

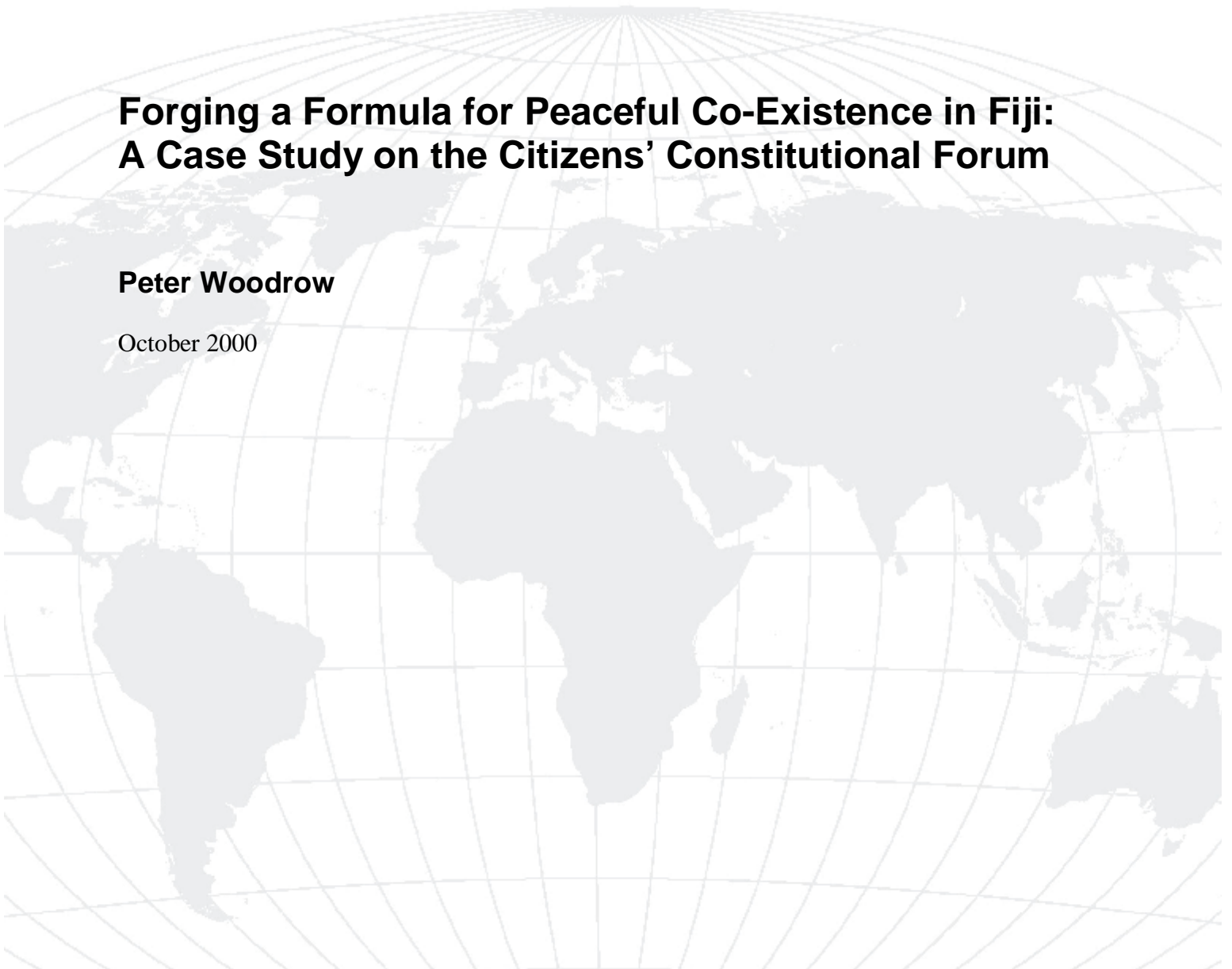
REFLECTING ON PEACE PRACTICE PROJECT

Case Study

Forging a Formula for Peaceful Co-Existence in Fiji: A Case Study on the Citizens' Constitutional Forum

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October 2000



This document was developed as part of a collaborative learning project directed by CDA. It is part of a collection of documents that should be considered initial and partial findings of the project. These documents are written to allow for the identification of cross-cutting issues and themes across a range of situations. Each case represents the views and perspectives of a variety of people at the time when it was written.

These documents do not represent a final product of the project. While these documents may be cited, they remain working documents of a collaborative learning effort. Broad generalizations about the project's findings cannot be made from a single case.

CDA would like to acknowledge the generosity of the individuals and agencies involved in donating their time, experience and insights for these reports, and for their willingness to share their experiences.

Not all the documents written for any project have been made public. When people in the area where a report has been done have asked us to protect their anonymity and security, in deference to them and communities involved, we keep those documents private.

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Introduction

This case study presents the experience of the Citizens' Constitutional Forum, a non-governmental organization founded in Fiji in 1993. The case study provides background on the situation of conflict, describes the activities associated with the peace-building or conflict resolution project, and presents and analyzes the outcomes of the work. Fundamentally, the work of CCF contributed to conflict prevention in Fiji.

I. Background and Context of Interethnic Conflict in Fiji

Brief History of Fiji

Fiji is a group of 322 islands (about 100 of which are inhabited) in the South Pacific, located approximately 5,000 kilometers southwest of Hawaii and 3,100 kilometers northeast of Sydney, Australia. With about 800,000 people, Fiji is the largest country of Polynesia. Almost 90% of the land and 93% of the population live on the two largest islands, Viti Levu and Vanua Levu.

Archeological information suggests that Polynesian settlers arrived in Fiji around 1,500 BC and Melanesians arrived about 1,000 years later. The combining of the two races produced the indigenous islanders encountered by 17th and 18th century European explorers. The social structure included a strong hierarchical system of chiefs and subchiefs that survives in a somewhat altered form today.

Trade in sandalwood and other local products, and missionary activity grew during the early decades of the 19th century. In 1874, amidst conflicts among local groups, Tongan expansionists, and competing European and American interests, the high chief, Cakobau, decided to cede Fiji to Great Britain. The first British governor, Sir Arthur Gordon, established colonial policies whose effects are still being felt today. First, he set up a system of indirect rule, establishing the chiefly hierarchy as the paramount order among indigenous Fijians. Ten percent of the land had already been sold, but a Deed of Cession protected further Fijian lands from being sold, though they could be leased. In addition, Gordon wished to protect indigenous Fijians from exploitation by European settlers and decreed that indigenous Fijians could not be required to work on the European sugar plantations that were quickly being established.

