UPDATED ASSESSMENT OF R2P IMPLEMENTATION 2022

Asia-Pacific Centre for the Responsibility to Protect

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The following Updated Assessment Annex provides an overview of Fiji’s efforts in implementing R2P as of 2022. For a full description of the methodology used in this study, see Part II of ‘Implementing the Responsibility to Protect in the Asia Pacific: An Assessment of Progress and Challenges’, available [here](#). For more information on R2P implementation in the Asia Pacific in 2022, see the updated assessment [here](#).
Fiji remains a relatively strong supporter of R2P in 2022, and of multilateral measures to address peace and security issues more broadly, particularly when those issues are related to climate change. It continues to vote and speak in favour of R2P in UN settings, and supported and contributed to relevant regional initiatives such as RAMSI and the strengthening of the Pacific Islands Forum. Fiji is a significant contributor to UN peacekeeping and supports the spirit of the Kigali Principles on civilian protection. It has also strengthened training and capacity on civilian protection and committed to the voluntary compact for the prevention of sexual exploitation and abuse by peacekeepers.

Fiji has acceded to and implemented most of the relevant instruments of international law and is a party to the Rome Statute. However, it has not yet adopted R2P-specific policy initiatives such as appointing an R2P Focal Point.

Fiji’s record on domestic implementation remains similarly strong overall. It has a relatively strong legislative protections for individual human rights and group rights. It has a fairly robust civil society, but there is the potential for this to decline in the future.

Although tensions between different ethnic groups exist, Fiji does a relatively good job of managing them constructively. The most significant problem confronting the country is its long history of military coups and the prevalence of the military in Fijian society. However, this circumstance has never resulted in atrocity crimes and is unlikely to do so in the foreseeable future.

Fiji’s overall performance bodes well for effective R2P implementation into the future, both in the country itself and the wider Pacific region.
<table>
<thead>
<tr>
<th>Assessment</th>
<th>Indicator</th>
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<tbody>
<tr>
<td><strong>Very Strong</strong></td>
<td>Protection of populations from atrocity crimes</td>
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<tr>
<td></td>
<td>Reduction of atrocity crime risks</td>
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<tr>
<td></td>
<td>Dealing with past atrocities</td>
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<tr>
<td></td>
<td>Sign, ratify and implement relevant instruments of international law</td>
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<td>Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court</td>
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<td>Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping</td>
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<td>Support the Kigali Principles</td>
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<td><strong>Strong</strong></td>
<td>Establish and maintain National Human Rights Institutions in accordance with the Paris Principles</td>
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<td>Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations</td>
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<td>Ensure equal access to justice</td>
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<td></td>
<td>Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity</td>
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<td></td>
<td>Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law</td>
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<td></td>
<td>Cultivate and protect an active, diverse and robust civil society</td>
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<td>Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness</td>
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<td></td>
<td>Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect</td>
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<td></td>
<td>Support the strengthening of the UN’s capacity for atrocity prevention, including through the UN Human Rights system</td>
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<td></td>
<td>Support preventive actions on atrocity crimes</td>
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<tr>
<td><strong>Fair</strong></td>
<td>Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination</td>
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<td></td>
<td>Take measures to counter and prevent violent extremism</td>
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<tr>
<td></td>
<td>Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence</td>
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<tr>
<td></td>
<td>Prevent nationals committing atrocity crimes overseas</td>
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<tr>
<td></td>
<td>Participate in international, regional and national discussions on the further advancement of R2P</td>
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<td></td>
<td>Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy</td>
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<td></td>
<td>Strengthen regional and international networks for atrocity crime prevention</td>
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<td></td>
<td>Strengthen the role and capacity of regional organisations</td>
</tr>
<tr>
<td>Strong</td>
<td>Description</td>
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</tr>
<tr>
<td>Support atrocity prevention through development and assistance partnerships</td>
<td></td>
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<tr>
<td>Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P</td>
<td></td>
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<table>
<thead>
<tr>
<th>Weak</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Support the development and work of regional human rights and other preventive capacities</td>
<td></td>
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<table>
<thead>
<tr>
<th>Very Weak</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>Appoint national R2P Focal Point</td>
<td></td>
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<tr>
<td>Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships</td>
<td></td>
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<tr>
<td>Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect</td>
<td></td>
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<tr>
<td>Conduct a national assessment of risk and resilience</td>
<td></td>
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<tr>
<td>Ensure a legitimate, effective and civilian controlled security sector</td>
<td></td>
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<tr>
<td>Support UN Security Council veto restraint on issues relating to atrocity prevention</td>
<td></td>
</tr>
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</table>

