



Mainstreaming Conflict Prevention

A Study of EU Action in ACP Countries

Case Study - Fiji

The Quaker Council for European Affairs

Produced by the Quaker Council for European Affairs (QCEA)

This study is based on two years of research through questionnaires to European Commission delegations and NGO staff, through interviews with European Commission staff in Brussels, and through desk-based research. This report forms the main document of the study, and builds on six country case studies which are available to download at: www.quaker.org/qcea

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List of Acronyms

These are the main acronyms used in this report:

ACP	African Caribbean and Pacific (countries)
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
DDR	Disarmament, Demobilisation and Reintegration
EDF	European Development Fund
EPA	Economic Partnership Agreement
EU	European Union
NGO	Non-governmental organisation
QCEA	Quaker Council for European Affairs
SALW	Small Arms and Light Weapons
SSR	Security Sector Reform
UN	United Nations
UNDP	United Nations Development Programme
UNSC	United Nations Security Council
UNICEF	United Nations Children's Fund

1 Introduction

The European Union (EU) introduced the approach of ‘mainstreaming’ conflict prevention into all elements of its programming and policy-making through the European Commission Communication on Conflict Prevention of 2001 and the Partnership Agreement between the African, Caribbean and Pacific (ACP) countries and the EU signed in Cotonou, Benin in 2000 (the Cotonou Agreement). This country report is part of a project studying this new approach. The purpose of this project is to serve as an educational tool about ACP-EU conflict prevention rather than to evaluate what the EU is doing with regard to conflict prevention.

The EU is involved in a wide range of areas and this study has identified seven thematic areas on which to focus: disarmament, demobilisation and reintegration including child soldiers; small arms and light weapons; security sector reform; political dialogue, including good governance, elections and civil society consultation; gender; management of natural resources; and transitional justice. The main report of the study describes in detail what each of these areas entail and what the EU does in general in each of them.

A more thorough examination of EU policy and activity in the seven areas listed above was then conducted through six country case studies. The case study countries are:

- Republic of the Fiji Islands (Fiji)
- Republic of Haiti (Haiti)
- The Federal Republic of Nigeria (Nigeria)
- Somali Republic (Somalia)
- Republic of the Sudan (Sudan)
- Republic of Uganda (Uganda).

The main report and the other case studies are available at: www.quaker.org/qcea

This report begins with a short background of the situation in Fiji, which is followed by a more detailed analysis of the seven thematic issues listed above and how the EU is involved in each of them. The report provides the results of a questionnaire conducted within this study, which was carried out with the European Commission Delegation and civil society organisations in Fiji. Finally, recommendations drawn from the results are presented.

2 The Conflict in Fiji

Fiji consists of 332 islands in the southwest Pacific Ocean about 3,152 km from Sydney, Australia. Since independence from Great Britain in 1970, Fiji has suffered severe political instability and has experienced four coups in the last two decades, of varying degrees of violence. The most recent occurred in December 2006. Ethnic, religious, cultural and economic factors need to be considered when looking at the reasons behind the multiple coups, even if international media is portraying it as a political conflict. The role of the military is also interesting in this context. Fiji has experienced both military and civilian-led coups and the Republic of Fiji Military Forces have played a range of roles - from perpetrators to negotiators to an institution calling for political reform. According to a local NGO this has created a sense of confusion among the public about the sincerity of the objectives of the coups and an unwillingness to support the reforms.

2.1 Ethnic, Religious, Cultural and Economic Tensions

Under ninety-six years of British colonial rule, Fiji's population became increasingly multi-ethnic. Workers were brought in from India, the Solomon Islands, China and other Pacific islands, and with them they brought a variety of cultures, languages and religions. The Indo-Fijians are the largest minority (in 1987, when the first coup happened, they were actually the majority, with fifty-two per cent of the population), and many analysts therefore focus on the indigenous vs Indo-Fijian tensions. The nationalist indigenous population also focus on the Indo-Fijians as the 'other'. Fijian resident Barbara Pirie¹, however, takes issue with the repeated use of the term 'Fijian-Indian conflict' because it focuses attention away from the tensions within the full spectrum of ethnic groups in Fiji. Pirie argues that these inter-ethnic tensions can range from religious/political ties to the way in which different cultures view land ownership.

Ethnicity has not been separate from political motivations and justifications of the various coups in Fiji, and Fijian nationalism has been a constant underlying factor. Nationalism became a rallying point after both the 1987 and 1999 elections as well as the May 2000 hostage-taking. In the 2000 coup attempt, coup leader George Speight, a local businessman, said he was acting to restore the rights of indigenous Fijians, who he claimed were being oppressed by the Indian minority. Religious differences are also a cause of tensions. The nationalistic Fijian *Taukei* Movement ties in indigenous rights with Christianity and, following the 1987 coup, 'Sunday laws' were put into place that restricted travel and other activities. Pirie² argues that the communal (ethnic) voting system put in place by the British in 1970 led to block voting, and constituency boundaries favoured rural Fijian voters. Both of these were important sources of tension behind the early political coups. She also explains that, in addition to provincial splits, educational and economic changes brought with them class divisions. Similarly, it is thought that international aid does not equally benefit all areas of Fiji. These inequalities have also helped fuel political violence over the last two decades.

Pirie also notes that the Fiji army is disproportionately large, is made up almost entirely of ethnic Fijians, and was the primary means by which guns were brought into a previously almost gun-free country.

¹ Barbara Pirie, *The complexity of ethnic conflict in Fiji: Finding effective interventions* (Pirie Associates: November 2000) [on-line], accessed 10 November 2007, available at <http://devnet.anu.edu.au/online%20versions%20pdfs/53/15Pirie53.pdf>

² *ibid.*

2.2 Political Tensions: Four Coups, Two Decades

The first coup in Fiji dates back to October 1987 and was clearly ethnically motivated in part. Major-General Sitiveni Rabuka staged a coup to prevent an Indian-dominated coalition party from taking power. In 1990 he replaced the original constitution from 1970 with a new one that assured political dominance for the indigenous population. The coup and the new constitution led to emigration by thousands of Fijians of Indian origin who suffered ethnic discrimination at the hands of the government. The constitution was replaced again in 1998, and now allows for a multiracial cabinet and the prospect of a coalition government. In 1999, Fiji's first ethnic Indian Prime Minister, Mahendra Chaudhry, took office. Continuing ethnic and economic tensions reduced Fiji to a state of emergency in 2000. An armed group of indigenous nationalists stormed Fiji's parliament and took Prime Minister Chaudhry, and several members of parliament hostage. George Speight, a part-Fijian businessman, led the coup, demanding that the constitution be rewritten to once again ensure dominance of ethnic Fijians. Less than a year later, however, the constitution was restored which aided the return of democracy and prosecution of some of the coup leaders.

Although the coup was eventually foiled, Chaudhry and his government did not regain power. Instead, the military and the Great Council of Chiefs (a group of 50 traditional leaders) appointed an interim government dominated by ethnic Fijians. Elections were held in 2001, but no party achieved a majority. Interim Prime Minister Laisenia Qarase was sworn in as Prime Minister. In 2003, the Supreme Court declared his cabinet unconstitutional since it consisted only of one political party. However, political infighting in 2004 delayed the implementation of a new multi-party cabinet.

