

# **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.**

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## **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 have 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. The report that follows is based primarily 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 Home Affairs, Immigration and National Disaster Management (MHAINDM) 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 MHAINDM 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 the liaison with other States for all matters relating to the implementation of the United Nations Programme of Action whose address is:

630 Third Avenue (7<sup>th</sup> Floor)  
New York  
NY 10017

Tel: (212) 687-4130  
Fax: (212) 687-3963  
E-mail: mission@fijiprun.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 MHAINDM, 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 MHAINDM. 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 MHAINDM 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 and a police duty to inform the public regarding the relevancy of the law, regulations 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 makes illegal 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 that have been part of the internal mechanisms of the security forces up to now. However, Fiji will also take into account “best practices” in other countries that conformed to UN standards.

- 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. Current stocks date back to World War 2, obsolescence not effectiveness maybe regarded as a problem in this context. The Regulation intends to address this problem. The Republic of Fiji Military Forces (RFMF) have modern stocks compared to the police because of their different mission statements. The Police Department reviews the stocks of SALW annually.

***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 MHAINDM.

**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 after the firing mechanism has been removed from the body, in depths to be stipulated by regulations, in coordination with the South Pacific Applied Geo-science Commission (SOPAC)

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

***No, dumping in the deep sea is the only means at the moment.***

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

They are secured in armouries prior to dumping.

***iv) 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.

**v) 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 at sea. The necessary regulations will cover those requirements mentioned in paragraph 28 of the report of the UN Secretary- General (S/2000/1092) of 15 November 2000.)

**vi) Please give details of any information on SALW confiscated or destroyed within your jurisdiction that is submitted to relevant regional and international organizations. (II.23)**

Regulations will cover the reporting methodology using the Nadi Framework as a guide. A working committee comprising of officials in the Ministry, police, military and Agriculture will draft the necessary sections. The Police Department currently coordinates its functions in the confiscation or destruction of SALW with the RFMF these functions will be formalized in the regulations.

## **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)**

Section 21 of the Arms and Ammunition Act 2003 imposes an obligation on a person entering or departing the country, in possession of any arms or ammunition, to making necessary declarations to the Customs authorities and to be supported with the production of a valid import or export license.

In respect to the transit of arms and ammunition, the Minister is delegated with the statutory authority to approve transit permit with necessary conditions and fees.

Section 24 of the Arms and Ammunition Act 2003 provides that the Minister in consultation with the Commissioner of Police is empowered by law to prohibit, by virtue of an Order in the Gazette, for a certain period, the

importation and exportation of arms and ammunition from places specified in the Order.

Penalties are provided in the Act to ensure that procedures are complied with fully. Furthermore, offenders will also face penalties prescribed under the Customs Act.

***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, Police and the Office of the MHAINDM to control the export and transit of SALW.

***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 nor retransferred previously imported SALW. However, should it decide to re-export than the original exporting State would be notified.

## **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)***

Section 10 (2) of the Arms and Ammunition Act 2003 provides for the licensing of arms dealers for the purpose of conducting business dealing in arms as far as storing, assembling, repairing, cleaning, manufacture of any component part of any arm, also has the powers to sell, dispose or keeps in his possession any arms or ammunition. The applicant must apply to the Commissioner of Police and is obligated to specify in the application the "place of business".

Section 10(4) lists the requirements, which the Commissioner of Police must be satisfied regarding the applications for dealer's license namely:

- (a) The applicant has adequate facilities and sufficient qualified employee to clean, repair, test, store and prove arms and ammunition;
- (b) The place at which a person can be permitted to carry on business as an arms dealer without danger to the public safety or to the peace;
- (c) Adequate provisions exist at such place of business for the security of arms or ammunition; and
- (d) Any other prescribed requirements or conditions are complied with.

Section 10(4)(d) is useful in that "best practices" from metropolitan countries in conformity with UN standards could be added on, for which the Commissioner of Police could impose to ensure the paramount interest to safeguard the general public.

The "arms dealer" is also obliged to maintain and keep accurate records in respect to the following issues:

- (a) All arms or ammunition imported or received by the dealer in the course of business;
- (b) All arms or ammunition sold by the dealer; and
- (c) The marks by which arms so sold can be identified with the date of sale and the name and address of the purchaser;

And must on demand produce the records for inspection by any authorized officer at any place and reasonable time the officer requires: S10 (6).

Furthermore, the dealer is required by law to submit for the information of the Commissioner of Police a monthly report of stock in trade, import figures, sale transactions and related activities: S 10(9). The purpose of the monthly audit is to ensure that the Commissioner of Police, who is constitutionally mandated to maintain public safety and public order, is fully aware of the activities of the "arms dealers" and the status of the arms and ammunition in

the country, Consequently, the Commissioner of Police will be in a better position to make uniform policy decisions in relation to the issuance of arms and ammunition licenses.

