

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

INTRODUCTORY REMARKS

Fiji's Report is submitted rather late because of the need to ensure that the legislation appertaining to a new Arms and Ammunition Bill 2003 is adopted by Parliament before further action is taken. Failing this, we would be forced to rewrite our submission in order to include all the new elements introduced in the new Act.

The Bill has subsequently been adopted as the Arms and Ammunition Act 2003, a copy of which is attached for your information. The report that follows is based in the most part on this Act.

A. NATIONAL LEVEL

1. National coordination agency

Does your country have a national coordination agency or body that is responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in SALW in all its aspects?

- If so, please give details.

The Ministry of Defence, National Security, Disaster Management & Immigration is responsible for the co-ordination, policy guidance, research and monitoring of efforts to prevent, combat, and eradicate the illicit trade in SALW in all its aspects in Fiji. The Commissioner of Police works closely with the Minister for Defence in coordinating these efforts.

2. National point of contact

Does your country have a national contact point of contact to act as liaison with other States on matters relating to the implementation of the UN Programme of Action?

-If so, please give details.

The Permanent Mission of Fiji to the United Nations is responsible for all matters relating to the implementation of the United Nations Programme of Action whose address is:

630 Third Avenue (7th Floor)
 New York
 NY 10017

Tel: (212) 687-4130
 Fax: (212) 687-3963
 E-mail: mission@fijiapun.org.

3. Legislation, regulations, administrative procedures

i) What national laws, regulations and administrative procedures exist to exercise effective control over SALW in the following areas?

- **Production**; Arms and Ammunitions Act 2003 Part 2, gives the Minister for MHAI, with the approval of the Cabinet, powers to grant licenses to persons for manufacture Arms and Ammunition in Fiji. This part also sets out four (4) factors Cabinet must taken into account when considering an application for a license to manufacture arms and ammunition viz;
 - 1) the suitability of the applicant to hold a license;
 - 2) the suitability of the premises as an arsenal site;
 - 3) any other prescribed requirement or conditions; and
 - 4) the views of the Commissioner of Police and the Commander of the Republic of Fiji Military Forces and any other interested person.
- **Export**; Arms and Ammunitions Act 2003 Part 5, under which a person can apply for a license to export arms and ammunition to the Minister for MHAI. The Minister must have the approval of the Cabinet before an export license can be issued. The Minister also has the power to prohibit/ban for a specified period the import and export of arms and ammunition. A special license from the Minister must be obtained to import and export arms and ammunition during the period specified.
- **Import**; The Commissioner of Police is empowered to grant import license under Arms and Ammunitions Act 2003, s.17.
- **Transit**; The Minister for MHAI is granted powers under the Arms and Ammunition Act 2003, s.22 to grant transit permit for the importation, storage, transportation and exportation of any arms and ammunition which is in transit through to any place outside the Fiji Islands.
- **Retransfer**; The Commissioner of Police may grant the retransfer of weapons from one holder to another, similarly he may grant up to five people a user license each of the same small arms.

ii) What national measures exist to prevent the manufacture, stockpiling, transfer and possession of unmarked or inadequately marked SALW? How have these been implemented? (II.8)

Fiji does not have a weapon manufacturing industry. All unmarked weapons, if found can subject the possessor to severe penalties. The Commissioner of Police conducts an annual reconciliation exercise between the record of weapons in his possession and the owner's of these weapons. All unmarked or inadequately marked SALW are confiscated c.f. Arms and Ammunition Act 2003, s.7.

iii) Please describe how national laws, regulations and procedures that impact on the prevention, combating and eradication of the illicit trade in SALW in all its aspects are made public. (II.23)

The passage of any law through the Parliamentary system of Fiji has to go through three phases of public consultation before it is introduced as a Parliamentary Bill. Once it becomes an Act it is made public through the gazette and the local media. It is also incumbent upon members of Parliament to inform their constituents regarding the relevancy of the law, regulation and procedures.