**Fiji 2022 Score: 60**

**Fiji 2019 Score: 57**

**Difference: + 3**

A small Pacific Islands State, Fiji has a long and proud history of contributing to UN peacekeeping operations, which it continues to invest in. Considering its size, Fiji is a significant supporter of R2P and has contributed to the development of regional and global capacities, particularly in regard to climate change. Domestically, Fiji has a strong record of protecting its population from atrocity crimes, but has experienced periodic military coups and possesses a security sector known for its brutality. Overall, it was the only country in the region to achieve a net increase in its score in R2P implementation.
<table>
<thead>
<tr>
<th>Thematic Area</th>
<th>Indicator</th>
<th>Assessment</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Basic Compliance</strong></td>
<td>Protection of populations from atrocity crimes.</td>
<td>Very Strong</td>
<td>The government of Fiji currently protects its population from atrocity crimes.</td>
</tr>
<tr>
<td></td>
<td>Reduction of atrocity crime risks.</td>
<td>Very Strong</td>
<td>The government’s Public Order Act (POA) can enable the security forces to act with impunity throughout the country. Abuses in the security sector and corruption in the government, particularly in the judiciary, do result in human rights abuses. Widespread gender-based violence, especially during the pandemic, is still a problem in Fiji, although there is a concerted effort to address it.</td>
</tr>
<tr>
<td></td>
<td>Dealing with past atrocities.</td>
<td>Very Strong</td>
<td>Fiji has not suffered previous atrocity crimes, despite a tumultuous history of military coups.</td>
</tr>
<tr>
<td><strong>Policy Mechanisms</strong></td>
<td>Appoint national R2P Focal Point.</td>
<td>Very Weak</td>
<td>Fiji has yet to appoint a national R2P Focal Point.¹</td>
</tr>
<tr>
<td></td>
<td>Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships.</td>
<td>Very Weak</td>
<td>There remains no evidence of Fiji incorporating atrocity risks into development partnerships it has with other countries.</td>
</tr>
<tr>
<td></td>
<td>Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect.</td>
<td>Very Weak</td>
<td>There are no domestic accountability mechanisms in Fiji for the government to uphold its responsibility to protect.</td>
</tr>
<tr>
<td><strong>International Human Rights Obligations</strong></td>
<td>Sign, ratify and implement relevant instruments of international law.</td>
<td>Very Strong</td>
<td>Fiji has ratified eleven of the twelve international human rights laws that are most relevant to R2P. It still has neither signed nor ratified the Arms Trade Treaty [ATT].²</td>
</tr>
<tr>
<td></td>
<td>Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court.</td>
<td>Very Strong</td>
<td>Fiji maintains its status as a State Party to the Rome Statute of the International Criminal Court.³ Under Fijian law, a Fijian national can be tried for genocide and crimes against humanity, but some provisions for war crimes are missing. Fiji has accepted recommendations in the past to align its national legislation fully with the Rome Statute.⁴</td>
</tr>
<tr>
<td></td>
<td>Establish and maintain National Human Rights Institutions in accordance with the Paris Principles.</td>
<td>Strong</td>
<td>Fiji established the Fiji Human Rights and Anti-Discrimination Commission (FHRADC) in 2009. Yet there were limits to its independence under the presidential decree through which it was commissioned. However, multilateral efforts have been undertaken to strengthen the capacity of the FHRADC and make it more compliant to the Paris Principles.⁵ As of August 2021, the FHRADC holds a ‘B’ ranking</td>
</tr>
</tbody>
</table>


