

Fiji Islands General Election

25 August – 5 September 2001

The Report of the
Commonwealth Observer Group



COMMONWEALTH SECRETARIAT

Fiji Islands General Election

25 August – 5 September 2001

The Report of the
Commonwealth Observer Group



COMMONWEALTH SECRETARIAT

Commonwealth Secretariat
Marlborough House
Pall Mall
London SW1Y 5HX
United Kingdom
www.thecommonwealth.org/publications

© Commonwealth Secretariat, 2006

Other publications in the Commonwealth Observer Report series:

The General Elections in Malaysia, 1990
Parliamentary Elections in Bangladesh, 1991
Presidential and National Assembly Elections in Zambia, 1991
Elections to the Constitutional Commission in Seychelles, 1992
The General and Regional Elections in Guyana, 1992
The Presidential Election in Ghana, 1992
Referendum on the Draft Constitution in Seychelles, 1992
The Presidential, Parliamentary and Civic Elections in Kenya, 1992
Violence in South Africa, Report of the Commonwealth Observer Mission to South Africa, Phase I, October 1992–January 1993
Violence in South Africa, Report of the Commonwealth Observer Mission to South Africa, Phase II, February–May 1993
South Africa in Transition, Report of the Commonwealth Observer Mission to South Africa, Phase III, August–December 1993
The General Election in Lesotho, March 1993
The Presidential and National Assembly Elections in Seychelles, July 1993
The National Assembly Election in Pakistan, October 1993
The End of Apartheid: The Report of the Commonwealth Observer Group to the South Africa Elections, April 1994
ISBN 0 85092 410 3
The Parliamentary and Presidential Elections in Malawi, May 1994 ISBN 0 85092 409 X
The Presidential and National Assembly Elections in Namibia, December 1994 ISBN 0 85092 417 0
The General Election in St Kitts and Nevis, July 1995 ISBN 0 85092 466 9
The Union Presidential and Parliamentary Elections in Tanzania, October 1995 ISBN 0 85092 467 7
The Presidential and Parliamentary Elections in Sierra Leone, February 1996 ISBN 0 85092 462 6
The Parliamentary Elections in Bangladesh, June 1996 ISBN 0 85092 492 8
The Presidential and Parliamentary Elections in Ghana, December 1996 ISBN 0 85092 497 9
The General Election in Pakistan, February 1997 ISBN 0 85092 500 2
The Parliamentary Elections in Cameroon, May 1997 ISBN 0 85092 513 4
The General Election in Papua New Guinea, June 1997 ISBN 0 85092 514 2
The General and Regional Elections in Guyana, December 1997 ISBN 0 85092 537 1
The Presidential and National Assembly Elections in Seychelles, March 1998 ISBN 0 85092 554 1
The Lesotho National Assembly Elections, May 1998 ISBN 0 85092 560 6
The National Assembly and Presidential Elections in Nigeria, February 1999 ISBN 0 85092 612 2
The General Election in Antigua and Barbuda, March 1999 ISBN 0 85092 613 0
The National and Provincial Elections in South Africa, June 1999 ISBN 0 85092 626 2
The Parliamentary and Presidential Elections in Mozambique, December 1999 ISBN 0 85092 638 6
The Parliamentary Elections in Zimbabwe, June 2000 ISBN 0 85092 652 1
The Elections in Zanzibar, United Republic of Tanzania, October 2000 ISBN 0 85092 679 3
The Trinidad and Tobago General Election, December 2000 ISBN 0 85092 680 7
Guyana General and Regional Elections, March 2001 ISBN 0 85092 684 X

Pictures by Ben Humphreys, Christopher Child and Jeremy Clarke-Watson

Designed by Khoi Kieu

ISBN-10: 0-85092-715-3

ISBN-13: 978-0-85092-715-3

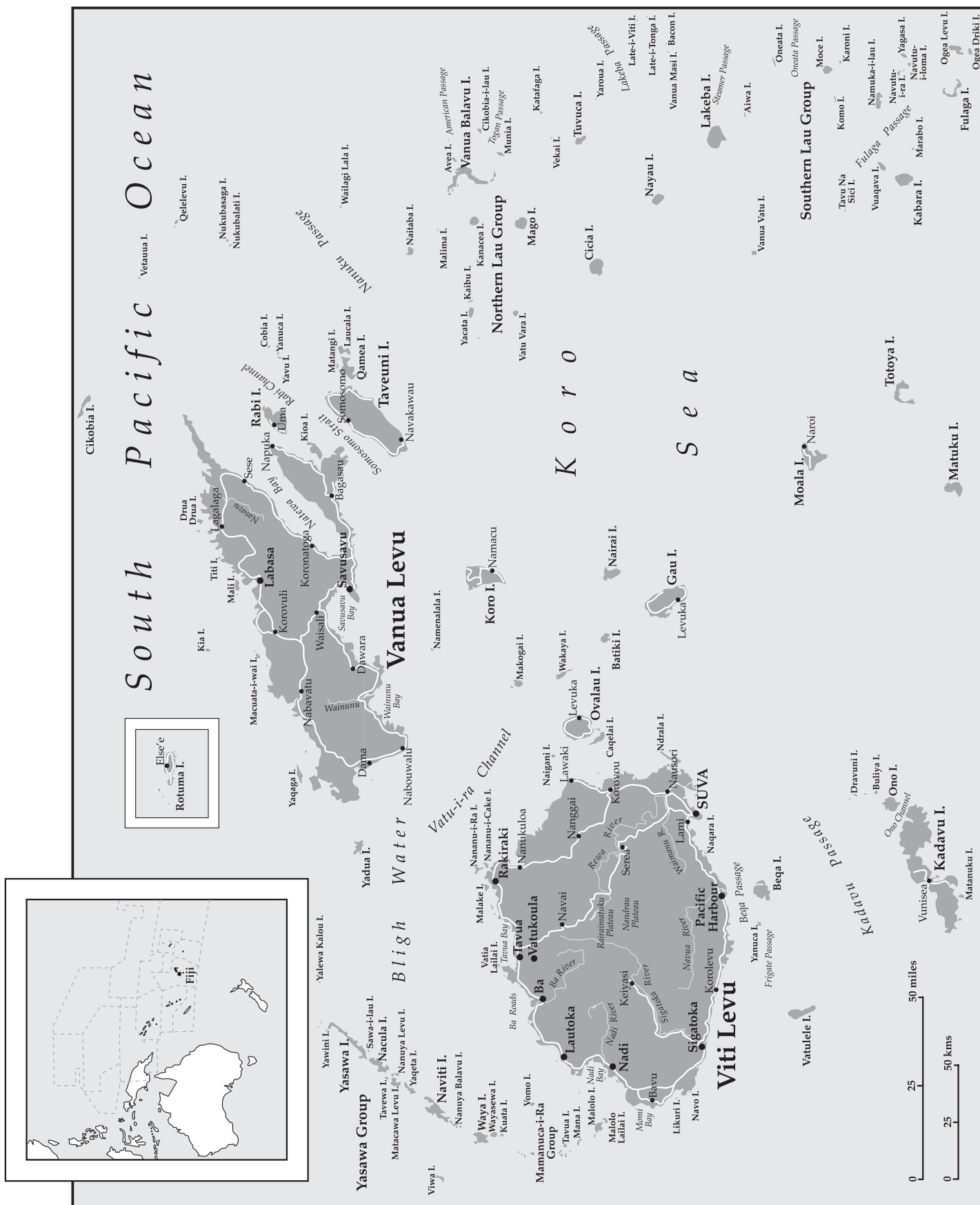
Contents

	<i>Page</i>
Map of Fiji Islands	v
Letter of Transmittal	vi
Introduction	1
Invitation	1
Terms of Reference for the Commonwealth Observer Group	1
Activities of the Group	1
Chapter 1: Political Background	4
History	4
1987 Coups	4
The Development of the 1997 Constitution	5
1999 Election	6
The George Speight-led Coup and Military Government	6
The Commonwealth Response	7
Interim Government	7
CMAG Meeting in New York, September 2000	7
The Constitution Review Commission	7
The Commonwealth Secretary-General's Special Envoy	8
The Justice Gates and Court of Appeal Decision	8
Chapter 2: The Electoral Framework and Preparations for the Election	9
Legal Framework	9
Electoral Commission and Office of the Supervisor	10
Constituencies and Rolls	10
The Alternative Vote	10
The Electoral Timetable	11
Voter Registration	11
Voter Education	12
Training and Materials	13
Security	13
Parties and Candidates	14
Observers, Financial Support and Technical Assistance	15
Chapter 3: The Campaign and the News Media	16
The Campaign	16
The News Media	20
Chapter 4: The Poll and Count	24
The Poll	24
The Count	33
Conclusions and Recommendations	37
Acknowledgements	39

Annexes

Annex I	Composition of the Commonwealth Observer Group	40
Annex II	Arrival Statement, 20 August 2001	42
Annex III	Schedule of Engagements	44
Annex IV	Deployment of Observers	46
Annex V	Observation Notes for Poll and Count and Checklist for Polling Station Visits	47
Annex VI	Statement on the Voting, 3 September 2001	50
Annex VII	Statement on the Counting and the Electoral Process as a Whole, 8 September 2001	51
Annex VIII	Elections Office Leaflet on How to Vote	53

Map of Fiji Islands



Letter of Transmittal

COMMONWEALTH OBSERVER GROUP Fiji Islands General Election 2001

Holiday Inn, Suva, Fiji Islands

Office Tel: (679) 301 600 x 136
Office Fax/Direct Tel: (679) 307 096

8 September 2001

Dear Secretary General,

It has been a privilege to have been invited by you to observe the Fiji Islands' return to the democratic process. The Observer Group has completed its work. I have pleasure in attaching our Report.

