Questions

1. What conflicts exist between Fijian Indians and indigenous Fijians?
2. Can authorities protect citizens from racially motivated attacks?
3. Would a widow be more at risk of racially motivated attacks?
4. Is relocation an option for an indigenous Fijian widow?

RESPONSE

1. What conflicts exist between Fijian Indians and indigenous Fijians?

Sources indicate that indigenous Fijians and Indo-Fijians comprise relatively separate communities, but that longstanding tensions between the communities have at times resulted in inter-communal violence. Reports indicate that race-based discrimination has been pervasive in Fiji, with indigenous Fijians having received preferential treatment. Since the 2006 coup, however, the interim government has expressed intentions to reform toward a “non-racial” nation.

Historical overview

A Freedom House report on Fiji released in July 2009 provides an historical overview which notes “[i]ntense ethnic rivalry between indigenous Fijians and Indo-Fijians”. According to the Freedom House report:

Intense ethnic rivalry between indigenous Fijians and Indo-Fijians is the main source of political and social tension. Indians were first brought to Fiji in the 19th century to work on sugar plantations, and Indo-Fijians currently make up a majority of the population and control a large share of the economy. Armed coups by indigenous factions in 1987 and 2000 overthrew governments led by Indo-Fijian parties.
In the aftermath of the 2000 coup, the military installed Laisenia Qarase, a banker and indigenous Fijian from the United Fiji Party (UFP), to lead an interim government. Qarase was elected prime minister in the 2001 elections, and won a second term in 2006. Although tensions between the UFP and the largely Indo-Fijian Labour Party never eased, the more destabilizing rift was that between Qarase and military chief Commodore Frank Bainimarama over the fate of the 2000 coup participants. Bainimarama wanted suspects prosecuted and jailed, but the government repeatedly reduced their sentences, paid salaries to convicted officials, and granted political appointments to other convicts. Bainimarama publicly demanded that Qarase resign after he proposed granting an amnesty that would clear the criminal records of those convicted and provide immunity to those not yet charged. Qarase refused to step down, and Bainimarama ousted him in a bloodless coup in December 2006, with a promise to clean up rampant government corruption.

Fiji is not an electoral democracy, due primarily to the latest military coup. Under the constitution, Parliament consists of the 32-seat Senate and the 71-seat House of Representatives. The president appoints 14 senators on the advice of the Great Council of Chiefs, 9 on the advice of the prime minister, 8 on the advice of the opposition leader, and 1 on the advice of the council representing outlying Rotuma Island. House members are elected for five-year terms, with 25 seats open to all ethnicities, 23 reserved for indigenous Fijians, 19 for Indo-Fijians, 3 for other ethnic groups (mainly citizens of European and East Asian extraction), and 1 for Rotuma voters. The president is appointed to a five-year term by the Great Council of Chiefs in consultation with the prime minister, who is in turn appointed by the president. The prime minister is generally the leader of the majority party or coalition in Parliament. The two main political parties are largely based on ethnicity: indigenous Fijians support the UFP, and Indo-Fijians support the Labour Party.

The constitution provides for freedom of religion. Indigenous Fijians are Christians, and most Indo-Fijians are Hindus. The number of attacks on Hindu and Muslim places of worship has increased in recent years. In 2008, three Hindu temples were vandalized and one was destroyed in a fire.

Race-based discrimination is pervasive, and indigenous Fijians receive preferential treatment in education, housing, land acquisition, and other areas; some jobs are open only to them. Discrimination and political and economic troubles have caused more than 120,000 Indo-Fijians to leave Fiji since the late 1980s. Part of the resulting void has been filled by migrants from China, who now make up about 1 percent of the population and control 5 percent of the economy. Their growing economic strength has made them new targets of indigenous Fijian resentment and attacks (Freedom House 2009, Freedom in the World 2009 – Fiji, 16 July http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7607 – Accessed 31 August 2009 – Attachment 1).

