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Fiji: Citizens' Constitutional Forum

(fccf)

Forging a Formula for Peaceful Co-existence

Draft project proposal Summary

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in collaboration with
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Executive Summary

The proposed project will enhance the potential for a broadly acceptable settlement of Fiji's political and constitutional crisis through the building of institutional and civil support for constructive political change. A non-partisan, multi-ethnic **Citizens' Forum** will serve as the focal point for the generation, analysis, refinement and promotion of constructive models for constitutional change, as well as a vehicle for public involvement and consultation in this process. It is hoped that the actual proposals and environment created by the initiative will substantially contribute to a just and lasting constitutional accord within Fiji which is acceptable to all sectors of society, and thus strengthen Fijian democracy and help guarantee respect for human rights.

Location: The project takes place in Fiji's main population centres --Suva, Labasa, Nadi, and Ba.

Project Proposers: Conciliation Resources (CR-UK) & the SSED of the University of the South Pacific (Fiji)

Commencement date: 1 May 1995

Completion Date: 1 November 1995

1. Fiji: Citizens' Constitutional Forum

2. Background

After Fiji's military coups of 1987 and two elections under the 1990 Constitution (which entrenched the political dominance of indigenous Fijians and has been rejected by opposition parties and universally criticized), the Government has established a cabinet sub-committee and an Independent Constitution Review Commission, which are to begin their work in early 1995 and report in 1997.

With the beginning of the constitutional review process, Fiji stands precariously poised between a just and sustainable constitutional settlement and political deadlock, ongoing ethnic and political tension and conflict. The single greatest threat to peace and stability in Fiji is constitutionally imposed and ethnically based political discrimination. In the short- and medium-term there is a considerable risk that extreme elements on both sides of Fiji's political and racial divide will seek to derail any progress.

According to the US Department of State *Country Reports on Human Rights Practices for 1993*:

The right of citizens to change their government is abridged by the provision of the 1990 Constitution ensuring political dominance by ethnic Fijians, primarily through race-based voting rolls and representation in Parliament. Moreover, the Constitution was promulgated by a non-elected interim government and has not been approved by a national referendum.

The Constitution guarantees ethnic Fijian dominance of the Government by providing them with 37 of 70 seats in the elected lower house of Parliament. Indo-Fijians are accorded 27 seats, Rotumans (culturally distinct Polynesians) 1, and all other races 5. In the Senate (an appointed body with essentially review powers and the right to veto legislation) ethnic Fijians hold 24 of the 34 seats, Rotumans 1, and the other groups 9. Other constitutional features designed to ensure ethnic Fijian dominance include a requirement that the Prime Minister be an ethnic Fijian and selection procedures which virtually ensure that the President will also be an ethnic Fijian. (p. 633).

Given the present unequal arrangements within the Fiji parliament, to which the report of the Parliamentary Constitution Review Commission will be submitted for debate/adoption, there is a danger of political deadlock and consequent increased ethnic tensions, economic uncertainty, even conflict.

The organizers in Fiji and in London have been instrumental in planning and carrying out two earlier independent, cross-party consultations on Fiji's Constitution, in 1993 and 1994. Both played a catalytic role in creating an environment for meaningful discussions and the promotion of new constitutional ideas. That process gained support from all political groupings in Fiji and will be built upon through the implementation of the current proposal. A follow-on initiative has been welcomed by representatives of all political parties in Fiji. All those who took part in the previous two consultations will be invited to participate in the continued process through the Fiji Citizen's Constitutional Forum (FCCF). Additional members will be invited to join by the FCCF Secretariat.

3. Objectives

The objectives of the project are 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 are 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 will be elaborated by and for Fijians.

4. Project Activities

Through the establishment of a **Fiji Citizen's Constitutional Forum** and a series of **Public Consultations** in 1995, the project will broaden the scope for dialogue and discussion on key constitutional and non-constitutional issues. International facilitators and experts will be utilized selectively to provide training and advice on the design and implementation of the consultative process, and relevant comparative background information on substantive issues. The results of the consultations will be disseminated throughout Fiji and serve as a basis for recommendations to and discussions with the parliamentary Constitution Review Commission with the Fiji Citizens' Constitutional Forum acting as a dialogue partner.

