

## Keynote Address

### **Gender Issues in post coup d'etat Fiji: Snapshots from the Fiji Islands (a short story of life in the feminist trenches)**

By P Imrana Jalal,  
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### **Townsville International Women's Conference - AUSTRALIA**



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*Keynote Address, Friday 6 July 2002, 30 minutes*

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### **Synopsis**

This presentation deals with the intersections between gender, race and democracy in post coup Fiji. It looks particularly at how NGOs like the Fiji Women's Rights Movement (FWRM), a feminist lobby, dealt with the loss of democracy when the political crisis happened in Fiji in 1987 and 2000. It demonstrates that in the developing world, particularly in countries torn apart by the politics of race, issues such as race, ethnicity, gender and democracy are inextricably intertwined and cannot be analysed in isolation from each other. It looks also at the rocky passage of the Family Law Bill 2002 in the wake of the coup and the strategies employed to try to get the Bill passed in a milieu hostile to gender equality, and moving inexorably towards right wing religious dogma and heightened racial conflict.

### **Introduction**

Bula, Namaste, Asalaamalkum, Ki ora, Ki orana, Talofa lava...

May I say at the outset that these are very much my own personal reflections and neither my employers the Pacific Regional Human Rights Education Resource Team (RRRT) nor the Fiji Women's Rights Movement is responsible for my views.

In this paper I intend to discuss some aspects of the subtle intersections between race and democracy and its effects on the pursuit of gender equality for women in Fiji.

If you ask most women in Fiji what defines them most they will say in response, it is our race first then our gender.... This presents huge and sometime insurmountable problems for women who are trying to mobilise as feminists around a feminist agenda.

In order to understand the political arena in which feminists in Fiji engage it is necessary to first have a basic knowledge of our political contexts. As in most countries women in Fiji are not defined only by their sex and gender but by many forces and the interplay between them. In Fiji these forces include the consequences of colonisation and the British divide and rule policy of our colonial masters, the loss of democracy and the vulnerability to the coup cycle phenomenon, social and economic class, ethnicity, poverty, religious rightism (fundamentalism) and race.

The women's NGO movement views political stability based on democracy as a pre-condition for the attainment of women's rights. Two massive political upheavals, seemingly racially motivated coups, and the loss of democracy in 1987 and 2000 have derailed feminist progress and given rise to questions of priorities of gender vs. the political in terms of campaigning during times of instability.

### **Background to the political crisis of March 2000**

Fiji chiefs ceded sovereignty over the Fiji Islands to Queen Victoria in 1874 to end territorial conquests among rival kingdoms. In 1879, the British began bringing Indian labourers to work on the sugar plantations. At independence in 1970, the indigenous Fijian and Indo-Fijian populations were roughly equal in population.

Following 17 years of rule by the indigenous chiefly backed Fijian Alliance Party, the 1987 elections brought the first Indo-Fijian-led government to power. Tensions increased between the indigenous Fijians, largely heading the government and the military sector, and the Indo- Fijians, who were perceived to be dominating the economic, educational and health sectors.

Backed by hard-line indigenous Fijians nationalists alarmed at the emerging political influence of the economically successful Indo-Fijians, Lieutenant Colonel Sitiveni Rabuka staged the first military coup in the Pacific area in May 1987. Rabuka declared Fiji a republic and withdrew the country from the Commonwealth. In September 1987, he mounted a second coup and repealed the Constitution.

In 1990, Rabuka imposed a constitution which created a legislature comprised of entirely separate indigenous Fijian and Indo-Fijian electoral constituencies, and required the Prime Minister to be an indigenous Fijian. Moreover, the Constitution guaranteed indigenous Fijians a perpetual parliamentary majority by reserving to them 37 of the 70 seats in the House of Representatives.

After 10 years of democracy activism in July 1997, the parliament unanimously passed a constitutional amendment ending the guaranteed indigenous Fijians parliamentary majority and permitting an Indo-Fijian Prime Minister. On 19 May 1999, the first elections under the new constitution resulted in Mahendra Chaudhry, a Fijian of Indian descent, becoming Prime Minister.