² Arms Trade Treaty, 2020. *UN Member States that have not yet joined the ATT*, [https://thearmstradetreaty.org/hyper-images/file/List%20of%20UN%20Member%20States%20that%20have%20not%20yet%20joined%20the%20ATT%20(07%20August%202020)/List%20of%20UN%20Member%20States%20that%20have%20not%20yet%20joined%20the%20ATT%20(07%20August%202020).pdf](https://thearmstradetreaty.org/hyper-images/file/List%20of%20UN%20Member%20States%20that%20have%20not%20yet%20joined%20the%20ATT%20(07%20August%202020)/List%20of%20UN%20Member%20States%20that%20have%20not%20yet%20joined%20the%20ATT%20(07%20August%202020).pdf).


<table>
<thead>
<tr>
<th>Category</th>
<th>Rating</th>
<th>Status</th>
<th>Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination.</td>
<td>Fair</td>
<td>Unchanged</td>
<td>There is still a belief in Fiji that the FHRAD remains a pro-government body, especially in politically sensitive cases of human rights abuse.</td>
</tr>
<tr>
<td>Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council.</td>
<td>Very Strong</td>
<td>Unchanged</td>
<td>Fiji undertook its third UPR in November 2019. In its report to the UPR Working Group, it made note that it had ratified all nine of the core international human rights treaties as of August 2019, based on recommendations it has received previously. The State also made note that it is committed to developing a monitoring and follow-up capability for implementing recommendations from treaty bodies, as well as recognising the need to protect human rights in the wake of natural disasters and climate change.</td>
</tr>
<tr>
<td>Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations.</td>
<td>Strong</td>
<td>Unchanged</td>
<td>Fiji maintains its open invitation for UN mandate holders. While there are many visits of mandate holders that need to be finalised, the State has made note of its willingness to welcome and facilitate these visits, based on previous visits of Special Rapporteurs.</td>
</tr>
<tr>
<td>Ensure equal access to justice.</td>
<td>Strong</td>
<td>Unchanged</td>
<td>Arrest and detention procedures within Fiji remain mostly adequate, although prison overcrowding, overlong pretrial detention and abuse of detainees</td>
</tr>
</tbody>
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8 Ibid., ‘Section 1. Respect for the Integrity of the Person, Including Freedom from: C. Torture, and Other Cruel, Inhuman, Or Degrading Treatment and Punishment’.


11 Ibid., paras. 5, 38, 148.


Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity.  

**Strong**  
Fiji maintains its criminalisation of genocide, war crimes and crimes against humanity.

Take measures to counter and prevent violent extremism.  

**Fair**  
Fiji continues to recognise the threat of terrorism and violent extremism, seeking in recent workshops to develop a “…robust, practical and tested strategy that can effectively respond to any terrorist attack.”

Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence.  

**Fair**  
Sexual and gender-based violence (SGBV) is a pervasive problem within Fiji and the wider Pacific. Laws within the country criminalise sexual harassment, rape, spousal rape and other forms of sexual assault and discrimination, including against LGBTIQA+ persons. Unfortunately, high frequencies of these crimes are reported. To their credit, the Fijian government and NGOs within the country recognise the problem and are working to address it, the frequency of which has increased during the COVID-19 lockdowns in the country.

