



'The people shall govern' - lessons from South Africa's TR process

More than 100 people from Suva, Fiji, attended the public lecture 'The People Shall Govern' (taken from the Freedom Charter of South Africa) by Ms Alison Lazarus, Course Director at the Peace Building and Development Institute of the UNDP Pacific Centre based in Suva.

The 12 March 2008 lecture was part of the Constitutional Matters Lecture Series organised by the Citizens' Constitutional Forum, in association with the School of Social Sciences, University of the South Pacific, Suva. Its intention was to picture the conditions and politics of negotiating a democratic constitution in South Africa in the 1990s.

The Ms Lazarus address looked at 'Citizenship and Constitutionalism in South Africa - the Conditions and Politics of Ne-



Ms Alison Lazarus presents her address.

gotiating a Democratic Constitution'.

Her address was followed by a panel discussion focussing on two Pacific Countries, moderated by Dr Sandra Tarte, Senior Lecturer in Politics at USP.

Panelist 1, Mr Stanley Houma, Lecturer in Education, at USP, spoke on 'A Reflection on Solomon Islands Conflict Resolution'.

Panelist 2, Rev Akuila Yabaki, Chief Executive Officer of CCF, spoke on 'Fiji processes of Conflict Resolution - Constitutional and Extra-Constitutional'.

Ms Lazarus spoke about the process that led, in South Africa, to the drafting of the 1996 South African constitution which established democracy in a country that was ruled according to the apartheid system.

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CERD wants Fiji to create laws to prosecute racist crimes

The Committee on the Elimination of Racial Discrimination (CERD), at its 72nd Session held from 18 February - 7 March 2008, considered reports submitted by state parties under Article 9 of the Convention.

The Committee considered the 16th to 17th periodic reports of Fiji submitted in one document at its meetings held on 19 and 20 February 2008 in Geneva. Rev Akuila Yabaki, Chief Executive Officer of CCF, attended the meetings.

On 19 February at 1.50 -2.50 pm, the Submission to CERD by three Fiji NGO's - namely the CCF, Women's Action for Change (WAC) and the Ecumenical Centre for Research Education and Advocacy (ECEA) - was heard by the Committee.

The Fiji Interim Administration sent a separate delegation of three people headed by Mr Ross Ligairi, Permanent Secretary for Foreign Affairs. The Fiji Human Rights Commission also sent a delegation.

At its 1867th meeting held on 3 March 2008, the Committee adopted concluding observations recommending Fiji to withdraw reservations that may no longer be necessary, to create enabling legislations to prosecute racism, and to explain how the concept of indigenous Fijians is applied in law and practice and its impact on the enjoyment of human rights by everyone in Fiji.

Below are further excerpts from the concluding observations of the Committee on

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Editor's notes

The need for advocacy is greater than ever at the national level. CCF education work reveals that a lot of misinformation exists and there is a lack of understanding of basic concepts of democracy, accountability and transparency.

To emphasise the need for advocacy, we have published in this issue of *Tutaka*, some press statements issued by CCF on key issues (page 8).

The problems and issues remain the same: land issues, poverty, racial and religious differences, governance issues and violation of legal and human rights.

A major impediment to continued work in this area is a denial by many that such issues exist and that these problems need to be dealt with, for Fiji to progress.

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CCF receives Finland funding

The Embassy of Finland in Canberra has approved the provision of funding to the Citizens' Constitutional Forum (CCF) Limited.

Under an agreement signed on 18 March 2008, the Embassy of Finland, subject to annual parliamentary approval in Finland, will contribute funds up to a maximum of forty thousand Euros (E 40 000) for carrying out of the activities during 2008-2010.

The agreement was signed by the Mr Juha Pyykko, Counsellor at the Embassy of Finland and Rev Akuila Yabaki, Chief Executive Officer of CCF at the CCF office located at 25 Berry Road, Suva.

According to the agreement, CCF will carry out the Activities in accordance with the detailed project proposal, workplan and budget agreed in writing between the Embassy and the Organisation.