We trust that the people of the Republic of the Fiji Islands will guard their democracy vigorously. We wish you well in all that you are able to do to help them in that effort.

Yours sincerely,

Sir Henry Forde, QC, MP
Chairperson

HE Rt Hon Don McKinnon
Commonwealth Secretary-General
Marlborough House
Pall Mall
London SW1Y 5HX

Ms Jeanette Bolenga

Hon Ben Humphreys AM

Mr Reuben Kaiulo MBE

Mr Bandula Kulatunga

Hon Margareth Mensah MP

This Observer Group Report was signed by the members of the Group. In this electronic version, their signatures have been removed.



MEMBERS OF THE COMMONWEALTH OBSERVER GROUP . . . (from left to right) Bandula Kulatunga, Margareth Mensah, Sir Henry Forde (Chairperson), Jeanette Bolenga, Reuben Kaiulo, Ben Humphreys

Introduction

Invitation

On 7 June 2001 the Caretaker Government of Fiji Islands invited the Commonwealth Secretary-General to establish a Commonwealth Observer Group for the 2001 General Election. Observers were also invited from the United Nations and the European Union.

In line with established practice the Secretary-General decided to send an Assessment Mission to Fiji, with two objectives: to determine whether the political parties and others would welcome the presence of Commonwealth Observers, and to ensure that the observers would have free and open access to polling stations and counting centres and be free generally to pursue their mandate.

The Assessment Mission visited Fiji Islands from 12 to 15 July 2001 and concluded that there was broad support for the presence of such a Group and that the Group would be able to pursue its mandate. The Secretary-General subsequently decided to constitute an Observer Group of six Observers, supported by six Commonwealth Secretariat staff, and informed the Caretaker Government and Commonwealth governments accordingly. (The composition of the Commonwealth Observer Group is shown at Annex I.) A press release was issued in London on Monday, 6 August.

Terms of Reference for the Commonwealth Observer Group

The terms of reference of the Group, as set out by the Secretary-General in his formal letter of invitation, were as follows:

The Group is established by the Commonwealth Secretary-General at the request of the Government of the Fiji Islands. It is to observe relevant aspects of the organisation and conduct of the General Election in accordance with the laws of the Fiji Islands. It is to consider the various factors impinging on the credibility of the electoral process as a whole and to determine in its own judgement whether the conditions exist for a free expression of will by the electors and if the results of the elections reflect the wishes of the people.

The Group is to act impartially and independently. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgement accordingly. It would also be free to propose to the authorities concerned such action on institutional, procedural and other matters as would assist the holding of such elections.

The Group is to submit its report to the Commonwealth Secretary-General, who will forward it to the Government of the Fiji Islands, the Fiji Electoral Commission, the leadership of the political parties taking part in the elections and thereafter to all Commonwealth governments.

Activities of the Group

One member of the Group, Mr Reuben Kaiulo, accompanied by a member of the Commonwealth Secretariat Staff Support Team, formed an 'Advance



OBSERVERS AT WORK . . .
Commonwealth Observer Group
Chairperson Sir Henry Forde
talking to fellow observers

Group' which began its work in Fiji Islands nine days before the arrival of the Main Group.

The rest of the Group assembled in Suva, the capital of Fiji Islands, on 19 August and was briefed by members of the Electoral Commission, the Supervisor of Elections, senior police officers and the Advance Group. The following day, Monday, 20 August, an Arrival Statement was issued at a press conference (see *Annex II*).

From 20 to 22 August the Group was briefed in Suva by representatives of political parties, non-governmental organisations (NGOs), media organisations, Heads of Commonwealth High Commissions and other international observers. We held a further meeting with the Supervisor of Elections, Mr Walter Rigamoto, on Wednesday, 22 August. (A schedule of engagements is at *Annex III*.)

On 23 August the Observers and Secretariat team members deployed in six teams – five of two persons each and one consisting of a member of the Staff Support Team. Two teams were based in the capital, Suva. A further two teams were based in Nadi in the west of the main island, Viti Levu. One team was based in the second biggest island, Vanua Levu. The sixth team, of one person, visited some of the outlying islands and then supplemented the Nadi teams,

based in Lautoka.¹ The Chairperson of the Commonwealth Observer Group, accompanied by the leader of the Staff Support Team, formed one of the two Suva-based teams, which also undertook visits to Nadi and to Vanua Levu where the Chairperson was briefed by the Observer Teams, visited polling stations and met with election officials and electors. (See *Annex IV* for details of deployment.)

Prior to the voting days the teams met with Divisional Commissioners, District Officers and senior police officers. We generally made ourselves visible, spoke with electors and saw the very end of the campaign. We were pleased to note that our presence was widely known and appreciated. On the seven polling days – Saturday, 25 August and then Monday, 27 August to Saturday, 1 September inclusive – the teams visited as many polling stations as possible, including several in the most remote areas. Altogether the teams observed voting at 332 polling stations, in all four Divisions.² The Group was given access to all parts of the voting process: the opening of the polls, the voting, the polling station closures and the transfer and security of the ballot boxes. The teams saw the 'opening' at some 25 stations and the closures at 29 and followed the sealed ballot boxes from the polling stations to their overnight accommodation on 19 occasions. Members of the Group also made a point of speaking with voters, party agents, candidates and election officials.

¹ This team travelled with the election officials and ballot boxes from Suva on a boat hired by the Elections Office. It visited five of the Lau islands, plus Kadavu and Ovalau.

² Several stations were visited more than once on one day. However, these figures exclude repeat visits.

During deployment the Observers were assisted by observation notes and checklists (see *Annex V*).

We were also present at all four counting centres (three were on the island of Viti Levu – two in Suva and one in Lautoka – and one was on the island of Vanua Levu, in Labasa) for the verification of the postal ballot and the counting of votes. Members of the Group were made to feel welcome wherever we went and appreciation was expressed for the Commonwealth's role.

From Monday, 3 September until we returned to Suva on 6 September for a debriefing and to prepare our Report we sampled the counting process at each of the four counting centres – two in Suva, one in Lautoka and one in Vanua Levu. We departed from Fiji Islands from the evening of 8 September.

On the basis of our reports during deployment, the Chairperson issued a Statement on the Voting at 2 p.m. on 3 September 2001 (see *Annex VI*). A further statement was issued on 8 September, after the counting of the votes (see *Annex VII*).

Throughout our time in Fiji Islands we co-operated closely with the United Nations Observer Group and observers from the EU/ACP Parliamentary Assembly, and were assisted by a UN-funded Electoral Assistance Project which provided maps, details of polling stations and background information.

CHAPTER 1

Political Background

History

Most authorities agree that the first inhabitants of Fiji came into the Pacific from South-East Asia via Indonesia. The first European contact with Fiji was in 1643 by the Dutch explorer, Abel Tasman. English navigators, including Captain James Cook, made further explorations in the 18th century. The first European settlers were shipwrecked sailors and runaway convicts from the Australian penal colonies. Sandalwood traders and missionaries came by the mid-19th century. In 1874 Vunivalu Ratu Seru Cakobau ceded Fiji to the British Crown. From 1879 to 1916, the British administration brought Indian workers to Fiji as indentured labourers to work on the sugar plantations. After the indentured system was abolished, 60 per cent stayed on as independent farmers and businessmen. In Fiji today, indigenous Fijians comprise 51 per cent of the population and Indo-Fijians 44 per cent.

Following a constitutional conference in London in April 1970, Fiji became a fully sovereign and independent nation within the Commonwealth on 10 October 1970. For 17 years after independence, Fiji was a parliamentary democracy. During that time Ratu Sir Kamisese Mara and the Alliance Party dominated political life. During this time the Fijian and Indo-Fijian communities were roughly balanced numerically, but political power rested in Fijian hands. However the 1987 elections brought a shift in the political landscape in favour of the Indo-Fijians. When Dr Timoci Bavadra’s coalition installed a Cabinet with a substantial ethnic Indian representation, extremist elements played on fears of domination by the Indo-Fijian community. The result was two military coups in quick succession and a racial situation that has remained troubled.