The US Department of State’s most recent report on human rights practices in Fiji, covering events to the end of 2008, similarly notes that “[t]ension between ethnic Fijians and Indo-Fijians has been a longstanding problem”. According to the report:

The constitution notes that “the composition of state services at all levels must be based on the principle of reflecting as closely as possible the ethnic composition of the population,” but a nonjusticiable compact in the constitution also cites the “paramountcy” of Fijian interests as a guiding principle. The compact also provides for affirmative action and “social justice” programs to “secure effective equality” for ethnic Fijians and Rotumans, “as well as for other communities.” The compact chiefly benefited the indigenous Fijian majority. The interim
government publicly stated its opposition to such policies, which it characterized as racist, and called for the elimination of discriminatory laws and practices that favor one race over another; however, as of year’s end, they remained in place.

Prior to the 2006 coup, most post-independence governments pursued a policy of political predominance for ethnic Fijians. Land tenure remained a highly sensitive and politicized issue. Ethnic Fijians communally held approximately 87 percent of all land, the government held approximately 4 percent, and the remainder was freehold land, which private individuals or companies may hold.

Ethnic Fijians’ traditional beliefs, cultural values, and self-identity are closely linked to the land. Most cash-crop farmers were Indo-Fijians, the majority of whom are descendants of indentured laborers who came to the country during the British colonial era. Virtually all Indo-Fijian farmers were obliged to lease land from ethnic Fijian landowners. Many Indo-Fijians believed that their very limited ability to own land and their consequent dependency on leased land from indigenous Fijians constituted de facto discrimination against them. A pattern of refusals by ethnic Fijian landowners to renew expiring leases continued to result in evictions of Indo-Fijians from their farms and their displacement to squatter settlements. This situation contributed significantly to communal tensions. Many indigenous Fijian landowners in turn believed that the rental formulas prescribed in the national land tenure legislation discriminated against them as the resource owners (US Department of State 2009, Country Reports on Human Rights Practices for 2008 – Fiji, February, Section 5 – Attachment 2).

More detailed information regarding relations between indigenous Fijians and Indo-Fijians is provided in the following previous research responses:

- Research Response FJI31224 of 31 January 2007 provides information on the situation of Hindu Indo-Fijians following the 2006 coup and whether they were at risk of serious harm from indigenous Fijians (RRT Country Research 2007, Research Response FJI31224, 31 January – Attachment 3).


- Research Response FJI33944 of 14 November 2008 provides additional information on the legislative provisions relating to race relations established with reference to the 1997 Constitution of Fiji. The response includes information on the National Council for Building a Better Fiji (NCBBF) established by the interim government in 2007 and its draft charter aimed at establishing a “non-racial” nation, and a report by the UN Committee on the Elimination of Racial Discrimination (CERD) in May 2008 in which concerns are stated about Fiji’s lack of specific laws prohibiting racial discrimination (RRT Research & Information 2008, Research Response FJI33944, 14 November – Attachment 5).

Current situation
The current UK Foreign & Commonwealth Office profile of Fiji refers to relations between indigenous Fijians and Indo-Fijians being “generally harmonious” and notes that no racial violence occurred after the 2006 coup:

Race relations in Fiji are generally harmonious, but the ethnic Fijian and ethnic Indian communities live largely separate lives. There were many reports of violence and discrimination against ethnic Indians in the wake of the 1987 coup and the hostage crisis in

The overall political and security situation in Fiji is, however, in flux. A BBC News article from May 2009 noted that “[i]t seems it is fear of possible violence at the hands of the military that discourages citizens from taking to the streets – this affects indigenous Fijians as much as the Indian minority” (Murphy, Z. 2009, ‘Coup leader keeps iron grip on Fiji’, BBC News, 14 May http://news.bbc.co.uk/2/hi/asia-pacific/8035317.stm – Accessed 14 September 2009 – Attachment 7).