These activities are listed under the Constitutional and Human Rights Education (CHRE) component of the Strategic Plan of CCF for 2007-2010 (Strengthening Fiji's Democracy project) and include: promoting greater public understanding of how Fiji's Government works and should



Mr Juha Pyykko (left) and Rev Akuila Yabaki during the signing at the CCF office.

work, and greater awareness of key constitutional provisions.

The activities comprise: community-based workshops; a radio programme; inter-community conferences; school visits; capacity building for other NGOs; annual constitutional lectures; encouraging the establishment of a constitutional forum for tertiary students; drop-in advice for members of the public; and a quarterly newsletter.

CREA Institute on Rights, Activism & Development

The fifth Institute for Rights, Activism and Development (IRAD) was held from March 17-23 2008 in Kathmandu, Nepal.

IRAD was organised by CREA (Creating Resources in Education and Advocacy) – a not-for-profit organisation founded in year 2000 and based in New Delhi.

CREA aims at empowering women to articulate, demand and access their human rights by enhancing women's leadership focussing on issues of sexuality, sexual and reproductive rights, violence against women, human rights and social justice.

IRAD is aimed at those people already working in the area human rights and activism. The 2008 Institute was attended by 21 participants from countries such as India, Nepal, Pakistan and Sri Lanka. Mosmi Bhim was the only Pacific participant.

IRAD faculty described the 2008 participants as very vocal, enthusiastic and fun.

The core teaching faculty comprised of Pramada Menon (Co-founder and Director of Programs at CREA) and Joy Liddicoat (Commissioner with New Zealand Human Rights Commission). Neha Sood (CREA) provided logistical support.

The visiting faculty comprised of leading activists and academics: Ranjani K. Murthy (specialising in gender, poverty and



Participants at the CREA Institute on Rights, Activism and Development (IRAD) pose for a group photograph on the rooftop of Hotel Vajra in Kathmandu. Sitting third from left is CCF staff Mosmi Bhim. In the background is a view of Kathmandu neighbourhood.

health), Huma Khan (an activist on gender-based violence), Farida Shaheed (long-time activist, advisor with Shirkat Gah), Priiti Darooka (founder and coordinator of PWESCR), Sunil Pant (founded Blue Diamond Society in Nepal which works for rights of sexual minorities) and Martin Macwan (founder of Navsarjan Trust, a Gujarat-based group that organised Dalits in 2000 villages to fight 'untouchability').

IRAD focussed on rights based work,

movements; gender, development and rights; human rights concepts; women's rights as human rights; gender, poverty and rights; health sector reforms and the impact on sexual and reproductive rights; critiquing the human rights framework and rights based approach; status of women's rights, women's movements and feminism in Pakistan; economic, social and cultural rights; sexuality and rights; sex work; caste and issues of inequality and discrimination.

No electricity - 38 years after independence

The Grassroots Education workshop on Human Rights and Good Governance got underway at the Village Hall in Naisausau Village, Namara, Tailevu on 19 April 2008, minus the use of electricity.

Citizens' Constitutional Forum (CCF) took a sound system, speakers and microphone to use at the workshop only to find out from the villagers they did not have any electricity, although the village is less than half an hour away from the Nausori town.



Rev Yabaki (left) with the Roko Tui Veikau (Chief of Namara) Ratu Josefa.

The villagers revealed that electricity had been promised to them by successive Fijian governments and political parties since Fiji became independent in 1970. But 38 years after independence, they still don't have electricity. The village also does not have piped water supply. However, they have a system of water tanks which is used to collect rain water for daily use.

The CCF team comprising of Rev Akuila Yabaki, Mosmi Bhim, Ciaran O'Toole, Seru Matai and Eroni Leweniqila, arrived in Naisausau at 7.30am. The village hall was opened for us. The Chief and Turaga ni Koro arrived around 8.30am and spent some

time talking to Rev Yabaki.