At the 1987 Commonwealth Heads of Government Meeting (CHOGM), in Vancouver, Canada, Heads of Government acknowledged that on the basis of established Commonwealth conventions, Fiji’s membership of the Commonwealth lapsed with the emergence of the Republic on 15 October 1987. Heads of Government also viewed the political developments in Fiji as inconsistent with Commonwealth principles

1987 Coups

Lt-Col Sitiveni Rabuka, Chief of Operations of the Royal Fiji Military Forces, staged the first military coup on 14 May 1987. The stated reasons for the coup were to prevent inter-communal violence and to restore the political dominance of the ethnic Fijian community. In September, the Governor-General, Ratu Sir Penaia Ganilau, and the two main political groupings reached agreement on a government of national unity. Colonel Rabuka then staged a second coup on 25 September 1987 objecting to the participation of the deposed coalition government in the proposed government and the exclusion of the military from the negotiations. The Military Government declared Fiji a Republic on 10 October 1987.

The Military Government failed to request the Commonwealth Secretary-General to seek the agreement of other Commonwealth member states to Fiji’s continued membership of the Commonwealth under its new constitutional and governmental arrangements. At the 1987 Commonwealth Heads of Government Meeting (CHOGM), in Vancouver, Canada, Heads of Government

acknowledged that on the basis of established Commonwealth conventions, Fiji's membership of the Commonwealth lapsed with the emergence of the Republic on 15 October 1987. Heads of Government also viewed the political developments in Fiji as inconsistent with Commonwealth principles.

On 6 December 1987, Sitiveni Rabuka returned the reins of government to civilian control. Former Governor-General, Ratu Sir Penaia Ganilau became President, Ratu Sir Kamisese Mara was named Prime Minister and a new cabinet composing civilians and four military officers, including Sitiveni Rabuka, was formed. This government promulgated a new Constitution on 25 July 1990, which while restoring parliamentary democracy, contained features that remained at odds with the ethos of the Commonwealth. A general election was held in 1992 and Major-General Rabuka was named Prime Minister. In a snap election called in February 1994 his party won the majority of seats and he retained the position of Prime Minister.

The Development of the 1997 Constitution

The development of Fiji Islands' constitution has focused on ethnicity – in particular, how to accommodate the two main ethnic groups – known in Fiji as indigenous Fijians and Indo-Fijians.

The 1970 independence Constitution provided for a 52-member lower House with 'communal' – racially reserved – representation. The breakdown was 12 Fijians, 12 Indo-Fijians and 3 for other racial groups. The remaining 25 seats were allocated on a 10:10:5 ratio, with voting on a racially mixed basis. Following the 1987 military coups and the rescinding of the 1970 Constitution, this arrangement was replaced in 1990 by a new Constitution whose dominating feature was a full-scale reversion to communal representation. The 70 seats would be divided on the basis of 37 Fijians, 27 Indo-Fijians, 1 Rotuman (representing the Fijian Island of Rotuma) and 5 for other races. The (appointed) Senate would consist of 24 Fijians, 1 Rotuman and 9 others. The Prime Minister had to be a Fijian member of the House of Representatives.

This was the background to the 1995 decision by the Rabuka Government to establish a Constitutional Review Commission chaired by Sir Paul Reeves, a former Governor-General of New Zealand. The Commission was asked to review the 1990 Constitution, and make recommendations to meet the present and future needs of all in Fiji to encompass racial harmony, national unity and economic and social development. The Commission was to take cognisance of internationally recognised principles and standards of individual and group rights, including their full promotion and protection; the interests and concerns of indigenous Fijian and Rotuman peoples; and the rights, interests and concerns of all ethnic groups in Fiji.

The Commission reported in 1996. Its central recommendation was that there should be multi-ethnic representation based on the Westminster system. "Power sharing" it said, "should be achieved through the voluntary co-operation of political parties or increased support for a more genuinely multi-ethnic party". It proposed that communal seats reserved on a racial basis should continue (12 for Fijians, 10 for Indo-Fijians, 2 for General Electors and 1 for Rotumans) as a transitional measure but that "the people of Fiji should

.....
The development of Fiji Islands' constitution has focused on ethnicity – in particular, how to accommodate the two main ethnic groups – known in Fiji as indigenous Fijians and Indo-Fijians
.....

.....
*The successful conclusion of
the 1997 Constitution
brought Fiji back into line
with the fundamental
political values of the
Commonwealth*
.....

move gradually but decisively away from the communal system of representation". A further 45 members should be elected on a non-racial basis, through 15 three-member constituencies. It also said that the Prime Minister should be a Fijian of any race.

On the basis of consensus reached by representatives of a Joint Parliamentary Select Committee, a Constitutional Amendment Bill incorporating most of the Commission's recommendations was unanimously passed through both the House of Representatives and the Senate and on 25 July 1997 the President formally assented to the Bill.

The successful conclusion of the 1997 Constitution brought Fiji back into line with the fundamental political values of the Commonwealth. The Constitution confirmed the status of Fiji as a sovereign democratic Republic, but with constitutional arrangements that satisfied the criteria for Commonwealth membership. It was on this basis that Fiji was readmitted to the Commonwealth and attended the Edinburgh CHOGM in 1997.

1999 Election

Following the General Election of May 1999, held under the 1997 Constitution and its new electoral process (compulsory preferential voting and new electoral boundaries), Labour Party leader Mr Mahendra Chaudhry became Fiji's first non-indigenous Prime Minister. The Labour Party and its People's Coalition partners, the Fijian Association Party (FAP) and the Party of National Unity (PANU), won close to 70 per cent of the total seats in Parliament. Shortly after being sworn in as Prime Minister, Mr Chaudhry announced an inner cabinet in which two-thirds of the members were indigenous Fijians.

The George Speight-led Coup and Military Government

George Speight and a group of his supporters took Prime Minister Mahendra Chaudhry and his cabinet hostage on 19 May 2000, holding them for 56 days in Fiji's Parliament until 3 July 2000. After declaring a State of Emergency, the President, Ratu Sir Kamisese Mara announced that he had taken steps to dismiss the Prime Minister and the Cabinet. He also prorogued Parliament for six months to pave the way for the appointment of an interim government and proposed to embark on a review of the Constitution, in line with the recommendations of the Great Council of Chiefs. On 29 May, as the situation worsened, President Mara resigned and the Commander of the Military Forces of Fiji, Commodore J V Bainimarama assumed executive authority by declaring martial law and proclaiming that Fiji would be run by a military government until such time as peace and stability returned.

On 30 May, Commodore Bainimarama issued the Fiji Constitution Revocation Decree revoking the Fiji Constitution Amendment Act 1997 with effect from 29 May 2000. He declared that all decrees promulgated by him in his capacity as Commander and Head of the Interim Government of Fiji should be regarded as law. A second decree issued by the Interim Government of Fiji on the same day (existing Law Decree 2000) stated that the existing laws in force immediately before 29 May should continue in force but should be read with such modifications, adaptations, qualifications and exceptions as

may be necessary in view of the Fiji Constitution Amendment Act 1997 Revocation Decree 2000.

The Commonwealth Response

On 24 May, Commonwealth Secretary-General Don McKinnon visited Fiji, accompanied by a United Nations Special Envoy to express their concerns and to meet the key actors in the crisis. On 6 June, the Commonwealth Ministerial Action Group on the Harare Declaration (CMAG) decided that, given the events which had taken place, Fiji should be suspended from the councils of the Commonwealth pending restoration of democratic government and the rule of law. CMAG decided to dispatch a Ministerial Mission to Fiji to assess the situation and report at its next meeting in September 2000. CMAG also called for the Commonwealth principles of good governance, democracy and the rule of law to be upheld in Fiji and for a timetable to be set for the restoration of constitutional rule and democratic government.

Interim Government

On 3 July, after extensive negotiations, an acting Interim Government of 19 Cabinet members, headed by the former head of the Fiji Development Bank, Mr Laisenia Qarase, was appointed and the hostages released. On 9 July, the Muanikau Accord was signed by George Speight's group and the Interim Government, providing for the transfer of executive authority to the Great Council of Chiefs (GCC). Acting President Ratu Josefa Iloilo and Vice-President Ratu Jope Nauucabalavu Seniloli were appointed and a new, military backed interim civilian administration consisting of 20 Cabinet Ministers and 12 assistant Ministers, again headed by Interim Prime Minister Qarase, was installed with the support of the GCC.

