

**ISSUE PAPER**

**FIJI: SITUATION OF INDO-FIJIANS SINCE THE COUP OF MAY 2000**

All the sources of information contained in this document are  
identified and are publicly available.

RESEARCH DIRECTORATE  
IMMIGRATION AND REFUGEE BOARD  
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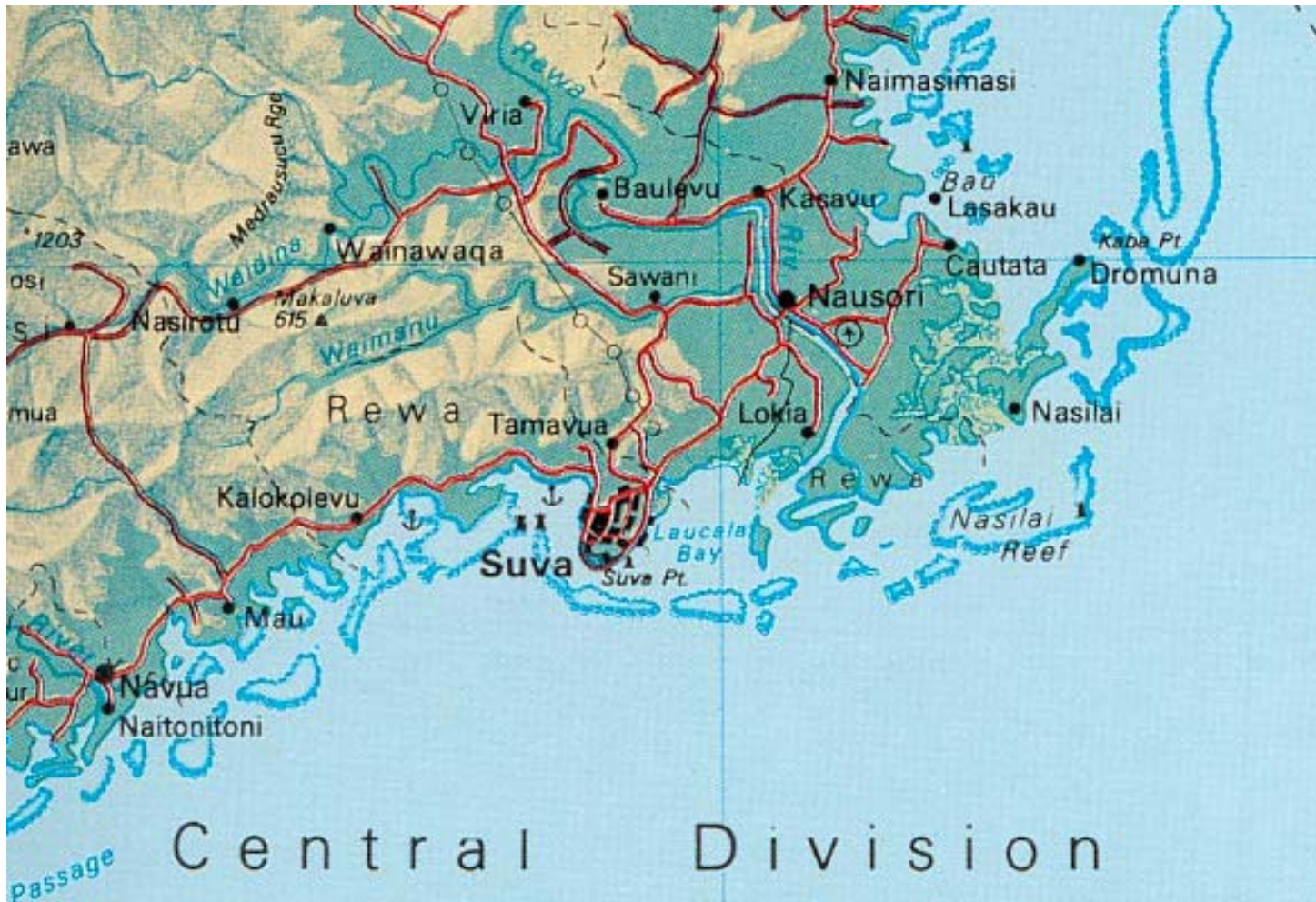
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## MAP: FIJI



Source: Sea Fiji Travel, Savusavu, Fiji. n.d. <<http://www.seafiji.com/fijimap.htm>> [Accessed 28 June 2001]

## MAP: SUVA



Source: Government of Fiji, Ministry of Information. n.d. "Viti Levu - Lavua, Suva, and Nausori." <<http://www.fiji.gov.fj/fijifacts/maps/suva.shtml>> [Accessed 28 June 2001]

**GLOSSARY**

ALTA	Agricultural Landlord and Tenants Act
CCF	Citizens' Constitutional Forum
CIS	Country Information Service, Department of Immigration and Multicultural Affairs (DIMA), Australia
CRW unit	Counter Revolutionary Warfare unit
DFAT	Department of Foreign Affairs and Trade of Australia
FLP	Fiji Labour Party
GCC	Great Council of Chiefs
HRC	Human Rights Commission
NFU	National Farmers Union
NLTA	Native Land Trust Act
NLTB	Native Land Trust Board
PCG	People's Coalition Government
PSA	Public Service Association
RFMF	Royal Fiji Military Forces
SAHARA	Social Action for Human Rights Aspirations

## 1. INTRODUCTION

This paper examines the situation of Indo-Fijians since the coup of May 2000. The research focuses on the controversial topic of land tenure, as well as on reports of violence against Indo-Fijians, and the functioning of the judiciary and the security forces in the aftermath of the coup.

## 2. CHRONOLOGY OF MAJOR EVENTS

**1997:** Constitutional changes end the guaranteed control of government by the indigenous community (*Freedom in the World 2000-2001* 2001; *Europa World Yearbook 2000* 2000, 1405). The changes are endorsed by the Great Council of Chiefs (GCC) and are unanimously approved by the House of Representatives and the Senate (ibid.).

**May 1999:** Elections produce a coalition government, known as the People's Coalition Government (PCG), led by the FLP, with Mahendra Chaudhry as the country's first Indo-Fijian prime minister (ibid.; *Freedom in the World 2000-2001* 2001).

**19 May 2000:** During anti-government demonstrations, Prime Minister Chaudhry and other officials are taken hostage in parliament by an armed group led by businessman George Speight, that includes "ethnic-Fijian hardliners" and some members of the military's Counter Revolutionary Warfare (CRW) unit (ibid.; *Country Reports 2000* 2001, sec. 1.c.). In the days following the takeover of parliament, Speight sympathizers engage in violent activities in different parts of the country, including looting businesses and seizing property (AI 2001, 101; *Country Reports 2000* 2001, introduction). Sixteen people die as a result of the disturbances (ibid.; Fraenkel 7 June 2001), although one source stated that the deaths were not because of conflict between indigenous and Indo-Fijians but rather because of clashes between the military and coup supporters (ibid.). Another source added that it was primarily indigenous Fijians who were killed or seriously wounded in the aftermath of the May 2000 coup (Dakuvula 15 June 2001).

**29 May 2000:** Frank Bainimarama, the country's military commander, leads a non-violent military coup that deposes the government and President Ratu Mara (ibid.). He appoints himself

Head of State, attempts to abrogate the Constitution, declares martial law, and begins to rule by decree (ibid.).

**July 2000:** The military installs a civilian interim government after negotiations with Speight and consultations with the GCC (ibid.). Laisenia Qarase, a banker, is named prime minister and Ratu Josefa Iloilo is appointed president (*Freedom in the World 2000-2001* 2001).

**13 July 2000:** Following negotiations, Chaudhry and the other hostages are released by Speight (ibid.; *Country Reports 2000* 2001, sec. 3).

**26 July 2000:** George Speight and other rebel leaders are arrested by the interim administration and charged with treason (ibid., sec. 1.c.).

**2 November 2000:** Approximately 50 members of the CRW unit participate in a mutiny in Suva that fails, resulting in 8 deaths, 5 of which allegedly occurred after the mutineers had been taken into custody (ibid.).