A sevusevu was presented and a yaqona drinking session followed. It was around 9.15am that the workshop programme got underway. The objectives of the workshop were: introduction to human rights and good governance concepts, creating a safe space for discussion, to make human rights and good governance relevant for participants, and to encourage citizens to be active participants in governance. The workshop was conducted by Rev Yabaki and Ms Bhim, by way of participatory learning exercises. Twelve participants attended the work-



Participants present area maps in an exercise on capacities.

The workshop was funded by AusAID and Misereor.

An introductory talk was given on Basic Human Rights and Good Governance concepts. The first exercise was on the concept of citizenship, the second one was on Transparency and Accountability, and the last one was on A Rights-Based Approach to Citizenship Capacities.

Some areas of misinformation were revealed during discussion. One major area was the definition of citizenship. We discovered that a majority of the participants defined a citizen as one who belonged to the Fijian culture, had tradition, values or had their name in the VKB. We had to correct participants that this was the criteria for being an indigenous Fijian but it was not the criteria for being a Fiji citizen.

The majority of participants requested more workshops.



A group exercise on citizenship.

shop, three of whom were females. All communication was translated and explained in the Fijian language. The Chief and Turaga ni Koro also took part in the workshop.

Low Indo-Fijian participation is a worrying trend



A Bau participant prepares her presentation.

The Grassroots Education workshop on Human Rights and Good Governance was conducted in the new classrooms at Saraswati Primary School, Manoca, Nausori on 26 April 2008.

The workshop followed the same format

as the previous week's workshop conducted in Namara, Tailevu.

The workshop was geared for a mixed group of participants from the Nausori area. It was again disappointing to note that although many Indo-Fijian participants had confirmed their attendance, only three actually turned up. This lack of interest by Indo-Fijian participants has been a worrying trend.

There was good response from the provinces and participants from Naitasiri and Tailevu came. Also attending were a participant from Bau and a participant from Ra, now living in Nausori. The workshop was funded by AusAID and Misereor.

Recommendations were made that more exposure was needed about CCF and the



Participants enact a role play.

workshops through publicity campaigns, so more people could become aware of them.

'The people shall govern' - South Africa's TR process

"We have had three constitutions in South Africa in the past 100 years. They emerged from:

- an anti-colonial struggle against the British and the Boers (descendants of the earlier Dutch colonisers) waged by the Khoi and the San and various African tribes of which there are about 8 in South Africa. Today, the descendants of the Khoi and the San people, the indigenous people of Southern Africa, as a result of early genocide in the 18th century, are a minority in South Africa.
- an anti-imperialist struggle by the Boer and British settler colonial communities against Britain in the early 20th century.
- a People's Struggle against Apartheid in the latter half of the 20th century," Ms Lazarus said.

Until 1996, South African society was officially divided into four race groups: Whites, Indians, Africans, Coloureds. The latter three were prevented from progress through unequal education, unequal access to the economy through job reservation, and were socially under developed through land reservation, lack of and substandard housing provision, lack of and sub-standard health provision and an ideological system that regarded black people as sub-human and inferior. While the Indians, Africans and Coloured were disenfranchised and denied full citizenship, a wealthy minority of white people ruled the country.

Resistance had been fostered since the beginning by the State and was used to maintain an unjust system of exclusion and exploitation. Negotiations for the 1996 constitution were driven by the people on the basis of a vision of South Africa that people established some 30 years earlier with the 1955 Freedom Charter.

The process of negotiations was initially secret. In the 1980s the first contact between the Nationalist Party and the ANC took place when Mandela was still in prison. The main protagonists were the predominantly black African National Congress (ANC) party and the predominantly white Nationalists Party (NP), which consisted of the white ruling minority.

Ms Lazarus described how complex, difficult and even messy the negotiations for the 1996 constitution were, with at times negotiation parties walking out of the process when violence erupted, but later re-joining. The role of good leadership in each party especially the main ones, kept the process moving. During negotiations, par-



Answering questions at the panel discussion are from left: Mr Stanley Houma, Ms Alison Lazarus and Rev Akuila Yabaki.

ties worked to resolve differences, formed alliances, advance shared goals. Negotiations were direct and did not involve international mediation.