CMAG Meeting in New York, September 2000

CMAG met in New York in September 2000 and considered the report of the CMAG mission to Fiji. It also heard presentations from Interim Prime Minister Qarase and deposed Prime Minister Chaudhry. CMAG noted the intention of the Interim Government to replace the 1997 Constitution within a year and to hold elections within two years. This timetable was rejected as incompatible with the provisions of the Millbrook Commonwealth Action Programme, and inadequate in terms of the need to promote national reconciliation and unity in Fiji. CMAG noted that the Great Council of Chiefs and the two Houses of the Fiji Parliament had unanimously endorsed the 1997 Constitution. Concern was expressed at the possibility of a constitution that incorporated restrictions on the basis of racial origin. Fiji remained suspended from the councils of the Commonwealth.

The Constitution Review Commission

After assuming office, Prime Minister Qarase presented a blueprint for affirmative action for indigenous Fijians. The blueprint included the creation

.....
George Speight and a group of his supporters took Prime Minister Mahendra Chaudhry and his cabinet hostage on 19 May 2000, holding them for 56 days in Fiji's Parliament until 3 July 2000 . . . On 6 June, the Commonwealth Ministerial Action Group on the Harare Declaration (CMAG) decided that, given the events which had taken place, Fiji should be suspended from the councils of the Commonwealth pending restoration of democratic government and the rule of law
.....

of a new Constitution, which would reserve the positions of Head of State and Head of Government for indigenous Fijians. It also recommended the establishment of funds and endowments to enhance Fijian participation in business and revenue generation. On 5 October 2000 President Iloilo appointed a Constitution Review Commission (CRC) on the recommendation of Prime Minister Qarase. The CRC was tasked with reviewing the previous Constitutions of Fiji and examining the constitutions of other countries before making recommendations on new constitutional arrangements for Fiji. The CRC's hearings were largely boycotted by the Indo-Fijian community. The work of the CRC was suspended by President Iloilo when Labour Party President Jokapeci Koroi and others filed a writ stating that the CRC had no authority to draw allowances from public funds and that its hearings had no legal standing. Some members of the CRC continued work to produce a report. The report has been heavily criticised by other members of the Commission, political parties and members of the Indo-Fijian community.

The Commonwealth Secretary-General's Special Envoy

Justice Pius Langa, the Deputy President of the South African Constitutional Court, was appointed as the Commonwealth Secretary-General's Special Envoy to Fiji in December 2000, with the mandate of helping Fiji making a speedy return to democracy and the rule of law and to help forge national unity. He has made six visits to Fiji since his appointment, meeting with key individuals and organisations from all sections of Fijian society.

The Justice Gates and Court of Appeal Decision

On 15 November 2000, Lautoka High Court Justice Anthony Gates ruled that the 1997 Constitution remained in force and the actions taken to appoint the Interim Administration had been illegal. Prime Minister Qarase set in place an appeal of the judgment to the Fiji Court of Appeal. In March 2001 the Fiji Court of Appeal upheld the Gates decision and stated that the 1997 Constitution remained the supreme law of Fiji, that it had not been abrogated, Parliament had not been dissolved and that in effect the Interim Government had no legal standing. The Great Council of Chiefs subsequently urged that the Parliament be dissolved and elections held as soon as possible. President Iloilo accepted the resignation of the Qarase Government and then in a series of complicated moves, reappointed the Qarase Administration to act as Caretaker Government until elections could take place. Acting Prime Minister Qarase wrote to the CMAG meeting in London in March 2001 announcing the plan to hold democratic elections in the period 25 August to 7 September 2001.

.....
*On 15 November 2000,
 Lautoka High Court Justice
 Anthony Gates ruled that the
 1997 Constitution remained
 in force and the actions
 taken to appoint the Interim
 Administration had been
 illegal*

CHAPTER 2

The Electoral Framework and Preparations for the Election

Legal Framework

The key documents which established the legal framework for the 2001 General Election were the 1997 Constitution, the Electoral Act 1998 and the Electoral (Counting Procedures) Regulations 1999.

What is known as ‘the 1997 Constitution’ – the background to whose adoption is described in Chapter 1 – actually came into effect in July 1998. It declares the Fiji Islands to be a sovereign, democratic republic, guarantees fundamental human rights, a universal, secret and equal suffrage and equality before the law for all citizens. Ethnic Fijians and the Polynesian inhabitants of Rotuma receive special constitutional consideration. It provides for an independent Human Rights Commission and incorporates a Compact which establishes non-discriminatory principles for the Government of Fiji Islands; social justice provisions aimed at all disadvantaged groups; and the establishment of merit and equal opportunity principles for recruitment, promotion and training opportunities in the public service.

The Constitution provides for a Parliament consisting of an executive President, serving a five-year term, and two Houses. The President is appointed by the Great Council of Chiefs after consultation with the Prime Minister. The 32 members of the upper House, the Senate, are appointed by the President; 14 are nominated by the Great Council of Chiefs, nine appointed on the advice of the Prime Minister, eight on the advice of the Leader of the Opposition and one on the advice of the Rotuma Island Council. While the powers of the Senate are limited so far as financial measures are concerned, its consent is required in any attempt to amend, alter or repeal any provisions affecting ethnic Fijians, their customs, land or tradition. The 71 members of the lower House, the House of Representatives, are elected. The maximum duration of a parliament is five years.

The President “acting in his or her own judgement” appoints as Prime Minister “the member of the House of Representatives who, in the President’s opinion, can form a government that has the confidence of the House of Representatives”. The Prime Minister in turn selects the members of the Cabinet: under this Constitution the Prime Minister is required to invite all parties with more than 10 per cent of the membership in the House of Representatives to be represented in the Cabinet.

So far as elections are concerned, the Constitution provides for an independent Constituency Boundaries Commission, an Electoral Commission and the Office of the Supervisor of Elections (which is popularly referred to as the Elections Office). It stipulates that the voting age is 21 and that registration and voting are both compulsory.

The Electoral Act 1998 sets out the powers of the Supervisor, rules relating to the delimitation of constituency boundaries, voter registration and the conduct of elections, including postal voting. The Act also sets out the procedures for the counting of the votes, electoral offences and the handling of election petitions and other post-election legal matters. It provides for a

.....
The key documents which established the legal framework for the 2001 General Election were the 1997 Constitution, the Electoral Act 1998 and the Electoral (Counting Procedures) Regulations 1999
.....

penalty of F\$50 for failing to register, a fine of F\$20 for not voting and further penalties, including possible imprisonment, if the matter has to go to court. The Electoral (Counting Procedures) Regulations 1999 set out further rules for the counting process.

Electoral Commission and Office of the Supervisor

.....
The registration of voters and the conduct of elections are the responsibility of an Electoral Commission, which is specifically provided for under the 1997 Constitution . . . Under the policy direction of the Commission day-to-day management of electoral matters is undertaken by a Supervisor of Elections
.....

The registration of voters and the conduct of elections are the responsibility of an Electoral Commission, which is specifically provided for under the 1997 Constitution. The Commission consists of a chairperson and four other members, all of whom are appointed by the President. The Constitution stipulates that the chairperson, currently Ms Vasantika Patel, must be or be qualified to be a judge. Under the policy direction of the Commission day-to-day management of electoral matters is undertaken by a Supervisor of Elections, currently Mr Walter Rigamoto. His office normally has five permanent staff, but at this General Election it would supervise 14,000 election staff. Although it is technically independent, during election time it is heavily reliant on government officials, even at senior levels: the Commissioners of the Fiji Islands' four Divisions are the Returning Officers and their District Officers run the election in each district.

Constituencies and Rolls

Of the 71 seats in the House of Representatives, 25 are 'open seats' and 46 are 'communal seats': in the former, candidates and voters are from any ethnic group, whereas communal seats are reserved on a racial basis – all the candidates and voters belong to just one ethnic group. In Fijian communal constituencies, for example, only indigenous Fijians vote for indigenous Fijian candidates, in Indo-Fijian constituencies only Indo-Fijians vote for Indo-Fijian candidates, etc. There are 23 communal seats for Fijians, 19 for Indo-Fijians, 1 for Rotumans and 3 for General Electors (for those who are not on any of the other rolls). This means that electors appear on two rolls – one for the open seat and one for the racially reserved or 'communal' seat.

There was no new demarcation of electoral boundaries for this General Election; the last electoral redistribution was conducted in 1998.

The Alternative Vote

Fiji Islands uses the 'Alternative Vote' system, as recommended by the Constitutional Review Commission in 1996. Each voter may cast two votes, one for the 'open seat' and one for the 'communal seat'. The voter may vote 'above the line' on the ballot paper by placing a tick in the box of one party of her/his choice: the voting preferences will then be allocated for them, in the manner their chosen party has registered with the Electoral Commission. Alternatively, the voter may vote 'below the line' on the ballot paper and rank all the listed candidates in order of preference. In the 1999 election the great majority of voters (92 per cent) chose to vote 'above the line' and have the preferences decided for them, rather than take the more complex option of numbering the candidates in order of preference.

