner agency. Both the CCF Executive Director and Director of Conciliation Resources are responsible overall for implementation of the new project. A meeting between the two organisations is held annually to provide inputs into improving project delivery.

e) Multiparty

Government Meetings

To further the work on Multiparty government, meetings were held with the international community through the representatives of Foreign Missions stationed in Suva to sound out where they stand on the Multiparty issue and what would be the stand taken by their own respective Governments. Missions visited in Suva include India, France, USA, NZ, Australia and Great Britain.

CCF was one of three NGOs which were invited to make a presentation to the 20-member NZ Delegation led by Phil Goff, NZ Foreign Minister on behalf of the NZ Government. The Executive Director spoke to the group about the road map towards constitutional democracy including plans put in place by CCF to assist in the implementation of the Multiparty Cabinet.

**CCF Multiparty
Workshop**

In view of the pending Supreme Court decision and in anticipation of a decision which came out in favour of the constitutional directive for the formation of a Multiparty Government as stated in the Section 99 of the 1997 Constitution, CCF held a two day workshop for about a dozen people including Members of Parliament, constitutional lawyers, academics and members of NGOs in Nadi, Fiji. Plans were put in place and strategy worked out and meetings were held with some leading players on both sides of the House.

**Supreme Court Ruling
on Fiji Constitution**

The Supreme Court of Fiji ruled that a Multiparty Government under Section 99 of the 1997 Constitution was mandatory and called on the two major parties to come together and form a Multiparty Cabinet. This was a victory for CCF and other Civil Society organisations and CCF's response was to spell out the framework by which CCF was to continue building relationships between those who were to make a multiparty Government possible for Fiji. This began with an interview with Radio Fiji and Talkback Radio in Fijian where the Executive Director was called to answer questions from listeners about the terms of Multiparty Government as set out by the July 18th

Supreme Court ruling. The general view was that radio listeners increasingly saw the need for the two major parties, representative of the two major ethnic communities, Fijian and Indo-Fijian, to work together in a Multiparty Government.

Soon after the Executive Director was again invited to a radio interview on Fijian Talkback Radio on Multiparty Government. This was the third time following the ruling of the Supreme Court on July 18th which was in favour of Multiparty Government.

**Published CCF material
circulated to the Members
of Parliament**

Major articles on different dimensions of the Multiparty issue were published in the print media, the Fiji Times, Daily Post and Fiji Sun. The attempt here was to create interest in public discussion on Multiparty Cabinet as an instrument for democratic change in Fiji. This also included a radio interview on the Korolevu Declaration of 1999 taking a promotional approach and commending it as a mechanism for enabling different parties to work together towards collective responsibility.

On July 31st there was a further opportunity for the Executive Director to be interviewed on the evening Fiji Talkback Radio *Domonivanua* responding to questions from listeners on the positive aspects of Multiparty Government in Fiji.

In May 2004 the Supreme Court will meet to decide on the seat entitlement in the Multiparty Cabinet. FLP is claiming 17 seats instead of the 14 on offer from the PM, Laisenia Qarase.

The papers from the July Workshop on Multiparty will be published, together with the Lecture to sustain public awareness of the multiparty issues.



f) Prevention of Armed Conflict

From 28th April to 8th May the Executive Director attended an Asia/Pacific Conference on the Role of Civil Society in the Prevention of Armed Conflict held in Bali, Indonesia. A common platform was sought for effective action in conflict prevention from the community to the global level leading to an international conference at United Nations Headquarters in 2005. The aim is to produce regional agendas for Conflict Prevention, that will set the standard for seeking non-violent solutions to conflict in the decades ahead. This marked the start of a global programme.

CCF as secretariat of NGO Coalition on Human Rights in Fiji has since been elected as Pacific Regional Initiator for this Global Programme and will take responsibility for exploring fully the role of civil society in conflict prevention and peace building. Another sister NGO, ECREA, has agreed to be the national focal point.

In October work began on the preparation for a Global Partnership for the Prevention of Armed Conflict Consultation within the Pacific Region. This was held from 19th to 21st January 2004 at the Southern Cross Hotel in Suva. This will be reported more fully in the 2004 Annual Report.

CCF started working on a Global Action Programme on the Role of Civil Society in the Prevention of Armed Conflict a process of consultations at national and regional levels to prepare for a joint proposal to the UN Summit Conference to be held in late 2005.