The British needed labor on the sugar plantations. At first, Melanesian laborers were brought in from the Solomon Islands. Later, the solution was to import indentured workers from India, a practice which continued from 1879 through 1916. Under their contracts, the Indian workers were required to cut cane for their masters for five years. Subsequently they could lease land for another five years and plant their own cane. After their contracts expired, many Indians elected to stay in Fiji. Later, Gujarati businessmen arrived in Fiji and established small enterprises. The Indian population grew, while the native Fijian population fell, partly due to exposure to disease. Until the middle of the 20th century, Indians and indigenous Fijians comprised roughly equal portions of the population. At the time of the 1956 census, however, Indians outnumbered indigenous Fijians for the first time, a situation that continued until the 1996 census.

Toward the end of the 1960s, with the prospect of independence, vigorous negotiations between indigenous Fijians, Indians, and the colonial power resulted in a constitution that enshrined a division of power among the ethnic groups. It also instituted a system of voting for both a “communal roll,” in which each ethnic group voted for their own representatives, and a “national roll,” in which voters of whatever ethnicity could vote for general representatives. However, these national roll seats were also designated along ethnic lines. The system, while providing fairly equal representation of Indo-Fijians and indigenous Fijians, over-represented the “General Electors” (a mixed group of Europeans, Chinese, and others). The following chart shows the composition of the Lower House under the 1970 constitution:

Communal and National Rolls in the Lower House¹

Group as % of Population	Communal Roll Seats	National Roll Seats	Total
Indo-Fijians (50.8%)	12	10	22 (42.3%)
Indigenous Fijians (45.7%)	12	10	22 (42.3%)
General Electors (3.5%)	3	5	8 (15.4%)
Total	27	25	52

The upper house, the Senate, served to protect Indigenous Fijians interests through its composition. A two-thirds majority was required to change the constitution, including its provisions continuing to reserve land holdings for indigenous Fijians. The nominees of the Council of Chiefs could block any such change, since they controlled more than a third of the seats.

Representation in the Senate²

Fijian Council of Chiefs’ Nominees	8
Prime Minister’s nominees	7
Opposition Leader’s nominees	6
Council of Rotuma’s nominees	1
Total	22

During the negotiations resulting in the 1970 constitution, Indian parties pushed for elimination of the communal roll, preferring a common roll for all and the principle of “one person one vote.” In the short-term, however, they only managed to achieve the mixed system described above. Indigenous Fijians parties, on the other hand, felt they had managed to secure their interests and to ensure Fijian dominance in politics for the foreseeable future.

Through most of the 1970s, the new political system worked fairly well, but depended, in part, on informal relationships of good will between indigenous Fijian leadership and Indo-Fijian

¹ Premdas, Ralph, *Ethnic Conflict and Development: The Case of Fiji*, 1995, Avebury/UNRISD, 25.

² Ibid..

leadership. Cooperative associations frayed and then broke under continued Indigenous Fijians dominance of the political scene.

The Roots of Ethnic Tension

The people interviewed for this case study offered various explanations for inter-ethnic tensions in Fiji, particularly that between the two major groups—indigenous Fijians and Indo-Fijians. Without endorsing one theory over another, this section will present the multiple causes cited.

Colonial Policies. Many people draw a direct link between colonial policies and present-day ethnic tensions. Laws regarding landholding had a particular impact. Some of the immigrant Indian population, denied the right to own land, found a livelihood as tenant farmers. Others turned to commercial activities, becoming small shopkeepers. At a later stage, some Indo-Fijians initiated larger scale commercial enterprises. Although European interests (especially from Australia and New Zealand) control many of the larger commercial businesses, Indo-Fijians are a significant economic force and quite visibly so in urban areas. Indigenous Fijians, while retaining significant land holdings and spared the worst depredations of forced labor through the “protections” of the British colonial system, , for many years remained outside the modern sector of the economy with few exceptions.

Foreign “Invasion.” Extremist Fijian nationalists demand, among other things, that Indians be expelled from Fiji and consider Indo-Fijians as an invading alien force. They point to the fate of Maoris in New Zealand, aboriginal peoples in Australia, and native populations in other countries as sobering lessons regarding what could happen in Fiji if Indians “take over.”

Political Power. Until the 1999 elections, indigenous Fijian elements gained and held political power in the island nation in the years since independence. The Bose Levu Vakaturaga (Great Council of Chiefs) is given power through the upper house of Parliament and also exerts influence in the Lower House through political parties. From independence in 1970 through 1987, the indigenous Fijian-dominated Alliance party enjoyed majorities in the Parliament and controlled the executive branches of government, moving many indigenous Fijians into the civil service. The military, another key government organization, has been dominated from the beginning by ethnic Fijians—a fact that enabled decisive action by the military in the late 1980s.

As long as indigenous Fijians held political power, they felt a measure of control and security. When that power was threatened, a sense of insecurity returned and indigenous Fijians focused on Indo-Fijians as the source of their troubles.

Land. Many point to the land issue as a fundamental cause of conflict. The constitutional guarantees of indigenous Fijian land holdings, while providing a sense of security for that group, also generate resentment and economic insecurity for Indian tenant farmers who can never be sure their leases will be renewed. In fact, this issue remains a salient one today, since many leases are due for renewal in the next few years and extreme nationalists are pushing for denial of leases to Indo-Fijians.

Allocation of Resources. During the years since independence, governments have favored resources directed toward economic advancement of indigenous Fijian communities and individuals. Scholarships have been awarded more frequently to indigenous Fijians in an effort to help that community catch up. Small loan programs and larger investment schemes have been directed towards indigenous Fijian individuals and groups. Affirmative action programs, especially in government hiring, have also favored indigenous Fijians. Despite its other perceived economic advantages, the Indo-Fijian population has resented these government policies. In fact, although there are significant numbers of rich and middle class Indian families, present-day statistics show that a large portion of the poor in Fiji (i.e., those in need of various forms of assistance) is of Indian background. Faced with deliberate discriminatory policies, Indo-Fijians feel like second class citizens.