The candidate who obtains more than 50 per cent of the valid first preferences is declared elected. If no candidate secures that many votes, the candidate who has received the fewest first preference votes is excluded and each of that candidate's ballot papers are passed to the next candidate in the order of the voter's (or the party's) agreed preference. This process is repeated until only two candidates remain in the count and one obtains more than 50 per cent of the votes.

Advocates of the Alternative Vote claim that it encourages multi-ethnic government, provides incentives for moderation (because of the need to win 50 per cent of the vote to be elected) and encourages co-operation on cross-ethnic lines. Opponents say that it is confusing³ and because the overwhelming majority of voters tick above the line it gives too much power to the political parties rather than the individual voter. It is also objected that the Alternative Vote does not deliver a result proportional to the actual number of votes cast – it is possible to win as many as 15 per cent of the first preferences and not win a single seat.⁴

Arrangements were made for a postal ballot, beginning before the first of the election days and ending on 31 August. Application forms and an explanation were printed in the press.

The Electoral Timetable

The key dates in the electoral timetable for this General Election were as follows:

Thursday, 12 July Writs of Election issued
Monday, 16 July Last day for Supervisor to receive petitions of demonstrated support⁵
Thursday, 26 July Filing of nominations
Friday, 27 July Filing of objections to nominations
Thursday, 2 August Withdrawal of candidates
Saturday, 25 August Polling begins
Saturday, 1 September Polling ends
Sunday, 2 September Checking on ballot boxes at Counting Centres and verification of postal ballots
Monday, 3 September Counting begins
Friday, 7 September Scheduled date for end of counting

.....
Of the 71 seats in the House of Representatives, 25 are 'open seats' and 46 are 'communal seats' . . . Each voter may cast two votes, one for the 'open seat' and one for the 'communal seat'
.....

Voter Registration

We were informed by the Elections Office that there was no complete re-registration for this election. Those who were registered for the 1999 General Election were told that they need not register again. The Elections Office had used an updated version of the voters' register which was compiled for the 1999 General Election, following a complete re-registration in October 1998 (known in Fiji Islands as an 'enumeration') using a combination of door-to-door teams and static registration centres. (Although the Office of the

³ At the 1999 General Election, 9 per cent of the ballot papers were declared invalid.

⁴ In 1999, the first time the Alternative Vote was used in Fiji Islands, outcomes in nearly half the constituencies were decided by reference to the party preferences. In nearly a quarter candidates who were ahead at the first count were eventually defeated by other candidates.

⁵ See explanation on page 14.

.....
*The Commonwealth
Observer Group was
informed by the Elections
Office that there was no
complete re-registration for
this election*
.....

Supervisor of Elections is required by law to update the register annually this was not done in 2000 because of the events of May that year.)

New registrants (who had to be 21 or older on 25 August 2001 and citizens resident in Fiji for two years) were able to register at their nearest District Office. District Electoral Public Awareness teams also travelled around the country to register eligible voters.

The lists of all those whose names were fully processed by 25 June 2001 were made available for inspection at the offices of all Divisional Commissioners, District Officers, Provincial Council Offices, City and Town Councils and the Elections Office. There were at least 20,000 new registrants on these lists. Objections were invited before 10 July. The main roll that then emerged consisted of the register used in the 1999 election, all the supplementary rolls used in the 1999 election, the roll as displayed and any amendments.

However, registration remained open until 19 July and corrections could be made even after that, so a number of supplementary rolls were produced, culminating in a final Supplementary Roll on 16 August. The total number of persons registered for the 2001 election when polling began was 468,630 (compared with 437,195 in 1999).

Voter Education

Voter education for the 2001 election began in June with advertisements in the print media and on radio and television, in the three main languages (English, Fijian, and Hindustani). They covered issues such as how and where to vote, the secrecy of the ballot, assistance at polling stations, how the postal ballot works, how the votes would be counted, etc.

The Elections Office also produced a 'polling guide' in the newspapers and on radio, distributed a 'How to Vote' leaflet in English, Fijian and Hindustani, established a voter helpline and reproduced in the press lists of candidates and party preferences. In the week before the first election day the newspapers carried lists of polling stations, showing who was entitled to vote at each. Three official websites were established. One – www.fijielections.com – was mainly intended for journalists and the international community, but also included information for voters such as how the voting system works and details of constituencies and candidates. A second – www.itc.com.fj – enabled enquirers to check that they were registered. The third – www.elections.gov.fj – provided the location and opening times of each polling station, which station voters in particular constituencies should use, press releases and other information.

In a final pre-election statement Supervisor of Elections Walter Rigamoto said that he believed that for this election people were better informed than for the 1999 General Election, when "we had a huge number of invalid votes". As a result, he said, he expected a decrease in the number of invalid votes. However, a number of political parties complained that the voter education effort had been inadequate and that as a result they had to spend much of their time explaining the voting system to the electors. Three parties told us that they were especially concerned that there had been too little voter education for rural women.

Training and Materials

The training of election officials began in June and continued right up to the election. Standards were severe: shortly before the election a number of trainee election officials – some of whom were students – were sacked because they did not satisfy the standards of the Elections Office. The Supervisor of Elections told us before the election that one of the reasons the Elections



TRAINING . . . a senior election official advising colleagues on the right way to set out the polling station. Standards were high – shortly before the election a number of trainee election officials were sacked because they did not meet the requirements of the Elections Office

Office used so many civil servants – most of the polling station and counting officials were either civil servants or teachers – was that they were disciplined and were used to working in a culture of impartiality. A *Code of Conduct for Election Officials* was produced in July 2001.

While some of the materials came from abroad – notably the indelible ink, which was brought in from India – the polling station kits were largely produced in Fiji Islands. The voting booths and ballot boxes, for instance, were Fiji-made and the ballot papers were printed by the Government Printer, in Fiji Islands.

Security

Primary responsibility for election security was with the Fiji Police Force, whose plan was that unarmed police would be present at all polling stations and would provide security for ballot boxes at polling station, district and divisional level. However, following a meeting of the National Security Council (NSC) on 20 August it was made clear that the Royal Fiji Military Forces would be ready to assist if needed by the police. According to press reports, army exercises were held immediately prior to the election and to underline the point a photograph of a 3rd Fiji Infantry Regiment platoon patrolling a Suva street appeared in the *Fiji Times* on 21 August. The Permanent Secretary in the Prime Minister's Office, Mr Jioji Kotobalavu made clear that the NSC was satisfied with police and army plans to safeguard public safety.

At this election, for the first time, the police budget was included in that of the Elections Office; six days before the first election day there were press

READY AND WAITING . . . a Commonwealth Observer is shown how ballot boxes are stored prior to polling day. The Observers noted that the Elections Office organised the polling well



reports that the cost of the police elections operation might be as much as F\$1.5 million. The overall Elections Office budget was F\$16.07m (compared with F\$11m in 1999).

Parties and Candidates

Prior to this General Election 26 parties were registered with the Elections Office. However, only 18 participated in the General Election. Between them they fielded 351 candidates for the 71 constituencies, only 31 of whom were women. Some of the parties stood multiple candidates, i.e. the same candidate in several seats. There were some 752 symbols. These could be printed above the line even where the party concerned was not standing a candidate in that seat.

To be nominated as a candidate a person must be a registered voter who is not disqualified from voting by an order of the court. Nomination papers must be signed by the registered officer of the political party by which the candidate has been endorsed and by not less than seven persons entitled to vote in the constituency in which the nominee intends to stand. The candidate must pay a fee of F\$500 unless she/he can prove the support of 250 electors or 5 per cent of the number of valid papers counted in the last election in that constituency, whichever is less (see reference on page 11 to petitions of demonstrated support).

According to press reports, many candidates had learned from the 1999 experience and had made detailed decisions concerning the ranking of preferences at constituency level. It also seems that discussions between the political parties were much more extensive than in 1999 and that most agreed their exchange of preferences on the basis of perceived common interests, rather than specific arrangements about particular policies. However, there were still some strange deals on preferences. For instance, a party representing Indian refugees from a part of the country which suffered 'ethnic cleansing' shortly after the coup gave its second preferences to the Conservative Alliance, led by coup leader George Speight. We were told that after the deadline for the notification of preferences some political parties wanted to change their preferences. The rules did not allow this, though some may have done this in practice.

It should be noted that the electoral laws are silent on the matter of the funding of political parties and their campaigns. There are no requirements for disclosure and transparency.

Observers, Financial Support and Technical Assistance

The media were allowed inside the polling station perimeter, but there were no accredited domestic observers. However, there were three international Observer Groups – from the Commonwealth, the United Nations (UN Fijian Electoral Observation Mission – UNFEOM) and the ACP/EU Parliamentary Assembly. Details of the Commonwealth Observers Group’s numbers and deployment were given earlier: the United Nations fielded 40 observers in 20 teams, the ACP/EU had six observers in three teams.