On 19 May 2000, the first anniversary of the election of Chaudhry as Fiji's first non-indigenous Prime Minister, armed indigenous Fijian supremacists led by failed businessman George Speight took the Prime Minister and Cabinet hostage. (They were released after 54 days. The women were let out slightly earlier)

Following the coup, unrest took hold in many parts of the country, and many Indo-Fijian families suffered ethnically motivated attacks from coup supporters. An Interim Government was installed by the Army and rights to free speech and movement were suspended. Curfews were imposed from 6pm to 6am every night. There was bloodshed, mayhem and looting. During 2000 and 2001 there were attempts to redraft the Constitution but all attempts were foiled by the democracy movement. The attempted abrogation of the 1997 Constitution was successfully challenged in the Courts by civil society and in late 2001 we gradually returned to the rule of law with our Constitution still intact following elections in September 2001. The interim government permitted foreign observers from the United Nations Commonwealth Secretariat and the European Union to monitor the national elections<sup>1</sup>.

The general election saw the return of the Interim Prime Minister, L Qarase, to power. Observers groups including UN groups have stated that in general the elections of September 2001 were free and fair elections.

The 1997 Constitutional amendment gave equal rights to indigenous Fijians and Indian Fijians – but seat allocations are based on race qualifications.

It is also stated that "the paramountcy of Fijian interests as a protective principle continues to apply, so as to ensure that the interests of the Fijian community are not subordinated to the interests of other communities." The 1997 Constitution still provides for the application of customary laws in dispute resolution and in cases concerning traditional land ownership

The 1997 Constitution established a Human Rights Commission to educate the public about the content of the Bill of Rights and to make recommendations to the Government about matters affecting compliance with human rights.

The 1997 Constitution is a remarkable and forward looking Constitution giving women unprecedented equal rights. The FWRM fought a long and bitter campaign with others to put in Art 38 of the Constitution which gave us protection against discrimination on the grounds of sex, gender, marital status and sexual

orientation. I believe we are only one of a handful of Constitutions in the developing world that has a Constitutional provision protecting the rights of gay men and women. (Let me tell you a little anecdote about how we managed to get sexual orientation in.)

The consequences of the coup cycle on Fiji are a country torn apart by race polarization, deepening poverty especially for women and children, and a government seemingly unable to do anything about improving race relations.

### **The Consequences of the Political Upheavals**

The most significant point to note about the status of women in the Fiji Islands is that real progress for women has been severely curtailed as a result of the attempted coup d'état in May 2000 and the ensuing political instability and loss of the rule of law.

As a result of the coup, existing forms of direct and indirect discrimination against women have been exacerbated. All reform bills and other lobbying towards equality for women have been obstructed (although the Family Law Bill has been somewhat resurrected), judicial processes have become chaotic, poverty in general has increased, and democracy has been partially subverted, with obvious impacts on women. The government has indicated an intention to write a new Constitution. One of its commitments to its (mainly Methodist Church) constituency is to remove the protection for sexual minorities which we fought so hard to get into the 1997 Constitution.

I will briefly outline some of the effects of the coup on the status of women in Fiji.

### **Racial repercussions**

The political crisis that occurred in May 2000 demonstrated the tenuous nature of multiracialism in Fiji.

For many months following 19 May 2000, many non-indigenous Fijians and some indigenous Fijians lived in fear of violence. Non-indigenous Fijians, especially rural Indo-Fijians were the victims of targeted and orchestrated violence. There were allegations of rape and other forms of sexual violence by civilian groups against non-indigenous women. There were riots, looting and orchestrated violence in many parts of the country and a number of people were killed.

Since the coup, racial inequality has been entrenched by both by the interim government, and the new elected government. A Blueprint of affirmative action for indigenous Fijian was imposed by the Interim regime without consultation and with no monitoring safeguards. The result has been widespread abuse and corruption.

At this writing (July 2002) there is relative stability and the rule of law is generally complied with. However, a new Social Justice Act intended to legitimate affirmative action for mainly indigenous Fijians, was made into law on 24 December 2001. The State has attempted to prevent any challenge to nullify the social justice legislation by stating that the legislation effectively overrides the 1997 Constitution (section 8), a clear violation of Constitutional principles and the rule of law.