4. Law enforcement/ criminalization

i) What national legislative or other measures exist to make the illegal manufacturer, possession, stockpiling and trade of SALW criminal offences under domestic law? How have these measures been implemented? (II.3)

The Arms and Ammunition Act 2003 s.3 criminalizes the manufacture, possession, stockpiling and trade of SALW. The Commissioner of Police is responsible for enforcing this legislation.

ii) Have those groups and individuals engaged in the illegal manufacture, trade, stockpiling, transfer, possession, as well as financing for acquisition , of illicit SALW been identified, where applicable? What action has been taken under appropriate national law against such groups and individuals? (II.6)

There has been virtually no group nor individual caught to have been actively engaged in this activity.

iii) What national measures have been taken, including legal or administrative means, against activity that violates a United Nations Security Council arms embargo in accordance with the Charter of the United Nations? (II.15)

The measures are covered under the Arms and Ammunition Act 2003

5. Stockpile management and security

i) What national standards and procedures exist for the management and security of SALW stocks held by armed forces, police or other authorized bodies? (II.7)

Regulations to be drafted under the Arms and Ammunition Act 2003 will include the formalization of standards and procedures which have been part of the traditional internal mechanisms of the security forces up to now.

ii) How often are stocks of SALW held by armed forces, police and other authorized bodies reviewed? (II.18)

This will be covered under the regulations to be drafted.

iii) How are those stocks of SALW held by armed forces, police and other authorized bodies that are surplus to requirements identified? (II.18)

They are identified by the security force responsible for the armoury concerned, the disposal of these surpluses is recommended to the Minister of MHA.

6. Collection and disposal

i) Please give details of any national programmes that have been established and implemented for the responsible disposal of surplus stocks of SALW held by armed forces, police and other authorized bodies. (II.18)

Dumping in the deep sea in depths stipulated by regulations, in coordination with the South Pacific Applied Geo-science Commission (SOPAC)

Is destruction the means used to dispose of such stocks? (II.18)

ii) What national measures exist to safeguard such stocks prior to their disposal? (II.18)

They are secured in armouries prior to dumping.

Subject to the exceptions set out in paragraph II.16 of the UN Programme of Action, are all confiscated, seized or collected SALW destroyed? (II.16)

Some are retained for training purposes.

What methods has your country used to destroy surplus stocks of SALW designated for destruction? (If appropriate, please make reference to the report of the UN Secretary-General (S/2000/1092) of 15 November 2000.) (II.19)

Dumping in the deep sea in depths stipulated by regulations, in coordination with the South Pacific Applied Geo – Science Commission (SOPAC)

Regulations will cover the reporting methodology.

7. Export controls

i) Please describe the system of export and import licensing or authorization, as well as measures on international transit, used by your country for the transfer of all SALW. (II.11)

The mechanism is controlled by Government.

ii) Please describe the national laws, regulations and administrative procedures used by your country to ensure effective control over the export and transit of SALW. How are these measures implemented? (II.12)

Close liaison and coordination between the Customs and MDNSDS&lcontrol the export and transit of SALW- see Nadi Framework.

iii) Does your country use authenticated end-used certificates for this purpose? (II.12)

Yes

iv) Does your country notify the original exporting State when re-exporting or retransferring previously imported SALW? (II.13)

Not applicable as Fiji has not re-exported not retransferred previously imported SALW.

8. Brokering

i) What national legislation or administrative procedures exist to regulate the activities of those who engage in SALW brokering within national jurisdiction and control? (e.g. registration of brokers, licensing or authorization of brokering transactions and appropriate penalties) (II.14)

Everyone has to be licensed and monitored c.f. Arms and ammunition Act 2003 s.10

9. Marking, record keeping and tracing

i) Does your country require licensed manufacturers of SALW to apply an appropriate and reliable marking on each weapon as an integral part of the production process? (II.7)

Fiji does not have the industrial base to manufacture firearms and ammunition.

ii) Is this marking unique? (II.7)

N/A

iii) Does this marking identify the country of manufacture? (II.7)

N/A

iv) How does this marking otherwise allow concerned authorities to identify and trace the relevant weapon? (II.7)

For foreign manufactured small arms the registration numbers are indented in three places on the weapon which is unique to every weapon and the place of manufacture.

vi) What national measures exist for tracing SALW held and issued by the State? (II.10)

All weapons records are kept in a central register by the military and police and are reconciled periodically.

vii) Please give details of any steps taken by your country to cooperate in tracing illicit SALW, including the strengthening of mechanisms based on the exchange of relevant information. (III.11)

Fiji participates in the regional organizations for Police, Customs, Immigration and Lawyers and corroborates with them in tracing illicit weapons.