The Minister of Foreign Affairs, Mr Kaliopate Tavola, was quoted in the *Fiji Sun* on 20 August as saying that he had to “go to extreme efforts in trying to convince the Cabinet (to invite international observers). I had proposed to the Cabinet on two occasions ... the first time it was rejected and it was only the second time that the Cabinet approved it”. He explained that the Caretaker Government had invited international observers because the image Fiji projected to the international community in the General Election would pave the way forward for the country and was of high priority for the people of Fiji. He assured Fijians that observers would not interfere in the election.

Locally accredited diplomats were allowed to observe, election and other officials from Papua New Guinea and Australia and a US Congressman from American Samoa were also present. The Office of the Supervisor of Elections produced a *Code of Conduct for International Observers* and *Guidelines for International Observers*. The former made clear that no Fijians were to be accredited as observers.

The Elections Office received financial support from Australia, New Zealand, Japan, Germany and the UK. Technical assistance was provided by Australia and New Zealand. The United Nations Development Programme, supplemented by additional contributions from Japan, Spain, Germany, the UK and Ireland, funded an Electoral Assistance Project, led by an experienced former United Nations official. This Project provided information, materials, security advice and other assistance to the international observers. A Media Centre was established at one of Suva’s main hotels, with financial support from the Japanese and UK Governments.

CHAPTER 3

The Campaign and the News Media

The Campaign

When we arrived in Fiji Islands the campaign was well under way but we were still able to attend several rallies. In the major cities banners and A4 size candidates’ posters were liberally pasted on street furniture, roundabouts, in trees and anywhere else they could be attached. The Suva City Council complained that it was difficult to apprehend people illegally using council property such as lamp-posts for election purposes. There does not appear to have been significant destruction and vandalism directed towards opposition advertising. Vehicles covered in posters and bedecked with party colours, flags and posters were used extensively.

There were no obvious restrictions on parties holding rallies. However we felt that the campaign was subdued. Party representatives and people across the country said that compared to two years earlier the campaigning this time round was not as vigorous. They thought this was due to lack of money and perhaps also because the last campaign was only two years ago. Other people said the lack of large gatherings was partly due to fear following the events of May 2000. The media commented that some parties were spending a lot more money than others. It is not unusual for a government to increase public expenditure in the run-up to an election and there was no exception here.

Voters said that they attended rallies and meetings to hear the candidates’ views and also to partake of inducements offered. These included free food, the opportunity to meet leading sports stars and to listen to some of the leading bands in the country. Voters commended agents who, while promoting their parties in the villages and cities, provided information not available elsewhere. We did see some glossy leaflets but there was not much printed party literature distributed, particularly in public places. Manifestos, when they were published were issue orientated and highlighted different concerns to what was reported in the press.

Much of the campaigning was done at the immediate village and community level with agents providing *yaqona*⁶ and talking about their candidate. Traditional leaders were consulted for support in the rural areas and for permission to campaign in the villages. In some areas they declared their support for one party and in others they ordered the parties to share campaign sheds.

There were very few reports of campaign violence. We spoke to party representatives and voters across the country and they agreed that it had been a peaceful campaign. The press reported that the police were investigating an incident in which a man was alleged to have been beaten up at a Fiji Labour Party (FLP) rally. A rather more worrying development was the letter we received from the FLP drawing our attention to a leaflet that they characterised as intimidatory. This stated that a vote for Labour was a vote for bloodshed. We sent a copy of this leaflet to Walter Rigamoto, the Supervisor of Elections, and he told us that he had referred the matter to the police.

.....
There were very few reports of campaign violence. The Observer Group spoke to party representatives and voters across the country and they agreed that it had been a peaceful campaign
.....

⁶ The roots of the *yaqona* plant (*piper methysticum*), popularly known as kava, are ground and mixed with water to make a relaxing drink that is very popular in Fiji Islands.

The campaign was not heavily regulated – essentially it began whenever the parties wished. We noted that there are no regulations covering campaign funding and the Supervisor of Elections told us they had not been needed before.

Issues Covered in the Campaign

The political parties issued detailed manifestos. Party funded advertisements in the print media were the clearest way of getting a summary of their goals. According to a local economist fulfilling these pledges would cost upwards of F\$70 million, which could raise national debt to unsustainable levels. Some of the manifesto pledges became issues in the campaign; other campaign issues were raised in response to press articles. We noted reports in the press alleging that the Methodist Church was backing the Soqosoqo Duavata ni Lewenivanua (SDL). It was noticeable that there was no significant mention of gender issues during the campaign.

Race: It was not possible to ignore the issue of race given the history of Fiji Islands. This ugly issue reared its head in the campaign with leaders of two major parties accusing each other of being racist but accepting that if either party won the minimum number of seats stipulated under the Constitution the winner would have to invite them to join the Cabinet. One party leader is alleged to have said India was his motherland and this was seized on by his opponents as evidence that he did not have the interests of Fiji at heart. The refusal of another leader to condemn some racist language used in a document was cited as proof that he shared those opinions. Each party with strong support among the ethnic Fijian community made repeated claims that it was the best party to defend the interests of their race and therefore all ethnic Fijians should vote for them.

Campaign financing: The donation of a large sum of money by a convicted Australian fraudster, Peter Foster, to the New Labour Unity Party (NLUP) was raised in the campaign. Dr Tupeni Baba, the party leader, admitted that his party had received the money but declined to elaborate on how large the donation was. He said it would not affect his party's policies.

Documents purporting to show that the FLP had deposited US\$195,000 in an external bank account were circulated. The FLP leader claimed that these documents were fakes and was supported in his assertion by the manager of the bank where the money was alleged to be. Mr Chaudhry said that he had given the police the names of the people responsible for the incident. Further allegations surfaced that FLP had received F\$160,000 from overseas donors and these were also denied by the party. In order to halt allegations that he had misused money collected overseas the FLP leader revealed that he had received F\$82,394.88 during his overseas trip after his release from Parliament following the coup of May 2000. Later in the campaign Mr Chaudhry called for all parties to file with the Supervisor of Elections a statement of donations received which should be open for public scrutiny. The Supervisor of Elections told us that there was no Code of Conduct for candidates and parties but that this may be considered for future elections.

Donations made by political parties: Some parties offered free entertainment and yaqona at their rallies as well as food. The press singled out one party, NLUP, more than the others for its donations of food and rugby

.....
It was not possible to ignore the issue of race given the history of Fiji Islands
.....



SPREADING THE WORD . . .
(above and right) campaign posters of various political parties. The Observers stated that "there were very few reports of campaign violence. We spoke to party representatives and voters across the country and they agreed that it had been a peaceful campaign"



balls at rallies. Photographs of the donations of food parcels by the party leader with accompanying articles appeared in the press. The Supervisor of Elections told us that he had written to the Chief of Police to ask if this was an offence under section 130(2) of the Electoral Act.

One FLP candidate promised six-month work visas to poor farmers who wanted to work in New Zealand. According to him the first 40 farmers would leave Fiji before mid-September and they would be able to return with savings of F\$15,000 at the end of six months. Under the proposed scheme 100 farmers would go to New Zealand every six months.

The conversion of an interest free loan to the Fijian Affairs Ministry worth F\$20 million into a grant by the Interim Government was alleged to be an attempt by the SDL to influence ethnic Fijian voters.

Ownership of land: The issue of land was frequently brought up in the campaign. The ownership of land, the renewal of leases and the payments being made to previous owners by the government were the main concerns over land. More than 80 per cent of land in Fiji is owned by ethnic Fijians. Some of this is under the control of Indo-Fijians who have 30-year leases, many of which have expired or are close to expiry.

The preamble to the Constitution quotes the Deed of Cession of 1874 under which the High Chiefs of Fiji ceded their country to Great Britain. The proposal to have this Deed recognised by an Act of Parliament under which compensation could be claimed by Fijians for their land and other resources lost through the actions of the state and that of the colonial government was a campaign theme.

One party, NLUP, proposed to pay each landowner F\$33,400 if they renewed tenants' leases on their land. Another party, the Party of National Unity (PANU), promised landowners who took over their land upon the expiry of leases a payment of cash and assistance worth F\$20,000. The same party said it would pay F\$28,000 to the evicted farmers for resettlement and it wanted land sold under duress or through ignorance during the colonial period to be returned to ethnic Fijians. The Giritmit Heritage Party wanted the new government to give each displaced farmer up to F\$60,000.