The positive role of the media towards the process also played an important role in keeping the process alive in critical times.

Ms. Lazarus stressed that these negotiations took place while the Whites-only parliament and executive was still in place and run by the Nationalist Party. This government had been elected by only 20% of the population, the white elite, which gave it a very thin legitimacy. Negotiations for a new South Africa therefore took place while the old South Africa still ruled the country.

Through a long process of negotiation South Africa was to have an electoral system based on proportional representation that would deliver a unified state, a non racist, non sexist state that would act in a cooperative manner to meet the fundamental human rights of people, enshrined in a Bill of Human Rights. There was to be a system of justice ensured by the independence of the judiciary and a range of government institutions for the delivery of basic rights and services to the people of South Africa.

Ms Lazarus outlined a few major lessons that can be learnt from the South African experience:

- The extremists parties, the ethno-centric

nationalists, who chose to stay out of the negotiations and even tried to disrupt the process, were in the end not sustainable.

They ended up split from within by those inside who came to realise the need for a more reasonable approach to prevail.

Moreover, as they put themselves out of the decision-making process right from the start of the negotiations, 10 years on, voters still do not consider them being potentially part of decision-making instances and they have lost their former strongholds.

- The role of civil society, the media and women's organisations was paramount. An informed civil society was of crucial importance. The media critical of the parties positions but supportive of the negotiation process, played an invaluable role in keeping all abreast of what was happening.

Finally, a major role was played by organised women through the National Women's Coalition. In spite of the differences on issues like abortion or homosexual rights, they all agreed that gender equality had to be written into the constitution. Further, they agreed that women needed to be at the negotiation table and so they demanded at least 30% of those elected into the new parliament should be women.

In conclusion, Ms Lazarus said that for the people to govern, the people needed to remain engaged. The citizen has to stay vigilant to her own needs and hold government accountable for delivery.

Reflections on the Northern Ireland conflict

The writer of this article is Ciaran O'Toole, who recently joined CCF as a Project Manager. Born in Ireland, he lived in the Republic of Ireland and Northern Ireland from 1973 to 1996.

He lived in London from 1996 to 2000, in Riyadh, Saudi Arabia from 2000 to 2003, in Melbourne, Australia from 2003 to 2007, and arrived in Fiji on 24 January. He is currently also completing an MSSc in International Development.

When moving to an unfamiliar land, a person tends to go through a period of reflection, in particular on the countries within which they once lived. After arriving in Fiji, I find myself contemplating the country of my upbringing, Ireland, and in particular Northern Ireland. It is an appropriate time for such analysis, as less than a year ago (May 2007), after years of negotiation, a multi-party Northern Irish government was formed. In my mind, and in the minds of most Irish people, this event marks the end of 30 years of communal conflict and potentially the end of 400 years of discrimination, hatred and distrust.

The origins of the civil conflict go back to the 1600s, with the arrival of Scottish and English settlers to the northern part of Ireland. Almost four hundred years later, the ancestors of the native Irish (mostly Roman Catholic) became known as 'Nationalists', and the settlers (mostly Protestant) became known as the 'Loyalists'. The Loyalist community is the majority (53%) of the two million people in Northern Ireland.

Although the relationship between the two communities has always been strained, the thirty years of conflict, from the 1960s to the 1990s, has its roots in the violation of human rights and political discrimination. Up to the 1970s, the Loyalist-controlled Northern Irish government discriminated against the Nationalist community in areas such as local government representation, housing allocation and education. This dangerous mix of division, racism and discrimination erupted into violence in late 1960s. The violence resulted in a collapse of the Northern Irish government and imposition of direct British government rule.

Through the 1970s and 1980s, this violence became fuelled by political interests, fear and the continuous desire for revenge. The result was a 'cycle of violence'; a cycle of violent acts followed by retribution. The 'Troubles', as the war became known, resulted in over 3500 deaths and 47,000 injuries. Of those killed, over 60% were inno-

cent civilians. Such communal violence has spawned many negative side effects. The two communities were forced further and further apart, to the point where neighborhoods were physically separated by large concrete and metal barriers. The economy suffered badly with unemployment increasing sharply. These many social and economic problems simply added more fuel to the violence fire.