The Government has set up a Ministry of Reconciliation. The staff is all indigenous Fijians except for two Indo-Fijians. The National Advisory Committee which advises the Ministry has representation from the Great Council of Chiefs, Government, and the Fiji Council of Churches, the powerful Methodist Church, the Anglican Church and a few other individuals. Races that are either Hindu or Muslim are therefore effectively excluded. The main focus of the Committee and Ministry is to reconcile indigenous Fijian groups rather than to address the real problems between the major ethnic groups.

### **Repercussions for Women's Rights Activists**

Until today, demonstrations and even peace or anti-war marches are not allowed by the State. As recently as December 2001, the State denied the right to assembly to a group of peaceful protesters, the NGO Coalition on Human Rights, to have a march protesting the war in Afghanistan.

In late 2001, the State de-registered a vocal human rights NGO, the Citizens Constitutional Forum (CCF) for challenging the legality of the Government and has threatened to de-register NGOs that do not toe the line. Activist women's NGOs are vulnerable to similar de-registration.

As NGOs are the driving force behind improvements to the status of women, such restrictions, combined with the absence of a legal framework for NGOs to register, have severely obstructed further work towards equality.

### **Economic Repercussions**

After the crisis the tourism industry fell apart, 7,000 people lost their jobs and more than 20 people died. In a population of 850,000 such events have catastrophic consequences on the economy and on the people.

Poverty is a significant problem in Fiji. The 1997 Fiji Poverty Report (based on statistics from 1990-91) has stated that 25% of the population live in poverty and another 25% are living very close to the poverty line such that any personal or national crisis would send them into poverty. Since that time, a Value Added Tax (VAT) has been imposed, there has been a devaluation of our currency plus large increases in the cost of water, and mass unemployment has resulted from

the political upheaval of 2000 and its aftermath. It is possible to assume that the percentage of those living in poverty has increased far beyond 25%. The recent Save the Children Fund report (2001) *Effects of the Coup on Children* notes that poverty and other problems existing before May 2000 have now increased considerably – with serious effects on women and children.

## **The Role of Women**

Women and women's groups have been instrumental in defending the 1997 Constitution and democracy in Fiji Islands and in bringing about a peaceful solution. It is important to note at this juncture that most women's organisations in Fiji mobilise on the basis of race first. By this I mean that the vast majority of women's organisations are neither multiracial in composition nor feminist in outlook. Most women's organisation are race based and traditional and mobilise around traditional issues like handicraft or for religious or welfare service reasons. Some examples are the indigenous Fijian Soqosoqo Vakamarama (which is also class based and consists of mainly chiefly women who control it), and the Indian Fijian Sri Sewa Sabha (middle class Indian Fijian women). The number of organisations that are openly and challengingly multiracial and feminist can be counted on one hand. They include the Fiji Women's Rights Movement, the Fiji Women's Crisis Centre, Femlink Pacific and to a limited extent the Young Women's Christian Association.

An example of women's role in peace building during the hostage crisis was the National Council of Women (NCW) sponsored daily multiracial peace and prayer vigil. This fairly innocuous peace initiative grew into the Fiji Blue Ribbon Campaign which grew into the Fiji Blue Democracy Campaign. The brains behind the Democracy Campaign were the NGO Coalition on Human Rights and Democracy made up of mostly women's NGOs and a talented NGO's like Citizen's Constitutional Forum (CCF). This coalition of NGOs harnessed its enormous (unpaid) intellectual resources to fight and win an appeal challenging the abrogation of the 1997 Constitution.

## **Race, Gender, Democracy & the Fiji Women's Rights Movement**

How women mobilised across race and class lines demonstrates the political maturation of the women's movement as a whole. I give you an example of this by looking briefly at the work of the Fiji Women's Rights Movement.

The Fiji Women's Rights Movement is a feminist NGO with a commitment to feminism, human rights and democracy.

The FWRM used to be a small but feisty player in the gender scene and women's rights arena in Fiji. The two coups d'etat of 1987 and the political

upheavals in 2000 have seen the growth of this NGO into a significant NGO in the broader spectrum of human rights issues. FWRM has grown from being a feminist NGO dedicated mainly to women's issues to an organisation which is regarded as a legitimate social and political commentator and actor on a variety of legal, political, social, cultural and economic issues.