**15 November 2000:** The High Court rules that the interim government is illegal and orders the reinstatement of Chaudhry's administration (*Freedom in the World 2000-2001* 2001). However, the interim government states that it will appeal the ruling and will continue as the national government (BBC News 15 Nov. 2000; CNN.com 15 Nov. 2000).

**1 March 2001:** The Court of Appeal upholds the High Court's ruling that the interim government is illegal and that the 1997 Constitution remains valid (Croxon 2 Mar. 2001; ABC 8 Mar. 2001; USP News 1 Mar. 2001). Notwithstanding the Court of Appeal ruling, President Iloilo "formally dismisses" Chaudhry's government and reappoints Qarase's administration (*Pasifik Nius* 17 Mar. 2001) pending new elections (ABC 14 Mar. 2001), which are later scheduled for 25 August to 1 September 2001 (*Asian Political News* 21 May 2001; PCG 13 July 2001).

**May 2001:** A preliminary inquiry begins into the treason charges against Speight and 12 others (*Pacific Islands Report* 5 June 2001; PCG 31 May 2001).

**25 August - 1 September 2001:** General elections are held.

**September 2001:** Laisenia Qarase, of the Soqosoqo Duavata ni Lewenivanua (SDL) party (*The Fiji Times* 14 Sept. 2001a), is sworn in as prime minister and must form a coalition government with all parties with more than eight seats (Australia DFAT Dec. 2001). Stipulating several conditions, Prime Minister Qarase asks Chaudhry's FLP (with 27 seats) to join his



government (ibid.). Chaudhry accepts the invitation, but Prime Minister Qarase claims his conditions were not met, and forms a coalition with other parties (ibid.). Speight wins a seat in parliament, but is unable to attend because he is awaiting trial in jail (ibid.).

**November 2001:** George Speight appeals to the courts to be excused from two consecutive sittings of parliament (Radio Australia 6 Nov. 2001).

**Fall 2001:** Mahendra Chaudhry's FLP files a court motion against the Qarase government arguing that the Party's exclusion from cabinet is unconstitutional (PINA Nius Online 13 Dec. 2001; *The Fiji Times* 14 Sept. 2001b).

**Fall 2001:** Court-martial trials begin for 15 of the CRW unit soldiers allegedly involved in the November 2000 mutiny (*Asia Times* 8 Nov. 2001; AFP 5 Dec. 2001).

**8 December 2001:** George Speight is denied a leave of absence from parliament by the Speaker and loses his seat in parliament for missing two sittings of parliament; his seat is declared vacant (Fijivillage 8 Dec. 2001).

**January 2002:** Police uncover and investigate a plot to kidnap Prime Minister Qarase and other cabinet ministers; suspects include three prominent businessmen and at least two soldiers (*The Fiji Times* 15 Jan. 2002a; FGO 15 Jan. 2002; ibid. 8 Jan. 2002).

**18 February 2002:** George Speight enters a guilty plea to the charge of treason; he is sentenced to death, but the sentence is commuted to life imprisonment by President Iloilo (Fijivillage 18 Feb. 2002).

**19 February 2002:** Ten of Speight's accomplices in the May 2000 coup are sentenced to jail terms of between one and three years (FGO 19 Feb. 2002; Fijivillage 19 Feb. 2002a).

### 3. DEMOGRAPHIC INFORMATION

The following information is based on the 1996 Census of Population in Fiji and is taken from a 1999 publication by the Secretariat of the Pacific Community: *Fiji Islands Population Profile*.

The distribution of Fiji's overall population of 775,077 (Secretariat 1999, 3) was 39 per cent in the Central Division, 38 per cent in the Western Division, 18 per cent in the Northern Division, and 5 per cent in the Eastern Division (ibid., 5).

Between the censuses of 1986 and 1996 indigenous Fijians surpassed Indo-Fijians as the largest ethnic group in Fiji, with the former growing from 46 to 50.8 per cent of the population and the latter falling from 48.7 to 43.7 per cent (ibid., 4). These figures represent growth rates of 1.8 and -0.3 per cent respectively (ibid., xi). Eighteen months prior to the May 2000 coup, in an article on the expiration of Indo-Fijian land leases, *The Canberra Times* cited projections that the proportion of Indo-Fijians was expected to fall from 42 to 32 per cent over the next decade, with many expected to emigrate to Australia, New Zealand, Canada and the United States (1 Sept. 1998).

The country's literacy rate in 1996 was 92.9 per cent, with 96 per cent of indigenous Fijians considered literate compared to 89 per cent of Indo-Fijians (Secretariat 1999, 19).

### **3.1 Location of Indo-Fijians**

The largest concentrations of Indo-Fijians are in the cane-producing regions of Fiji (JSPL 2000-2001; *Countries of the World 2001* May 1996, 546; Fiji Online 1999; Howard 11 June 2001), which are in western Viti Levu and Vanua Levu (ibid.). Some sources also include northern Fiji when describing the location of the cane belts (*The Times of India* 8 Feb. 2001; Secretariat 1999, 15). Indo-Fijians are reported to be the majority in the cane-producing regions (Dakuvula 15 June 2001; Fiji Online 1999; Chaudhry 16 July 2001).

Indo-Fijians are also concentrated in urban areas (Howard 11 June 2001; *Countries of the World 2001* May 1996, 546; *World Directory of Minorities* 1997, 666; Secretariat 1999, 15), and the two ethnic groups have more balanced representation in these areas (Dakuvula 15 June 2001; Shameem 20 June 2001). There are very few Indo-Fijians living on the smaller islands that surround the two main islands (Howard 1 May 2001, 20; Chaudhry 16 July 2001; Firth 28 June 2001), although there are small groups of Indo-Fijians scattered throughout the countryside (Howard 11 June 2001; JSPL 2000-2001; Fiji Online 1999; Shameem 20 June 2001).

According to Stewart Firth, a professor of politics and head of the Department of History/Politics at the University of the South Pacific in Suva, both ethnic groups live in towns, while Indo-Fijians also live on farms and indigenous Fijians in villages (28 June 2001). He wrote that Suva is mixed and added that the two groups live together peacefully in western Viti Levu where many indigenous Fijians speak Hindi (ibid.). He described race relations as much better in

that area than in the east (ibid.). He added that Nadi, Lautoka, and Ba in western Viti Levu "are commonly identified as being Indo-Fijian, ...[as well as] northern Vanua Levu (Labasa)" (ibid.).

According to Mahendra Chaudhry, the prime minister during the People's Coalition Government of May 1999 to May 2000, there are many indigenous Fijians in the south-eastern provinces of Viti Levu, which he described as the main region of tension during past coups (16 July 2001).

The Secretariat of the Pacific Community reported a "high level of [internal] mobility among Fiji's population" with most movement to Suva and its surrounding areas; indigenous Fijians are more mobile than Indo-Fijians (1999, 42). According to this source, indigenous Fijians move to Viti Levu's urban areas for better opportunities in employment and education (ibid.).

### **3.2 Indo-Fijian Representation Within Fijian State Institutions**

The Royal Fiji Military Forces (RFMF) are almost exclusively indigenous Fijian (*The Statesman* 20 May 2000; *Business Line* 5 June 2000; Prasad 30 May 2001). Sources have estimated the proportion of the indigenous Fijians in the RFMF at 98 per cent (Dakuvula 15 June 2001; Fraenkel 7 June 2001; Shameem 20 June 2001; *The Times of India* 23 Aug. 2000). Dr. Michael Howard, a professor of anthropology at Simon Fraser University, wrote that he was not aware of the presence of any Indo-Fijians in the RFMF (11 June 2001).