Social Separation. In addition to inequalities and structural divisions in land, commerce and government, Fijian social institutions, including schools, churches and other civic organizations, also tend to reinforce separation of the major ethnic groups. The majority of schools in Fiji are operated by religious groups, so that Indian children attend Hindu or Moslem schools, while indigenous Fijian children attend schools run by Methodist or Catholic organizations. Even sports in Fiji are separated by ethnic group. To this day, most indigenous Fijians do not speak Hindi, and most Indo-Fijians do not speak Fijian. Both groups speak their family language, using English as the language of communication across ethnic boundaries. Apart from relatively small numbers of people who were educated in multiracial schools or attended university together, most Fijians do not know or understand the language, religion, or culture of the other groups. Ethnic stereotyping, reinforced by the real structural and cultural differences, is pervasive.

Culture and Values. While the extreme stereotypes are clearly untrue, there are significant differences in culture and values between the indigenous Fijian and Indo-Fijian groups. For example, indigenous Fijian culture emphasizes duty to the family, clan, and community over individual achievement. At times, this factor can make it difficult for an individual indigenous Fijian to accumulate wealth, since obligations to family tend to deplete savings that could be directed toward further investments. While this provides a sense of security within the communal system, it can also diminish incentives for individual success. The Indo-Fijian community, on the other hand, encourages individual achievement. Families push children to excel in school and to go on to higher achievements. These differences, while real, can become exaggerated in the form of denigrating stereotypes.

Several people interviewed pointed out that such cultural differences do not, in themselves, explain conflict and tension between ethnic or racial groups. Such differences provide a point of leverage for those who choose to manipulate emotions and exploit ethnic differences for their own political ends. There is also an ongoing struggle between indigenous Fijian commoners and the chiefly hierarchy that has been masked by the tension with Indo-Fijians. The chiefs benefit from the landholding rules more directly than do most poorer indigenous Fijians and have every reason to struggle to maintain their land rights. In fact, the indigenous Fijians cannot be seen as holding a single monolithic view. Significant differences persist between chiefs from the East and West, as well as between chiefs and their traditional subjects.

Tolerance and Cooperation. Many of those interviewed pointed out that, most of the time, people of all ethnic groups in Fiji get along quite well. Indigenous Fijians and Indo-Fijians work side-by-side happily in many workplaces (along with those of European, Chinese and mixed parentage). Middle class Fijians of both groups live together in mixed urban communities with a good deal of neighborly exchange. In rural areas, families have been living close to each other (although not in the same villages) for several generations. In fact, in rural areas members of the two groups are more likely to speak each other's languages and are more likely to attend each other's social functions as a matter of course.

1987 Coup D'état and Subsequent Government Policies

The elections of 1987 and subsequent actions changed the political landscape in Fiji. Only once before (in 1977) had Indian-dominated parties come close to winning political power. In the 1977 election, the governor general had managed to avoid the results of the election through political maneuvering—although the very fact of the win by the Indian-based National Federation Party over the largely indigenous Fijian-based Alliance certainly caused consternation among strong Fijian nationalists.

In April 1987, the new Fijian Labour Party managed to win the election with a slim majority in coalition with the NFP. Although the election resulted in a shift of only a small number of seats, it was enough to put the Labour-Federation coalition into government and the Alliance in the opposition for the first time. The new Labour Prime Minister, Dr. Timoci Bavadra, was an indigenous Fijian, but he was a commoner, not a chief. (The Alliance Prime Minister since 1970, Ratu Sir Kamisese Mara, had been a high chief from eastern Fiji.)

As the new government moved quickly to institute its ambitious social program, an extremist nationalist movement grew increasingly active. The new "Taukei Movement" organized street demonstrations in the capital and other major towns, greatly destabilizing conditions. It demanded, in various ways, indigenous Fijian paramountcy in their own country. Some called for expelling the Indian population and emphasized the threat that the new government represented to indigenous Fijian land ownership .

A little more than a month after the elections, on May 14, a small military group led by Lt. Colonel Sitiveni Rabuka marched into Parliament and took the Prime Minister and his cabinet (about half indigenous Fijian and half Indian) into custody. Within hours, the military group, with the apparent backing of various powerful indigenous Fijian forces, took control of all aspects of government and the media. As it moved to neutralize all opposition forces, the military government proceeded to suspend most forms of expression. Newspapers were closed, at least temporarily; and members of the labor union movement were harassed and/or arrested.

The new military rulers called Ratu Mara back into service and installed him again as Prime Minister. Faced with conditions of chaos and resistance within Fiji and international pressure that surprised Rabuka and his allies, Ratu Mara initiated talks with Dr. Bavadra and the Labour-Federation group aimed at setting up a government of national unity. These talks resulted in an agreement reached in September 1987 called the Deuba Accord. Rabuka feared the accord would likely undo his actions to guarantee indigenous Fijian paramountcy ("Fiji for the Fijians") and

minimize his role. In late September, he again seized direct control of the government, installing prominent leaders of the Taukei Movement and the military in the cabinet. This government lasted approximately three months, while the economy (partly due to international boycotts and local refusals to cut sugar cane) declined sharply. Meanwhile, the government was further cleansed of any remnants of resistance. The military completed its infiltration of all aspects of national administration and the judiciary. Rabuka, a born-again Christian, even imposed a Sunday Observance Decree that forbade any work on the Sabbath.

Recognizing the chaos and mismanagement of his government, Rabuka decided once again to turn administration over to civilian authorities. He called Ratu Mara and the old Governor General back to form a government (including several military cabinet members) and attempt to recover economic equilibrium. Rabuka retained control over the armed forces and served as a parallel authority to the semi-civilian government. Both the government and the military supported the principle of indigenous Fijian paramountcy, however, and severely restricted political and economic rights for all non-indigenous Fijians.

Restrictions on civil liberties continued for the next five years. Under the repressive interim governments after the 1987 coup, many Indo-Fijians chose to leave the country, seeing little hope for real economic opportunities or democratic rights. By the early 1990s, the Indo-Fijian population had dropped below the indigenous Fijian.

The 1990 Constitution

In 1990, a new constitution was promulgated by decree. This document further entrenched racial divisions and Fijian paramountcy and guaranteed an indigenous Fijian majority in the House of Representatives under the guidance of the indigenous Fijian elite. All representatives were to be elected by communal elections—that is, only indigenous Fijians would vote for the indigenous Fijian representatives, Indo-Fijians for Indian representatives, etc. Indigenous Fijians, with about 46% of the population, would be guaranteed 53% of the seats. Under the newly declared Republic, the offices of President, Prime Minister, Chief Justice, and heads of the military, police, and public service were reserved explicitly for indigenous Fijians only. A 34-person Senate was heavily dominated by 24 Senators appointed by the Council of Chiefs, although the role of the Senate was limited to vetoing bills deemed unacceptable.