The previously cited Freedom House report indicates that the interim government’s proposed reforms include “replacing the race-based election rolls with a locality-based system” and taking control of Fiji’s body of traditional, indigenous leaders, the Grand Council of Chiefs:

Public attitudes toward the coup soured as civil liberties were curtailed and no timetable was set for a return to democratic rule. In January 2007, Bainimarama gave executive authority to President Josefa Iloilo, who in turn named Bainimarama as interim prime minister; Bainimarama also retained his position as the head of the military. The president granted immunity to Bainimarama and validated all decisions made since the coup.

The interim government undertook a number of reforms, requiring that all civil service appointments be made by the Public Service Commission and creating new investigation and adjudication bodies to tackle official corruption. Numerous senior officials were removed and arrested for official abuses and graft. Bainimarama also proposed replacing the race-based election rolls with a locality-based system and reviewing school-funding policies that favored indigenous Fijians.

Despite pressure to hold elections in March 2009, the interim government continued to refuse to commit to a date and made electoral reforms and the approval of a new People’s Charter preconditions for new elections. The charter would be drafted by a 45-member National Council for Building a Better Fiji, with representatives from government, provincial councils, and civil society. Meanwhile, Bainimarama’s attempts to reform and take control of the Grand Council of Chiefs, Fiji’s body of traditional leaders, drew sharp opposition from the chiefs themselves, who filed a lawsuit over the matter in April 2008 and later rejected the idea of a People’s Charter. In November, the interim government threw out several Grand Council members due to their refusal to engage in discussions (Freedom House 2009, Freedom in the World 2009 – Fiji, 16 July http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7607 – Accessed 31 August 2009 – Attachment 1).

In April 2009, Fiji’s constitution was abrogated and the interim government has further postponed elections. The Australian Department of Foreign Affairs and Trade (DFAT), in its current ‘Republic of Fiji Islands Country Brief’, advises as follows:

On 10 April 2009, the President of Fiji, Ratu Josefa Iloilo, announced that he had abrogated Fiji’s 1997 Constitution and declared himself Head of State. He said Fiji would be ruled under a New Legal Order. Under the order, all judicial appointments were revoked pending new appointments for all judges, magistrates and other judicial officers. President Iloilo subsequently reappointed Interim Prime Minister Commodore Bainimarama and all nine members of the previous Interim Cabinet. The Interim Government has since confirmed the President’s declaration that elections may not be held until 2014.
The impact of the abrogation on the Fijian people’s political rights has been profound. On 10 April, the President implemented a set of Public Emergency Regulations that limit freedom of speech, expand police powers and curb media freedom. Critics of the regime have been threatened, harassed, detained, questioned and/or assaulted. Journalists continue to be harassed, censored and in some cases deported. The Permanent Secretary for Information has been given the power to control broadcasts and publications. Interim administration personnel accompanied by police have been placed in all major news outlets, which may be shut down if they publish stories deemed ‘negative’. The independence of the judiciary has been undermined and judges who are considered unsympathetic to the regime have been removed. Military personnel have the power to use arms to break up gatherings and have detained individuals without charge (Department of Foreign Affairs and Trade 2009, ‘Republic of the Fiji Islands Country Brief’, DFAT website, 31 July http://www.dfat.gov.au/geo/fiji/fiji_brief.html – Accessed 14 September 2009 – Attachment 8).

Information on the BBC News website indicates that in July 2009 Fiji’s Prime Minister Bainimarama unveiled plans for a new constitution by 2013 and that under the proposed changes, the ethnic-based system introduced in 1997 would be scrapped (‘Timeline: Fiji’ 2009, BBC News, 9 September http://news.bbc.co.uk/2/hi/asia-pacific/country_profiles/1300499.stm – Accessed 15 September 2009 – Attachment 9).

2. Can authorities protect citizens from racially motivated attacks?

A search of the sources consulted found limited recent information on protection against racially motivated attacks, but sources generally indicate that crime is a continuing problem in Fiji.