FWRM was the first women's NGO in Fiji to come out as openly feminist. Thus ensuring that feminist issues are firmly at the forefront for FWRM has always been important, but race, not always well understood by our members, has threatened divisions and polarization within FWRM. At the time of the 1987 coups, FWRM membership polarized along racial lines. FWRM was committed to women's rights within a framework of democracy so restoration of democracy was promoted. We refused to work with the illegal regimes that were installed in 1987 and again in 2000. This made our work extremely difficult especially when it was the then illegal regime of Col. Rabuka that gave us our first Ministry of Women. (Story about their offer to get rape legislation passed with a stroke of the pen by decree!).

Indigenous Fijian women thought FWRM should focus on gender and leave democracy to other civil society organizations "since we are a feminist organization not a pro-democracy organization". FWRM indigenous women members were seen to be "disloyal to the Fijians" and although many hours were spent discussing the issue and encouraging them to remain as members, many resigned. To their credit most returned within two years and continued the good fight. A coalition to fight for equal rights in the Constitution was partly responsible for crossing that racial divide so that FWRM could again focus on gender issues within the Constitutional Review process. Learning that gender issues unite women was a critical step in FWRM's development. Coalitions work when specific critical issues are identified and women can find the commonalities that unite.

However despite the maturation of the women's movement as a whole between 1987 and 2000 FWRM was thrown in at the deep end for the second time in its history when the 2000 crisis happened. FWRM worked with the NGO coalition on Human Rights and Democracy, with the Fiji Blue Democracy Campaign to return Fiji to Constitutional Democracy and with other actors in the various legal challenges, while at the same time trying to hold its membership, staff and organisation together despite racial divisions.

In 2000-2001 the majority of FWRM's work on straight feminist issues came to a halt to allow it to focus its intellectual and other resources on the restoration of democracy and Constitutional rule. However some of FWRM's members and staff failed to understand that democracy is a pre-condition for the attainment of women's rights and that the organisation had little choice but to engage in the political arena to aggressively push for the return to Constitutional rule. Partly because of this lack of understanding of the inextricable links between gender

and democracy FWRM lost one staff person, a young indigenous Fijian woman with a background in feminism from an Australian University. She was struggling with the notions of feminism and democracy and her belief in indigenous rights but finding it impossible to reconcile what she regarded as opposing views. In addition to this FWRM lost two long-standing key members who were both former directors of the organisation, an Indian Fijian and an indigenous Fijian. They both emigrated feeling despair saying that they lacked the energy to yet again struggle for democracy preferring to join other organisations dedicated to women's issues outside Fiji.

Notwithstanding the way FWRM has weathered this crisis stands in stark contrast to the crisis of 1987. In 1987, the organisation polarised long racial lines. Many of indigenous Fijian women members left. They were made to feel by political extremists that by working with an organisation committed to democracy they were betraying their indigenous brothers and sisters, that democracy was inconsistent with the rights of indigenous people. This of course is completely untrue. This extreme polarisation has not happened this time. The reasons are complex. FWRM and the progressive NGO movement as a whole have learnt to focus on the common goals of democracy and human rights and to be wary about the politics of race. As a nation we have also become politicised recognising that sanctioning illegal regimes of any sort inevitably brings with it lack of good governance, corruption, state sponsorship of racism, cronyism, nepotism and a bigger and bigger divide between the rich and the poor. FWRM members have also matured politically learning from the coups of 1987 that our salvation lay in staying united showing that women of all races can work together despite all the odds being stacked against them.

FWRM overcame its racial differences by focusing on campaigns that all its members could all agree on. They could not all agree on racial issues but they could certainly agree that certain human rights were so fundamental to all its members and that they must combine their resources to ensure its continuity.

This does not mean that FWRM did not have its trials and tribulation or will not continue to have them. At various times it has had members and staff questioning its commitment to democracy and some being made to feel by others that if they were pro-democracy they were therefore anti-indigenous Fijian or pro-Indian Fijian or the myriad of boxes that we slot people into. FWRM has learnt to celebrate its diversity of women of many races and to rejoice that despite the differences they have more goals in common that unite them than that which divides them. It is a pity the State does not learn from the women's movement.