The Fiji police force and judiciary are ethnically mixed (Howard 11 June 2001; Dakuvula 15 June 2001; Shameem 20 June 2001). However, in contrast to Firth's claim that many "ordinary police" are Indo-Fijian (28 June 2001), Professor Satendra Prasad claims that the indigenous Fijian domination of the police force is similar to that of the military (30 May 2001). Prasad is a professor of sociology at the University of the South Pacific and was an advisor to former Prime Minister Chaudhry. There are a range of estimates as to the proportion of Indo-Fijians in the police force: Chaudhry's figure of 30 per cent (*The Times of India* 23 Aug. 2000), 37 per cent from Jone Dakuvula, Program Director at the Citizen's Constitutional Forum (CCF) (15 June 2001), and 50 per cent from Shaista Shameem, Director of the Fiji Human Rights Commission (HRC) (20 June 2001).

Jone Dakuvula estimated that two of ten judges of the High Court are Indo-Fijian with a similar representation in the Magistracy (15 June 2001). Shameem agreed that Indo-Fijians are in the minority (20 June 2001). Firth also agreed that some judges are Indo-Fijian (28 June 2001).

There is significant representation of Indo-Fijians in the civil service (Dakuvula 15 June 2001; Fraenkel 7 June 2001; Howard 11 June 2001; MRGI 1997, 666; Firth 28 June 2001) with estimates between 37 per cent (Dakuvula 17 June 2001) and 50 per cent (*Country Reports 2000* 2001, sec. 5). Indigenous Fijians are much more strongly represented at the senior civil servant levels than are Indo-Fijians (Fraenkel 7 June 2001; *India in New York* 25 Aug. 2000; Firth 28 June 2001; *Country Reports 2000* 2001, sec. 5). *Country Reports 2000* estimates that only 10 per cent of the most senior civil servants are Indo-Fijian (ibid.), while Dakuvula puts the figure at approximately 21 per cent (15 June 2001). [Interim] Prime Minister Qarase was quoted as saying that the civil service is dominated by indigenous Fijians (Radio New Zealand International 6 Oct. 2000).

There are reported claims that Indo-Fijians face discrimination within the civil service (Howard 11 June 2001; FGO 12 Sept. 2000; SBS TV 31 Jan. 2001; PCG 26 May 2001a; Prasad 30 May 2001). Following the coup, the Public Service Association (PSA) alleged that discrimination against Indo-Fijians was increasing in the civil service (FGO 12 Sept. 2000; *India in New York* 25 Aug. 2000). The General Secretary of the PSA claimed that the morale of Indo-Fijians was very low and that biases against Indo-Fijians had been encouraged by the interim prime minister's permanent secretary, despite assurances by [Interim] Prime Minister Qarase that there would be no discrimination against Indo-Fijians (ibid.). However, a representative of the Public Service Commission denied the allegations made by the PSA (PCG 13 Sept. 2000) claiming that the PSA was attempting to misinform the public and favour its Indo-Fijian members (FGO 12 Sept. 2000). This representative also denied similar claims made by the general secretary of the Fiji Teachers Union (ibid.) and reportedly warned that civil servants who made claims of discrimination to the PSA would be "dealt with" (PCG 13 Sept. 2000). No further information on the status of Indo-Fijians within the civil service could be found among sources consulted by the Research Directorate.

Dr. James Chin, the head of the political science department at the University of Papua New Guinea, wrote that many Indo-Fijians have left the civil service, including many at the

senior levels (7 June 2001). Australia's Department of Foreign Affairs and Trade (DFAT) reported that many Indo-Fijian civil servants had left to pursue employment overseas (Australia CIS 20 Sept. 2000).

### **3.3 Indo-Fijian Representation Within the Economy/Commerce**

Mahendra Chaudhry estimated that 15 per cent of Indo-Fijians are in business or are professionals, but added that the majority of Indo-Fijians are workers and small scale farmers (*The Times of India* 23 Aug. 2000).

Many sources claim that Indo-Fijians have substantial economic or commercial power (*Maori News* 19 June 2000; Rabuka 17 Aug. 2000; MRGI 1997, 666; *The Irish Times* 27 May 2000; *The Times of India* 27 Nov. 2000). Other sources report that while Indo-Fijian shopkeepers and owners of small businesses are numerous, indigenous Fijians tend to control the majority of shares in large companies (PCG 13 June 2001; *The Canberra Times* 1 Sept. 1998). According to Ranjit Singh, publisher of the *Daily Post*, real economic power lies with foreign and indigenous Fijian economic players and not with the highly visible Indo-Fijian shopkeepers (PCG 13 June 2001).

Furthermore, Dakuvula wrote in June 2001 that the worsening unemployment situation could affect conditions for Indo-Fijians and noted that many of their businesses had experienced significant losses (15 June 2001). He stated that, in his opinion, Indo-Fijians felt insecure more as a consequence of the economic situation than because of potential acts of violence or state oppression (*ibid.*).

## **4. LAND TENURE**

Under the current land administration system, land tenure is primarily governed by two distinct acts: the Agricultural Landlord and Tenant Act (ALTA) and the Native Land Trust Act (NLTA) (*Land Tenure Center Newsletter* Fall 2000). The former was intended only to regulate the management of leases of agricultural land in Fiji, while the latter was meant to safeguard native land as a whole on behalf of the collective landowner: the indigenous Fijian population (*ibid.*). Approximately 83 per cent of Fijian land is currently owned in trust by the indigenous

Fijian population in this way (ibid.). In 1940, the Native Land Trust Board (NLTB) was created through the NLTA (NLTB n.d.a.) to act as trustee and manager of all land-related matters on behalf of the *mataqali* (village clans) without the need for their expressed participation in decision-making (*Land Tenure Centre Newsletter* Fall 2000). It is independent from the government (NLTB n.d.b.) and does not have the authority to sell the land outright, except to the government for public purposes (ibid. n.d.d.). The Board collects and distributes revenues from rents to landowning units according to a set formula (ibid. n.d.b.). The remaining 17 per cent of Fijian land is owned either privately as freehold land or by the government, as state land (ibid.). According to the United Nations Research Institute for Social Development (UNRISD), Indo-Fijians owned 1.7 per cent of Fijian land in 1993 (UNRISD 1993).

Agricultural land under lease in Fiji falls under either ALTA or NLTA. Agricultural land leased under ALTA is generally held for a period of 30 years, and the rent is set at six per cent of unimproved capital value (*Land Tenure Center Newsletter* Fall 2000). This rent is widely considered to be well below current market value (*Maori News* 9 June 2000; *Radio Australia* 20 June 2000). Many of these leases expired in 1999 and 2000 (3,549, or more than one quarter of all ALTA leases) (*Land Tenure Center Newsletter* Fall 2000). In 2002, 1,600 leases will expire affecting some 8-10,000 people, in addition to the estimated 5,000 households already affected (Dakuvula 31 Jan. 2002).

Many indigenous Fijian landowners with land leased under ALTA have wanted to renew under NLTA because of its potential shorter lease periods and higher rents (BBC News 24 November 2000; *Radio Australia* 20 June 2000).

Land subject to NLTA leases, which can include agricultural land (not covered by leases under ALTA) as well as all other land under trust, is managed by the NLTB (NLTB n.d.a.). Leases range from 2 to 99 years (ibid.). NLTA leases can be rolling (not fixed) and the leased value of the land is aligned to current market values (ibid. n.d.b.).

According to 1996 census information, 39 per cent of Indo-Fijians lived on land leased from the NLTB, while 27 per cent lived on land leased directly from the state (Secretariat 1999, 69). Land leased from the NLTB could fall under either NLTA or ALTA (NLTB n.d.c). Twenty-two per cent of Indo-Fijians owned the land they live on, in contrast to 12 per cent among

indigenous Fijians (Secretariat 1999, 69). Twelve per cent of Indo-Fijians had other unspecified living arrangements (ibid.).

Prior to the May 2000 coup, indigenous landowners were concerned with the Chaudhry government's desire to retain ALTA (Maori News Online 21 June 2000; Radio Australia 20 June 2000; *Land Tenure Center Newsletter* Fall 2000) and its controversial promise of \$28,000 each in compensation to primarily Indo-Fijian farmers who had recently left land they were leasing because of the landlord's decision not to renew the lease (ibid.; Maori News Online 21 June 2000; Radio Australia 20 June 2000). Some landowners wanted to re-sign expired leases under the terms of NLTA (*Land Tenure Center Newsletter* Fall 2000), while other indigenous Fijian landowners wanted to retain the land after lease expiry (ibid.). Following May 2000, there were reports of Indo-Fijian farmers being evicted from their homes on lands with expiring leases (AFP 10 Jan. 2001; *The Times of India* 8 Feb. 2001; ABC 6 Apr. 2001), or victims of extortion (ibid.).