The country has begun consultations to build a National Action Plan to Prevent Violence Against

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| Domestic Implementation | Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law. | Strong | The number of refugees within Fiji remains small, and the country is noted to cooperate well with the UNHCR when dealing with refugees.  
While not directly related to those fleeing atrocity crimes, Fiji has continued to make a point of the vulnerability of those fleeing natural disasters brought about by climate change. At COP23 in 2018, Fiji launched the Planned Relocation Guidelines for those affected by climate change events. The guidelines recognise the importance of collaboration with a wide range of stakeholders and seek to “…ensure an inclusive and gender responsive consultative and participatory process to strengthen communities’ riposte to climate change impacts…”.  
Fiji Government Continues to Silence Dissent as Impunity for Torture Persists;  
Women and Girls 2021-2026. This plan will make Fiji the only country in the Pacific to possess a whole of government approach to preventing violence against women and girls.  
Australia also has a National Action Plan. |
| --- | --- | --- | --- |
|  | Conduct a national assessment of risk and resilience. | Very Weak | No evidence could be found of a national assessment having been conducted.  
The Fijian government’s relationship with civil society, particularly the media, remains tumultuous. The POA has limited movement and the freedoms of peaceful assembly and association have been curtailed in recent years. The previously enacted Media Industry Development Act and sedition laws that include criticism of the government have resulted in a pervasive culture of self-censorship in Fiji.  
While not a strictly repressive State, the continuation of restrictions on media freedoms and civil liberties during the COVID-19 pandemic has related in a slight fall in ratings measuring Fiji’s protection of its civil society. The role of the country’s security sector in these curtailments, who act with wide impunity (see Indicator below), means the situation could worsen in the future.  
Fiji the only country in the Pacific to possess a whole of government approach to preventing violence against women and girls.  
U.S Department of State, 2021.  
Ministry of Economy, 2018.  
U.S Department of State, 2021.  
Refugees. |
|  | Cultivate and protect an active, diverse and robust civil society. | Strong | Fiji’s security forces continue to operate with impunity against human rights defenders, political opposition members, and those criticising the government, aided by vaguely worded laws and widespread government corruption.  
Fiji the only country in the Pacific to possess a whole of government approach to preventing violence against women and girls.  
U.S Department of State, 2021.  
Refugees.  
|  | Ensure a legitimate, effective and civilian controlled security sector. | Very Weak | Fiji’s security forces continue to operate with impunity against human rights defenders, political opposition members, and those criticising the government, aided by vaguely worded laws and widespread government corruption.  
Fiji the only country in the Pacific to possess a whole of government approach to preventing violence against women and girls.  
U.S Department of State, 2021.  
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23 Australia also has a National Action Plan.  
While efforts of reform are being made, abuses by police remain frequent. Data has shown 400 accusations of serious crimes were levelled at members of Fiji’s military or police between May 2015 and April 2020. 16 were for rape, two for murder, nine for manslaughter, five for abduction and over 100 for assault. Proposed new laws provide the potential for greater police powers and the erosion of human rights in police practices.

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• 2021: Promoting a culture of peace and tolerance to safeguard religious sites
  A/RES/75/258: adopted without vote.
• 2021: The responsibility to protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity
  A/RES/75/277: yes.

In 2019, Fiji ascended to membership of the Human Rights Council. In 2021, it became the President of the Council, under the auspices of career lawyer and diplomat Nazhat Shameem Khan. The ascension of Fiji to this position is seen a good step forward for the promotion of human rights internationally, despite the country’s domestic issues. Since then, it has voted in favour of resolutions referencing R2P.

UN Human Rights Council Resolutions:

2019
• Situation of human rights in South Sudan A/HRC/RES/40/19: adopted by consensus.
• Human rights and transitional justice A/HRC/RES/42/17: adopted by consensus.

2020


• Prevention of genocide

• Fifteenth anniversary of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, as enshrined in the World Summit Outcome in 2005


2021


• Technical assistance and capacity building for South Sudan A/HRC/RES/46/29: adopted by consensus.


Fiji deployed 50 peacekeepers in response to rioting and violence in the Solomon Islands in November 2021.39 Fiji retains a strong relationship with other Pacific Island nations and takes a leadership role regarding climate change. Yet there is little evidence they actively engage with other countries over the issues of fulfilling R2P.