Further centralization of the government was also achieved in the new constitution, including control of appointments to the judiciary and most major public commissions by the Prime Minister. Indigenous Fijians were also guaranteed at least 50% of all civil service positions, an affirmative action policy that deeply concerned Indo-Fijian groups.

The new constitution, while including a strong Bill of Rights with all the usual guarantees, also provided a mechanism for suspending those rights by a simple majority act of Parliament. This provision, among others, unleashed harsh criticism from the international community (some members of which compared the new constitution to South Africa's apartheid system) and vigorous protest by Fijians in exile. Many of the protests pointed out that the constitution not only discriminated against Indo-Fijians and other non-indigenous Fijians, but also denied

political rights to lower income and commoner indigenous Fijians—in other words, any who might challenge the traditional authority of the chiefly hierarchy.

Elections were held for the first time under the new constitution in 1992. This time Sitiveni Rabuka headed a new indigenous Fijian-based party, the Soqosoqo ni Vakavulewa ne Taukei (SVT). Although failing to win an outright majority due to splits in the indigenous Fijian community, Rabuka became Prime Minister under a deal with the Labour Party and some others. This arrangement proved unstable and new elections were held in 1994. Following those elections, Rabuka's SVT, purged of its dissidents, did better and was able to govern without support from an Indian-based party. Rabuka had, however, committed his government to a constitutional review process.

Potential for Violence

Fiji has managed, so far, to avoid the worst incidents of racial violence. Nothing on the scale of Rwanda, Bosnia or Kosovo took place, although in the period following the coups d'état, some incidents of attacks occurred. Opinions vary regarding the potential for violence in Fiji. Some believe that traditional mechanisms of social control, such as the authority of chiefs, would prevent an escalation of racially-based violence. Others believe that the chiefly authority could as easily be used to instigate attacks on groups or individuals perceived as a threat.

While people from the different ethnic groups get along well on a day-to-day basis, the underlying suspicions, lack of communication, and cultural stereotypes could be exploited by unscrupulous political forces to instigate organized violence. For this reason, long-term efforts at building greater communication and cooperation between the ethnic groups are needed to prevent a breakdown.

II. The Founding and Activities of the Citizens' Constitutional Forum

Preliminary Activities

In the immediate aftermath of the 1987 coup d'état there were few opportunities for open discussion of how Fiji should be governed among people of potentially divergent views, whether from different ethnic groups or even dissenting voices from within the indigenous Fijian community. As noted above, the international community did react, sometimes vociferously, to events in Fiji. Boycotts from Australia and New Zealand, in particular, brought economic pressure to bear on Fijian governments. International human rights groups and organizations devoted to conflict resolution were also concerned and made initial contacts.

In the late 1980s, International Alert, a conflict resolution organization based in London, contacted people in Fiji and also talked with Fijian nationals living in England about potential ways to address the situation. While unable to find a way to address the Fijian situation directly, they continued to monitor events and maintained informal contacts with church and academic groups. Later, Conciliation Resources (whose co-director, Andy Carl, had come from International Alert) continued a concern for Fiji.

By 1993 the atmosphere in Fiji had improved to the point where individual academicians at the University of the South Pacific (USP) in Suva decided it was time to initiate discussion of the key issues regarding governance and inter-ethnic relations in Fiji. With support from IA, they organized a consultation in December under the deliberately vague title of “A Consultation on the National Agenda.”

The group from USP, again with support from International Alert, held a second meeting in April 1994, called a “Consultation on Fiji’s Constitutional Review.” The Terms of Reference for a constitutional review had been established under the old Rabuka government, prior to the 1994 elections. Immediately following the elections, a Parliamentary Select Committee on the Constitution was established. This group proceeded to appoint the members of a three-member Constitutional Review Commission (CRC), including Sir Paul Reeves of New Zealand as Chair, Tomasi Vakatora (the nominee of SVT) and Dr. Brij Lal (the nominee of the opposition NFP).

Founding of CCF

Following the two preliminary consultations in 1993 and 1994, the organizing group decided to found a new organization to continue the work. They launched the Citizens’ Constitutional Forum in June 1995 as a space for dialogue and debate aimed at “achieving a sustainable constitutional settlement.” CCF was dedicated to generating public participation in the formulation of the new constitution and stimulating inter-ethnic dialogue on key issues. The 1995 Annual Report quotes a member of the CCF Secretariat, Dr. Vijay Naidu:

The CCF’s principal objective is promoting an environment conducive to achieving a sustainable constitutional settlement. In short, it is concerned with assisting the people and leaders of Fiji to arrive at a consensus which is not only acceptable to all, but which becomes the basis for national integration and unity. The CCF represents a group of people who are engaged in fostering a climate that creates opportunities for reflection and well-informed discussion of constitutional matters amongst Fiji citizens. It is a non-partisan citizens’ initiative bringing together religious, political and social leaders, as well as women’s representatives, youth leaders, academics, and other concerned individuals. It is committed to exploring all possible approaches to reforming the constitution.³

A key discussion during the early months of the project centered on identification of indigenous Fijian interests. Although many actions had been taken in the name of protecting these interests, no one had ever specified what indigenous Fijians want or how their true interests could be met.

CCF Goals and Objectives

The CCF’s annual reports provide insight into the stated goals of the organization and show how the goals shifted over time.

1995:

³ *Fiji: Citizens Constitutional Forum, Forging a Formula for Peaceful Co-existence*, 1995 Programme Report.