How did it stop? I believe that ultimately the Northern Irish people themselves ended the Troubles. They started to demand peace and reconciliation and the politicians and men of violence were forced to listen. Individuals and organizations, at a grassroots level, began to make the necessary changes to bridge community divisions. One of the most significant social developments within Northern Ireland was the development of integrated multi-de-

to simply get the opposing sides into a room. During this uncertain period, peace advocacy and activist groups continued to pressure all sides with large peace rallies. Finally, there was agreement on a democratic Northern Irish Constitution. There was agreement on a system of 'power-sharing multi-party government' where the number of seats and appointments to individual ministries is proportionate to the number of seats each party holds in parliament. In the referendum of 1998, the Constitution was accepted by 71% of the people of Northern Ireland.

From the start, this power-sharing system has had its problems and was suspended twice due to extreme parties refusing to cooperate. Finally in May 2007, after elections in which the two most radical parties from both sides came to the fore, a successful and stable multi-party government



A metal and concrete barrier, known as the 'peace-line', separating two neighborhoods (Nationalist and Loyalist) in West Belfast, Northern Ireland.

nominal schools (i.e. schools with an equal level of students and teachers from both communities). In 1981, there was one integrated school. By 1985 there were four, and there are currently sixty one such schools. The schools range from nursery to primary and secondary level. As a testament to their popularity and success, around 500 school applicants had to be turned away in 2005, due to a lack of places.

By 1994, this grassroots desire for peace and reconciliation, along with the voice of cross-community peace activist groups, had become louder and louder. This mass yearning for peace helped persuade the lead Nationalist paramilitary organization (the IRA) to announce a ceasefire. It took another four years of torturous negotiations

was formed. The leader of the Democratic Unionist Party, Ian Paisley, was elected First Minister, and the former IRA leader, Martin McGuinness was elected Deputy First Minister. To see former sworn enemies in the same room, let alone working together to solve social problems is quite remarkable. I believe that the forty years of conflict, negotiations and the final solutions offer many lessons for the world within which we all live. Firstly, that division, racism and discrimination can lead to spiraling communal violence. Secondly, that activity at a grassroots inter-community level does work. And thirdly, that democratic multi-party governance structures, although difficult to form, can work to bring peace, stability and reconciliation.

CERD concluding observations recommend Fiji to create laws to prosecute racist crimes

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the Elimination of Racial Discrimination.

Factors & Difficulties Impeding the Implementation of the Convention

4. The Committee is aware of the recent suspension of democratic institutions in Fiji and hopes for a speedy return to a democratic form of government, especially bearing in mind the close connection between democracy and human rights.

Positive Aspects

5. The Committee welcomes the stated intention of the State party to make the optional declaration under article 14 of the Convention.

6. The Committee notes with satisfaction the adoption of the Immigration Act of 2003, and the repeal of section 8 (i) g of the Act, which marks a substantial improvement in the State party's immigration legislation.

7. The Committee welcomes the commitment expressed by the State party to strive for reconciliation among the communities in Fiji.

8. The Committee commends the ratification by the State party of the ILO Conventions No. 111 on Discrimination in Employment and Occupation and No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

Concerns and Recommendations

9. The Committee encourages the State party to consider withdrawing its reservations and declarations. In particular, the Committee recommends the State party to reflect on the appropriateness of its reservation and declarations in light of the developments in international law in relation to indigenous peoples' rights.

10. The Committee recommends that the State party guarantee the participation of all ethnic communities in the elaboration of the draft Peoples' Charter for Change and Progress. It also expresses the hope that this process is in conformity with the Convention as well as with the Committee's recommendations. The Committee further encourages the State party to hold free and fair elections as soon as possible so as to form a government based on the 1997 Constitution which provides for power sharing between the ethnic communities while ensuring that indigenous forms of governance are respected.