In October 2001, the recently-elected government of Fiji endorsed a proposal by the NLTB for the repeal of ALTA, thereby ensuring the exclusive jurisdiction of the NLTA over all future lease renewals (FGO 25 Oct. 2001). At the same time, the government announced its intention to provide up to \$5,000 in assistance to displaced families who had been evicted from leased lands, and who wished to return to those lands (ibid. 7 Nov. 2001). This money is officially intended for rebuilding, and is not considered a form of compensation, as had been alleged by the media (ibid.). The 9 November 2001 Budget Address also announced the allocation of \$10 million in 2002 to assist new farmers and exiting tenants (ibid. 9 Nov. 2001, 11), as well as the creation of the Land Claims Tribunal (ibid., 20) to address compensation claims of indigenous Fijian landowners on long-standing complaints of land inappropriately taken from their ancestors by unspecified agents (*Daily Post* 3 Oct. 2001). No information on the status of assistance or compensation claims could be found among sources consulted by the Research Directorate.

In early January 2002, *The Fiji Times* reported incidents of indigenous landowners reneging on residential leases with some tenants (15 Jan. 2002b). Landowners evicted non-farming tenants after the latter allegedly set standing crops and farms on fire and grazed their cattle on vacated land (ibid.). *The Fiji Times* further explains: "Families which once lived peacefully side by side will never look at each other the same way again" (ibid. 2002c).

Both Prasad and Dakuvula claim that the evictions are leading to increased levels of poverty and internal displacement among the Indo-Fijian population (Prasad 31 Jan. 2002; Dakuvula 31 Jan. 2002). To ameliorate this situation, the government's Land Resettlement Unit set aside plots for resettlement of ex-farmers in light of the expiry of 1,230 leases in the Western Division on 1 January 2002 (*The Fiji Times* 4 Jan. 2002).

## 5. STATE PROTECTION

### 5.1 Judiciary

The Supreme Court, established by the 1997 Constitution as the highest court of appeal in the country, was abolished by one of the decrees of the military government shortly after it took power in May 2000 (Canadian High Commission 8 July 2001; JSPL 17 Oct. 2000). However, on 15 March 2001 the Court of Appeal ruled that since the 1997 Constitution was not abrogated by the military, the Supreme Court's validity continues (Hughes 28 June 2001).

Since the coup, the judiciary has been divided on constitutional matters, with some justices identified as upholders of the 1997 Constitution and others criticized for advising the military government (Dakuvula 15 June 2001; Shameem 20 June 2001; AFP 15 May 2001; Chaudhry 16 July 2001). In July 2001 Shamima Ali, Coordinator of the Fiji Women's Crisis Centre, described the judiciary as being in a "chaotic state" (8 July 2001), while Dakuvula alleged that some magistrates had discharged many of those charged in connection with actions at the time of the coup (15 June 2001). Dakuvula further claimed that key figures still present in influential positions in the police, army and judiciary had supported Speight's actions and that: "All branches of the state have been affected by the ethnicised agenda of Speight and the [Interim] administration cannot be regarded as neutral towards Indo-Fijians. In fact it mainly espouses indigenous Fijian supremacist ideas" (ibid.). In May 2001, Howard acknowledged that the courts are able to act and have done so, citing the ruling that the military-imposed interim government was not legitimate (1 May 2001, 12). He said that it was this ruling that led to the calling of elections, but that despite the courts' ability to serve as a partial "restraining influence," the underlying ethnic problems remain (ibid.).



Other sources also mentioned the importance of the judiciary's ruling that the interim government was illegal, but added that the ruling was not properly complied with (Chin 7 June 2001; AFP 15 May 2001; PCG 24 May 2001; Howard 1 May 2001, 12). The CCF launched a court challenge of President Iloilo's dismissal of the Chaudhry administration and reappointment of the Qarase administration (AFP 15 May 2001), but President Iloilo's decision was upheld by the High Court, allowing elections to go ahead without the recall of Chaudhry's government (PCG 12 July 2001).

*Country Reports 2001* reported that several cases were before the courts in 2001 and many decisions had been rendered, attesting to the independent functioning of the judiciary (4 Mar. 2002, introduction).

### **5.1.1 Differences Within the Judiciary**

There is controversy over the role played by Chief Justice Sir Timoci Tuivaga in drafting decrees for the military government (*Sydney Morning Herald* 15 July 2000; JSPL 17 Oct. 2000; PCG 15 Mar. 2001; Chaudhry 16 July 2001) and his conduct in the removal of Chaudhry's government (FGO 21 May 2001; *Pacific Islands Report* 21 May 2001; AFP 15 May 2001; Dakuvula 15 June 2001). Specifically, the Chief Justice provided the military with advice on how Chaudhry's government could be dismissed constitutionally (JSPL 17 Oct. 2000). According to Sir Vijay Singh, a former Attorney General, Tuivaga was also involved in the abolition of the Supreme Court – and thus the dismissal of five judges – and his own installation as a judge in the Court of Appeal (*ibid.*).

In other information related to Chief Justice Tuivaga, the Fiji Law Society expressed its displeasure with his conduct (Chin 7 June 2001; FGO 21 May 2001; *Pacific Islands Report* 21 May 2001; PCG 11 June 2001). Tuivaga expressed no regrets for his actions at the time of the coup (FGO 21 May 2001; *Pacific Islands Report* 21 May 2001), claiming that his actions were necessary in order to preserve the lives of the hostages, including Chaudhry, who were being held by Speight (*ibid.*).

In a presentation on the reaction of the Fijian judiciary to the coups of 1987 and 2000, Kishor Govind – a former Fijian Supreme Court judge and the Director-General of the International Congress for Fiji Indians (ICFI) – commented that what was "disquieting ... is the

fact that the Judiciary is quite content to go along with his [Tuivaga's] illegal charade" (11 May 2001).

### **5.1.2 Judicial Decisions**

Reports are limited within the sources consulted by the Research Directorate concerning judicial decisions related to specific cases involving those arrested, either for their involvement in the May 2000 coup, or for attacks on Indo-Fijians at, or since, that time.

In June 2001, Dakuvula wrote that one could read in the media about persons being charged, or investigations being conducted, but claimed that there had not yet been any successful prosecutions (17 June 2001). Other sources supported this statement (Prasad 30 May 2001; Chaudhry 16 July 2001) and there were claims that many people known to have been involved in the coup, or for other illegal activities, were still free and had not been charged (*ibid.*; Prasad 30 May 2001; Dakuvula 17 June 2001).

According to reports from 2001, many charges of unlawful assembly were dismissed when either prosecutors or military witnesses failed to appear in court, or for lack of evidence (*Pacific Islands Report* 28 May 2001; PCG 26 May 2001b; Chaudhry 16 July 2001). According to Chaudhry, for some cases discharged for lack of evidence, files had been lost, and senior army officers had been out of the country when called to court to give evidence (16 July 2001). He claimed that, as a result, the public and state prosecutors were discouraged (*ibid.*).

In October 2000 Fiji's High Court ruled that Speight and other persons involved in the May coup had breached their conditions of immunity because all of the arms they had taken had not been returned to the military (*Sydney Morning Herald* 3 Oct. 2000). The ruling was the result of an appeal by the state of a decision by the Fijian Magistrates Court to release a Speight supporter on the grounds that he was covered by an immunity agreement given to Speight and his supporters in return for freeing the hostages and returning the arms to the military (*ibid.*). *The Times of India* reported on 8 December 2000 that charges of treason against four persons described as close associates of Speight had been withdrawn due to a lack of evidence and that the four had been released on bail with respect to charges of "unlawful assembly, unlawful burial and consorting with armed people." At his trial in February 2002, Speight pleaded guilty and was given the death sentence, which was later commuted to life in prison (Fijivillage 18 Feb. 2002).