Failure on the part of the “arms dealer” to comply with the various control or checking mechanisms imposed by the Act would attract the following penalties:

- \$2000 fine or 6 months imprisonment;
- \$10,000 fine or 12 months imprisonment;
- \$20,000 fine or 2 years imprisonment;
- \$50,000 fine or 5 years imprisonment.

## **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 has never issued a license to a manufacturer simply because it does not have the industrial base to manufacture firearms and ammunition. However, S 10(6) of the Act imposes obligation on “arms dealer” for the marking on the arms and ammunition and other relevant information like the date of sale and the name of the address of the purchase.

***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. E.g. Arms and Ammunition (Prohibition) Order 2000 and the Arms, Explosives and Ammunition (Amnesty) Decree 2000 following the political unrest in 2000. Collections points are namely any police stations or post and RFMF bases in the country. The amnesty was for 30 days and can be extended by the Minister for a further period but not exceeding 30 days. Disarmament (Amnesty) programme during political upheaval of 1987/2000 saw the declaration of State of Emergency whereby amnesty period was imposed to the firearm-licensed holders to deposit their firearm for safekeeping reasons to nearest Police Station.

A total of 1347 firearms were taken for safe custody at the Police Armoury. Most firearms have being returned to their respective licensed owner.

***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 the “best practices” from other countries to be complemented by International Law, International Conventions like the Convention of the Rights of the Child, 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 the impasse after the coup d’etat of 19<sup>th</sup> 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.

## **11. 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)***

The Ministry realizes that awareness is an important education tool for the general public, particularly at the grass root level. In that connection, the Ministry is committed to raising awareness as part of the 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 11 (i). The Parliamentary Select Committee on Law and Order invited submissions from the general public on the Arms and Ammunition Bill 2003, through extensive publicity in all media outlets and in the 3 main languages.

## **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 (IOO) 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 Chairman 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](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.<sup>7</sup>

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 co-operation 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 agreements 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.”<sup>8</sup> 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.

<sup>7</sup> *Ibid*, at 23.

<sup>8</sup> 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)***

#### **‘Nadi Framework’**

The South Pacific Chiefs of Police Conference Working Group and the OCO Sub committee met in March, 2000 at Nadi, recommends to the Forum

Regional Security Committee a common Regional approach to weapon Control which saw the implementation of draft Legal framework for a common Approach to Weapons Control titled the **Nadi Framework**. This document was prepared based on the strategies defined in the **Honiara Initiative**.

The Government of the Republic of the Fiji Islands is fully committed to support United Nations in the effort to combat international Terrorism. As to the strengthening of the legal infrastructure, the Government of Fiji is pursuing a two-track approach, namely the drafting and promulgation of national laws and ratification of and accession to, the relevant international treaties and conventions.

The anti-terrorism draft Bill is being perused by relevant authorities and entails a number of provisions that touch on the Twelve (12) International conventions. The enactment of the Bill will facilitate the Fiji Government's ratifications and accessions of the relevant international instruments.

Government intends to enact a Counter-Terrorism Legislation. A Bill has already been formulated to stand alone or be part of the proposed National Security Bill. The Bill is subject to further amendments but its scope will be largely based on the model formulated by the Pacific Forum.

Fiji has not ratified the Transnational Crime Convention but is an active participant in the series of meetings conducted by the 2 Ad Hoc Groups on the Bali Process on Counter Terrorism, Transnational Crime and Boarder Control Issues and significant steps being taken to update the national laws.

The Immigration Act of 2003 legislates against forms of transnational crimes like people smuggling and trafficking and imposes heavy penalties in the tune of \$100,000 fines and Life Imprisonment. In respect to provisions on the determination of asylum seekers, authority is vested to the State to refuse entry on of asylum seeker if the claimant is considered a "security risk" by virtue of his or her association with terrorist organizations. Furthermore, powers are vested to the government to claim public interest privilege in civil proceedings relating to non-disclosure of information.

In terms if international co-operation, in 2003 Fiji signed two (2) Memorandum Of Understanding with the Government of Australia namely on Co-operation to combat International Terrorism and co-operation on

Migration, Refugees, Irregular Migration and People Smuggling. In total, the framework of both MOU does demonstrate Fiji's positive commitment to combat International Terrorism.

## **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)***

The Fiji police has provided a curriculum writer to assist the Solomon's Police draw up its training programmes, the writer is seconded by the AusAID for the Solomon Islands Police capacity building project. In addition, a Fiji Police Arms and Ammunition expert has joined the International Red Cross to assist in the teaching of the responsibilities of soldiers and police officers in armed conflict.