CCF assumed this work in its function as secretariat for the NGO Coalition on Human Rights. An initial consultation was planned for the end of November but later postponed to January 2004 because Regional participants from Bougainville, Solomons, Vanuatu, Tonga and Papua New Guinea and West Papua were not able to get flights during the busy Christmas holiday season.

g) Accountants' Congress - May

The Executive Director spoke at the Accountants' Congress held in Nadi, Fiji on the subject *Growing Together: Towards Religious and Racial Tolerance*.

The 100 participants who attended the annual event, included representatives from the leading business houses in Fiji, diplomats, investors, business analysts and members of the Fiji Accountants' Congress.

**h) CCF Submissions to the Media, Telecommunication, Mahogany and Immigration Bills.
Media Bill**

CCF made oral and written submissions to the draft Media Bill which were critical of the fact that, whereas Government had not implemented the Freedom of Information Bill as required by the 1997 Constitution, it had seen fit to launch a Media Bill which was directed at attaining more government control of the media. The draft Bill also sought to regulate the content and conduct of the print and broadcast media according to



the Code; this CCF viewed as in conflict with the Bill of Rights Chapter 4 of the Constitution. The Media Bill is now shelved for further consideration.

Some concern was raised with the Ministry of Foreign Affairs over the Fiji Government's intention to sign a bilateral agreement with the US government to immunize certain individuals from prosecution by the International Criminal Court (ICC). Fiji had signed the ICC Statute on 29th November 1999. This was seen then as a bold step towards registering both Fiji's commitment to the fundamentals of Human Rights and its abhorrence of acts of impunity. However signing a bilateral agreement with the US by which its nationals would be protected from prosecution by the ICC, could compromise Fiji's previous commitment under the ICC Statute.

CCF together with its NGO Coalition partners was engaged in an exchange of correspondence with the Minister of Foreign Affairs over this issue. The Minister was of the opinion that a bilateral agreement with the US would not be incompatible with the Rome Statute.

Telecommunication Bill

In July CCF and the NGO Coalition on Human Rights submitted a proposal on the shape of the Bill; it also warned against rushing an ill prepared bill through Parliament; only later was it learnt that the Bill had been postponed to 2004.

CCF's concern was expressed in a submission to the Government Mahogany Bill Committee. The Mahogany resource is a big asset to Fiji but the management of the resource is in the hands of the same Government appointed company executives who have managed pine for the last 20 years with very little success. There was a call for members of the public to make submissions but only two days notice was given. The Mahogany Bill was passed in October and CCF raised concern about the irresponsible approach and poor administration by the Government appointed Fiji Hardwood Company Limited.

CCF continues to monitor the handling of this resource with the view to ensure fairness and just returns to native landowners.

Immigration Bill (Amendment) 2003

The Executive Director advised that the Immigration Bill, which was passed by Parliament, was in breach of the Constitution as well as racially discriminatory and CCF sought legal advice from international legal advisors who are partners with CCF with the intention to seek, if necessary, a declaration in the Courts. The amendment to this Bill was described as racist as it sanctions unequal treatment to former citizens favouring indigenous Fijians who are registered in the *Vola ni Kawa Bula* (Register of the Living) at the expense of members of other ethnic communities and unregistered indigenous Fijians.



i) **World Council of Churches Study Group on Ethnic Identity and Unity in the Churches Meeting.**

The Executive Director attended the World Council of Churches Study Group on *Ethnic Identity and Unity in the Churches*, Bangor, Wales, UK from 10th to 16th June. This was the second meeting at which the Executive Director made contributions based on a Fiji-based study convened in 1999. After the meeting in Wales, the Executive Director also had meetings in London with the British Foreign Office Pacific Desk and also in Brussels since CCF is a European Commission Project holder on the EU Initiative on Human Rights. The meeting in Brussels was held on 20th June 2003 with Messrs George Dwyer the Head of Pacific Unit and Sergio Pazzardi of the Fiji Desk and in the company of Peter de Vlies of ECSIEP, a European Partner of CCF.