Ratu Inoke Takiveikata, the Naitasiri High Chief, was charged with three counts of conspiracy in relation to the November 2000 failed mutiny and then released on \$1,000 bail (PCG 12 June 2001). He had been implicated by members of the CRW unit who were in detention at the time on the same charges (*ibid.*). *Asia Times* reported that 15 soldiers allegedly involved in the attempted mutiny were facing a trial in November (8 Nov. 2001; AFP 5 Dec. 2001) with verdicts expected in 2002 (*ibid.*).

According to Firth, while judicial independence has been affected with respect to constitutional questions as well as with the Speight rebels, this is not true of ordinary criminal or civil cases (28 June 2001).

According to a 10 January 2001 *Daily Post* report, two men were each sentenced to 18 months imprisonment by a magistrate for threatening to burn the home of a family at Muaniweni. The magistrate said that violence against the Indo-Fijian community at Muaniweni would not be tolerated and noted in his judgement that the government had been directing efforts and funds at that community since the coup (*ibid.*). The family had been among a group who had recently returned from a six-month stay at a camp for displaced persons in Lautoka (*ibid.*).

Amnesty International's *2001 Annual Report* states that, "by November [2000], all indigenous Fijians arrested for violence against Indo-Fijians had been released" (2001, 101). The report did not specify if charges had been laid in any of these cases. Howard also wrote that many cases involving violence against Indo-Fijians had not made it to the courts by June 2001 (11 June 2001). *Country Reports 2001* states that, by the end of 2001, no action had been taken against individuals responsible for looting and vandalising Indo-Fijian stores (4 Mar. 2002).

As of January 2002, the Fijian judiciary was pursuing its ongoing investigation and prosecution of soldiers allegedly possessing illegal stashes of ammunition (*The Fiji Times* 15 Jan. 2002a); some cases are said to be in connection with an alleged plot by army officers and others to kidnap Prime Minister Qarase and certain members of his cabinet (FGO 16 Jan. 2002).

## 5.2 Security Forces

There is contrasting information as to the availability and effectiveness of the state protection provided by Fiji's security forces to the Indo-Fijian community.

There were many reports at or around the time of the May 2000 coup that the police and military did little to stop those involved in violence against Indo-Fijians (*The Statesman* 20 May 2000; AP 31 May 2000; AFP 17 June 2000). Sources reported having heard allegations that police vehicles were used in raids on Indo-Fijians (Radio Australia 13 June 2000; Shameem 20 June 2001; Howard 1 May 2001). Sashi Kiran, the Secretary of Social Action for Human Rights Aspirations (SAHARA), claimed that police officers were involved in crimes at the time of the coup (27 June 2001). SAHARA is a Fiji-based charitable organization that has been active since June 2000 (*ibid.*). Amnesty International also reported allegations of police involvement in some attacks and added that authorities had not cooperated with investigations conducted by the Fiji HRC into the 120 complaints it had received (2001, 101). Amnesty International also reported that over 1,500 indigenous Fijians were arrested for minor offences, some of whom had retaliated against their Indo-Fijian victims following their release on bail (*ibid.*). Dakuvula also noted that the HRC had received complaints but wrote that the HRC does not have the personnel to investigate the complaints (15 June 2001). Kiran and Ali both state that some members of the police force have allegedly been involved in robbery and rape, without specifying if the victims were Indo-Fijians (Kiran 24 Aug. 2001; Ali 8 July 2001). Kiran further states that Indo-Fijians perceive corruption within the police force and consequently mistrust it (Kiran 24 Aug. 2001). *Country Reports 2001* states that police corruption and brutality are problems, and there were reports of unpunished theft by members of the police force in 2001 (4 Mar. 2002).

However, there are reports of persons involved in the acts of violence having been arrested and/or charged (AFP 17 June 2000; AI May 2001). There were reportedly over 300 people arrested after the hostages were released in July 2000 (News.com.au 9 Aug. 2000; ABC 3 Aug. 2000).

On 22 August 2001, PCG reported that police had sent files on 10 persons relating to possible charges regarding the May 2000 events to the Prosecution Office; these persons included indigenous Fijian businessmen who were believed to have provided funding to the coup participants. No information on these suspects or any charges which resulted from this investigation could be found among sources consulted by the Research Directorate.

With regard to the effectiveness of police action, Shameem noted that many complaints were filed with the police by Indo-Fijians concerning events after Speight's takeover of

parliament, but the inability of witnesses to properly identify masked perpetrators hampered investigations (20 June 2001). Other sources reported that there is a perception among Indo-Fijians that police will not act on their complaints (Chin 7 June 2001; Prasad 30 May 2001; Howard 11 June 2001; Chaudhry 16 July 2001), and that police are sympathetic to the goals of Speight (ibid.; Howard 1 May 2001, 18; Chin 7 June 2001; Prasad 30 May 2001). Prasad described both the military and the police as biased against Indo-Fijians (ibid.). Howard wrote that the lower-level police officers feel that they would not be supported if they acted on complaints of an ethnic nature (1 May 2001). In Firth's opinion, the police are not "consistently neutral with respect to Indo-Fijians" (28 June 2001). According to Chaudhry, senior police officers felt that the humiliation and embarrassment which the police force suffered during the unrest was largely due to a lack of leadership from upper levels (16 July 2001). Ratu Joni Madraiwiwi, a Fijian Chief and a former High Court Judge, stated that the police force has little community support and is "demoralized and underpaid" (15 Aug. 2001).

According to Kiran, who emphasized the lack of trust Indo-Fijians in general have in the police force, urban Indo-Fijians are more likely than rural Indo-Fijians to report crimes and to try and use the services of lawyers, because police and lawyers are present in urban areas; in rural areas Indo-Fijians are more isolated (24 Aug. 2001).

There have been allegations that Police Commissioner Isikia Savua was connected to the May 2000 coup (Prasad 30 May 2001; Chin 7 June 2001; *Pacific Islands Report* 30 Apr. 2001; AFP 23 July 2000; DPA 29 Apr. 2001). However, in late 2000 Savua was cleared by an investigative tribunal, headed by Chief Justice Tuivaga, of three charges related to the coup and President Iloilo ordered him reinstated in his position (India Abroad News Service 2 Dec. 2000; *The Times of India* 3 Dec. 2000; Fijivillage 30 Nov. 2000). The reinstatement was widely criticized (FGO 1 Dec. 2000).

According to Howard:

The police present a serious problem. What progress had been made in reforming the police towards the end of the 1990s seems to have come to an abrupt end. The close association between the head of the police and the [Speight] group has not helped and is indicative of a lack of any serious will within the upper ranks of the police to deal effectively with the situation (11 June 2001).

President Iloilo reportedly acknowledged that some rank and file police officers had concerns about Savua's abilities (Fijivillage 30 Nov. 2000).

In an assessment of the security situation, the Canadian High Commission in New Zealand, which periodically visits Fiji, reported that authorities were making efforts to protect all Fijians; complaints were being investigated and the situation had shown steady improvement, with diminishing incidents of violence against Indo-Fijians (8 July 2001). A Canadian consulate official in Sydney said that police have reportedly been slow to respond to crimes at Indo-Fijian properties, but also noted that the police are overtaxed, the crime rate has been rising rapidly, and they are unsure as to whether the police are slow to respond to complaints from members of other communities (24 June 2001). The consulate official added, "as far as we can tell, the Fijian army does have the will to maintain security and safety for Fijians in general and Indo-Fijians in particular but the increasing poverty in the country makes comprehensive enforcement difficult" (ibid.).

Professor Firth described the army as being well disciplined and that, officially, the army does not differentiate on the basis of race (28 June 2001). Dr. Jonathan Fraenkel, a professor of economic history at the University of the South Pacific, noted on 7 June 2001 that both the police and the military had taken action with respect to rebel activity in former trouble spots.