10. Disarmament, demobilization and reintegration (DDR)

i) Please describe any disarmament, demobilization and reintegration (DDR) programmes your country has developed and implemented, including the effective collection, control, storage and destruction of SALW. (II.21)

Fiji has declared a number of amnesty periods to allow those holding illicit SALW to return weapons without fear of prosecution.

ii) Please describe how your country has addressed the special needs of children affected by armed conflict, in particular the reunification with their family, their reintegration into civil society, and their appropriate rehabilitation. (II.22)

Fiji has not been involved in a war to necessitate addressing this particular issue. However, in the event that such an issue should arise to warrant the addressing of the special needs of children, Fiji will be guided by International Conventions e.g. UNHCR etc.

iii) Please describe any DDR programmes or activities that your country has supported. (II.30, 34)

Following the signing of the Muanikau Accords in 2000 to bring to an end to the impasse after the coup d'etat of 19th May 2000 a period of disarmament demobilization and reintegration programme was implemented. Fiji has also participated in the DDR activities conducted in Bougainville and the Solomons.

II. Awareness- raising

i) Please describe any public awareness and confidence-building programmes on the problems and consequences of the illicit trade in SALW in all its aspects that your country has developed and implemented (including the public destruction of surplus weapon and the voluntary surrender of SALW). (II.20)

Fiji's problem in this area is not extensive to demand a public awareness and confidence programme, however plans are in place for the conduct of awareness and confidence building programmes.

ii) Please describe any education and public awareness programmes on the problems of the illicit trade in SALW in all its aspects that your country has encouraged. (II.41)

As for II (i).

B. Regional Level

1. Legally binding instruments

i) Has your country been involved in negotiations for the conclusion of legally binding instruments aimed at preventing, combating and eradicating the illicit trade in SALW in all its aspects? (II.25)

Fiji chaired the regional committee that wrote the Honiara Initiative and the Nadi Framework.

ii) Where such instruments exist, please describe the steps your country has taken to ratify and fully implement them. (II. 25)

The Fiji Arms and Ammunition Act 2003 was a result.

2. Moratoria and action programmes

i) Please give details of any support your country has given moratoria or similar initiatives on the transfer and manufacture of SALW, and/or regional action programmes to prevent, combat and eradicate the illicit trade in SALW in all its aspects (including cooperation with States concerned in the implementation of these initiatives). (II.26)

Fiji instituted three legislations to ensure that it is prepared to assist when required viz Mutual Assistance in Criminal Matters 1997; Proceeds of Crime Act 1997 and the Arms Ammunition Act 2003.

3. Regional Cooperation

i) Please describe any involvement your country has had in the establishment of sub-regional or regional mechanisms with a view to preventing, combating and eradicating the illicit trade in SALW across borders (in particular trans-border customs cooperation and networks for information-sharing among law enforcement, border and customs control agencies). (II.27)

REGIONAL MECHANISMS

Since 1996, the 16 member states of the Pacific Islands Forum (PIF) have worked to develop a common regional approach to weapon control. Regular regional gatherings, including those of the Forum Regional Security Committee (FRSC) – a PIF subcommittee made up of – the South Pacific Chiefs of Police Conference (SPSPC), the Oceania Customs Organisation (OCO), and the Immigration Officers Organisation and the Pacific Islands Law Officers Meeting (PILOM), were used to examine current laws and regulations, coordinate regional initiatives, disseminate information, and determine future directions. Under the Chairmanship of Fiji a committee was formed and produced a regional document in October 1998 known as the Honiara Initiative: Agreement in Principle on Illicit Manufacturing of and Trafficking in Firearms, Ammunitions, Explosives, and Other Related Materials, which outlined a common regional approach to weapons control, to include:

- 1) Legislative or other measures to criminalize the illicit manufacturing, trafficking, sale, and possession of arms and ammunition;
- 2) Measures necessary to establish jurisdiction over their sale, possessions, and use;
- 3) Processes for the marking and tracing of firearms;
- 4) Procedures to confiscate or forfeit illegally manufactured or trafficked arms, ammunition, explosives, and other related materials;
- 5) Strengthening and harmonization of import, export, and trans-shipment controls; including stronger controls at entry and exit points and improved inter-country notification systems;
- 6) Improvement in licensing systems and record-keeping; and
- 7) Enhanced exchange of information on various aspects of weapon control (The Honiara Initiative, SPCPC, October 1998)

Building upon *The Honiara Initiative*, the document *Towards a Common Approach to Weapons Control*, commonly known as the *Nadi Framework*, was produced in March 2000 by an SPCPC working group and OCO under the chairmanship of Fiji. It promotes regional cooperation and the eventual harmonization of domestic arms legislation. In addition to reaffirming the content of the Honiara Initiative, it is based upon an understanding that:

- The possession and use of firearms, ammunition, other related materials, and prohibited weapons is a privilege that is conditional on the overriding need to ensure public safety; and
- Public safety will be enhanced by imposing strict controls on the import, possession, and use of firearms, ammunition, other related materials, and prohibited weapons (SPCPC & OCO, Sec.1.1, 2000).

See the following link for full text of the Nadi Framework:

http://www.smallarmssurvey.org/source_documents/Regional%20fora/Pacific%20Islands/Nadi%20framework.pdf

Other regional activities on small arms have contributed to further consultation and cooperation. As a result of a regional small arms workshop hosted by Australia in May 2001, the Governments of Australia, Japan, and New Zealand agreed to assist Pacific Island countries in developing strategies to address regional small arms problems. In March of the same year, New Zealand hosted, with the UN, an Asia Pacific Regional Disarmament Conference, which included a strong focus on small arms. The meeting emphasized the importance of the *Nadi Framework* as a basis for regional initiatives and provided another avenue for regional exchange and cooperation. May 16-17, 2003, Japan pledged its support for Forum members' SALW collection efforts at the *Pacific Leaders Summit Between Japan and Members of the Pacific Islands Forum* in Okinawa. Their commitment to collaboration is encapsulated in "The Okinawa Initiative: Regional Development Strategy for a More Prosperous and Safer Pacific."

The Oceania Customs Organisation (OCO), of which Fiji is a member, performs an important coordination role in the Pacific. The OCO engages in a range of activities to strengthen links between its 23 member countries, including the Customs Regional Intelligence Network (CRIN), which provides an overview of SALW trafficking patterns in the region through a quarterly bulletin.⁷

Fiji also has access to the Customs Asia Pacific Enforcement Reporting System (CAPERS). CAPERS is an international information and reporting system developed by the United States Customs Service which is used in a number of OCO member countries throughout the Pacific region. The purpose of CAPERS is to encourage greater cooperation and communication between participating members through a coordinated approach to Customs enforcement matters, providing a free exchange of information and assistance in the investigation of Customs violations as well as other law enforcement offences.

BORDER CONTROL

Inadequate financial resources and a large Exclusive Economic Zone (EEZ) limit the extent and effectiveness of border control efforts in Fiji. As a result, the Fiji Government has entered into partnership with its neighbors to improve collaborative efforts in this area.

A two-week course on border control training was held at the Pacific Islands Forum Secretariat in Suva, Fiji from May 19-30, 2003. Acting PIF Secretary-General Mr. Iosefa Maiava introduced the session by noting the importance of better controls at ports of entry “in the wake of international terrorism, people smuggling and the trade of illegal drugs and weapons.”⁷ The training course, supported by the Government of France in conjunction with the Australian Law Enforcement Cooperation program of the Australian Federal Police, is intended to act as a deterrent by making border controls tougher on criminals.

⁷ *Ibid.*, at 23.