In the most recent bloodless coup in December 2006, Fiji's military commander, Commodore Frank Bainimarama, deposed Prime Minister Qarase. Bainimarama initially appointed himself acting president, and was appointed interim prime minister in January 2007. Tensions had built up over several years between the military and Qarase over the Reconciliation, Tolerance and Unity Bill which aimed to provide amnesty to those who had committed atrocities in the 2000 upheavals,³ over a corruption scandal, and also over legislation that would allocate the ownership of coastal land to ethnic Fijians. In September 2007, Fiji again declared a state of emergency. Bainimarama has said that the interim government will only retain power until new elections can be held. These were originally planned to be held in early 2009, but in July 2008 Bainimarama announced that they would be delayed.

³ See section 8 on justice for more information on the Bill.

3 Small Arms and Light Weapons

Fiji does not have a problem with small arms and light weapons (SALW) in the same way as other ACP countries might, but small arms have featured prominently in all three conflicts in Fiji.⁴ According to a 2003 Small Arms report, although the 2000 coup could hardly have taken place without access to small arms, only seven gunmen executed the coup and the conflict was not of a large enough scale to generate arms imports from neighbouring Pacific countries. Arms have instead been stolen or otherwise obtained from the military.⁵

3.1 National Work SALW

3.1.1 Legislation

Fiji has several legal measures in place to control small arms:

- Fiji suspended civilian firearm licensing in May 2000 and licensed owners were required to surrender their arms and ammunition to central armouries. The Police Commissioner is the only legal supplier of arms. Any civilian caught in illegal possession of a firearm can serve a jail sentence of between five and ten years. Firearms dealing can result in a two year sentence and a fine, importing or exporting can mean up to twelve months and a fine, while a firearms manufacturer can serve up to ten years in prison and pay a fine.⁶
- The Arms and Ammunitions Act from 2003 makes the manufacturing, possession, stockpiling and trading of SALW illegal. The Commissioner of Police is responsible for enforcing this legislation.
- Fiji has generated a central register of privately held small arms.
- A license is required for all imports and/or exports of arms. Police must be kept informed of any imports/exports of this nature and have the authority to search any vehicle/vessel suspected of illegal importation/exportation. There has been a total ban on importation of firearms and accessories into Fiji since 1992.⁷

3.1.2 Amnesty

Fiji granted two amnesty periods in order to allow those holding illicit SALW to return weapons without fear of prosecution, once in 1998 and again in 2000.⁸ According to its national report to the UN in 2003, arms collection points were usually police stations or military bases. Following the coups in 1987 and 2000, a state of emergency was declared in which the amnesty period also required licensed firearm holders to deposit their firearms in the Police Armoury for 'safekeeping.' In all, 1,347 licensed firearms were collected in this way.⁹

⁴ Philip Alpers and Twyford, Connor, *Small Arms in the Pacific* (Small Arms Survey, Occasional Paper No. 8: March 2003), p. 45 [on-line], accessed 28 March 2007, available at http://www.smallarmssurvey.org/files/sas/publications/o_papers_pdf/2003-op08-pacific.pdf

⁵ *ibid.*, pp. 45 and 47

⁶ *ibid.*, table 4.5, p. 71

⁷ *ibid.*, p. 89

⁸ *ibid.*, p. 93

⁹ United Nations, *Fiji's National Report on the Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects*, p. 10 [on-line], accessed 27 March 2007, available at <http://disarmament.un.org/cab/nationalreports/2003/Fiji.pdf>

3.1.3 Regional Cooperation

Fiji is member of several regional organisations which aim to facilitate law enforcement of all kinds, including on SALW issues. These include:

- The Forum Regional Security Committee (FRSC);
- The Pacific Islands Law Officers' Meeting (PILOM);
- Pacific Islands Chiefs of Police (PICP)¹⁰;
- The Oceania Customs Organisation (OCO).

The Honiara Initiative and the Nadi Framework

In 1997, the FRSC directed a subcommittee of the then SPCPC to examine the region's existing legislation on SALW. Based on this work, the SPCPC produced The Honiara Initiative: Agreement in Principle on Illicit Manufacturing of and Trafficking in Firearms, Ammunitions, Explosives, and Other Related Materials. The document set out a series of principles for a common regional approach to weapons control in the Pacific. In 1999, another subcommittee of the SPCPC and the Oceania Customs Organization (OCO) produced a draft legal framework to incorporate the principles of the Honiara Initiative, entitled Towards a Common Approach to Weapons Control. The Framework outlines: licensing conditions, a list of prohibited weapons, police and defence force arms restrictions, background checks, registration, marking and identification, storage, training, ammunition controls, dealer regulation, border controls, and penalties. Additionally, in comparison to national legislation, penalties under the Nadi framework are much more stringent. Manufacturing and those caught in illegal possession of arms could result in ten years and five years imprisonment respectively which is similar to national laws but importers/exporters in arms could face up to ten years (previously twelve months under national legislation) and dealers up to five years (previously two years under national legislation). It was decided, however, that a final draft of the Nadi Framework, as it is commonly called, should be postponed in light of the impending United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects (hereafter the UN Programme of Action), so that any additional principles arising from this might be incorporated into the Nadi text. Some have argued that the Nadi framework focuses too much on licensed gun owners and is flawed as a regional framework for cooperation but, generally speaking, any kind of regional cooperation to control SALW is welcomed by the international community.

3.1.4 Implementation of the UN Programme of Action

In its 2003 national report on the UN Programme of Action, Fiji reported that regional and global cooperation, staff training, increased legislation and better mechanisms for sharing information are all signs that Fiji is taking measures to improve SALW control and implement the UN Programme of Action in the country.¹¹ The Ministry of Home Affairs, Immigration and National Disaster Management (MHAINDM) is the main body responsible for the implementation of the Programme of Action in Fiji. The same report explained further that in addition to regional initiatives (as outlined above), Japan has pledged its support for the SALW collection efforts in Pacific countries.¹² The national report further outlines that dumping in the sea is the sole method employed by Fiji to dispose of weaponry and ammunition, but that manufacturing (and therefore national marking) of weapons has not caused any problems in Fiji as no arms are produced there.

¹⁰ Formerly the South Pacific Chiefs of Police Conference (SPCPC). Fiji's membership in the PICP was suspended after the coup in 2006.

¹¹ United Nations, *Fiji's National Report on the Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects*, p. 1.

¹² cf. *The Okinawa Initiative: Regional Development Strategy for a More Prosperous and Safer Pacific*, accessed 28 March 2007, available at <http://www.mofa.go.jp/region/asia-paci/spf/palm2003/outcome-2.html>

3.2 The EU and SALW

The EU has repeatedly underlined its commitment to support the UN Programme of Action both externally and within the EU. According to a report by the Council of the EU, EU funding (through the Community and Member States) remains 'one of the main sources of financial assistance to implement the UN Programme of Action.'¹³ It is often difficult, however, to find data on EU-wide support since this would add up the funding from the Community budget with that of the twenty-seven Member States, and this study has not been able to uncover how much this entails. The EU often proclaims itself as the biggest donor in general, as well as on specific issues such as this. It would be interesting if the Commission together with the Member States could develop a database reporting on EU-wide spending where figures would be accessible. This is of course a major task but would be useful for several reasons. Firstly it could be used to make EU actions more visible and to correctly portray how much the EU is actually spending. Secondly, such a database would also make it easier to monitor EU external action and the progress of harmonisation among the EU donors for example, which would be useful both for officials from the institutions and the Member States as well as for NGOs and other interest groups.