“The objectives of the project in 1995 were to design and support a non-partisan, broad-based public process aimed at providing opportunities for inter-communal political dialogue, and the generation and dissemination of constitutional alternatives and options. Project activities were aimed at supporting a participatory process which elicits public views on the key problems facing Fiji, substantially increases public awareness and understanding of complex constitutional issues, and promotes an environment conducive to reaching sustainable constitutional settlements. With some international assistance, this process was to be elaborated by and for Fijians.”⁴

1996:

“The overall programme goals for the work in 1996 and 1997 were described as follows:

- To ensure that a just settlement is reached which balances the competing demands for individual rights to equality and group claims to self-determination;
- To help Fiji citizens assert their right to participate in Fiji’s governance;
- To foster a multicultural consensus for pluralism;
- To raise public awareness of the issues and options in the constitutional review process, and explore ways of dealing with them both through constitutional and other civil society initiatives.”⁵

1997:

“The CCF’s activities noted in this report worked to the following objectives:

- To promote the voices of non party-political “civil society” and a just settlement in the constitutional review;
- To build the sustainable capacity of citizen groups to participate in Fiji’s governance;
- To foster a multi-cultural constituency for pluralism;
- To raise public awareness of the issues and options in the constitutional review process;
- To create a useful “space” and opportunities for dialogue for political leadership and among those influencing leadership; and
- To support the setting up of impartial and practical accountability mechanisms such as the Freedom of Information legislation, a Leadership Code, and the Human Rights Commission.”⁶

1998:

⁴ Ibid.

⁵ *Building a Multi-Cultural Consensus for Pluralism: Preventing Conflict and Supporting Democratic Change and Human Rights in Fiji: CCF Annual Report 1996*, 3.

⁶ *Building a Multi-cultural Consensus for Pluralism: Preventing Conflict and Supporting Democratic Change and Human Rights in Fiji: Report of Activities 1997, Citizens’ Constitutional Forum, 1997*, 4.

“The CCF activities noted in this report worked to the following objectives:

- To promote democratic institutions
- To facilitate discussions on aspects of the constitution, such as the Human Rights Commission
- To educate the public on the principles of the constitution and their rights
- To foster multiculturalism through dialogue and education
- To educate the public on the new voting system.”⁷

1999:

Based on interviews with members of CCF, the goals for 1999 are:

- To monitor the implementation of the constitution;
- To promote awareness of key provisions of the constitution, particularly those that address human rights and social justice; and
- To address long term relationships among ethnic groups through a program on multiculturalism.

The above goals were accomplished through a wide range of activities and events, including workshops, consultations, public meetings, educational events, and publication of documents. Activities were quite intense in some years leading up to the issuance of CRC’s report (particularly in 1996).

Amazingly, most of CCF’s activities were accomplished almost entirely through volunteer efforts. The organization has had full-time paid staff only in recent years. The group’s organizational structures were also quite simple. The CCF Secretariat consisted of any and all active participants who came together, usually once a week and more often during periods of intense activities. The Secretariat made decisions together, with subgroups and individuals volunteering to implement actions.

Principal Phases of CCF Work and Activities

Members of CCF insist they did not work from a carefully planned strategy. Rather, while keeping a compelling vision in mind, they responded to the unfolding process of review of the constitution and designed actions to fit the needs of the moment. Looking back, the work of CCF can be understood in terms of a series of three phases into which individual activities fit.

Phase 1: Promoting a Constitutional Review Process (1993-1995)

⁷ *Promoting Democratic Institutions and Multiculturalism: Post 1997 Constitutional Era: Annual Report 1998*, Citizens’ Constitutional Forum, 1998.

During this phase, much of it prior to the official launch of CCF, activities focused on influencing the Terms of Reference for the CRC and promoting initial discussion of key constitutional issues. The organizers engaged participants from a wide range of viewpoints in a series of consultations. The participants in the consultations apparently felt free to share their perspectives, at times with force and emotion. At the time, no other forum existed for discussion of the constitutional issues, especially not across party and ethnic lines.

Phase 2: Building Consensus for Constitutional Reform (1995-1997)

During the early period of this phase, CCF engaged groups in consideration of key elements of the constitution. Through the series of consultations continued from the first phase, they built a consensus, supported by all but the most extreme voices, for a series of principles to be embedded in the new constitution. In order to address some specific constitutional issues, CCF recruited (often with the help of Conciliation Resources) international experts on electoral systems, human rights, and the like, to serve as resource persons at CCF consultations. In 1995, CCF made an official submission to the CRC, articulating the consensus achieved regarding the constitution.

During 1996, CCF undertook an intensive public education process and engaged in a campaign to gain support for key provisions and principles. The main focus of this campaign was the Peoples' Constitutional Charter, a document that captured the broad principles that CCF and others felt should be enshrined in the new constitution. Local workshops and education sessions were organized in urban areas and in rural areas of the two large islands. Copies of the Charter were reproduced on tee shirts and tea towels and in forms that were easy to distribute. CCF managed to obtain about 3,000 signatures in support of these essential principles. The Charter is presented in Appendix A.

The CRC issued its report, "Towards a United Future," in September 1996, incorporating many of the principles proposed by CCF, though not all. At that point, the constitutional review process shifted to the Joint Parliamentary Select Committee, charged with taking the recommendations of the CRC and hammering out an actual constitution for consideration by Parliament. During this period, CCF members used their personal networks and contacts to push for incorporation of key ideas and principles, with particular concern for moving the electoral system away from communal competition and incorporating mechanisms for power-sharing among parties in government.

The new constitution was approved and promulgated in July 1997 to take effect a year later. It included provision for power sharing in the formation of a multiethnic Cabinet from among parties winning seats in the Lower House. Forty-six MPs would continue to represent ethnic constituencies, while 25 MPs would be elected on the open (non-ethnic) roll. The 46 ethnic seats were apportioned to the ethnic groups in rough proportion to their share of the population. The CCF 1997 Annual Report states:

The 1997 Constitution also safeguards the independence of the judiciary and has a strengthened Bill of Rights. At the same time, it preserves the principle of "paramouncy of indigenous Fijian interests" and maintains the political role of

the Great Council of Chiefs. It also provides for changes to the electoral system, new Freedom of Information legislation, the establishment of a Human Rights Commission, and a Code of Conduct for political office holders.⁸

While the continued reservation of seats for ethnic constituencies and some aspects of the actual voting process were a disappointment for CCF members, overall they were very pleased with the outcome of the process.

Phase 3: Implementation of the Constitution (1997 to Present)

In the period since the approval of the constitution by Parliament, CCF has been occupied with educating the public about the constitution in general, and particularly preparing voters for the elections of May 1999. It has also given attention to the establishment of key bodies, such as the Human Rights Commission. The CCF also sees itself as a vigilant “watchdog” group to monitor the government’s actions, providing commentary and/or expert opinion on constitutional matters.

Recognizing that attention to constitutional matters alone cannot heal the rifts in Fijian society, the group is also now focused on the long-term process of building a multicultural society. They are in the early stages of developing a program to include working in schools (curricular materials, classroom activities, etc.) and providing workshops for awareness building and communication in the wider community. In addition to providing materials for teachers, they may obtain training for a cadre of trainers who will be able to run workshops all over Fiji.