### **The Family Law Bill and the Forces against it – the feminist conundrum**

The multifarious forces against the Family Law Bill which is currently before Parliament and due for its Third Reading in September 2002 demonstrates the

tenuous and ephemeral nature of the hard-won rights of women in Fiji. They are highly vulnerable to the overwhelming forces of patriarchy and religious fundamentalism all exacerbated by the political upheavals.

Some history about the Bill: the current family law in Fiji is based on 9 pieces of legislation ranging from 1892 to 1973. The main legislation, the Matrimonial Causes Act is based on 1953 British legislation word for word, imposed on us when we were still a colony of GB. The legislation was inappropriate for Fiji Islanders then and it is even less appropriate now! The legislation, common law and legal practices are discriminatory against women, they legitimate violence against women, are sexist, patriarchal and based on rigid concepts of women's roles within the family including women's lack of autonomy. For these reasons the Fiji Women's Rights Movement had reform of the family law high on its agenda. Through its sterling work a commitment was made in 1995 by the then Government to reform the family law. I was named Family Law Reform Commissioner and with the FWRM and the Fiji Law Reform Commission set out on the long and arduous task of consultation, gathering support for the Bill and drafting the legislation to take into account modern lives of Fiji Islanders and to give women unprecedented equality.

The Bill sets up a separate division of the Court for family disputes based on counselling and conciliation, removes all forms of discrimination against women, grants them rights to enforceable custody and financial support for them and their children, removes fault based divorce (which legitimated violence against women in the home) and gives them for the first time in our history a share in matrimonial property upon divorce. It requires recognition and implementation of the major women's and children's rights Conventions (CEDAW and CRC). The latter is highly contentious in a country in which human rights are regarded as foreign impositions and land is tied up with the notion of identity politics. The Bill was presented to Parliament in May 2000 and would have become law on 23 May but for the crisis on 19 May. It was "speighted" by George Speight and his merry men. It lay dormant after the attempted coup d'état and then was resurrected after the current Government came into power. It was presented to Parliament in May 2002 this year and then was again delayed by a huge and vicious backlash against the Bill by the religious right and some other elements. These were the objections to the Bill in summary:

- It had not been consulted enough
- It was too "white" and Western
- Women are followers of men, the Bible says so. The Bill would upset God's natural order of by granting women equality and thereby encouraging them to leave their husbands
- It would elevate women to a higher status than men
- The Bill is anti-Christian and anti-Fijian
- Only adultery was a valid ground for divorce in the Bible if at all, violence certainly was not
- It gave children rights over their parents which was against Fijian tradition

- It would destroy the essential nature of Fijian indigenous society
- It was against the chiefly system because illegitimate children would have rights to be traditional chiefs
- It would allow same sex marriages and legally recognize de facto relationships
- It would allow cloning (DNA testing to prove fatherhood) etc etc etc

Every patriarchal objection that could be possibly made was made. The biggest opposition came from the very powerful almost exclusively indigenous Fijian Methodist Church which is the current Government's main backer. I was accused, as the so-called architect (the builder – drafter was an Australian Judge) of the Bill of being an evil force in society and of trying to destroy the institution of marriage. Notwithstanding that the Bill for the first time introduced reconciliation and counselling as a method of dispute resolution.

Ironically when lobbying for the Bill we faced specific dilemmas as feminists about how far we ought to go in addressing the whole menu of feminist issues which related eg to sexual orientation and de facto relationships. For us this presented the ultimate feminist dilemma/conundrum – how far could we go given the deeply conservative nature of Fijian society and given the steps backwards for women in the wake of the political crisis of 2000?

- Should we include a provision to ensure that gay people are not denied rights to claim custody of their children? (The Constitution protects them anyway)
- Should the Bill recognize de facto marriages? (The Constitution says that you cannot discriminate on the grounds of marital status)

The Public Consultations had overwhelmingly stated their opposition to the inclusion of these advanced rights.

In the final analysis we made a strategic decision, knowing that Parliament would and would not pass into law. It was a very difficult decision to make and I spent many sleepless nights over this. In the end we at FWRM had to think of our largest constituency, the poor women who would benefit from the Bill. We decided that pushing for the rights of gay relationships and de facto partners within this particular Bill would torpedo the whole Bill. It was a battle that we would not hesitate to engage in at a future date. The Sexual Minorities campaign accepted and supported our position.