¹³ Council of the European Union, *Second Progress Report on the implementation of the EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition*, 16683/06 (12 December 2006), p. 3 [on-line], accessed 24 June 2007, available at <http://register.consilium.europa.eu/pdf/en/06/st16/st16683.en06.pdf>

4 Security Sector Reform

There are only two main security services in Fiji; the police and the military. Both services are accountable to the Ministry for Home Affairs. A National Security Council is also in place.

The most pressing security sector reform (SSR) issue in Fiji would seem to be the role of the military. There is a lack of clarity as to whether relevant provisions of the 1990 constitution were transferred into the 1997 one. Clarification needs to be made before discussions on changing the role of the military can be initiated. Such clarification can only be achieved by reference to the Supreme Court.

4.1 SSR at the National Level

4.1.1 The Fiji Law Reform Commission

The Fiji Law Reform Commission (FLRC) is a body created to review and examine Fiji's laws for the purpose of their reform and development. The Commission was established in 1979 under an Act of Parliament, (the Fiji Law Reform Commission Act). The main function of the Commission is to assist the government and the law makers (Parliament) by providing advice on the areas of law that need reform and by suggesting the manner in which those reforms might be put in place or implemented.

4.1.2 National Security and Defence Review Commission (NSDR)

A review of the National Security and Defence has been undertaken and a National Security Framework has been established in line with UN Security Council Resolution (UNSCR) 1325. In a statement to the UN, the Fijian Minister For Women, Social Welfare And Poverty Alleviation commented that 'protection of women and children in conflict situations and from the use of rape and sexual abuse as a strategy of war, protection of women's human rights defenders, and ceasing the recruitment of child soldiers' are all important issues to be considered in the review.¹⁴

In 2003, Fijian women formulated a response to the contentious National Security Defence Review highlighting among other things that:

- It was clear from the outset that the agenda was about down-sizing rather than reforming the military or putting in place a disarmament, demobilisation and reintegration process. The review failed to acknowledge that the military is not only about the soldiers, but also about their families.
- Women were considered in the context of victims of violence rather than key resource persons to facilitate any reform.

4.2 EU Involvement in SSR

The EU has no clear policy or strategy on SSR specifically related to Fiji but is involved in various activities which might be considered to indirectly contribute to SSR. The main way in which the EU achieves this in Fiji is through political dialogue, which is explained further in the following chapter.

¹⁴ Adi Asenaca Caucau, Hon. Minister For Women, Social Welfare And Poverty Alleviation, *Statement at 49th Session Of The Commission Of The Status Of Women United Nations General Assembly New York* (7 March 2005) [on-line], accessed 30 March 2007, available at http://www.fijiprun.org/index.php?option=com_content&task=view&id=10&Itemid=3

5 Political Dialogue

5.1 The EU's Role in Political Dialogue

5.1.1 Electoral Observers

The Desk Officer for Fiji in the European Commission's Directorate-General for Development (DG Development) believes that the EU's main area of conflict-prevention activity in Fiji is political dialogue.¹⁵ Particularly significant is the EU's support and financial contribution to the election process in Fiji. Seven core team experts, twelve long-term observers, and twelve short-term observers were sent to monitor the last elections in Fiji, which is a very large number given the size of the country.¹⁶ The EU has also given 800,000 euros for human rights awareness programmes, particularly on voters' rights.¹⁷

5.1.2 Promoting Civil Society Dialogue

The Commission acknowledges the importance of civil society dialogue, stating that 'a better and more equally informed society will be less vulnerable to misinformation and incitement of political or racist violence and intolerance, and therefore less likely to support or accept undemocratic change.'¹⁸ A report from the Commission's Conflict Prevention and Crisis Management Unit outlines possible areas of effective future activity:

- the EU should support the native Fijian leadership at the provincial level to be more proactive, open-minded and inclusive in planning, promoting and implementing local development, in a transparent, participatory and efficient manner;
- the EU should coordinate with other donors and broker a forum for peace where strategic development issues could be discussed, decided and acted upon;
- EU support to Community media (mainly radio and television) could play an important role in enabling an environment for peace in the different communities.¹⁹

The EU has also said that the interim government should, 'when adopting major legislative, fiscal and other policy initiatives and changes, take into account consultations with civil society and all other relevant stakeholders'.²⁰

A local NGO has commented on the Commission's report, highlighting that the full participation of women and especially young women needs to be ensured in these activities.

The desk officer for Fiji in DG Development outlined his concerns that EU dialogue with civil society organisations has been limited due to pressure from the military in the post-2006 coup environment.²¹

¹⁵ The Desk Officer for Fiji in the European Commission's directorate-general for development, telephone interview on 14 March 2007

¹⁶ International Organisation for Migration, *IOM and Election Support Activities* [on-line], accessed 26 April 2007, available at <http://www.belgium.iom.int/PDFDocuments/EOMbrochure.pdf>

¹⁷ Personal correspondence, DG Development

¹⁸ Retiere, Alain and Schurmann-Zegele, Heinz, *Conflict Prevention and Peace Consolidation in the South Pacific: Papua New Guinea, Solomon Islands, Fiji Islands*, (European Commission Conflict Prevention and Crisis Management Unit: 2002), p. 39 [on-line], accessed 26 April 2007, available at http://ec.europa.eu/comm/external_relations/cfsp/cpcm/mission/sp02.pdf

¹⁹ *ibid.*, p. 41

²⁰ The Fiji Times Online, *EU's roadmap* (20 April 2007) [on-line], accessed 16 April 2007, available at <http://www.fijitimes.com/story.aspx?id=61040>

²¹ The Desk Officer for Fiji in the European Commission's directorate-general for development, telephone interview on 14 March 2007

5.1.3 Article 96 Consultations Following the Coups d'Etat: 2000 and 2006

The 2000 Coup

The May 2000 coup d'état was immediately condemned by the EU. Consultations with Fiji under Article 96 were invoked in October 2000 under the French Presidency of the EU. According to an evaluation of the coordination and coherence in the application of Article 96, the Fijian case is a good example of 'how coordination and coherence work when the EU Member States do not have strong or divergent individual political or economic interests in the country in question.'²² The evaluation report explains that such good coordination was possibly also due to the clear-cut nature of the basis for invoking Article 96: the coup. Furthermore, Fiji did not attempt to offer alternative interpretations of the coup, so international actors were left undivided.