On June 26th a meeting was held with the Commonwealth Election Team from the Commonwealth Office, Marlborough House, London who were here to carry out an examination of the Voting System following the Fiji elections of 2001. Jeremy Clarke-Watson of Commonwealth Secretariat accompanied the Delegation.

j) **CCF Registration under the Fiji Company Act**

On July 10th CCF, which had been de-registered in June 2001, was registered as a non-profit company with limited liability under the Fiji Company Act. This brought to an end the uneasy controversy over the status of CCF, resulting from the key role that it played in the Chandrika Prasad case of 2001 which declared the Interim Government illegal and which called on Government to reconvene Parliament. This, of course, did not happen and CCF's deregistration was politically motivated but the fact that CCF was restored as a properly registered company, meant that its role as a leading Civil Society organization working for democracy, transparency, accountability, and Human Rights was considerably strengthened.

k) **Militarism and Defence in Fiji**

In August, Sandra Gebhardt, a senior law

student from Yale Law School United States, arrived to carry out a 6-week research project on *Militarism and Defence in Fiji*. This significant paper served two purposes: it served as a preliminary paper for a workshop on demilitarisation in Fiji to be held in 2004 and was a core document included in CCF's submission to the Defence Review which was conducted by the Fiji Government in 2003.

l) **Festival of Unity**

The Executive Director spoke at a Festival of Unity run by a local church St Agnes Church on 14th August. This was an attempt by grassroots people, to be engaged, independent of political leaders, in the critical issue of reconciliation across the different racial communities. The Executive Director, speaking to a large congregation, shared the work of CCF through its workshops conducted around the country to inform people of their rights and to allay their fears about the 1997 Constitution which has been very much distorted by Nationalist leaders.

m) **Church Leaders Workshop**

The Executive Director was also a resource person at a Retreat for Priests of the Church of England held at the St Johns Centre in Suva where he distributed booklets and statements on the work of CCF. One leading Priest in Suva said that any mention of the word CCF, used to send shivers down his spine. He used to think that CCF should mind its own business but, having heard the presentation on that day, he came to the conclusion that CCF was a courageous voice for those who are not heard in Fiji and that there are many people who turn to CCF for help; a very important role that CCF is fulfilling in the current situation in Fiji. There was also discussion on village customary rights and their effects on men and women in the villages. The message is Human Rights do not preclude the obligation to act responsibly to others. The right of an individual extends as far as the other person but also respects the rights of that person. There is no way in which the exercise of Human Rights can be an excuse for undermining indigenous concerns.

n) Nadave Workshop for Church Leaders

The Executive Director was again a Resource person at a 4-day Camp for lay leaders of the Anglican Church in Fiji held at the Nadave Camp Centre where again he spoke on the need for education in Human Rights in Fiji and the needs to be familiar with the terms of the 1997 Constitution. *Gospel and State* was the main theme he was asked to make a presentation on and this included the screening of the film which CCF helped fund in 2001, *Race for Rights* by Larry Thomas.

o) Naviti Resort Retreat for the Women's Crisis Centre

In September the Executive Director was invited to assist as a Resource person on CCF work and activities on Human Rights and the role of women in society.

p) Fiji Soldiers to Iraq

The Executive Director wrote an opinion article on the legality of mercenary recruitment by Global Risks Strategies, a company which supports the US superpower role in Iraq. CCF was also invited to a press conference organized by Global Risks held in Suva in which CCF raised the issue of the possible breach of the Fiji Military Forces (FMF) Act by the Fiji Government in that Fiji soldiers who were still under the jurisdiction of the FMF Act at the time, were recruited by a foreign company.

q) Peace Education Workshop

In November Jone Dakuvula, the Programme Director of CCF, attended a Peace Education Workshop held in Medan, Indonesia run by the Asia and Pacific Bureau of Adult Education (ASPBAE). CCF has since joined as a registered member of the network and will participate from the standpoint of its overall concern as regards Multiculturalism, Human Rights and Good Governance.

r) Good Governance Project

CCF supports the strengthening of democratic institutions such as the Ombudsman's Office, the Human Rights Commission and the Auditor General's Office in ensuring the independence of the judiciary. To that effect, Richard Bull, an intern from Pacific Peoples Partnership (PPP), was recruited in October to read and research the Auditor General's office report, so that enquiries could be sent to respective government ministries on the misuse of funds by public servants. This important work is a continuing process.

s) Constitutional Lectures

A lecture entitled *The Promises and Problems of Multiparty Government* in Fiji was delivered by Dr. Andrew Ladley of the University of Victoria, Wellington, New Zealand. This was the first of two Constitutional Matters Lectures for the year. The text of both the lecture and the proceedings are being compiled.