Information on the roles of the Fiji Police Force and the Republic of Fiji Military Forces is provided in the US Department of State’s report on human rights practices in Fiji for 2008, and notes that the Fiji Police Force “maintained a network of stations and posts throughout the country”. The report advised as follows:

The Ministry of Home Affairs, headed by the interim minister for defense, oversees the Fiji Police Force, which is responsible for law enforcement and the maintenance of internal security. Historically responsible for external security, the Republic of Fiji Military Force (RFMF) maintained that it has a broad constitutional responsibility for national security that also extends to domestic affairs. Many constitutional scholars in the country rejected that assertion.

Police maintained a network of stations and posts throughout the country. Policing of more remote and smaller islands was done through regularly scheduled visits. In 2006 the RFMF established a joint military and police command center based at the Suva Central Police Station, blurring the lines of authority between the two forces. Military personnel were assigned to accompany police patrols and jointly man police checkpoints.

The police internal affairs unit is statutorily responsible for investigating complaints of police misconduct. FICAC [the Fiji Independent Commission Against Corruption] continued investigating public agencies and officials, including some members of the police and military forces. However, impunity and corruption remained problems (US Department of State 2009,
Crime continues to be a recurring problem in Fiji, steadily increasing in recent years. The number of crime incidents reported by the Fijian police from July - September 2008 was 17 percent higher than those of the same period in 2007. Property crimes (robbery, burglary, breaking and entering, theft) are the most common, accounting for approximately 48 percent of all reported incidents. Crimes against the person are the second most common, accounting for approximately 21 percent of all reported incidents. Property and personal crimes can occur 24 hours a day, though street crimes occur predominantly at night. Some burglaries and breaking and entering appear to be crimes of opportunity, but many are planned and perpetrated by informal gangs of criminals. Many burglars enter residences or businesses through unlocked doors or windows, but many times they will use tools to break through security bars to gain entry. Some businesses are targeted for robbery due to their insecure cash handling/transport procedures.

Many burglars/robbers do not hesitate to enter an occupied residence or business. They usually operate in groups of two to ten, with the average being five. They will break through security bars and solid wood doors to enter the residence or business.

There are very few firearms in Fiji. Most criminals carry cane knives (similar to a machete). Other criminals will threaten their victims with whatever makeshift weapon is at hand – broken bottles, iron rods, sticks, and tire irons have been used.

Most assaults in Fiji occur during the course of a burglary or as a result of provocations fueled by alcohol consumption and interpersonal conflicts. It is not uncommon for a fight to break out during a social event or for verbal disagreements to escalate to physical confrontations.

Most criminals, especially invasion-type robbers, operate in small to medium sized groups; however, muggers working alone are not uncommon and can be equally as dangerous.

...
police have arrived during the commission of a crime, but because they were out-numbered and out-armed, were not able to make arrests or summon reinforcements.

Since the coup, the military has generally not interfered with the criminal justice system’s prosecution of common criminals. However, two homicide cases involving military personnel have been hindered by the military.

Fiji justice has largely moved away from past practices of traditional chiefly or village reconciliation ceremonies in favor of court-ordered measures. This is most true in urban areas. Criminal acts are being reported to the police on a regular basis, and criminals face appropriate judicial proceedings (Overseas Security Advisory Council 2009, ‘Fiji 2009 Crime and Safety Report’, Overseas Security Advisory Council website, 11 August https://www.osac.gov/Reports/report.cfm?contentID=104976 – Accessed 10 September 2009 – Attachment 10).

An article dated 11 April 2009 in The Australian, reporting that the constitution had been repealed, indicated that the police were at that time “stepping up security” and that Fiji “remained calm”:

Following the president’s announcement yesterday, Fiji remained calm, although police said they had stepped up their presence on the streets. Police director of operations Waisea Tabakau told the Fiji Village website the safety and security of the people was their main priority.