Although the UK assumed a leading role in decision-making and acted with the Commonwealth prior to EU action, this did not lead to an inconsistent position because the EU eventually adopted the same position. In October 2000, the Commission proposal to launch consultations with Fiji was uncontested. EU action was also in keeping with that of the US and Australia, although they were much quicker to lift their reservations (in 2003) while EU cooperation was only finally fully resumed in February 2004. The EU had agreed to resume planned development projects in the run-up to the 2001 elections with a review of progress every six months. However, despite the election of a new government in November 2001, the EU was unhappy with the constitutional legitimacy of the new cabinet, since the Indian-dominated Labour Party had not received its constitutional allocation of seats. Full resumption of EU cooperation was made conditional on the settlement of this issue and, only when the Labour party itself dismissed the issue, did the EU agree to lift all reservations on Fiji. The main impacts which Article 96 would have had on Fiji was in terms of the sugar trade, which has special access to EU markets, trade with the UK, which accounts for around thirteen per cent of Fiji's external trade, and European tourism. Fiji has a fairly high level of per capita income and foreign aid constitutes only 2.1 per cent of Fijian GDP. At the time of the coup Europe was providing only about sixteen per cent of the total figure. As such, the impact of halting aid money is unlikely to have had a significant impact.

The 2006 Coup

Following the December 2006 coup, the EU immediately condemned the military takeover once again and called for the restoration of democracy and constitutional legality. Following a Commission proposal, the Council of the EU approved the draft letter to Fiji requesting consultations in February 2007.²³ Consultations were finally opened in April 2007. The EU cited the reasons for consultations as follows:

'The European Union considers that the military take-over which took place in the Republic of Fiji Islands on 5 December 2006 constitutes a breach of the essential elements of Article 9 in the Cotonou Agreement, and of Article 3.1 of the Development Cooperation Instrument. The European Union further states that it considers essential that the rule of law is restored and that the political rights of all citizens in Fiji are respected equally and on the basis of Fiji's Constitution. The EU encourages Fiji to examine the roots of the 'coup culture' and the means to eradicate it. For these reasons, the European Union invited Fiji for consultations.'²⁴

²² Laakso, Liisa, Kivimäki, Timo and Seppänen, Maaria, *Evaluation of Coordination and Coherence in the Application of Article 96 of the Cotonou Partnership Agreement*, (Conflict Transformation Service: February 2007), p. 67 [on-line], accessed 26 April 2007, available at http://www.three-cs.net/content/download/485/4814/file/Article96_final_report.pdf

²³ Council of the European Union, *Press Release 2787th Council Meeting, Economic and Financial Affairs*, 6610/07 (Presse 35) (February 2007) [on-line], accessed 27 April 2007, available at http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ecofin/92984.pdf

²⁴ Council of the European Union, *Opening of Consultations with the Republic of Fiji Islands under Article 96 of the Cotonou Agreement (Brussels, 18 April 2007): Conclusions of the European Union*, Press Release 8630/07 (Presse 83) (19 April 2007) [on-line], accessed 27 April 2007, available at www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/er/93737.pdf

According to a press release, the Council of the EU reports that the April consultations went smoothly.²⁵ The Fijian authorities will provide a report outlining agreed commitments and will, with the EU, jointly monitor progress in the area of these commitments. Fiji committed itself to 'early and credible' general elections no later than 1 March 2009. The Council is clear however that the nature and scope of any 'appropriate measures' will depend on the implementation of these commitments. In the meantime and throughout consultations, the EU pledges to 'continue and deepen the political dialogue with Fiji.'

According to a local NGO, the EU's response to the coups in Fiji is mainly reactive. It recommends a stronger on-going process that could function preventatively. It should furthermore be complemented by multi-stakeholder dialogues with participants from governments (Fiji's as well as third countries'), the private sector and civil society.

5.2 Political Dialogue at the Regional Level

5.2.1 The Pacific Islands Forum

The Pacific Islands Forum²⁶ is made up of sixteen Pacific states and is the region's 'premier political and economic policy organisation'.²⁷ Shortly after the coup in December 2006, the Forum put together an Eminent Persons Group (EPG), which visited Fiji in January 2007. The group issued a report outlining a series of recommendations for consideration to the Pacific Islands Forum Foreign Ministers' Meeting, which met to discuss the group's findings in March 2007.

- Ministers affirmed the EPG's recommendation that the interim government should commit to a firm timetable for a national election which in the EPG's view should be held in between eighteen months and two years, if not sooner.
- Ministers agreed to recommend to Forum Leaders that, on the basis of commitments and demonstrable progress by the interim government to the immediate cessation of human rights abuses and a roadmap back to democracy, a phased package of financial and technical assistance would be offered to Fiji including support for the electoral process, assistance for the establishment of a credible and independent anti-corruption commission, and assistance to restore and maintain the independence of the judiciary.
- Depending on the willingness of the Fiji interim authorities to participate in the process, the Forum could move to the establishment of a joint working group of officials from Member countries, with Fiji, to engage with the interim government including on credible mechanisms for returning to democracy as soon as possible. The joint working group would report to the EPG.²⁸

The joint working group was later created at the direction of the Foreign Ministers of the Forum. The group continued to promote dialogue between Fiji and the other Forum members aimed at an early return to parliamentary democracy. The working group also drew up an election timetable and identified the resources needed by Fiji to meet that timetable. The interim Fiji Government agreed in principle to hold an election in Fiji by March 2009 which was endorsed at the 38th Forum Leaders Meeting in Tonga.²⁹

²⁵ *ibid.*

²⁶ Formerly the South Pacific Forum

²⁷ For more information on the Pacific Islands Forum, visit <http://www.forumsec.org/index.cfm>

²⁸ Pacific Islands Forum Secretariat, *Outcome Statement: PIFS(07)FFAMM.3*, Forum Foreign Affairs Ministers' Meeting (March 2007) [on-line], accessed 26 April 2007, available at <http://www.forumsec.org/pages.cfm/newsroom/press-statements/2007/forum-foreign-ministers-meeting-outcome.html>

²⁹ Pacific Islands Forum Secretariat, *Annual Report 2007* [on-line], accessed 11 September 2008, available at http://www.forumsec.org/_resources/article/files/PIFS%20AR%202007%20LR.pdf

When Bainimarama announced in mid-2008 that the elections could not be held within the timeframe, the Forum strongly condemned his statements and demanded that he should account for why measures had not been taken in order to enable the elections to take place. If Fiji fails to improve its actions sufficiently, the Forum would consider measures which, according to a statement by the group, include suspension.³⁰ BBC reports that this is the first time the Forum has threatened to suspend one of its members.³¹

³⁰ Pacific Islands Forum, *Pacific Islands Forum Leaders Retreat Statement on the Situation in Fiji* (Niue, 20 August 2008) [on-line], accessed 4 September 2008, available at

<http://www.forumsec.org.fj/pages.cfm/newsroom/press-statements/2008/pacific-islands-forum-leaders-retreat-makes-statement-on-fiji.html>

³¹ BBC News, *Leaders threaten to isolate Fiji* (21 August 2008) [on-line], accessed 3 August, available at <http://news.bbc.co.uk/2/hi/asia-pacific/7574011.stm>

6 Gender

According to a 2001 Save the Children report,³² poverty among women and children has increased considerably following the May 2000 coup. A 2002 NGO report commented that the coup contributed to the ‘feminisation of poverty’ as post-coup economic policies tended to provide women with part-time and poorly paid employment.³³ School enrolment statistics and literacy rates indicate that women’s educational status in Fiji is not significantly different from men’s, however, except in terms of areas of study.³⁴

6.1 Legislation: Women as Decision-Makers

The National Women’s Plan of Action 1999-2008 deals with increasing gender-sensitivity, and promoting the role of women in political, economic and public life. As part of this, the government assigns thirty to fifty per cent of representation, participation, training, appointments and promotions at all levels of government to women (on merit and as appropriate) and encourages the same in the private sector.