Several sources have pointed out there are divisions within the military (*The Statesman* 2 Mar. 2001; Dakuvula 15 June 2001; Chaudhry 16 July 2001; Howard 1 May 2001, 10). In particular, Howard stated that Fiji had been fortunate that Bainimarama, and those close to him, had been able to contain the situation but stressed that there is a background conflict within the military with some members being sympathetic to the indigenous Fijian cause (ibid., 10-11). More specifically, he said that while the internal military conflict had subsided, it had not disappeared and a number of commanders opposed to General Bainimarama remained in their posts (ibid.). Dakuvula stated that although the military supported the military-imposed interim government, factions within the military feared being tried in court for their involvement (15 June 2001).

Sashi Kiran claimed that the military had been responsible for restoring order in Fiji, although it had been slow to take action against its own members (27 June 2001). As a consequence of the military's role in stabilizing the country, Kiran said that Indo-Fijians have a

great deal more trust in the military than they do in the police, although Indo-Fijian opinion of the military is still divided (24 Aug. 2001). She said that in contrast, indigenous Fijians' opinions of the military had worsened since the November 2000 mutiny attempt which had resulted in the deaths of indigenous Fijians (*ibid.*). *Country Reports 2001* states that, while police and army personnel allegedly participated in some incidents of violence, no action had been taken against any members of either force by year's end (4 Mar. 2002, section 1.c.).

Ratu Joni Madraiwiwi, a former High Court Judge, also described divisions within the military and claimed the order of their loyalties are to the Great Council of Chiefs, the President and the state (15 Aug. 2001). He claimed that because of the military's internal factionalism and reluctance to intervene it is "open to subversion by forces hostile to the democratic system" (*ibid.*).

On 9 November 2001, the government officially withdrew a state of emergency in Fiji, claiming a return to stability (Fijivillage 9 Nov. 2001).

### **5.3 Reports of Attacks on Indo-Fijians in 2001 and early 2002**

*Country Reports 2001* states that "the harassment of Indo-Fijians and the destruction of their property during 2000 did not continue during 2001" (4 Mar. 2002). However, in the summer of 2001, both Chaudhry and Kiran claimed that attacks on, and robberies of, Indo-Fijians continued to occur, including attacks on Hindu temples (Chaudhry 16 July 2001; Kiran 8 July 2001). Kiran alleged that the media engage in self-censorship so that many incidents are not reported, but also claimed that there has been some exaggeration as to the extent of attacks (24 Aug. 2001). In a newspaper report, Chaudhry referred to a man having been beaten and forced from his home in January 2001 prior to the expiration of his lease after local thugs had demanded "goodwill payments" (SBS TV 31 Jan. 2001).

Dr. Howard explained in May 2001 that the lack of reports of attacks on Indo-Fijians was due to the lack of investigation by international media and the local media's concentration on political events instead of what is happening in the countryside (1 May 2001, 17-18). Nevertheless, in June 2001, he claimed that Indo-Fijians were still subject to acts of violence but said that the extent of these was difficult to document (11 June 2001). He said that the gangs

responsible for earlier attacks were still active in the western and eastern parts of Viti Levu (ibid.).

However, in June 2001, Dakuvula of the CCF acknowledged that there had not been many reports of attacks on Indo-Fijians during the year (17 June 2001). Also in June 2001, Chin stated that he was not aware of Indo-Fijians being forced from their homes other than those who had to leave at the end of their leases (7 June 2001).

In April 2001 there were reports of Indo-Fijians on leased lands being threatened (PCG 2 Apr. 2001; ABC 6 Apr. 2001). One report cited nine families just outside of Nadi's international airport who claimed that landowners had forced their way into the families' homes and abused and threatened them and demanded money (ibid.). A week earlier a group of landowners had allegedly threatened to close an Indian-run primary school if they were not paid an additional \$70,000 for lease renewal (ibid.).

The National Farmers Union (NFU) reported that landowners in the Western Division were also forcing their way onto the property of Indo-Fijian tenants (PCG 2 Apr. 2001). The union provided an example in which the tenant fled after being threatened (ibid.). Local residents, who reportedly also threatened journalists, claimed that they were acting with the permission of the ALTA minister (ibid.). While police had issued warnings to landlords not to force their way onto the property of others, the report claimed that police were not following up on such incidents (ibid.).

Professor Prasad also claimed that "state institutions do not offer adequate/equal protection to Indo-Fijians" and alleged that members of both the police and military were involved in violence (16 Aug. 2001).

In terms of public security, several sources have commented on the relative safety of different areas (Howard 1 May 2001; ibid. 11 June 2001; JSPL 2000-2001; Chin 7 June 2001). According to Chin, urban and Indo-Fijian areas such as Lautoka are areas where Indo-Fijians are in less physical danger (ibid.). When asked whether there was a difference in conditions for Indo-Fijians in rural or urban areas, both Prasad (16 Aug. 2001) and Kiran (24 Aug. 2001) said that crime is a problem in urban areas, although Prasad claimed that since the coup it has been increasing in rural areas as well (16 Aug. 2001). Kiran observed that urban supermarkets and jewellery stores have been robbed and that this has caused a lot of fear (24 Aug. 2001). She



noted that rural Indo-Fijians are also afraid (ibid.). She stated that many rural Indo-Fijians live on native land and that they are frequently approached by local indigenous Fijians seeking gifts of "goodwill" (ibid.). This has been a common practice on holidays such as Christmas, and involves payments that are in addition to normal rents (ibid.). However, since the coup, the requests have increased and Kiran said that many people felt intimidated (ibid.). She noted that a lack of confidence in the police was a problem in addition to the lack of police presence in rural areas (ibid.).

Mahendra Chaudhry stated that the western part of Viti Levu had never been a trouble spot as the two ethnic groups lived in relative harmony (16 July 2001). However, he said that the May 2000 rebels came from the south-east districts of Rewa (Nausori), Tailevu, and Naitasiri and that these were the worst areas of attack (ibid.). Another area of concern was around Labasa on the northern island of Vanua Levu (ibid.).

Dr. Roderick Ewins, who researches and writes on Fiji and who is an Honourary Research Associate at the University of Tasmania, also noted that in the west, where Indo-Fijians are more numerous historically, there has been greater inter-ethnic tolerance (JSPL 2000-2001). He also pointed out that many Indo-Fijians who fled violence after the May 2000 coup took shelter with indigenous Fijians (ibid.).

In August 2001, PCG Online reported that the United Nations was concerned over alleged intimidation of voters, particularly Indo-Fijian voters, leading up to the August 2001 election (PCG 24 Aug. 2001). Prior to the election, UN observers were made aware of leaflets threatening that "a vote for the labour is a vote for bloodshed - but it will not only be Fijian blood this time" (*The Advertiser* 24 Aug. 2001; BBC News Online 24 Aug. 2001). No reports of violence during the elections could be found among sources consulted by the Research Directorate.

On 31 January 2002, Prasad stated in correspondence that there had been acts of violence against Indo-Fijians in 2002, including the murders of an Indo-Fijian taxi-driver and a domestic worker in late January. Prasad also reported an increase in attacks against Hindus and Muslims, including the torching of a Hindu temple in late January 2002 (ibid.). Corroborating information of these acts of violence could not be found by the Research Directorate.

#### 5.4 Reconciliation Efforts and Assistance

There have been a number of reports since the coup, many of them from the Fijian government, concerning reconciliation efforts between indigenous and Indo-Fijians.

On 20 November 2000, [interim] Prime Minister Laisenia Qarase, who was also the minister responsible for national reconciliation and unity, in launching the National Council for Reconciliation and Unity, acknowledged the divisions within Fiji's various communities and stated that the council would advise the interim government on reconciliation and unity matters (FGO 20 Nov. 2000). However, he noted that Indo-Fijians had declined to participate in the Council (ibid.).

Efforts on the part of both ethnic communities to help rebuild and renew relationships took place in several parts of Fiji during 2001, often in the form of community days (ibid. 18 Jan. 2001; ibid. 31 July 2001; ABC Radio Australia 17 Mar. 2001) or traditional ceremonies of reconciliation (CNN.com 14 Aug. 2000).