CCF Publications

In the years since 1993, CCF has published a steady stream of documents on the constitution, human rights, voting systems and related topics. Some of these are written for a sophisticated academic and political audience, while others are aimed at educating the general public.

Role of Conciliation Resources

The role of Conciliation Resources as the main international partner for CCF during this whole period is widely appreciated by those most directly and actively involved in the CCF secretariat. CR staff were in constant e-mail communication with the group, supplemented by occasional visits. CR provided a valuable fresh and external viewpoint and a degree of moral support for CCF’s continued actions. CR also raised important questions and influenced how people thought about the group’s task, while always respecting the need for decisions and direction to come from those in Fiji.

Most concretely, CR helped identify appropriate international resource people to make presentations regarding constitutional arrangements in other societies at CCF events. In addition, CR assisted with fundraising from international donor organizations in Europe and elsewhere.

⁸ Citizens’ Constitutional Forum, *Building a Multi-Cultural Consensus for Pluralism: Preventing Conflict and Supporting Democratic Change and Human Rights in Fiji: Report of Activities 1997*, 3.

CR also served as a focal point for gathering helpful input from Fijians living, working, or studying in England and Europe. Discussions among this group and CR staff regarding strategy and potential next steps for CCF were fed by e-mail to the CCF secretariat in Suva and considered in group discussions.

Other Efforts at Conflict Resolution

CCF was not the only organization working toward reconciliation among the contending groups in Fijian society. Several groups worked from a religious base to encourage communication and understanding across religious traditions. The most prominent of these was Interfaith Search, which included representatives and leaders of both Protestant and Catholic Christians, Hindus and Moslems. Some participants in Interfaith Search also became active with CCF.

Another small religiously-based group, People for Intercultural Awareness (PIA) arose within the Catholic church, and reached out to all faith traditions and ethnic groups, using a mixed group of indigenous Fijian and Indo-Fijian facilitators.

Most non-governmental organizations in Fiji have consciously adopted a multicultural approach in their work, taking care that the staff hired and the groups involved in organizational activities and benefits represent all major ethnic groups, especially indigenous Fijians and Indo-Fijians. This modeling of cooperation at the community level also encourages communication and mutual understanding over time. However, although the larger NGOs mostly support cross-cultural work, many of the base-level organizations continue to be organized along ethnic lines. For instance, the national groups working on women's rights represent coalitions of many women's organizations of all ethnic groups throughout the islands, but those local groups still mostly represent Indian women or indigenous Fijian women exclusively.

III. Outcomes of CCF Activities

The CCF's activities over the past five years summarized above have had a range of effects on the nature of discourse on public policy issues and on relations between political and ethnic groups in Fiji. This section will explore those outcomes and the contributions of CCF.

Generating Public Discourse on Key Public Issues

Many of those interviewed for this case study, including direct participants in CCF, outside observers, and members of partner organizations, believe that the most powerful contribution of CCF was providing a safe "space" for frank and open discussions of key issues, particularly those regarding the constitution. The series of CCF consultations, workshops and seminars engaged participants from across the political spectrum and from all ethnic groups in substantive and productive discourse at a time when no one else was willing or perhaps even able to organize and host such events. This, in itself, was a valuable contribution, even if the group had taken no further actions.

In the period following the 1987 coup d'état, open discussion of controversial matters was quite difficult. The kind of open dialogue initiated by CCF might not have been possible at that stage, although some forms of quiet, off-the-record, and confidential talks might have been feasible. By the early 1990s, the time was ripe for direct talks open to all viewpoints. While some groups, particularly those with a clear stake in the status quo, were initially somewhat reluctant to participate, by and large CCF's efforts were met with enthusiasm. The resulting exchanges, by all reports, were frank, emotional, and forthright.

Gaining Consideration for Creative Options

CCF's attention to specific technical matters and matters of principle in the constitutional debate promoted consideration for creative alternatives that might not otherwise have been contemplated. CCF drew on scholars and experts not only within Fiji, but also brought in international authorities who offered the experience of how the same questions had been addressed in other places.

Reducing Polarization

After a period of discussion and consensus building among people representing most of the political spectrum in Fiji, CCF members had obtained points of agreement among most participants. While some of those at the extremes remained outside the consensus view, the process managed to articulate a viewpoint representing a large political middle ground. In many conflict situations, the process of polarization makes it increasingly difficult to articulate moderate views. CCF's efforts ensured that voices of moderation could be heard.

Effects on the New Constitution

In addition to helping to avoid some of the effects of polarization, CCF had direct effects on the concrete provisions of the constitution itself. While the Constitutional Review Commission did not accept all of their recommendations, it did incorporate many of the fundamental principles espoused by CCF in its final report. In addition, CCF members were able to use their personal networks to influence the negotiation process among the major political parties as they hammered out the provisions of the new constitution.

Model of Multi-Ethnic Cooperation

CCF represented (and continues to represent) a visible model of people from all of the major ethnic groups working in cooperation on important issues. While the members of the group do not always agree on all issues, and remain connected to differing political perspectives, they have managed to demonstrate that indigenous Fijians and Indo-Fijians (plus Europeans and Chinese, etc.) can work together over an extended period. Some well-known members of the group received direct pressure from more extreme elements to withdraw from CCF, but chose, instead, to maintain their relationships and commitments with their colleagues.

Provision of International Experts

The interjection of international experience and standards into the discussion served both to dispel the notion that Fiji is entirely unique and to create a climate in which a range of potential solutions to difficult questions could be entertained. After the international experts presented ideas and concepts, the Fijian participants in CCF events were free to discuss how and whether such ideas could be adapted to the Fijian situation.

IV. Analysis of and Lessons from the Fiji and CCF Experience

This section will discuss how the efforts of the Citizen's Constitution Forum can provide lessons or important questions for people struggling to build peace in other similar situations. While each situation will present its unique facts and dynamics, lessons learned from one context can be adapted for another or, at the very least, can inform the choices available to peace builders.