At a meeting at the UN the Fijian Chargé d’Affaires, Filimone Kau, said that the Fijian government supports the UN Security Council Resolution 1325 but it needs help to implement it since it does not have the capacity to do so.³⁵ A local NGO states that advocacy on and implementation of 1325 is led by women’s NGOs, rather than the Ministry of Women which is under-resourced and ill equipped to advance policy level commitments.³⁶ Fiji is also a 1995 signatory to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).³⁷ However, according to a 2002 NGO report, ‘very little of real substance’ has been done by the state to implement CEDAW in Fiji.³⁸ The report also outlines that, as a result of the 2000 coup, any progress that had been made on women’s issues has been dramatically slowed due to political instability. It states that ‘all reform bills and other lobbying towards equality for women have been obstructed, judicial processes have become chaotic, poverty in general has increased, and democracy has been subverted, with obvious impacts on women.’³⁹ According to a preliminary statement from electoral observers in Fiji for the 2006 elections, ‘measures to increase women’s participation in the political arena were not adopted by political parties.’⁴⁰

Within the government, the Ministry of Women, Social Welfare and Housing serves as the primary advisor to government on public policies that affect women and is responsible for the implementation of the Women’s Plan of Action. Programmes under the Ministry’s Department of Women include:

³² Save the Children Fund, *Effects of the Coup on Children* (2001)

³³ Fiji Women’s Rights Movement (FWRM), Fiji Women’s Crisis Centre (FWCC), and Ecumenical Centre for Research Education and Advocacy (ECREA), *NGO Report on the Status Of Women in the Republic of the Fiji Islands* (January 2002), p. 8 [on-line], accessed 13 April 2007, available at www.iwraw-ap.org/using_cedaw/fiji.doc

³⁴ See further: <http://www.ilo.org/public/english/region/asro/mdtmanila/training/unit2/fijimenu.htm>

³⁵ Fiji Government, *Fiji supports Security Council Resolution 1325* (October 2006) [on-line], accessed 13 April 2007, available at http://www.fiji.gov.fj/publish/page_7727.shtml

³⁶ Comment received through e-mail correspondence

³⁷ Fiji Government, *Fiji supports Security Council Resolution 1325*

³⁸ Fiji Women’s Rights Movement (FWRM), Fiji Women’s Crisis Centre (FWCC), and Ecumenical Centre for Research Education and Advocacy (ECREA), *NGO Report on the Status Of Women in the Republic of the Fiji Islands*, p. 3

³⁹ *ibid.*, p. 4

⁴⁰ European Union Election Observation Mission, *Preliminary Statement* (May 2006), p. 4 [on-line], accessed 26 April 2007, available at <http://www.eueomfiji.org/Preliminary%20Statement.pdf>

- Women's Social and Economic Development Programme (WOSSED) to enhance the social, economic and political status of women to promote participation in development processes;
- The Nominations Service, a directory of skilled and experienced women suitable for nomination to government bodies;
- Legal literacy, a programme of training and awareness raising to help women access information about legislation.⁴¹

6.2 The Role of the UN

In 2004, the United Nations Development Programme (UNDP) established a Gender Support Facility (GSF) in Fiji. The project is designed to enhance the 'mainstreaming of gender issues into the institutional frameworks and processes particularly in the rural areas and encourages greater participation of women in the development process.'⁴² The GSF project in collaboration with UNIFEM has:

- prepared and submitted the first national CEDAW report;
- conducted gender awareness training for policy makers and officials;
- prepared a report on the status of women;
- prepared capacity building activities for the Department of Women's Affairs.⁴³

In 2005, the UNDP, the government of Fiji (Ministry of Multi-Ethnic Affairs and National Reconciliation and Unity - MNRU), and the Ecumenical Centre for Research, Education and Advocacy (ECREA) launched a Peace and Stability Development Analysis (PSDA). The analysis was based on the principle that 'transforming gender relations for women and men needs to come to the foreground on the agenda for peace and conflict-related aspects of development to achieve conflict transformation.'⁴⁴ The report makes a series of recommendations on how to factor gender awareness into conflict analysis processes.

6.3 The Role of the EU

The EU gives a significant amount of financial support to the UNDP to finance projects such as the one mentioned above. Between 2004 and 2005, the EU provided 190 million US dollars, (approximately 143 million euros at the time) to the UNDP's work in Latin America and the Pacific, through the UN's Thematic Trust Fund for Crisis Prevention and Recovery.

There are challenges regarding gender mainstreaming in Fiji that the EU might want to use political dialogue to address, such as whether women will be included in the consultations post-coup and whether they will be consulted on the writing of a new constitution (if one is written). There appears to be minimal gender mainstreaming in Fiji by the European Commission.

⁴¹ Ministry of Women, Social Welfare and Housing, *Department of Women* [on-line], accessed 13 April 2007, available at <http://www.women.fiji.gov.fj/women.shtml>

⁴² UNDP, *Gender Support Facility* [on-line], accessed 24 June 2007, available at http://www.undp.org.fj/_resources/main/uploads/Gender%20Mainstreaming.pdf

⁴³ *ibid.*

⁴⁴ UNDP, *Can Conflict Analysis Processes support gendered visions of peace building? Reflections from the Peace and Stability Development Analysis in Fiji* [on-line], accessed 24 June 2007, available at http://www.undp.org/bcpr/documents/BCPR_Report_Gender_Paper.pdf

7 Resources

Although the conflicts in Fiji have not been characterized by disputes over oil, diamonds, water or other more well-known sources of conflict in ACP countries, land has played a significant role. Indeed, many have claimed that the Fijian government's proposals for land reform were one of the major factors leading to the 2000 coup led by George Speight. The 2003 UN Committee on Elimination of Racial Discrimination found that land reform had been among the main causes of racial discrimination in the country.⁴⁵

Essentially, Indigenous Fijians own eighty per cent of the country's land, but Indo-Fijians were granted various plots of land under a lease system created by the departing British colonialists in 1970. This arable land was primarily used for sugar cane. However, as these leases were set to expire, some ethnic Fijians were not willing to renew them, thereby forcing Indo-Fijians from the land. Under the constitution, indigenous-owned land cannot be sold and therefore Indo-Fijians cannot buy the land.

It was thought that the Chaudhry administration was seeking to implement new land reform by weakening the hold of ethnic Fijians over their land. The Chaudhry government developed proposals for a Land Use Commission and reform of the Native Lands Trust Board. Chaudhry proposed that leases be extended for a further sixty years at low rent, enabling Indo-Fijians to continue working on the land. The reform of the Native Lands Trust Board was intended to ensure more equitable returns of the rent to the landowners as opposed to covering administration costs.