On 10 May 2001, FGO reported that the Chairperson of the National Council for Reconciliation and Unity, Paula Sotutu, had said that there had been progress in efforts at reconciliation in the various provinces.

However, Shameem observed that although there had been many calls for reconciliation in 2001, this must happen alongside a commitment to truth (20 June 2001). With respect to compensation for victims of the violence, Australia's Department of Foreign Affairs and Trade (DFAT) reported on 20 September 2000 that the government had been assisting in the re-establishment of business in Fiji, including the provision of economic rehabilitation packages (Australia CIS). On 23 November 2000 affected Muaniweni residents were assured by the interim government's Minister for Agriculture and Fisheries that they would receive government assistance to help them rebuild (FGO 27 Nov. 2000). *The Fiji Times* reported on 5 June 2001 that the national reconciliation team and a number of political parties had agreed that victims of the political crisis should be compensated. The Chairperson of the National Council for Reconciliation and Unity had called for maximum efforts to help the victims, while noting they could not be fully compensated (ibid.).

Sashi Kiran wrote that the government had conducted a detailed survey of some of the areas affected by the coup-related incidents and a report was tabled at a September 2000 cabinet

meeting (27 June 2001). According to her, cabinet decided that relief assistance would be provided to victims who had returned to their land (ibid.). The social welfare department in the Tailevu area provided some relief assistance in the form of food rations to 60 families, the rebuilding of three burnt homes, and \$100 given to some families (ibid.). However, she claimed that the "state itself" was not known to have provided any compensation, although NGOs such as SAHARA and the Red Cross had provided some relief assistance (ibid.).

In June 2000, Australia's DFAT reported that many businesses had not been repaired because civil disturbances were not covered by insurance policies (Australia CIS 7 June 2000). A year later, Prasad reported that families whose properties had been damaged or destroyed had not been compensated by the state (30 May 2001). Some businesses in Suva received small loans for capital work from the government (ibid.).

Initiatives for national reconciliation following the August 2001 elections included Talanoa IV, an informal forum for discussion between Fijian leaders, notably Prime Minister Qarase and Mahendra Chaudhry (FGO 4 Nov. 2001). In a joint press release, the two leaders pledged their intent to promote unity, harmony and stability. Discussions focussed on national security, affirmative action projects for indigenous Fijians, and constitutional reform and protection of traditional rights and customs of indigenous Fijians (ibid.). There was no mention of reparation for Indo-Fijians. A second round of ethnic reconciliation talks between the two leaders is planned for 2002 (FGO 13 Jan. 2002).

## **6. CAMPS FOR DISPLACED INDO-FIJIANS**

Amnesty International reported that 1,000 Indo-Fijians had been internally displaced and added that human rights activists, including members of Fiji Human Rights Group, had experienced police intimidation related to their activities (2001, 101). Kiran claimed that more than 2,000 people fled from a variety of locations and added that, in addition to the camp at Lautoka, two others were set up in Seaqaqa and Valelawa (27 June 2001).

In June 2000 a camp was set up in Lautoka in western Viti Levu for Indo-Fijians who had been attacked and forced from their homes in Muaniweni (AFP 17 June 2000; *The Independent* 20 June 2000) and Dawasamu (Fraenkel 7 June 2001). Later, the camp sheltered Indo-Fijians from other parts of the country (AP 4 Aug. 2000). Set up by the Fiji Human Rights Group, 375

people lived there at its peak (AI 1 June 2001). The Indo-Fijian community and sympathetic indigenous Fijians provided residents with donations on which to survive (Channel NewsAsia 19 July 2000).

By the middle of September 2000 the military was asking the 340 persons then residing at the Lautoka Girit Centre to return home and claimed that it would "ensure no more threats are made against the people of Muaniweni" (Reuters Business Briefing 13 Sept. 2000).

It was reported on 11 January 2001 that a Muaniweni resident had decided to go back to the camp in Lautoka after his family had returned to Muaniweni two weeks previously and again experienced threats in the community (*Daily Post*). In addition, materials that the government had provided for rebuilding were allegedly stolen from them (*ibid.*). Four other families were reported to have decided to return to Lautoka, with one resident saying that the majority of those who had come back from Lautoka had decided to return to the camp (*ibid.*).

On 14 March 2001 Fijilive reported that Tailevu "refugees" in Lautoka would like to settle permanently in the area because they were too afraid to return home. The camp was reported to be experiencing food shortages (*ibid.*).

In June 2001, Kiran wrote that while most families had returned to Muaniweni, and some to Dawasamu, families in Waidalice Tailevu still feared returning home (27 June 2001). Those who had returned were in need of assistance because of their losses and/or difficulties in farming (*ibid.*).

In June 2001, there were 172 people still at the camp, down from its peak of 375 in 2000 (AI 1 June 2001); by February 2002, the five remaining families had agreed to leave at the end of the month (Fijivillage 19 Feb. 2002b) after being threatened with eviction and loss of government compensation (*ibid.* 12 Feb. 2002).

In August 2001 Kiran said that she was unaware of anyone in the camps having received the \$5,000 assistance in rebuilding payment promised earlier by the interim government (24 Aug. 2001). She said that she knew of one house that was rebuilt by the government, as well as two others by the Red Cross (*ibid.*). She added that the government had provided some groceries to Indo-Fijians in some areas that include Muaniweni (*ibid.*). In addition, she said that after acknowledging that money had not been paid, the Ministry of Reconciliation had managed to provide some Indo-Fijians in Muaniweni with one or two months' social welfare (*ibid.*).

According to Kiran, the blame for the money not being paid likely lies with the Ministry of Finance (ibid.). However, in October 2001 the government reported that 95 per cent of families had returned from the camps to their farms and assistance programs were available (FGO 10 Oct. 2001).

The current almost all-indigenous Fijian administration claims that some Indo-Fijians have received financial assistance from the government and NGOs to rebuild their homes and farms, provided they return to their lands (FGO 7 Nov. 2001).

At least one camp was also set up for Indo-Fijians who had been forced from their farms at the end of their leases (AFP 24 Oct. 2000; *The Times of India* 8 Feb. 2001). At the end of October 2000 a camp was set up by the National Farmers Union (NFU) at Dreketi, 100 km west of Vanua Levu's main town of Labasa (AFP 24 Oct. 2000). The NFU is the canegrowers' union for Indo-Fijians controlled by Mahendra Chaudhry (Chin 7 June 2001). The camp was intended for families who had been forced off land leased from indigenous owners by individuals who had demanded money, food and stock (AFP 24 Oct. 2000). Writing on 30 May 2001, Prasad referred to an NFU camp and said that about 50 families were there, but noted the union's estimate that approximately 2,000 families had been displaced in the sugar cane regions. There was also a reference to a camp for evicted farmers in Vanua Levu (SBS TV 31 Jan. 2001). No information on the current status of these camps could be found among sources consulted by the Research Directorate.

## **7. EMIGRATION OF INDO-FIJIANS**

According to figures from the Bureau of Statistics, 393 people emigrated in June 2000, compared to 519 in May 2000 (Fijilive 2 Aug. 2000). Ninety per cent of those leaving were Indo-Fijians, with close to a third in the categories of professional, managerial, or supervisory (AP 4 Aug. 2000). Over half of those persons who left in June 2000 belonged to a category entitled "workers not classifiable," (Fijilive 2 Aug. 2000), a category made up of primarily housewives, students, and young children (Secretariat 1999, 45). In comparison, the Secretariat of the Pacific Community reported that for the years 1991-96, 10 per cent of those leaving were

professional, technical and related workers; 5 per cent were administrative and managerial workers; and, more than 50 per cent were workers not classifiable (ibid.).