⁸ From Pacific Islands Forum website <http://www.forumsec.org.fj/Home.htm>

ii) Please describe any initiatives your country has undertaken to encourage regional and sub-regional action on illicit trade in SALW in all its aspects in order to, as appropriate, introduce, adhere, implement or strengthen relevant laws, regulations and administrative procedures. (II.28)

The Expert Working Group (EWG) to Co-ordinate the Development of a Regional Framework held its second meeting May 5-6, 2003 at the Pacific Islands Forum Secretariat. The EWG will report to the Forum Regional Security Committee on its progress with the Framework – including model legislation to facilitate implementation of the measures outlined in both the *Honiara Initiative* and the *Nadi Framework* – and also consult with members on the draft text. A final version of the Model Legislative Provisions will be completed by June 30 for submission to the August Pacific Islands Forum meeting in Auckland, New Zealand. In-country drafting assistance to implement the legislative provisions will be available from the Forum to member countries upon their request.

C. Global Level

1. International instruments against terrorism and crime

i) What existing international legal instruments against terrorism and transnational organized crime has your country ratified or acceded to? (II. 38)

Ministry of Foreign Affairs to provide details

2. International cooperation and assistance

i) Please give details of any assistance, including technical and financial assistance, your country has provided for purposes of supporting the implementation of the measures to prevent, combat and eradicate the illicit trade in SALW in all its aspects as contained in the UN Programme of Action. (III.3, 6, 10, 14)

For further clarification and research by the Ministry.

ii) Please describe any initiative your country has undertaken to enhance mutual legal assistance and other forms of cooperation in order to assist investigations and prosecutions in relation to the illicit trade in SALW in all its aspects. (III.13)

This is addressed under the Mutual Assistance in Criminal Matters Act

iii) Please give details of any assistance your country has provided to combat the illicit trade in SALW linked to drug trafficking, transnational organized crime and terrorism. (III. 15)

The Fiji Police combined operation with the Australian Federal Police (AFP) drug haul was big enough to have received a mention in the NY Times on 10th June, see article. The publicity led the International Narcotics Control Board (INCB) in Vienna, Austria to seek more information from the Commissioner of Police for more details surrounding the bust like chemicals used in manufacture, method and route of traffickers, photos of seized chemicals, results of follow-up investigations, etc. The report is yet to be submitted. It goes to show that Fiji can no longer claim insularity.

iv) Please give details of your country's cooperation with Interpol for the purpose of identifying those groups and individuals engaged in the illicit trade in SALW in all its aspects. (II.37)

Fiji is a member of INTERPOL as such it is obligated to cooperate with all enquiries that are raised and requests for assistance from member states.

v) Please give details of your country's use and support of Interpol's providing relevant information on the illicit trade in SALW). (III.9)

Fiji provides periodic reports when requested.

vi) Please give details of your country's cooperation with the UN system to ensure the effective implementation of arms embargoes decided by the UN Security Council in accordance with the UN Charter. (II.32)

Fiji provides periodic reports when requested

vii) Please describe any steps your country has taken in cooperation with other states, or regional or international organizations, to develop common understanding of the basic issues and the scope of the problems related to illicit brokering in SALW. (II.39)

See Honiara Initiative and Nadi Framework

3. Cooperation with civil society and NGOs

4. Information Exchange

See Nadi Framework

ii) Please give details of any information on, inter alia, SALW confiscated or destroyed within national jurisdiction, or other relevant information such as illicit trade routes and techniques of acquisition, that your country has submitted to relevant regional and international organizations. (II.23)

In 1988 an arms smuggling operation was stopped by Fiji's security forces. The details of this operation were widely distributed in the region and subject to a number presentations at various fora.

5. Training, capacity-building, research

i) Please describe any initiatives your country has undertaken to enhance cooperation and exchange of experience and training among competent officials, including customs, police, intelligence and arms control officials, at the national, regional and global levels in order to combat the illicit trade in SALW in all its aspects. (III.7)

Regular meetings between law enforcement agencies are conducted to improve common approaches to SALW control. Specific courses conducted locally or with Australian et al support for all members of the security forces.

ii) Please describe any regional and international programmes for specialist training on small arms stockpile management and security that your country has developed or supported. (III.8)

The Australian security forces have training available on request.

iii) Please give details of any action-oriented research aimed at facilitating greater awareness and better understanding of the nature and scope of the problems associated with the illicit trade in SALW in all its aspects that your country has developed or supported. (III.18)

Individual and inter security forces research ongoing themes target the facilitating of greater awareness of the problem.

END