11. The Committee encourages the State

party to take all necessary steps to ensure the independence of its national human rights institution, in accordance with the Paris Principles of 1993 (United Nations General Assembly resolution A/RES/48/134, annex, of 20 December 1993).

12. The Committee recommends that the results of the recent census be published as soon as possible, and in this regard draws the State party's attention to paragraphs 10 to 12 of its guidelines on the form and content of reports (CERD/C/2007/1) concerning the ethnic characteristics of the population. The State party is also encouraged to collect statistics on children of mixed ethnic parentage and to provide the Committee with such data.

13. While noting the explanation offered by the delegation, the Committee observes that its interpretation of the concept of "indigenous Fijians" remains unclear, in particular in relation to the general concept of "indigenous peoples" in international law. Moreover, the relationship between the rights of "indigenous Fijians" and those of other Fijians needs further explanation. (art.2)

The Committee recommends that the State party reflect further on how the concept of "indigenous Fijians" relates to the understanding of indigenous peoples in international law, in particular as reflected in ILO Convention 169 on indigenous and tribal peoples' rights and the 2007 United Nations Declaration on the Rights of Indigenous Peoples. Furthermore, the State party is invited to explain how the concept of "indigenous Fijians" is applied in law and practice and its impact on the enjoyment of human rights by everyone in Fiji.

14. The State party is invited to provide the Committee, in its next periodic report, with examples of cases in which the Convention has been utilized by courts when interpreting national law.

15. The Committee is seriously concerned that no specific laws prohibiting racial discrimination have been adopted by the State party. (art.2(i))

The Committee recommends that the State party adopt a comprehensive law on the elimination of racial discrimination, including regarding acts perpetrated by private persons, taking into consideration all elements of the Convention. Furthermore, the State party should expedite the review of

its legislation so as to ensure full compliance with the Convention.

16. The Committee recommends that the State party take all necessary measures to ensure that the registration of ethnic identity in Fiji is made on the basis of self-identification, and that the operation of the present system (in immigration forms) does not lead to discriminatory treatment.

17. The Committee notes the State party's stated intention to review the scope of its special measures programmes as well as to consult communities affected when devising new programmes. The Committee remains concerned, however, that the need for special measures, in sectors such as education and employment, may not be based on a realistic appraisal of the current situation of the different communities. (art.2(2))

The Committee encourages the State party to engage in a data-gathering exercise to ensure that special measures are designed and implemented on the basis of need, and that their implementation is monitored and regularly evaluated. The Committee also reiterates the need to ensure that the special measures adopted in no case lead to maintenance of unequal or separate rights for different ethnic groups after the objectives for which they were taken have been achieved.

18. While noting the statistical information provided by the State party on the representation of the different ethnic communities in the military and police forces as well as the State party's explanation of this data, the Committee remains concerned about the lower levels of representation of Indo-Fijians in these forces and in the public administration in general. (arts.2(2) and 5(c))

The Committee recommends that the State party consider adopting measures to ensure that all ethnic groups are duly represented in State institutions and the public administration, including special measures aimed at achieving adequate representation of all communities, particularly in the military, taking into account its role during the recent political turmoil in the State party.

19. The Committee recommends the State party to take all necessary steps to ensure that school enrolment policies are not discriminatory, including where necessary by de-registration of schools. It also invites the State party to ensure that curricula convey to students the importance of respect

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CERD concluding observations recommend Fiji to create laws to prosecute racist crimes

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for the different ethnic communities of Fiji. Furthermore, mixed schools should be promoted and strong action taken to promote intercultural education.