According to a 4 August 2000 AP report, the Immigration Department stopped accepting passport applications two weeks after the coup because they had run out of empty passport books. The *Daily Post* reported on 9 August 2000 that when these regular passports ran out, Fiji had begun issuing emergency passports described as "certificates of identity." These were valid for a year, in contrast to the 10-year term of a regular passport and, according to the booklet, they were "issued for the sole purpose of providing holder with identity papers in lieu of a national passport" (ibid.). According to an official with the Fijian High Commission in Ottawa, stock levels for passports have been re-established, but there is still a delay in obtaining one as passport offices must handle the backlog of applications brought on by the May 2000 coup (High Commission of Fiji 20 Nov. 2001).

Reports of the departure of Indo-Fijians continued into March 2001 (*The Times of India* 6 Jan. 2001; PCG 15 Mar. 2001). In May 2001, figures from the Bureau of Statistics showed that between May 2000 and February 2001, 4,116 Fijians, primarily professionals, had emigrated (*Asian Political News* 21 May 2001; *Pacific Islands Report* 1 May 2001). On 30 May 2001 Prasad wrote that some 4,500 Indo-Fijians had left Fiji over the previous 12 months, but that these were mainly those who could emigrate, such as skilled or professional people. He noted that a small number had applied for refugee status in other countries but claimed that foreign embassies had made it difficult for poor Fijians to obtain tourist travel visas (ibid.). *Country Reports 2001* stated that, "according to immigration statistics, between January 2000 and June, 8,427 persons left the country, primarily Indo-Fijians" (4 Mar. 2002, section 2.d.).

## **8. FUTURE CONSIDERATIONS**

Research for this paper was conducted until end of March 2002. Situations to watch include the conclusion of the treason trial of 15 CRW unit soldiers, reactions to the sentencing of Speight, the treatment of Indo-Fijian farmers whose leases expire in 2002 by the community and the government of Fiji, and the reaction to the transfer of land schedules A and B to the Native Land Trust Board, described below.

Prasad and Dakuvula both noted that the government's reaction to the eviction of tenant farmers and businessmen, in terms of legal and criminal recourse, reconciliation and compensation, will affect conditions for Indo-Fijians, who could face poverty and internal displacement (31 Jan. 2002.; Dakuvula 31 Jan. 2002).

The transfer of land schedules A and B to the NLTB is due to begin in April 2002 (Fijilive 31 Jan. 2002). This transaction represents a transfer of ownership of specific plots of land from the government back to the *mataqali* (ibid.). Although considered a positive initiative for the indigenous people, this transfer would prevent this land from being used for any potential resettlement of evicted Indo-Fijian farmers (ibid.).

## NOTES ON SELECTED SOURCES

**Chaudhry, Mahendra. Prime Minister of Fiji, May 2000 – May 2001; Leader, Fiji Labour Party (FLP).**

Mahendra Chaudhry remains the leader of the FLP and was a successful candidate in the August 2001 elections.

**Chin, Dr. James. Associate Dean of Social Sciences and Head of Political Science Department, University of Papua New Guinea, National Capital District, Papua New Guinea.**

Dr. Chin is a specialist on Pacific Island politics who has written several papers on Fijian politics. He visits Fiji every three years and maintains contact with both the government and NGO community in Fiji. He was a Visiting Fellow at the University of the South Pacific in Suva in 1995 (Chin 7 June 2001).

**Croxon, Raymond. President, Movement for Democracy in Fiji, London, U.K.**

According to the organization, it is a multiracial group that represents Fijian people living in the United Kingdom and was formed as "a direct result" of the 1987 coup (2 Mar. 2001).

***Daily Post* [Suva].**

According to a 28 August 2000 Pacific Media Watch report on the *Daily Post*, the paper had "rejected charges that it is a 'mouthpiece of the government'." The government holds a 44 per cent "controlling interest" in the paper that was inherited from Chaudhry's government, which inherited it from the previous Rabuka government (ibid.).

**Dakuvula, Jone. Program Director, Human Rights and Political Institutions, Citizens' Constitutional Forum (CCF), Suva, Fiji.**

According to the CCF Website, it has existed since 1993, registered as a charitable trust in 1996, and "with the promulgation of the 1997 Constitution, CCF began the work of educating Fiji citizens about its provisions." Since that time much of its attention has focused on "strengthening democratic institutions" and since the coup it has supported, or initiated, legal challenges to the decisions of the military and civilian interim governments. The Fiji Women's Crisis Centre described the CCF as "the most vociferous and passionate defender of the 1997 Constitution, human rights and rule of law" (*Daily Post* 18 May 2001). *Country Reports 2001* refers to the CCF as an organization which challenged the validity of the Qarase military-backed interim government, and which took a leading role in human rights issues from Mid-May to mid-September 2000 (4 Mar. 2002, section 4).



**Firth, Professor Stewart. Head of the Department of History/Politics, University of the South Pacific, Suva, Fiji.**

Professor Firth has been researching and writing on the Pacific Islands for 30 years and has been the author and co-author of a number of books about the region. He has recently published a number of academic articles on issues and events in the region (Firth 28 June 2001).

**Fraenkel, Dr. Jonathan. Professor of Economic History, School of Social and Economic Development, University of the South Pacific, Suva, Fiji.**

Dr. Fraenkel has written and commented on current events in Fiji (University of South Pacific School of Law 2000-2001; *The Guardian* 15 July 2000).

**Howard, Dr. Michael. Professor of Anthropology, Simon Fraser University, Burnaby, B.C.**

Dr. Howard's research areas include political economy, ethnicity, and developmental issues. In 1987 he was a reader at the School of Social and Economic Development at the University of the South Pacific in Suva and since that time he has continued his research on Fijian politics and ethnic relations. Although he has not returned to Fiji since teaching at the University of the South Pacific from 1982 to 1987, he continues to publish on the subject and keeps up-to-date through the Internet, available media sources, and discussions with academic colleagues including some based in Fiji. While in Fiji he was a friend and advisor to Prime Minister Timoci [Timothy] Bavadra, before the 1987 coup that forced him from power. It was Dr. Howard's association with Bavadra that caused him to feel it was necessary to leave Fiji and not return (Howard 21 June 2001).

**Kiran, Sashi. Secretary, Social Action for Human Rights Aspirations (SAHARA Fiji).**

Kiran is the Secretary of the human rights organization SAHARA, which "was formally registered in September 2000. The structure comprises of three trustees, a committee with representation from around the country and members. Other than international lobbying, direct short term assistance during and after crisis, SAHARA Fiji also coordinates a 'sponsor a child' education scheme where donors from around the world pay for the education of children of their choice and SAHARA monitors the progress and files reports to the donors" (27 June 2001).

**People's Coalition Government (PCG)**

The "Official Website People's Coalition Government Fiji," was operating at <http://www.pcgov.org.fj/> during the PCG's time in power prior to the May 2000 coup, and continued operating until late 2001. The site was last accessed by the Research Directorate 21 November 2001. It contained press releases and e-mail linkages to the political parties of the People's Coalition Government as well as Mahendra Chaudhry and three other ministers of that government.

**Prasad, Professor Satendra. Senior Lecturer, Department of Sociology, School of Social and Economic Development, University of the South Pacific, Suva, Fiji.**

Professor Prasad has acted as an advisor to Mahendra Chaudhry (ABC Lateline 27 July 2000) and has been involved with the Citizens' Constitutional Forum (Conciliation Resources 15 Aug. 1996; *The Courier* Jan.-Feb. 1999, 59). He has written a number of articles on events in Fiji. In a 26 June 2001 report the PCG alleged that after the May 2000 coup Professor Prasad was "pushed out ... as [a] PSC commissioner" by the PSC Secretary, after having been appointed by the PCG (PCG 26 June 2001).

**Shameem, Shaista. Director of Fiji Human Rights Commission.**

The commission is a statutory body that was established through the [1997] Constitution. Although it receives funding from the government it is independent of it. Shameem says that it has much in common with the Canadian Human Rights Commission with respect to structure and responsibility. *Country Reports 2001* reports that "during 2000 the HRC essentially ceased functioning from mid-May to mid-September 2000; one commissioner resigned, and the chair was accused of conflict of interest due to marriage to a government minister" (4 Mar. 2002, section 4). However, during 2001, the HRC appears to have been impartial and independent (ibid.).

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