This process will be carried out through:

- * a bi-partisan and civic working group, the **Fiji Citizens' Constitutional Forum**, comprised of church and community leaders, academics, labour, and party political representatives and international resources persons. In a constructive and non-confrontational manner, it will seek to explore the most critical constitutional issues, such as the distribution of seats, affirmative action and power-sharing policies, and begin to propose an outline of existing areas of agreement and models or drafts for further consideration.

- * Complementary **Public Consultations** in main centres in Fiji will elicit

the public comment and analysis of new ideas and proposals, as well as of the approaches being developed by the Constitutional Forum.

6. Outcomes

It is proposed that the **Fiji Citizens' Constitutional Forum** meet initially in June 1995 to examine principles of effective electoral systems, areas of agreement related to electoral reform in Fiji, possible changes to electoral legislation, an outline of relevant affirmative action principles and practices in education and commerce, and varieties of power-sharing arrangements at the national and local levels. The findings of the first consultation would be drawn together in an **Interim Report** compiled and edited by the FCCF Secretariat. The report will be submitted to the Constitution Review Commission and printed for widespread distribution. A report summary will be prepared in Fijian and Hindi and distributed through the media. A one-day consultative meeting with the Constitution Review Commission will be sought to discuss the proposals developed in the consultative meeting.

In July and August, one-day **Public Consultations** will be held in the regional centres of Ba and Labasa, as well as the capital, Suva. Participants will be asked for their views and concerns and will discuss the proposals developed by the Fiji Citizens' Constitutional Forum, debate refinements to those proposals.

An unattributed synthesis of agreed positions will be drafted in the form of a communiqué, disseminated through the media and provided to the Constitution Review Commission.

Findings of the **Public Consultations** will be merged with the **Interim Report** and submitted to the Constitution Review Commission as the FCCF's **Consolidated Report**.

7. Timetable

9/10 June	Citizen's Constitutional Forum meeting: Suva
24 June	Public Meeting, Nadi
31 June	Completion of Interim Report
15 July	Presentation of Interim Report to Constitution Review Commission
24 July	Regional Public Meetings: Ba, northwestern Fiji
3 August	Labasa, northern Fiji
10 August	Suva
15 September	Completion of Consolidated Report
31 September	Presentation of Consolidated Report to Constitution Review Commission
15/16 October	Secretariat Internal Review Evaluation & Plenary
29 October	Consultation with Constitution Review

Commission

8. Project partners

- a./ School of Social and Economic Development, University of the South Pacific, Suva, Fiji
- b./ Conciliation Resources, London, UK

9. Advisory group

Among those consulted to date in the development of this project are: Andy Carl, Co-Director, Conciliation Resources, London; Satendra Prasad, Warwick University/University of the South Pacific (USP); Claire Slatter, Department of History and Politics USP; Jone Madraiwiwi, Permanent Arbitrator, Father Kevin Barr, Subramani USP; Rev Paula Niukula, USP; Esira Rabuno, USP; Vijay Naidu, Pro-Vice-Chancellor, USP; Rev. Akuila Yabaki, Methodist Overseas Division, London.

Constitutional advisers to the political parties will be invited to make presentations. Others who have informally played a role in the design of the process include Ed Garcia, International Alert, London.

9. Project budget (attached)

10. Other funders

The project has received confirmed support from the Methodist Church, Overseas Division(UK): £15,000 in 1995 and £10,000 in 1996; and from the World Council of Churches (Switz): \$4,000. Conciliation Resources is engaged in discussions for support with the following agencies: Methodist Relief & Development Fund(UK); Westminster Foundation for Democracy (UK); European Union; Anglican Church (Canada); Asia Foundation (USA); Uniting Church Assembly (Australia) and other sources. CR is also applying for commercial sponsorship from Air New Zealand.

11. Project evaluation

In mid-August, the Forum's Secretariat will review activities to date and meet with the Review Commission to discuss further action, whether specific action is necessary on focused areas, and possible new initiatives. All FCCF members will be informed of the outcome of these meetings and an agenda for 1996 drafted. The organisers are seeking an independent project assessor. All donors will be provided a summary project assessment which evaluates outcomes, methodology and expenditure. Forum publications will also be made available. Full accounts will be kept for auditing purposes and provided to donors on request.