20. While noting the existing criminal law provisions in relation to article 4 of the Convention, the Committee remains concerned by the State party's opposition to the banning of racist organizations, and the absence of laws to the effect that committing offences for racial reasons generally constitutes an aggravating circumstance. The Committee also reiterates its regret about the State party's insufficient statistics on discrimination-related cases. (art.4)

The Committee strongly recommends that the State party amend its legislation to bring it in line with article 4 of the Convention, in the light of the Committee's general recommendation no. 15 on organized violence based on ethnic origin (1993). The Committee recommends that the State party adopt specific and unambiguous legislation prohibiting racist organizations and amend its laws to the effect that racial motivation constitutes an aggravating circumstance for crimes. Furthermore, the Committee wishes to receive data regarding serious cases of racial hatred or incitement to racial hatred.

21. The Committee regrets that the State party was not able to provide data concerning the ethnic composition of the prison population. (art.5(b))

The Committee encourages the State party to strengthen its efforts to collect the requested data, in the light of the Committee's general recommendation no. 31 on the prevention of racial discrimination in the administration and functioning of the criminal justice system (2005), and to provide such data to the Committee in its next periodic report.

22. The Committee invites the State party to include, in its next periodic report, information on the nature of the relationship of the indigenous community to their lands. The Committee also encourages the State party to take appropriate and immediate measures to resolve the land rights issue, in a conciliatory and equitable manner, and to urgently put in place interim measures so as to prevent further deterioration of the economic situation of non-indigenous Fijians. It also strongly recommends that the State party consider reviewing its current land regime so as to make it more accessi-

ble to members of non-indigenous communities.

23. While welcoming the fact that the National Committee on the Prevention of Suicide has identified Indo-Fijians as their key addressees, the Committee continues to be concerned that it did not receive information on the effectiveness of measures taken by the State party to address high suicide rates among this community. (art.5(e)(iv))

The Committee recommends that the State party put into place a comprehensive evaluation strategy of its suicide prevention programs, including the motives behind the pattern of suicides, and to provide information in this regard to the Committee in its next periodic report.

24. The Committee welcomes the adoption of an Action Plan to combat racial discrimination in the field of education and to promote integration of the student body. It regrets, however, that the State party has not provided sufficiently detailed information on the content of this plan or how it is implemented in practice. (art.7)

The Committee recommends that the State party provide more detailed information on the Action Plan as well as on its effectiveness in practice.

25. The Committee encourages the State party to consider ratifying the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (adopted by General Assembly resolution A/RES/45/158 of 18 December 1990).

26. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12, chap. I), when implementing the Convention in its domestic legal order, particularly as regards articles 2 to 7 of the Convention. The Committee also urges that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level. The Committee also encourages the State party to increase their efforts to actively participate in the Preparatory Committee of the Durban Review Conference, as well as in the

Durban Review Conference in 2009.

27. The Committee recommends that the State party ratify the amendment to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly on 16 December 1992 (resolution A/RES/47/111). In this connection, the Committee cites General Assembly resolution of 19 December 2006 (A/RES/61/148), in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

28. The Committee recommends that the State party's reports be made readily available to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized in the official and national languages.

29. The Committee recommends that the State party consult widely with organizations of civil society working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of the next periodic report.

30. The Committee invites the State party to update its core document in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the Common Core Document, as adopted by the fifth inter-Committee meeting of the human rights treaty bodies held in June 2006 (HRI/GEN/2/Rev.4).

31. In accordance with article 9, paragraph 1, of the Convention and article 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present conclusions, on its follow-up of the recommendations contained in paragraphs 11, 19, and 23 above.

32. The Committee recommends that the State party submit its eighteenth, nineteenth, and twentieth periodic reports, in a single document, due on 10 February 2012, taking into account the guidelines for the CERD-specific document, as adopted by the Committee at its 71st session, and that the report be an update document and address all points raised in the present concluding observations.

Events in pictures



In the picture on the left is new staff member of CCF, Ciaran O'Toole (left) with Geoffrey Nainoca and Kenneth Zinck. Ciaran is an AVI volunteer and is working as project manager at CCF. In the picture on the right is CCF Chair Ms Tessa Mackenzie with Ms Alison Lazarus (right).