⁴⁵ United Nations, *Committee on Elimination of Racial Discrimination begins review of Reports of Fiji* (11 March 2003) [on-line], accessed 23 June 2007, available at <http://www.unhcr.ch/hurricane/hurricane.nsf/view01/7EEF9581A17C4BD2C1256CE8002C3167?opendocument>

8 Justice

Following the coup in 2000, Prime Minister Qarase introduced the Reconciliation, Tolerance and Unity Bill into the Fijian Parliament in 2005.⁴⁶ The bill proposes setting up a Reconciliation and Unity Commission to carry out a series of investigations to discover the real circumstances behind the coup, to expose those who supported the coup financially, to grant amnesty to those who participated in the coup with only 'political' motivations, and to compensate the victims of the coup. Part two of the Bill states that a Reconciliation and Unity Commission should be set up with no fewer than three 'Commissioners', to be appointed by the President. Its task will be to 'promote reconciliation and unity amongst the people of the Fiji Islands in a spirit of tolerance and understanding.'⁴⁷

Prime Minister Qarase explained in a press statement that the Commission would aim to bring about restorative justice; 'an approach that meets the needs of victims and allows offenders to accept responsibility for their actions by repairing the harm they have caused.'⁴⁸ He underlined clearly that the bill would not simply be a way of granting pardon to all those implicated in the 2000 coup. Those who participated with criminal (not political) intent 'will continue to be subject to the full force of the law.' In terms of reparation, the Prime Minister indicated that a certain amount of State funding would be set aside for compensation purposes.

The Bill and the proposed Commission proved to be very controversial. Some critics deemed the Bill and the concept of amnesty to be unconstitutional, others argued that to allow treason and human rights violations to go unpunished would only perpetuate such behaviour and the 'coup culture' in the future. Some objected to the use of state money to compensate victims, others questioned what constituted a 'victim' as this is not made clear in the Bill itself. Another criticism of the Bill has been that it does not provide any policy guidelines for promoting racial tolerance and forgiveness; the only guiding principle is that of restorative justice. Moreover, there was no civil society consultation. In particular, opposition leader Mahendra Chaudhry said that 'granting amnesty to those implicated in the 2000 coup was a big mistake.'⁴⁹

According to a poll carried out by the *Fiji Times* the Bill had more opponents (forty-four per cent) than supporters (thirty-five per cent). Furthermore, there was an evident ethnic division behind the voting: the Bill was supported by fifty-five per cent of indigenous Fijians but only nineteen per cent of Indo-Fijians. Given the public controversy and, in particular, the number of politicians who were opposed to the Bill, the Parliamentary decision was repeatedly delayed and various consultations were held to discuss amendments to the Bill to make it acceptable under the Fijian Constitution. Eventually, Qarase decided to postpone the decision until after the elections, even though the Bill was a major feature of the Qarase Administration's campaign. In September, prior to the elections, Commodore Bainimarama (Commander of the Fiji Military Forces) publicly threatened a military takeover if the Reconciliation, Tolerance and Unity Bill were passed. Many thought that a coup would be averted when Qarase agreed to remove the amnesty clause from the Bill. However, Bainimarama then issued a new set of demands including, among many, the removal of Police Commissioner Andrew Hughes, who had been investigating Bainimarama on charges of sedition, and submitted a deadline for the Prime Minister to comply. When Qarase did not do this, the military followed through on their threat to forcibly remove Qarase from power on 5 December 2006.

⁴⁶ Fiji Government, *PM announces plans for an Independent Reconciliation and Unity Commission* (4 May 2005) [on-line], accessed 15 May 2007, available at

<http://www.fiji.gov.fj/cgi-bin/cms/exec/view.cgi/62/4544/printer>

⁴⁷ Fiji Times, *Promotion of Reconciliation, Tolerance and Unity Bill 2005* [on-line], accessed 24 June 2007, available at <http://www.fijitimes.com/unitybill.html#s4>

⁴⁸ Fiji Government, *PM announces plans for an Independent Reconciliation and Unity Commission*

⁴⁹ Raicola, Verenaisi, 'Unity - or more division?: Speight is a happy man', *The Fiji Times* [newspaper on-line], accessed 15 May 2007, available at <http://www.fijitimes.com/unitybill.pdf>

8.1 The EU's Role

A spokesperson for the EU has stated that the EU is liaising with the EU delegation in Suva to closely monitor the implications of the Bill.⁵⁰ When resuming cooperation with Fiji in 2002, the EU stressed its support for national reconciliation in the country and pledged to monitor the maintenance of law and order in Fiji. The EU spokesman affirmed that the EU believes in the need to bring all those responsible for the May 2000 coup to justice as a basis to revive ties with Fiji. Several Fiji-based NGOs have been calling for strong action from the EU and the UN against the Bill. The Fiji Women's Rights Movement released a press statement in June 2005 stating that the EU should be informed that the Bill is in breach of the essential elements of the Cotonou Agreement and action should be taken against it, including cessation of aid if needs be.⁵¹

8.2 Amnesty Compared to Punitive Justice

1987 coup leader and former Prime Minister Sitiveni Rabuka was granted amnesty for his role in the first two Fiji coups. Indeed, he was pardoned to the extent that he was then elected Prime Minister for twelve years. However, the constitutional difference between pardoning those involved in the 1987 coup and those involved in the 2000 coup is arguably that the Speight-led coup failed to achieve power over the country. Following the 1987 coup, an interim government was appointed and was given international support. Essentially Rabuka and his interim administration became the law. They were granted amnesty and this was included in the 1990 and 1997 Constitutions. As the 2000 coup failed to take control of the country, amnesty does not apply in the same way, although admittedly it might help in revealing the truth behind the 2000 coup. For amnesty to be granted to those involved in the 2000 coup, an individual would have to make an application to the Commission of Inquiry, which has the power to accept or reject the application, or refer it to the Amnesty Committee. In order to be granted amnesty, the applicant would need to demonstrate that his/her involvement was based on purely political (not criminal) motivations.

There are fears that granting amnesty to those involved in the coup might only serve to perpetuate Fiji's 'coup culture'. Some critics argue that granting amnesty sends the message to other would-be coup plotters that there are no consequences for treason.