Another internal debate that took place amongst us was whether or not to openly promote the Bill as a woman's equal rights Bill or to use the family and children's rights to "sell" the Bill? Again we had a dilemma. As feminists we felt that we should openly flaunt and celebrate the Bill but as political strategists we also knew that to do so might jeopardize the Bill. We kept asking ourselves – who is our main constituency; feminists or poor women? What would poor women say –

“gee congratulations on keeping your nice middle class feminist principles intact. Don’t worry about us and whether we can send our children to school because our former husbands won’t pay maintenance and the system lets them get away with it?” We made the right choice but the debates amongst us were challenging and went to hearts of our feminist souls. If there was more time I would share with you some of those enlightening debates.

*What is our current feminist analysis of the backlash against the Bill?*

The objections against the Bill are more than just objections to the improved rights of women. They concern the intersections between race, gender and democracy in the Fiji Is. In the Bill women are asking for their fundamental rights and freedoms that ought to be guaranteed in any democracy. However, there is widespread opposition to any change - particularly from the powerful indigenous Christian Fijian elite. Democracy and improved women’s rights are seen as a dangerous threat to their power, both in the public and private domains.

The objections by conservative/right wing elements are also tied up with Fijian nationalism – a negative nationalism confused with the politics of identity. It is based on flawed thinking dangerous both to women and democratic change, that “in order to retain our identity we mustn’t change anything”, and that any change would threaten that nationalist identity. Our position on this issue at FWRM is that any custom or tradition that is based on the subordination of women cannot be tolerated just because it is customary and therefore inherently sacred and inviolate.

Such groups are also using the Bill as a rallying point to make political gains in other areas. It is not un-coincidental that the main opposition comes from the Methodist Church which views any kind of change as challenging indigenous rights as they perceive it, saying “the Bill will destroy (indigenous) Fijian society”. This is a clever strategy based on highly flawed arguments, to use race tensions to prevent gender equality. Many Indigenous Fijians are put immediately on their guard when there is a suggestion that change is “anti-Fijian”, even those who might support equal rights for women. Of course the Bill will affect all races in Fiji and will undoubtedly alter the fundamental power balances within the family. The current power balance is essential to the religious right and fundamentalism and that’s why it cannot be interfered with. The balance of power rests also on women keeping their place, thus the Bill is also about the underlying threat of women gaining power...

### **The long term implications of the conflicts in Fiji on women’s rights**

There are very compelling reasons to say that whatever backlash to the improvement of women’s situation has been heightened by the political crisis. It has happened in Fiji and in the Solomon Islands. I would welcome questions

about the Solomon Islands as there are some very interesting comparisons to be made. These challenges demonstrate the very close connections between conflict, gender, race and democracy. One feeds the other. If there was any opportunity before 2000 for women to mobilize across the racial divide the coup does enormous damage to those possibilities. **How can you mobilize as women around gender/feminist issues when you so torn apart by race issues?** So every time we move forward and try to build a multiracial democracy, in which women can mobilize in an environment that is conducive to improving their status a coup, happens. The coup cycle reduces opportunities for mobilization around gender issues because people are so polarized on racial lines. So these intersections and the subtle and not so subtle interplays between them affect women in every way. They go to the essence of what we are about as Fiji women and that is why we cannot analyse gender issues isolated from democracy and race issues. They are all fundamental to the feminist analysis.

## **Conclusion**

In conclusion I can only say quite simply that it is relatively easy for anti-feminist forces to derail a feminist campaign in Fiji by saying "it is anti-Fijian" ( ie indigenous Fijian). Immediately it puts indigenous Fijian women on their guard and prevents women from all races working together as women for women's rights.

I do not end this on a note of despair but on one of hope. Despite the huge forces against us the Fiji Women's Rights Movement has proven that women can cross the huge racial chasms to work together for democracy and for women's rights. Our commitment to the Bill is illustrative. On a personal level and as a reluctant opinion shaper I am attempting to influence my own Indian Fijian community that to embrace another's culture in the interest of genuine multiracialism is not to deny your own culture. In compromise lies our salvation, not our demise.

Vinakwa, shukria and tank u tumas for listening.