Need for continued advocacy on national issues

Fiji continues to be a country much loved by its citizens, however, recent times have put a severe strain on people's capacities. Lack of respect for law, differences between people from different religious and racial backgrounds, a lack of understanding of democracy and failure to gain enough transparency from the government, continue to be major problems in Fiji. Below are some key issues that the CCF advocated against, over the past three months.

Recently, CCF condemned the deportation of Fiji Times publisher Mr Evan Hannah as an unacceptable behaviour by the interim government.

"The deportation is totally unacceptable. The government is making a mockery of our legal justice system. We call on the interim government to stop violating rights of people in such a manner," CCF Chief Executive Officer Rev Akuila Yabaki said.

"Everyone has a right to a fair trial. All people have a right to maintain innocence until proven guilty in a court of law. In the case of Mr Hannah, and in the recent past, Mr Russell Hunter, they were not even given a chance to defend themselves in court," Rev Yabaki said.

On 30 April 2008, CCF called for more sensitivity to the poor and landless.

In response to the Fiji Sun page one story (30/04/08), CCF condemned the manner in which close to 50 people's houses and belongings were smashed by landowners and the people physically manhandled in Kuku, Nausori.

"Even those who are poor, own no land, or are squatters, are entitled to basic human rights which includes the right to be treated with dignity. We call on the government and the landowners to show sensitivity and respect for the basic human rights of those who are poor and landless," Rev Akuila

Yabaki said.

On 25 April 2008 CCF advocated against Karavaki as being not fit to be the Supervisor of Elections.

CCF believes that Semesa Karavaki has proved himself unfit for the position of Supervisor of Elections and should stop vying for the position. CCF questioned Mr Karavaki if at any time during the selection process, he had disclosed to the Constitution Offices Commission, that he won't work on Saturdays, which tends to be the first and last day of Fiji's elections.

"Any person applying for the post of Supervisor of Elections must be able to work on all days of the elections, and on all days of the ballot counting process," Rev Akuila Yabaki said. Mr Karavaki also went on study leave abroad to study for a Masters degree. Mr Karavaki returned to work just a few months prior to the 2006 elections. This could have resulted in the many problems faced during the 2006 Elections.

CCF reminded Mr Karavaki of discrepancies in the May 2006 elections, for which he has yet to provide explanations:

- disorganised and discriminatory recruitment of enumerators for voter registration;
- defective and inadequate voter registration processes;
- widespread inaccuracies in electoral rolls;
- excessive printing of ballot papers, fueling accusations of ballot-rigging;
- some polling stations opening late or not at all, and cases of unscheduled polling;
- lack of knowledge of election procedures among officials;
- ballot papers not ready on time resulting in long delays on the first day of polling.

On 15 April 2008, CCF warned that promulgations could be scrapped by future elected government.

On the issue of the promulgation of the Employment Relations (ER) Bill, CCF reminded the Interim Government (IG) that new laws and major policy decisions they make will need to be reconfirmed by an elected parliament.

"The promulgations are an interim decision only and can be disapproved by future elected governments. As such, the interim government should refrain from promulgating legislations. The IG's own legality is before the courts - so they should first let the courts rule on the legality question before passing too many legislations," Rev Akuila Yabaki said.

However, the CCF believes that there is a possibility of a process where the key parties agree to the agenda for the new parliament, as part of a peace-building and reconciliation process in the lead-up to the elections.

On 07 March 2008, CCF expressed concern that some Fijians were trying to silence members as they disseminated information on the outcomes of the 72nd Session of the Committee on the Elimination of Racial Discrimination.

Fiji is a signatory to the Convention on the Elimination of Racial Discrimination (CERD). Fiji's periodic reports were discussed in Geneva on 19 and 20 February 2008 and CCF held a press conference on 07 March to convey concerns of CERD.

"This morning, a Fijian man telephoned our office and warned us not to speak on NLTB or the GCC, saying this is not the right time to discuss this. We tried to explain to the caller that we are relaying what the UN CERD body told us. The caller said they did not care about what the UN says," Rev Akuila Yabaki said.

On 27 February 2008, CCF called on the Government to reconsider its hasty and unlawful expulsion of Russell Hunter.