Prime Minister Qarase has repeatedly underlined his belief that restorative justice is the key to long-term peace and reconciliation in Fiji and has called for the Fijian people to consider this option. In a speech to the national Parliament in June 2005, the Prime Minister explained:

Restorative justice seeks to reconcile the victims and the offenders, and their families. It aims to restore human dignity within the community through understanding, and not vengeance, reparation and not retaliation, forgiveness and not victimisation. It is concerned with repairing broken relationships and establishing lasting peace, instead of lasting hurt or conflict. It involves the victim, the offender, and the community. Healing is regarded as crucial, not just for victims, but also for offenders who must be rehabilitated and integrated into society. An underlying theme is that crimes or wrongdoings are violations of people and relationships, rather than offences against the state. Acceptance of responsibility is required before the process of restoration can

⁵⁰ Alterfarge, Amadeu, as quoted by Radio New Zealand International, *European Union monitoring Fiji's Reconciliation Bill* (22 June 2005) [on-line], accessed 15 May 2007, available at <http://www.rnzi.com/pages/news.php?id=17550&op=read>

⁵¹ Radio New Zealand International, *Fiji Women's Rights Movement wants UN and EU action over Reconciliation Bill* (14 June 2007) [on-line], accessed 18 May 2007, available at <http://www.rnzi.com/pages/news.php?op=read&id=17385>

begin. Victims may use the process to obtain answers, or to express their anger and seek compensation [...] We must not forget what happened in 2000, but we must turn our eyes more to the future [...] Justice plus forgiveness and reconciliation, equals peace.⁵²

The Prime Minister argued that restorative justice is catered for under Section 186 of the Constitution, which requires Parliament to make provision for the application of customary and traditional laws and conflict resolution. Qarase declared that the principles of restorative justice and forgiveness are built into Fijian culture, reflected in customary practices such as *veisorosorovi* and *mataganisau*, and further reinforced by Christian belief. According to these traditional procedures there has to be an acceptance and a confession that a wrong has been committed and forgiveness is requested. Everyone in the community takes part, along with the offender and the victims. Through discussion there is a combined effort to find solutions to the problems and agreement is reached on punishment when this is appropriate. At the end, amicable relationships, dignity and mutual understanding are restored.⁵³

He clarified that his administration is not proposing to completely replace retributive justice with a restorative one but for the two systems to operate alongside one another.

⁵² Prime Minister Laisenia Qarase, as per transcript produced by Pacific Islands Development Program/East-West Center, *A Plea for Restorative Justice* (2 June 2005) [on-line], accessed 24 June 2007, available at <http://archives.pireport.org/archive/2005/June/06-17-com.htm>

⁵³ Qarase, Laisenia, Prime Minister, Minister for Fijian Affairs, and Minister for National Reconciliation & Unity, *Healing Fiji through restorative justice* (government advertisement) [on-line], accessed on 11 September 2008, available at http://www.fiji.gov.fj/uploads/Explanation_RTU_Bill.pdf

9 Results from Questionnaires

Part of the methodology for this QCEA project involved sending questionnaires both to the European Union's Delegation in Fiji and to various civil society organisations operating there. The questionnaires were divided into nine units. This section is similarly divided.

9.1 Organisation Information

Out of thirteen questionnaires sent out, only two Fijian civil society organisations responded. The responses presented here may differ from the experiences and realities of other organisations active in Fiji and we recognise that the responses of two organisations are insufficient to draw any general conclusions. They are instead treated as examples. Both of these organisations work in Suva and work in a range of areas including:

- development, production and distribution of community media;
- policy advocacy on women in decision-making and promotion of UN Security Council Resolution 1325;
- issues of decolonisation;
- demilitarisation and DDR;
- peace and security;
- security sector reform;
- elections;
- justice;
- trade justice;
- human rights;
- youth;
- good governance.

Both organisations are members of structured NGO networks such as the National Council of Women of Fiji and the Pacific Regional Non-Governmental Organisations (PRNGO) Network, as well as structured NGO links through bodies such as the Pacific Council of Churches. Both are aware of an official civil society forum registered under the Cooperative Act - the Fiji Forum of Non-State Actors (FFoNSA). One organisation participates in the Forum's meetings, but only on invitation. That organisation reported that they found this participation very useful.

The EU Delegation to Fiji is also responsible for the Cook Islands, Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Niue, Palau, Samoa, Tonga, Tuvalu and the Regional Programme for the Pacific. It is in daily contact with the European Commission, Council of the European Union and the European Parliament, via email, diplomatic pouch, fax and telephone. The Delegation described this communication as good, citing the time difference as a difficulty. Email is the main mode of correspondence because of this, but since the Delegation lacks a cipher, sensitive material must be communicated through other means.

9.2 Civil Society Consultation

Only one of the respondents had been in contact with the Delegation. This contact has occurred during the last two years, but very infrequently. The Delegation and organisation mutually approach each other, to discuss funding and for consultation. The organisation mentioned several reasons why it had approached the Delegation, including for funding (they had been unable to access National Indicative Programming (NIP) and Regional Indicative Programming (RIP) funds), advocacy on NIP and RIP issues and in response to an open consultation.

When asked whether there was enough dialogue between civil society and the Delegation, one respondent said that there are beginning to be more opportunities for dialogue in Fiji, while the other stated that this is only for certain NGOs. They went on to elaborate that dialogue is particularly sparse for those NGOs who do not belong to the Non-State Actors Forum. Neither respondent answered affirmatively when asked whether their input was listened to, though this was generally because they were not invited to give input. One said that the dialogue was productive a few years ago, suggesting that it is less so now. This impression may be because that particular organisation participates less now than a few years back, and so is not necessarily indicative of the general feeling surrounding dialogue with the Delegation.

According to the Delegation, contact with civil society is regular, occurring every four weeks or less. The Delegation has approached civil society for consultation and funding, and civil society has also approached the Delegation for funding and advocacy. They feel that there is enough dialogue between them and civil society, though it is not uniformly productive. They reported that to their disappointment the dialogue with civil society on the 10th European Development Fund (EDF) had not yielded tangible results, meaning that no input was provided on the draft National Indicative Programming (NIP)/Regional Indicative Programming (RIP) for Fiji, although this is interesting because one of our civil society organisations claims to have commented. This might imply that there is an issue with getting information distributed sufficiently, because civil society seems interested and willing to participate in consultations. The Delegation was aware of the Fiji Forum of Non-State Actors (FFoNSA).

A remark of particular interest was that the Delegation finds that it tends to be in contact with the same civil society groups. They have tried to widen the range by commissioning a mapping study to get a complete overview of civil society organisations in Fiji. They hope that this mapping study will also help them to reach out to more non-state actors beyond the FFoNSA, through community building via partnership and education.

9.3 Calls for Proposals

Information on Calls for Proposals is received through other civil society organisations. One organisation has responded to certain Calls for Proposals, and did not report any problems during the process.

The Delegation confirmed that Calls for Proposals are released through FFoNSA, in cooperation with the Delegation and the Ministry of Finance (part of the National Authorising Officer for the EDF).

9.4 EU and National Government

Both respondents have a relationship with the national government, sometimes through groups such as the Trade Extended Working Group of Fiji's Ministry of Foreign Affairs and External Trade. Even though the national government is not involved in civil society's informal dialogue with the EU, it is sometimes included in the formal dialogue, and is involved in funding decisions. The Delegation said that the national government is included in proposals following Calls for Proposals and in the future will manage Calls for Proposals as well as project implementation following award of contracts. The national government is also involved in the Economic Partnership Agreement (EPA) negotiations, as well as the political components of the Cotonou Agreement.

The Delegation reported having a relationship with the national government, principally through the National Authorising Officer and the Ministry of Education, as well as other line ministries.