In terms of assistance, i.e. institution capacity building response, the Fiji Government in association with the UN is co-organizing a UN Small Arms Seminar to be held in Nadi, Fiji from the 18 -20<sup>th</sup> August 2004.

***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)***

The Extradition Treaty was unsuccessfully invoked in 1988 when Fiji government attempted to bring into Fiji a former national by the name of Mohammed Rafiq Khan, a resident of UK for allegedly involved in the transshipment of 2 containers of "arms and ammunition" weighing some 17 tonnes in January 1988. In the legal proceedings in September 1998, the London Bar Street Magistrate ruled that Khan should not be extradited to Fiji because the alleged offences were of a political nature (military coup in 1987 against the Indian dominated Government led by Dr. Bavadra) and did not therefore fall within the extradition law vis a vis refugee status.

The Police Department has established a Major Crime Division under the supervision of the Director of Criminal Investigations to be responsible for such illicit trade in SALW.

***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 10<sup>th</sup> June 2004. 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)***

The Police Interpol Section based at the Criminal Investigation Department is specifically responsible for exchange of information with other member States. A secure regional intranet was established by Australia to cater for secure communications among regional police organizations.

***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 is committed to its multi-lateral obligations and adherence to the UN Charter to ensure the effective implementation of arm embargoes. The policy of the Government is not to engage in any "arms dealing" with countries or regimes that are placed on embargo by the UN Security Council.

The enactment of the Arms and Ammunition Act 2003 and its subsidiary Regulation (yet to be formulated) is a clear demonstration of Fiji's co-operation with the UN Security Council to ensure that certain types of "arms and ammunition" are considered illegal, unlawful or banned from usage in Fiji. The prescribed penalties in fines between the range of \$5000 to \$50,000, and Life Imprisonment are deliberately included to serve as deterrents.

***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)***

The spirit and scope of the Honiara Initiative and the Nadi Framework are practical illustrations of the co-operative approach Fiji has taken with other countries in the Forum Region to develop common understanding of the issues involved may it be technical, legal and operational in nature. The Honiara Initiative and the Nadi Framework have been issued as documents of the Security Council.

Fiji will continue to participate and be supportive of regional initiatives like the Pacific Forum to discuss matters of mutual interest.

### **3. Cooperation with civil society and NGOs**

***i) Please give details of cooperation with civil society and non-governmental organizations in activities related to the prevention, combat and eradication of the illicit trade in SALW in all its aspects, at the national, regional and global levels. (II.20, 40, 41; III.2, 18)***

The Police Department Firearm Unit is engaged in delivering awareness programmes to the officers who are directly involved in clearance of Dangerous Goods in the Fiji Island Revenue Service and Fiji Islands Custom Authority.

Efforts are been made by Government, Civil Societies and NGO's to cooperate in ensuring that activities related to the prevention and eradication of illicit trade in SALW. The Ministry of Home Affairs, Immigration & National Disaster Management as the coordinating point with the other

relevant agencies of government is intent of pursuing and building a close partnership with other stakeholders outside government.

The support of the Ministry is by virtue of the participation of senior officials in attending seminars and workshops organized by Civil Societies, prompt response o concerns and queries that they may have and closer collaboration with stakeholders outside the government machinery.

#### **4. Information Exchange**

##### ***i) Please describe any steps taken by your country to exchange information on national marking systems on SALW (III.12)***

The Police Interpol Section based at the Criminal Investigation Department is specifically responsible for exchange of information with other member States. A secure regional intranet was established by Australia to cater for secure communications among regional police organizations.

The Nadi Framework provides a useful reference as regards the marking and identification to ensure that all firearms registers; dealers records; and certificates of registration must contain the make, model, country of manufacture, serial number and caliber of the firearm.

The inclusion of the “marking” provisions in the Arms and Ammunition Act 2003 and its “Regulations” (when completed) could be a useful guide for other countries in the South Pacific region.

##### ***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 of 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 assistance are organized for 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)***

Fiji relies on specialist training on small arms stockpile management conducted in metropolitan countries namely Australia, New Zealand, Japan and USA which can be requested through the Forum Secretariat or through bilateral and multilateral arrangements.

***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)***

Security forces have organized individual and inter security research on ways and means of improving greater awareness and better understanding of the scope of the problems associated with the illicit trade in SALW in all its aspects. Government is committed to supporting these researches.

Fiji citizens and residents did assist in various ways in the research of Philip Alpers and Conor Twyford in the publication of the “Small Arms in the Pacific” in March 2003 which focused on the impact of Honiara Initiative and Nadi Framework.

**END**