The proposed payment by the Caretaker Government to the Fijian community that owned part of the land on which Nadi Airport was built was covered in the press. Shortly before the election the press disclosed that the amount to be paid was F\$1.1 million for the 434 acres. The Government, under a compulsory purchase order in 1944 for £7,985, had bought the land for the public purpose of establishing an aerodrome. Part of it was not being used for that purpose and was returned to the community in 1999 and this payment was supposed to be for goodwill for government use of this land between 1979 and 1999. According to a senior government spokesman, because the land was not being used for the original purpose for which it was acquired the validity of the previous landowners' claims had been considered. There are duty free shops and other commercial enterprises on the land. The press alleged that this was a vote-buying exercise. The Caretaker Government said it was a long-standing grievance that had not been resolved previously and the community that owned the land stated that their compensation claim had been considered and partly approved by the Rabuka government and then endorsed by the Chaudhry government. The execution of the payment was delayed by further legal wrangles and a court decision was not expected to be effected before November 2001.

Constitutional changes: The SDL said it wanted to change the Constitution to increase the number of communal seats reserved for ethnic Fijians and to repeal the Agricultural Landlord Tenants Act (ALTA), which governs the terms for the use of land.

A proposal to reconstitute the Senate so that its membership was the Great Council of Chiefs was made by several political parties.

Misuse of government funds and property: Several parties and newspapers highlighted what they termed to be the misuse of F\$9 million from the Ministry of Agriculture's Agricultural Assistance Scheme. Examples of alleged abuses included the donation of outboard motors, farming implements, generators and fishing implements purchased under the scheme and given to voters. Some parties alleged that the merchants supplying these goods were funding the SDL campaign. The Caretaker Government set up a committee to inquire into how the funds were spent. The results of this were not available at the time of writing this Report.

The press reported that some candidates were using vehicles owned by the state, through the Fijian Affairs Ministry. In their defence the candidates said that in their capacity as traditional Chiefs they were entitled to use these vehicles.

The ruling on the application of Value Added Tax (VAT): According to the Caretaker Government, Value Added Tax was reintroduced on tinned fish, flour, powdered milk, edible oil, rice and tea in 2000 to make up for revenue decreases elsewhere. Two days before voting started, a High Court judge ruled that the Caretaker Government had no authority to reintroduce VAT on these items after the deposed FLP-led government had removed it. The FLP welcomed this decision while the Caretaker Prime Minister said that the decision was politically motivated. The Chief Justice was reported as saying that the delivery of the judgment was badly timed.

The News Media

.....
There is a vibrant media sector in Fiji Islands with radio and television stations as well as daily newspapers and a small number of news based websites
.....

There is a vibrant media sector in Fiji Islands with radio and television stations as well as daily newspapers and a small number of news based websites. Radio, the main means of information dissemination, reaches the whole country. The print media is largely restricted to the larger urban areas due to logistical challenges and commercial considerations. Television has a greater reach than the print media. Some of the popular election news websites receive up to 10,000 visitors daily and are an important news source for people with an interest in Fiji Islands who are outside the country. There is no censorship over what the media can report. However the media tries to respect the cultural sensitivities of the country's communities.

Overview of the Media – Radio

There are two radio broadcasters – the state-owned Fiji Broadcasting Corporation (FBC), which operates five stations, and the privately owned Communications Fiji Limited, which operates three stations. Both broadcasters have separate stations that broadcast only in one language: English, Fijian or Hindi. The privately owned stations reach only the main towns and cities in Viti Levu and Vanua Levu.

The Fiji Broadcasting Corporation commenced operations in 1954 and has been operating as a corporation for four years. Its shareholding is equally split between the Ministry of Public Enterprise and the Ministry of Finance but the Ministry of Information is responsible for its line management. The Corporation is governed by the Broadcasting Act (1954) and, since corporatisation, by the Companies Act and the Public Enterprise Act. There are some contradictory provisions in these Acts such as the need for disclosure as a broadcaster and the privacy of information as a corporate company. The policy for the FBC is set by a seven-person board of directors appointed by the Minister of Public Enterprise. The Chief Executive Officer of the FBC is an *ex officio* board member.

The Corporation's stations cover the whole country. Radio Fiji One and Radio Fiji Two are operated as public service broadcasters and are funded by a grant from government while Bula 102 FM, Bula 100 FM and Bula 98 FM are run as commercial stations with their costs being met by advertising revenue. The stations broadcast in the following languages: Radio Fiji One – Fijian; Radio Fiji Two – Hindi; Bula 102 FM – Fijian; Bula 100 FM – English; Bula 98 FM – Hindi.

Communications Fiji Limited is a publicly owned company whose shareholders include businessmen, an insurance company and Fijian Holdings. It broadcasts in English on FM96, in Hindi on the Navtarang station and in Fijian on Viti FM. All the stations carry music based programmes and hourly news.

Overview of the Media – Television

The publicly owned Fiji Television commenced operations in 1994 and has a monopoly in this medium. The majority shareholder with 51 per cent is Yasana Holdings, which is owned by the 14 provinces or *tikinas*, with the balance being held by the public. The Board of Directors determines

operating policy and it is run as a regular business without any interference from the shareholders.

Overview of the Media – Print

- The *Fiji Times*: This daily newspaper is part of the News International group. The *Fiji Times* is an English language newspaper while its sister papers *Shanti Dut*, published in Hindi, and *Nai Lalakai*, published in Fijian, are weekly.
- The *Fiji Sun*: This daily is owned by two businessmen with extensive interests and Fijian Holdings. Fijian Holdings was established in 1984 and now has a majority shareholding of 76 per cent owned by 654 individuals with the balance being held by groups. These consist of the 14 provincial councils, village councils and family companies. The estimated value of Fijian Holdings is F\$200 million.
- The *Daily Post*: This daily is owned by Fijian Holdings and the government.

The Role of the Media in the Campaign

Regulations covering the media: The Media Council meets once a month and regulates the press in Fiji Islands. There is also an adjudication panel, whose members are not on the Media Council. This meets when required to judge complaints against the media. The media adhered to a self-imposed code that they would not feature interviews with party representatives from the day before voting until the voting was over.

Overview: The media played a considerable role in covering the electoral process. It is not possible to single out any particular broadcasting station or newspaper for more commendation than the others. The newspapers gave background analyses on the run-up to the current political situation and their editorials constantly urged all the participants in the electoral process to move beyond ethnic divisions. During the voting and counting the media always sought interviews with us and were constantly present at the poll and the count to break the news.

There is no Code of Conduct for election coverage by the media, but they played an extensive and commendable role in educating the public about the electoral process. Our overall perception is that the media had been reasonably balanced in the coverage of the election and the issues that surrounded it. Sometimes they bought into the arguments between various candidates. But this does not, in our opinion, appear to have been prejudicial to any particular candidate or party.

The media made an effort to keep race out of their campaign coverage but they told us that it was a major issue in election meetings or rallies. According to them it could take at least a generation to heal the wounds caused by the 1987 coups.

Some voters (primarily though not necessarily Indo-Fijians) felt that media coverage had been biased against Mr Chaudhry, the leader of the FLP. This was attributed to an alleged fear of another Indo-Fijian led government and also perceived bias against the Western Division, particularly by the main newspapers which are printed in the Eastern Division, in Suva. We did not personally see this and the newspapers say this is a long-standing perception that is exploited as a campaign tool by some politicians.

.....
The media played a considerable role in covering the electoral process
.....

.....
It was noticeable that certain parties had better access to funding and were utilising the media to get their message across through paid advertising
.....

It was noticeable that certain parties had better access to funding and were utilising the media to get their message across through paid advertising. This potentially distorted the playing field but the overall impact of this on the election is difficult to measure. Certain individuals and candidates used the media to pursue personal issues with other candidates.

Radio: The Fiji Broadcasting Corporation has an advertising and editorial policy that covers political and party election broadcasts. The policy, drawn up in August 1998, was also used to govern broadcasts for the 1999 election. The policy states that broadcasts must fulfil four fundamentals, namely “fairness, independence, reliability and sensitivity”. The policy also states that FBC is “empowered to determine for itself to what extent and in what manner political matters will be broadcast. The Company will not allow external forces to influence political and election broadcasts.” According to the FBC, during this election it did not receive any complaints from the parties about its programmes.

Once the election was declared the Fiji Broadcasting Corporation wrote to the political parties inviting them to participate in a series of special election programming. All political parties participated in these programmes, which were broadcast mainly on Radio Fiji One and Radio Fiji Two. The main programmes were *Meet the People*, where candidates were interviewed by a studio audience from their constituency; *Talking Point*, where the presenter questioned the candidates about their party manifestos; *One on One*, where controversial politicians were questioned on their views; *Talk Back*, where party leaders participated in live phone-ins; and *Candidate Profiles*. With the exception of *Talking Point* similar programmes were broadcast during the 1999 election. In addition there were hourly bulletins on all five stations and these featured news about the electoral process. Paid political advertisements were broadcast as well as Electoral Commission funded civic education programmes. The Fijian and Hindi editions of the programmes on the method of voting were repeatedly broadcast on the appropriate language services.

Television: Fiji Television broadcast advertisements paid for by the political parties. Many of these were at prime time. Two days before voting commenced the station broadcast *Leaders Forum*, an unprecedented two-hour live debate between leaders of the seven political parties fielding more than 15 candidates in the election.