9.5 Article 96

One of the respondents was consulted by the Pacific Working Group on Fiji following the 2000 coup and before Fiji presented its report to the ACP-EU Joint Assembly in 2000. The same organisation reported that since the 2006 coup they have the impression that the Commission Delegation is more restrained in putting pressure on the interim government to uphold the political components enshrined in the Cotonou Agreement, citing vague public interviews as an example of this. They believe that this is because while the 2000 coup was led by a group of citizens claiming to be supportive of indigenous peoples' issues and concerns, the 2006 coup was orchestrated by the army.

One of the organisations feels that their work has been affected by the implementation of Article 96. They have increased their international lobbying for pressure to be put on the military supported government. Neither of the civil society organisations reported signs of the EU maintaining support to civil society during the implementation of Article 96 and they seemed to have mixed feelings on whether Article 96 was the most effective way of dealing with the situation. They recognised the need for Fiji to prove it is committed to the essential commitments of the Cotonou Agreement in a real way, but also recognised that the invocation of Article 96 can be a closed process accessible only to government officials, while civil society has to rely on lobbying.

The Delegation expressed the view that when aid was suspended for three years following the 2000 coup, there was little evidence that the Article 96 process hastened the return to full democracy in any significant way. That said, following the coup of 2006 and the Article 96 consultations of April 2007, it seems that the interim government has paid greater heed to the process. According to the Delegation, since the April 2007 consultations there has been some action on the commitments made, namely the lifting, by an agreed date, of the state of emergency. The Delegation seemed to expect commitments on the production and scheduling of a roadmap to democratic elections to be respected. Despite these positive signs, it was also mentioned that some human rights abuses do continue and media freedom is not complete. The Delegation believes that this greater compliance on the behalf of the interim government is perhaps because the funds at stake are far higher than they were in 2000. Despite the break in funding to the government, the Delegation asserts that support to civil society continued either through on-going budget line-funded contracts, or EDF funding in the framework of Fiji Education Support Programme (FESP) and FFoNSA.

Regarding the impact of Article 96 on the Delegation's work, the Delegation responded as follows:

The invoking of Article 96 has only affected the Delegation partially, in that it covers cooperation with ten Pacific countries other than Fiji, as well as dealing with the Pacific Regional cooperation programme.

However, Fiji is nevertheless the Delegation's host country, and its Fiji-related work has obviously been affected, in the sense that certain projects have not gone ahead as planned (and may now need modification due to the delays incurred). Political reporting and political work in general has obviously increased vastly. Relations with [the] government have also been affected, with a degree of turbulence created by changes of Ministers and senior civil servants.

According to the Delegation, 'Article 96 can be an effective instrument, since it provides a set format for response to breaches of the Cotonou Agreement and allows for engagement with illegitimate governments (while not recognising them). The fact that there is a prescribed method of engagement is extremely useful and means that no judgements need to be made as to whether to engage with governments or not. The fulfilling of commitments can be made effective, particularly where there are substantial cooperation funds at stake [...]. This allows for constructive re-engagement.' Whether or not Article 96 is effective depends very much on whether the offending government wants it to be.

9.6 Conflict Prevention, Management and Resolution Programmes

Neither respondent is aware of any EU-funded conflict prevention projects. Suggestions for areas of work that the EU should support but does not include building women's capacity as decision-makers during Fiji's conflict transformation or areas related to demilitarisation, peace and security, or human rights and governance.

The Delegation stated that there are EU-funded projects in Fiji dealing with good governance, elections, management of natural resources, regional integration and civil society participation. They said that a gender-sensitive approach is taken into account in each and every project appraisal. The Quality Support Group screens all project proposals for cross-cutting issues and one of the evaluation criteria for project proposals following a Call for Proposals specifically focuses on a gender-sensitive approach. Regional perspectives are ensured by the linkage between Country Strategy Papers and National Indicative Programmes to the regional programming perspective.

9.7 EU and Conflict Prevention

The EU's approach to conflict prevention was rated as either neutral or helpful by both civil society organisations.

When asked what the EU could do to improve conflict prevention in Fiji the Delegation responded that 'conflict prevention per se is not really an issue in Fiji, although there are sources of tension (including race and land tenure) which have created political instability in the past and which contribute to perpetuating Fiji's 'coup culture'. There is a strong need for general governance-related programmes (voter education, civil education, support for Human Rights institutions and governance-related NGOs).' The Delegation described the level of information on EU projects which is disseminated to civil society as adequate.

9.8 Economic Partnership Agreements

One of the civil society organisations reported being involved with the EPA negotiations in 2004. It was invited by the Pacific Island Forum Secretariat to be a member of the Trade Expert Advisory Group. It also participated in regional and national workshops on the EPAs. The concerns about the effect of the EPAs ranged from the incorporation of a gender perspective to wariness over the limited time devoted to public and parliaments in Pacific ACP countries to consider the long-term ramifications of EPAs on fishery resources, movement of labour, and the implications on services and investment agreements on intellectual property rights. It was reported that 'a lot of resources have gone into the holding of meetings, national 'consultations' and studies, but little on ensuring there are widespread consultations and sharing of information.' Non-state actors and parliamentarians were not part of the Technical Working Groups that were set up to originally work out the base position for Pacific ACP countries before it was presented to the senior officials and to the ministerial meetings. In addition, they report that the social impact of the EPAs has only just begun to be addressed, now that the negotiations are coming to an end.

The Delegation participated in the EPA negotiations, and believes that civil society has been involved to some extent. To encourage civil society to participate in negotiations, provision has been made in the Commission-funded Regional Programme (the 9th EDF Pacific Regional Programme), which supports the negotiations for interaction with civil society. According to the Delegation a number of EPA-related meetings have been held which target civil society. Additionally, the Delegation has also organised several meetings or seminars for leaders of civil society with regard to the EPAs.

9.9 Mainstreaming

None of the civil society respondents had seen increased conflict sensitivity in the EU's programming in Fiji, and they did not feel able to respond to questions in this area.

The Delegation feels that there has been an increase in conflict prevention within EU activity in Fiji since 2003, and that there has been no decrease in specific conflict prevention programmes. They cited some examples of mainstreaming of conflict prevention in non-conflict specific programming, for example support to NGOs such as Live and Learn (project on governing water), which are funded under the European Instrument for Democracy and Human Rights (EIDHR), or the integration of issues of peacebuilding and conflict prevention into the Curriculum Development Unit of the Ministry of Education in the framework of the Fiji Education Sector Programme.

10 Conclusions and Recommendations

The two organisations that responded to our questionnaire recommended the following ways for the EU to improve its work on conflict prevention in Fiji:

- improve its funding of rural development⁵⁴;
- incorporate and practise gender mainstreaming strategies and talk to the women, through existing women's NGOs to enhance its development aid benefit to all communities;
- refuse to release funds and continue with smart sanctions until the Fiji interim regime comes up with a plan for restoring Fiji to parliamentary rule and restores human rights;
- lobby the UN to stop working with Fijian military personnel;
- support the introduction of an accessible and affordable peace studies programme to the University of the South Pacific, located in Fiji.

Further conclusions are presented in the main report of this project, which can be found at: www.quaker.org/qcea

⁵⁴ Example given: 'The new Rewa bridge was built and opened with a lot of pomp and fanfare, but in reality, for the women of that community - their roads are still bad; their water and drainage is still bad - so what good is that bridge for rural communities?'

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