Making the Undiscussible Discussible

A common dynamic in inter-group conflict is the reluctance of people in the situation to even raise difficult issues, for fear that (1) the other group(s) will refuse to talk, (2) talking might make matters worse, or (3) those with power and authority will seek retribution for even opening questions. The process simply of identifying the key issues that need to be discussed and then initiating some form of dialogue is a tremendously important step. The CCF experience demonstrates the power of making it possible to talk about the issues. When people are fearful of dialogue, taking the first steps to talk shows that people can discuss what was previously "undiscussible," that the key issues can be opened up and examined, and that those involved can advocate strongly for their key interests while maintaining their self-respect. At present, the issue of land remains highly sensitive, and CCF is considering how best to broach the subject and promote a constructive exchange of views.

Creating a Space for Dialogue

In some hostile circumstances where polarization and alienation exist among groups, those who initiate discussions with the other side have been punished by their own group. Those whose power derives in part from continued conflict or who sincerely fear that talking with the other group will lead to unacceptable losses, often charge those who initiate dialogue with "selling out." History is full of examples of representatives of two groups in conflict finding a place to talk in private or even secretly. At times, a relatively neutral "third party" provides a setting in which representatives of the contending groups can talk freely and off-the-record, without the glare of media attention.

In Fiji, CCF did not play the role of a neutral third party. Rather, they represented people from a variety of perspectives and from all ethnic groups who wished to see healthy discussion of crucial national issues. They were able to provide a forum for dialogue—one that in these particular circumstances benefited from being open and visible, rather than in a quiet, off-the-record space. An important judgement call for would-be peace builders, then, is when to pursue

the quiet, off-the-record approach and when to opt for open dialogue. If the parties are willing to talk at all, it is usually best to follow their lead on this issue.

Building Consensus

A key element of the CCF program was building a degree of consensus on broad principles for governance in Fiji that was endorsed by people representing all ethnic groups and a wide range (though not all) of the political perspectives in the country. The next step was to articulate the resulting consensus position and give it visibility in the society. It will not always be possible to achieve such consensus positions in deep-seated conflicts. However, groups can often agree on some important matters and/or achieve some agreements regarding broad guiding principles to guide further discussion of specific issues.

Advocating for a Progressive Position and Being Non-Partisan But Not Neutral

After they had held a series of discussions and felt that they could present a cogent perspective representing the consensus they had achieved, CCF moved into an advocacy role. They set about advocating for a progressive set of ideals that should be embedded in a revised constitution. It is important to note, however, that the group was not advocating for the interests of one group over the interests of another. Rather, they were offering creative ways to meet the interests of all key players in the situation. In fact, they advocated for the consideration of the interests of all groups—which was, in itself, a controversial position.

Groups dedicated to peace building often find themselves undertaking an advocacy role. However, rather than advocating for one group or another, they more often advocate for an end to violence, for dialogue, for respecting human rights, for seeking solutions that recognize the legitimate interests of all. While this can be a strong, and sometimes even dangerous, strategy it is often seen as different from taking a partisan perspective. It appears possible, therefore, to maintain a *non-partisan* stance, while not attempting neutrality regarding the conflict itself. Of course, some groups and individuals will attack attempts to put forward potential solutions that balance the interests of all groups. In Fiji, extreme nationalist groups view as antithetical to their interests any settlement that acknowledges the ongoing legitimate presence of the Indian population in the country and gives all groups a say in governance. They would, therefore, consider CCF to be pro-Indian.

The discussion of neutrality (about *what*), impartiality (towards *whom*), and advocacy (for *which issues*) is a critical strategic discussion for groups from inside a society undertaking efforts to support peace building.

Developing Expertise on Substantive Issues

Taken from another perspective, CCF did not simply provide relatively impartial space for dialogue. They went on to address substantive issues in the constitutional debate. Where they did not have the expertise needed to comment on specific constitutional provisions, they educated themselves and/or brought in international experts to make presentations to conferences and testify to the CRC. Therefore, they played a pivotal technical role that went beyond bringing

people together to exchange views. Within a few years they have become a credible and respected voice on constitutional matters in Fiji. Even those who disagree with the group must acknowledge that they have amassed an impressive body of knowledge about bills of rights, human rights commissions, freedom of the press, freedom of information, the independence of the judiciary, and a host of other substantive topics.

In other situations, groups that can develop a knowledge base on key issues and find ways to present information in a relatively balanced manner will gain an additional valued role in seeking solutions to difficult questions. Also, a focus on technical issues can allow people in conflict to engage in productive discussions, taking the focus away from the most emotional and volatile issues.

Drawing on External Expertise

CCF, with the assistance of Conciliation Resources, provided a constant link to the outside world on the fundamental constitutional questions. This factor is tied closely to the previous point. Outside experts, if presented sensitively, can bring useful, broad perspectives to the pivotal issues and help educate various internal constituencies. The most effective external experts may also be those who present a range of options, including cogent analyses regarding the advantages and disadvantages of those options, leaving it to local people to make wise choices for their own situation.

Internal-External Partnership

The relationship between CCF and CR provides one model for a successful partnership between local and international organizations. CCF participants valued the suggestions brought by CR, which were often informed by discussion with Fijians in England. They appreciated that CR did not impose their views or tie continued cooperation to compliance with a CR-defined approach. CR's assistance with fundraising also freed local people to give attention to the program, rather than devote attention to such administrative matters.

Work with the Diaspora

A significant element of support for CCF's activities came from Fijian citizens living, studying or working outside of the country, particularly in Europe. Some of these individuals were in regular contact with Conciliation Resources and contributed to discussions of strategy. Efforts to bring together people from a conflict area but living outside the area have proven useful in a number of other circumstances.

Working from the Middle to the Top and Bottom

In a few short years, CCF has had a profound influence on the shape of the Fijian constitution. While they certainly cannot claim to be the sole or decisive source of influence, for a citizens' initiative, they had an extraordinary effect on the process and the outcome of the constitutional review. How was this possible?

As participants in CCF talked about their work, it was striking that they often regretted that few representatives of the government in power took part in the constitutional dialogue. At the same time, they point out that some members of the government and the ruling party of the time (SVT) did take part, though not in great numbers. Even people representing the more extreme nationalist perspectives participated. The participants in the CCF dialogue process represented the full spectrum of views and were often influential individuals who had access to those in power in the various political parties. Leaders from academia, religious groups of all kinds, and other non-governmental/civil society organizations were in a position to exert influence.

CCF also appealed to wider constituencies in the islands. Especially in their efforts to promote the People's Charter and later voter education programs, they undertook outreach efforts in the countryside and urban communities.