The second lecture was delivered by Professor Vijay Naidu, Director of Development Studies, Victoria University, Wellington, New Zealand on the subject *From Apartheid to Integration: Constitutional Development in Fiji* on 15th December 2003.

t) Public Meeting

On 2nd October a Public Meeting was held at Suva Civic Centre on the theme *Speak Out Fiji: Fiji at the Crossroad- the Way Forward*. Speakers included Taufa Vakatale, Sir Vijay Singh, Don Aidney, Susana Tuisawau, Shoma Prasad and Dr Russell Daye all of whom emphasized the need for open discussion, and respect for Justice and Human Rights in a multiracial society.



u) Human Rights Award

In September, the Executive Director was chosen for a Diamond Jubilee Human Rights Award by the 4000 member Fiji Public Service Association. The citation referred to his writings in the Fiji Media and the lead role taken by CCF in the restoration of the 1997 Constitution two years previously.

v) EU Funding

In August, CCF received news that it had been selected for funding by EU under the European Initiative for Democracy and Human Rights. The

CCF project called *Democratization, Human Rights and Ethnic Group Reconciliation Programme (2004-2006)* will therefore receive 80% funding from EU.

Sergio Pazzardi, European Union Desk Officer for Fiji, Tuvalu and Kiribati visited CCF office on October 15th. At CCF office he was informed that the third allocation of the grant from European Union to CCF had been delayed for over four months since June in Brussels and this sharing of information helped to facilitate the transfer of funds from Brussels at a critical point of CCF funding by the European Union.

Conclusion

The year 2003, has again featured significant initiatives and follow up activities for CCF.

We are grateful to the varied contributors to the CCF programme coming from highly skilled volunteers, both local and international. The continuation of EU funding is a measure of the robust support and the vote of confidence CCF enjoys from the international community.

On the national scene and needless to say, the existence of CCF in Fiji as a movement for good governance and reconciliation is welcomed by many. We have allies and friends, especially amongst those who have no voice in society. CCF has continued to be a focal point for NGO activities for human rights and democratization.

Finally, CCF is receiving more recognition as a force to be reckoned with and against other forces that seek not to encourage the spread of good governance and which if allowed to have their ways will see the country run by the dominant few and along racial lines.



2. Publications

REPRINTS IN RESPONSE TO PUBLIC DEMAND:

1. 9,000 COPIES

Your Constitution Your Rights (YCYR) booklets in English, Fijian and Hindi.

NEW PUBLICATIONS:

1. The Submission of the CCF and NGO Coalition on Human Rights Fiji: The Committee on the Elimination of All forms of Racial Discrimination.
2. National Consultation on Eviction, Squatter Settlement and Housing Rights.
3. Numerous CCF Articles were published in the three National Dailies: Fiji Times, Daily Post and Fiji Sun.
4. These were also translated and published in the two Fijian weeklies: Nai Lalakai & Volasiga.

TO BE PUBLISHED IN 2004

6. CONSTITUTIONAL LECTURES
 - a) Dr. Andrew Ladley: The Promises and Problems of Multiparty Government
 - b) Professor Vijay Naidu: From Apartheid to Integration: Constitutional Development in Fiji.
7. Multiparty Government papers.

3. From the Visitors' Book

1. Mr Peter van der Vlies, ECSIEP, Netherlands.

2. Mrs Maria Luisa "Lulu" Zuniga, Asia Development Bank, USA.
3. Sir Ellison L Pogo, Archbishop of Melanesia.
4. Jeremy Clarke-Watson, Commonwealth Office, London.
5. Heather Brown, AVI, Canada.
6. Her Excellency, Dr Fauziah Mohamad Taib, Malaysian High Commission, Suva.
7. Irshad Hussein, MP Youth Parliament 2003.
8. Toby Mendel, Law Programme Director, ARTICLE 19, Canada.
9. Robbie Robertson, Australia.
10. Sergio Piazzardi, EU Desk Officer - Fiji, Tuvalu, Kiribati.
11. Professor Gary Craig, University of Hull, UK.
12. Hugh M Neighbour, Deputy Ambassador, USA Embassy.
13. George Lemopoulos, Deputy General Secretary, World Council of Churches.
14. Patrick Earle, University of N.S.W., Sydney, Australia.

4. CCF Financial Statement 2003

The Audited Financial Report for the year January to December 2003 produced upon prior arrangements with the Executive Steering Committee.