“We are stepping up security around the nation ... but I want to assure members of the public that everything is under control.”

Military spokesman Major Neumi Leweni said the police would be the only visible form of security, but the military would assist “when the need arises”.

While Fiji was in the grip of political chaos, there was calm in the capital Suva (‘Fiji president sacks judiciary’ 2009, The Australian, 11 April – Attachment 11).

An article dated 17 May 2009, sourced from Xinhua, reported that a spokesman from the Fiji Army had stated that “people who are trying to upset, cause incitement or tension among the communities would not be tolerated”. According to the article:

Fiji’s interim government has reiterated that individuals found breaking the Public Emergency Decree will be detained and possibly charged.

Fiji Army spokesman and Permanent Secretary for Information Neumi Leweni said there would be no exceptions and anyone trying to cause problems by influencing people in a negative manner would face the law. With the regulations extended for another month, Mr. Leweni said people who are trying to upset, cause incitement or tension among the communities would not be tolerated. They would need to seriously think twice about their priorities since “the government is only focused on moving the nation forward”. “I urge members of the public and especially community leaders who may be contemplating inciteful actions to stop, as this would only impact on government’s efforts to progress the nation toward a better Fiji. Fiji needs leaders who have the interest of all at heart – regardless of ethnicity,” he said (‘Maintain law & order, says Fiji’ 2009, Xinhua, 17 May – Attachment 12).
A search of the sources consulted found no information indicating recent racially motivated attacks in Fiji.

3. Would a widow be more at risk of racially motivated attacks?

A search of the sources consulted found no information specifically on the matter of risk of racially motivated attacks for widowed women. A number of reports indicate, however, that violence and discrimination against women are widespread in Fiji.

In July 2009, Freedom House reported as follows:

Discrimination and violence against women are widespread. The number of rape, child abuse, and incest cases continues to rise. Women’s groups claim that many offenders use traditional reconciliation mechanisms and bribery to avoid punishment. Women are not well represented in government and leadership positions and do not receive equal pay (Freedom House 2009, Freedom in the World 2009 – Fiji, 16 July

The US Department of State’s most recent report on human rights practices in Fiji made the following observations regarding the treatment of women:

Rape, domestic abuse, incest, and indecent assault were significant problems. The penal code provides for a maximum punishment of life imprisonment for rape; however, most rapes were prosecuted in the magistrates’ courts, which have a sentencing limit of 10 years. There were inconsistencies in the sentences imposed for rape by different magistrates; sentences generally ranged from one to six years’ imprisonment. The Fiji Women’s Rights Movement and the Fiji Women’s Crisis Center pressed for more consistent and severe punishments for rape...

Although there is no specific law against domestic violence, it can be prosecuted as assault. Police claimed to practice a “no-drop” policy, under which they pursued investigations of domestic violence cases even if a victim later withdrew her accusation. However, women's organizations reported that although police generally were more responsive to domestic violence cases than in the past, they were not always consistent. Courts dismissed some cases of domestic abuse and incest or gave the perpetrators light sentences. Incest was widely believed to be underreported. Traditional practices of reconciliation between aggrieved parties were sometimes taken into account to mitigate sentences in domestic violence cases. An active women’s rights movement sought to raise public awareness about domestic violence. ...

The Human Rights Commission Act specifically prohibits sexual harassment, and criminal laws against “indecent assaults on females” prohibit offending the modesty of women and have been used to prosecute sexual harassment cases. Under a new employment relations law that came into effect in April, sexual harassment in the workplace is a specific ground of complaint that can be filed by workers.

Women have full rights of property ownership and inheritance but often were excluded from the decision-making process on disposition of communal land, which constituted more than 80 percent of all land. Many women were successful entrepreneurs. Other than a prohibition on working in mines, there were no legal limitations on the employment of women. Women generally were paid less than men for similar work. According to the Asian Development Bank, approximately 30 percent of the economically active female population was engaged in the formal economy, and a large proportion of these women worked in semisubsistence
A *Fiji Times* article dated 5 December 2008 referred to the launch of a report commissioned by AusAID, entitled “Violence against Women in Melanesia and East Timor”. According to the article:

Women in Fiji are victims of high levels of domestic and sexual violence, according to a report launched on Wednesday by the Australian Government.