Strengthen regional and international networks for atrocity crime prevention.

Fiji’s recent ascension to the presidency of the Human Rights Council has given the country an opportunity to speak on pressing international human rights issues and other issues seen through a human rights lens, such as the pandemic and climate change.

Climate change has long been seen through the lens of human rights and human security by Pacific Island nations,40 and there have been calls in international fora for the establishment of a Special Rapporteur to report on such linkages.41 Due to Fiji’s sustained emphasis on climate change, the Council appointed a Special Rapporteur on the

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promotion and protection of human rights in the context of climate change in October 2021. ⁴²

While perhaps not directly related to atrocity prevention, ⁴³ measures that strengthen human rights protections are likely to also contribute to structural atrocity prevention in the region.

There is, however, no direct mention of atrocity prevention in Fiji’s dealings with these organisations.

With continued efforts by all parties in this area, it can be expected that Fiji’s score will increase in this Indicator in the future.

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| Strengthen the role and capacity of regional organisations. | Fair | Unchanged |
| Support the development and work of regional human rights and other preventive capacities. | Weak | Unchanged |
| Support atrocity prevention through development and assistance partnerships. | Fair | Unchanged |

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⁴³ Linkages between climate change, conflict and the commission of atrocity crimes is a nascent field of research, and beyond the scope of a technical annex. However, APR2P has begun conducting research into such linkages and other development priorities.


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While the work of these partnerships is beneficial, there is no mention of atrocity prevention measures being carried out.

The UNDP, in conjunction with the FHRADC, delivered human rights awareness workshops in 2020, focusing on grassroots and sporting initiatives.51

<table>
<thead>
<tr>
<th>United Nations, prevention, Peacekeeping, and assistance</th>
<th>Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P.</th>
<th>Fair</th>
<th>Unchanged</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support the strengthening of the UN’s capacity for atrocity prevention, including through the UN Human Rights system.</td>
<td>Strong</td>
<td>Unchanged</td>
<td></td>
</tr>
<tr>
<td>Support preventive actions on atrocity crimes.</td>
<td>Strong</td>
<td>Unchanged</td>
<td></td>
</tr>
<tr>
<td>Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate).</td>
<td>Very Strong</td>
<td>Unchanged</td>
<td></td>
</tr>
<tr>
<td>Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping.</td>
<td>Very Strong</td>
<td>Increase</td>
<td></td>
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While indirectly related to atrocity prevention, exposure and action on such issues is likely to contribute to upstream prevention of atrocity crimes.

As of October 2021, Fiji currently has 342 personnel deployed over seven missions, primarily in Iraq and the Golan Heights. One of them, UNMISS, has a protection of civilians mandate.54

Fiji continues to support broad functions of the UN in areas that support atrocity prevention. Its tenure in the Human Rights Council has generally been seen as a step forward in the promotion of human rights, and the country continues to call for equitable action on climate change and recovery from the pandemic.52

Fiji continues to be a regional leader in peacekeeping and maintains its devotion to deploying well-trained and professional peacekeeping forces.53

Fiji has also endorsed the Declaration of Shared Commitments, an initiative by the UN Secretary-General to strengthen peacekeeping methods and deployments.56

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| Support the Kigali Principles. | Very Strong Increase | In Fiji’s statement at the 2021 UN Peacekeeping Ministerial in Seoul, Fiji’s Defence Minister made mention that Fiji was a signatory of the Kigali Principles, as well as the Voluntary Compact to prevent sexual exploitation and abuse, and the Vancouver Principles to prevent the recruitment of child soldiers.57 |
| Support UN Security Council veto restraint on issues relating to atrocity prevention. | Very Weak Unchanged | Fiji remains a non-signatory to both the ACT Code of Conduct58 and the French/Mexican initiative on the suspension of veto powers.59 |

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