Together, the dual processes of influencing political power brokers through a network of respected individuals and of reaching out to the broader public constitute a strategy of working from the middle ranges of society to the top levels and grassroots. John Paul Lederach has described this "middle-range" strategy, including working from groups of academics, religious leaders and NGOs.⁹ This approach enabled CCF to reach those in power directly or indirectly. Working through the same groups to their contacts in rural and urban communities provided natural pathways for information dissemination, education, and building support for the fundamental principles for change.

CCF members themselves and allied organizations acknowledge that CCF has had more sustained efforts and more success among elite and highly educated groups. CCF conferences and consultations often focus on fairly obscure constitutional questions that are not easily accessible to average citizens. More recent commitments recognize the need to work with populations that may experience discrimination, including lower income and less educated groups. CCF is also developing longer-term programs on multiculturalism that would involve all ethnic groups within a community.

⁹ Lederach, John Paul, *Building Peace: Sustainable Reconciliation in Divided Societies*, 1997, US Institute of Peace, Washington, 37-55.

Appendix A:

The People's Constitutional Charter

Preamble

The people of these islands look in hope and longing for their nation to be united. Deep within us moves a spirit that wants to express freely the yearnings of our common humanity, which for so long have been stifled and suppressed. We need a clear vision, a national sense of modesty, and much courage, born of honest concern, to express this humanity. It will take a great deal of humility to bring us together.

Our people wait for leaders with minds and hearts that are large enough for this urgent undertaking. We believe that the principles here formulated will be our way forward, and we pray that the spirit which informs them will be written indelibly in our minds and in our hearts.

We, the people of Fiji, pledge our support to the basic principles declared in the People's Constitutional Charter.

The Charter proclaims that Fiji is home for people of diverse faiths and cultures, this diversity being our great strength.

It affirms the common understanding that our people will strive to make their noblest contribution towards social, cultural and economic life if they have a real sense of belonging and of participating in the government of their country.

A government in which all the citizens are fairly represented will create security, and bring about a level of happiness and well-being that is the right and aspiration of all the members of our island community.

We, the people of Fiji, firmly hold that the principles of justice and equality, and a fair representation in government are the foundation for a new social order in a modern Fiji.

Principle 1:

We affirm our diversity, believing that history has blessed us with people of many cultures and faiths, for whom Fiji is home.

Principle 2:

We affirm that we are part of the international community which subscribes to the United Nations Universal Declaration of Human Rights and we accept the dignity and equal worth of each person.

Principle 3:

We affirm that everyone is entitled to opportunity for livelihood, health and education while recognizing disadvantaged groups with special needs within the community.

Principle 4:

We affirm that the purpose of development policies is to improve the quality of life for all the people of Fiji.

Principle 5:

We respect the special value of the indigenous people of Fiji and their traditions and customs.

Principle 6:

We affirm responsibility for the care of the natural environment and ecosystems which we have inherited so that these may be enjoyed by future generations.

Principle 7:

We affirm that the will of the people, expressed through free and fair elections, be the basis of government.

Principle 8:

We assert that good government is based on meaningful participation and fair representation of all sections of the community in decision-making.

Principle 9:

We declare that all who hold public office are accountable to the people.

Principle 10:

We declare that the Military and the Police Force be politically neutral and open to all on an equal basis, and that they serve as helpers and protectors of all the people.

Principle 11:

We affirm the separation of religion and state and we proclaim respect for all religions and freedom of belief and practice.

Principle 12:

We uphold the rule of law which ensures our affairs are determined by an independent judiciary according to the principles of equity and justice.

Appendix B: List of People Interviewed

CCF MEMBERS/PARTICIPANTS

Afshana Ali
Christine Arjun
Father David Arms
Margaret Chung
Jone Dakuvula
Tessa Mackenzie
Samantha Magick
Vijay Naidu
Satendra Prasad
Steve Ratuva
Claire Slatter
Helen Tavola
Akuila Yabaki

REPRESENTATIVES OF OTHER ORGANIZATIONS

Andy Carl (Conciliation Resources)
Leonard Chan (Department for International Development/UK)
Imrana Jalal (Pacific Human Rights Education Resource Team)
Gina Hong Lee (Fiji Women's Rights Movement)
Sister Emi Oh (Fiji Council of Churches)
Mere Pulea (Institute of Justice and Applied Legal Studies, USP)
Lopeti Senituli (Pacific Concerns and Resource Centre)
Reverend Tuwere (Methodist Church)
Tomasi R. Vakatora (Former member Constitutional Review Commission)

Appendix C: Bibliography

Chand, Ganesh, and Naidu, Vijay, editors, *Fiji: Coups, Crises, and Reconciliation, 1987-1997*, 1997, Fiji Institute of Applied Studies, Suva.

Citizens' Constitutional Forum, *Fiji: Citizens' Constitutional Forum: Forging a Formula for Peaceful Co-existence, 1995 Program Report*, Suva.

Citizens' Constitutional Forum, *Building a Multi-Cultural Consensus for Pluralism: Preventing Conflict and Supporting Democratic Change and Human Rights in Fiji: CCF Annual Report 1996*, Suva.

Citizens' Constitutional Forum, *Building a Multi-Cultural Consensus for Pluralism: Preventing Conflict and Supporting Democratic Change and Human Rights in Fiji: Report of Activities, 1997*, Suva.

Citizens' Constitutional Forum, *Promoting Democratic Institutions and Multiculturalism: Post 1997 Constitution Era, Annual Report 1998*, Suva.

Howard, Michael C., *Fiji: Race and Politics in an Island State*, 1991, UBC Press, Vancouver.

Lal, Brij V., *Politics in Fiji*, 1986, Institute for Polynesian Studies, Brigham Young University, Hawaii.

Lederach, John Paul, *Building Peace: Sustainable Reconciliation in Divided Societies*, 1997, United States Institute of Peace, Washington, D.C.

Prasad, Satendra, "Limits and Possibilities for Civil Society Led Redemocratization: The Fijian Constitutional Debates and Dilemmas," *Prime*, No. 5, November 1996.

Premdas, Ralph R., *Ethnic Conflict and Development: The Case of Fiji*, 1995, UNRISD/Avebury, Aldershot (UK).

Robertson, Robert T., *Multiculturalism & Reconciliation in an Indulgent Republic: Fiji After the Coups: 1987-1998*, 1998, Fiji Institute of Applied Studies, Suva.

Thomson, Peter, *Kava in the Blood: A Personal & Political Memoir from the Heart of Fiji*, 1999, Tandem Press, Auckland.