... In Fiji, women are subjected to physical, emotional, psychological and economic abuse, the report said. They also suffer from sexual assault and harassment, commercial sexual exploitation and trafficking.

... The report found that women’s unequal status in the region was a major obstacle to reducing violence reinforced by some customary practices and attitudes that put women at risk of violence.

In terms of measures to reduce violence against women, Fiji has taken the greatest steps forward compared to all other countries included in the report.

The report found that this was due to the work of organisations like the Fiji Women’s Crisis Centre, Fiji Women’s Rights Movement and the Regional Rights Resources Team (‘Report highlights sexual violence’ 2008, *Fiji Times*, 5 December – Attachment 13).

The previously mentioned *Research Response FJI31976* dated 24 July 2007 addressed the question of whether an Indo-Fijian widow would be at greater risk of racially motivated violence: no information was found to indicate that elderly Indo-Fijian widows were subject to violence or mistreatment, but reports did indicate that, following the 2000 coup, indigenous and non-indigenous Fijians lived in fear of violence (RRT Research & Information 2007, *Research Response FJI31976*, 24 July – Attachment 4).

4. Is relocation an option for an indigenous Fijian widow?

A search of the sources consulted found no information to indicate restrictions on a person’s freedom to relocate within Fiji.

Reports indicate that marked demographic change in Fiji – including in Lautoka, in the Western division on the main island – has occurred in the past decade. Statistical information from the 2007 census reveals a decrease in the Indo-Fijian population, an increase in the indigenous Fijian population and significant population shifts of indigenous Fijians into urban areas.

A report published in October 2008 by the Fiji Islands Bureau of Statistics provides the following information on population and demographic change measured by the 2007 census:

1.1. Population by ethnicity

• During the 1996-2007 intercensal period, the [indigenous] Fijian population increased by 82,164 persons or at an average rate of 1.7 percent per year (compared to 1.8 percent per year during the previous 1986-1996 intercensal period).
During the 1996-2007 intercensal period, the Indian population continued to decrease. The decrease of 25,020 persons implies an average intercensal rate of decrease of –0.7 percent per year (compared to –0.3 percent during the previous 1986-1996 intercensal period).

1.2. Population at the divisional and provincial level

Western Division
- This Division has been growing at the national average rate but population change is mainly concentrated in Ba Province.
- In spite of the very high level of out-migration of rural Indians from Ba Province, its population has been growing at about the national average rate. This is mainly due to very significant in-migration of Fijians into the urban sector of Nadi, Nawaka and Vuda Tikina (the Nadi and Lautoka UA respectively).

2.1. Ethnic composition

- The dramatic change of the ethnic composition of the population, which started in the 1950s and gathered further momentum after the 1987 coups, has continued during the 1996-2007 intercensal period.


List of Sources Consulted

Internet Sources:
Government Information & Reports
Fiji Government website http://www.fiji.gov.fj
Fiji Islands Bureau of Statistics website http://www.statsfiji.gov.fj
US Department of State website http://www.state.gov

United Nations
Refworld website http://www.unhcr.org/refworld

Non-Government Organisations
Amnesty International website http://www.amnesty.org
Human Rights Watch website http://www.hrw.org

International News & Politics
ABC News website http://www.abc.net.au/news/
BBC News website http://news.bbc.co.uk
List of Attachments


11. ‘Fiji president sacks judiciary’ 2009, The Australian, 11 April. (CISNET Fiji CX225191)

12. ‘Maintain law & order, says Fiji’ 2009, Xinhua, 17 May. (CISNET Fiji CX226401)