The comments made by the politicians on the programmes were printed in the newspapers the following day. Several parties that contested the election were new to the political process and due to the proliferation in parties not all of the leaders could be selected. Voters we spoke to said they found this debate useful, but they would have preferred to have several such debates. One criticism of the programme was that the parties that had a lot of support among the Fijian communities in Ba and Tailevu were not featured.

In addition to this unprecedented live debate Fiji Television offered each party three 10-minute slots for airing party promotional material. This proved popular with the parties, with only five not taking up the offer. The station’s two regular current affairs programmes, *Close Up*, broadcast in English, and *Talanoa*, broadcast in Fijian, had increased election coverage in the run-up to the polls.

The Print Media: The three main newspaper groups covered the campaign and election regularly and thoroughly. Their language was measured and, in our opinion, their coverage was balanced. On occasion, however, their reports

were inaccurate and stories sometimes had unattributed sources and headings that had nothing to do with the articles. In addition to their coverage the papers also printed political party advertisements, the frequency and size of which increased as the start of voting approached. These advertisements featured famous sports stars, quotes from famous leaders, criticism of other parties' policies, responses to allegations made by opponents and excerpts from manifestos. In addition to the advertisements, the press published supplements that encouraged women to vote.

The print media published civic education advertisements, paid for by the Electoral Commission. These included full-page application forms for voting by postal ballot and how to vote, i.e. above the line and below the line.

There are no provisions that the newspapers have to declare who paid for advertisements. One advertisement printed in a newspaper featured a report printed in the *Fiji Times* more than 20 years ago, about a fatal hit and run accident involving the FLP leader. The political affiliation of the person that paid for this advertisement was not published along with the advertisement.

The general advertising policy for the newspapers was to decline advertisements that were obviously distasteful and not to publish political advertisements once voting commenced. All advertisements were paid for before publication, including those by the Electoral Commission to educate the population on the voting and counting procedures. The papers tried to cover as many rallies by all parties as possible and to avoid personal attacks.

More than a month before voting started they increased their editorial space to cover civic education. Special supplements educating people on the voting method, the candidates and their constituencies and the policies of the parties were published. Some editorial staff received complaints from all the parties about their coverage which, according to them, means that they were achieving balanced coverage. None of these were formal written complaints, but rather telephone calls.

CHAPTER 4

The Poll and Count

IN LINE TO VOTE . . . voters queuing at a polling station. Most voters did not have to travel for more than an hour to reach a polling station



Voting was spread over an eight-day period, from Saturday, 25 August to Saturday, 1 September inclusive. The polling stations were closed on Sunday, 26 August. Sunday, 2 September was a day for checking that all the ballot boxes had been properly accounted for at the four counting centres and for verifying the postal ballots before the counting began. Monday, 3 September to Friday, 7 September were set aside for counting.

The reason for the 'seven voting days' arrangement appears to be tradition, because this is the way it always been done. We were told that there were no compelling reasons to change the present arrangement. It would be possible to hold elections on the same day everywhere in the Fiji Islands, but this would clearly require additional resources. The period allocated for the counting of votes is five days. In the 1999 General Election the count took four days. This time it took five.

The Poll

Although there are 71 seats in the House of Assembly polling took place for only 70: following the death of one of the candidates for the Open Constituency of Ra it was decided to hold a new election there from 19 to 22 September.

Postal Voting

Provision was made for postal voting.⁷ However, the system worked rather differently from the postal voting system in other countries. Voters could deliver their postal ballots by hand, send them by registered post or take their postal vote application form to a special centre where, provided they were registered, they were issued with a ballot paper. The voters then marked their

⁷ Full details of qualifications for a postal ballot were given in an Elections Office advertisement.

ballot papers in the normal way, in a screened voting booth, and deposited their papers in the postal vote ballot box for their constituency. Before the counting began these postal ballots were taken to the appropriate counting centre and, after verification, included with the 'ordinary' votes.⁸

Postal ballot teams also went out to others who were entitled to vote but who could not attend even postal ballot stations in person, such as hospital patients and certain categories of prisoners. The leader of the May 2000 coup, George Speight, and some of his co-prisoners in Nukulau prison were able to cast their votes in this way. To guard against double-voting each night every District Officer was faxed with the details of any voters who had cast a postal vote, so that their names could be marked on the appropriate polling station register.

On two occasions our Observers visited the postal vote centre for the Central Division (located at the Ministry of Labour, Suva). On both it was overcrowded. According to the Presiding Officer in the week before voting began there were 350 persons present daily, while in the following week there were 430. Despite these numbers there were only two streams for voters and only one computer was in use. We noted that no party agents were present at any stage of the process. Several parties drew our attention to their own complaints about the postal voting centre.⁹

A relatively large number of voters used the postal ballot system at this General Election. Among the reasons for this were the holding of the Methodist Church and Assemblies of God conferences in Suva at this time. Also, there were major netball and rugby tournaments in the capital. We were told that all of these events are usually held in Suva at this time of year.

Polling Stations

For those who voted at the polling stations the arrangements were as follows. There were 818 polling stations (compared with 755 in 1999), mostly in schools and community halls. Some, in rural areas, were open for only one or even half a day. Others were open for two days or more. The opening hours were fixed but not common. On the same day one polling station might open at 7 a.m., another at 8 a.m. and another at 9 a.m. Similarly, closures might be at 2 p.m., 3 p.m., 4 p.m. or 5 p.m. Although the precise hours differed from one polling station to another they were well advertised – the opening times were printed in the national newspapers every day and broadcast on the radio nightly – and we did not come across any instances of confusion as to the opening times.

Most urban stations were split into three or more rooms, each with a set of ballot boxes. Sometimes the differentiation was on racial grounds – Fijians in one room, Indo-Fijians in another. At other times it was alphabetical (names beginning A-M in one room, N-Z in another: which was sometimes a problem in areas where many of the names began with the same letter).

Most voters told us that they did not have to travel for more than one hour to get to the polling station. We noted that at some polling stations the police were handing out numbered slips of paper, as a double-check on the numbers

⁸ See page 35 for an evaluation of the system.

⁹ On 21 August, for instance, the SVT party complained to the Supervisor of Elections that voters at the postal ballot centres were not being separated according to their constituencies, claiming that this meant that completed ballot papers could be tampered with. They also said that illiterate voters were assisted by clerks whose voices could be heard by all voters, thereby breaching the secrecy of the ballot, and that party agents were not allowed to be present. They demanded that fresh voting be organised immediately and that agents should be allowed to be present.

voting. (All stations had the required number of police, some of whom took a reasonably active role in proceedings.) Most polling stations we visited were well run and well equipped. However, there were exceptions. One had no ballot papers, three had no furniture and officials had to sit on the floor, some were overcrowded and at several the lighting was bad. The stations were often poorly equipped for persons with disabilities.

The Elections

Although in some rural areas the polling stations dealt with only two elections, most polling stations provided facilities for several separate elections to take place simultaneously – one polling station catered for as many as 11 – since voters were given a choice of stations at which they could vote. On Tuesday, 28 August the Togo Bhartiya School in Nadi, for instance, was open for voting in the following eight constituencies: Ba East Provincial Fijian Communal Constituency, Ba West Provincial Fijian Communal Constituency, Lautoka Rural Indian Communal Constituency, Nadi Rural Indian Communal Constituency, Rotuman Communal Constituency, Western/Central General Communal Constituency and two Open Constituencies: Nadi and Yasawa/Nawaka General. It should be noted, however, that each individual voter could cast her/his ballot papers for only two seats – one communal, one open.

The Rolls

Such a proliferation of polling at one station meant that each needed several different rolls and additional officials. One roll was needed for each constituency, plus a set of Master Rolls to be consulted should the voter's name not appear on the rolls used for the individual constituencies. In addition, there was a Supplementary Roll, in three books, consisting of the registrations not recorded in the Main Roll but processed prior to 19 July. In some cases the Supplementary Roll ran to as many as 18 pages (with approximately 40 names on each).

As for the quality of the rolls, some of the names in the rolls were spelt incorrectly. At one polling station we were told that the reason some (illiterate) voters could not remember their birth dates was that those given in the rolls had been made up for them by registration officials. We found that there was confusion when there were many voters with the same names, which happened often in certain areas. In six cases we found that there was even a discrepancy between the computerised register and the printed Master Roll which, since they should have been identical, is difficult to explain. But the problem which attracted most attention was that of the 'missing names'.

We noted that if voters' names appeared on one roll but not on the other she/he were allowed to have ballot papers for both. However, this rule was not always applied consistently – especially on the first day.

As voting went on it became clear that a number of people who claimed to have registered had arrived at the polling stations expecting to find their names there, but could not do so. They were therefore not allowed to vote.¹⁰ It is still not clear to us exactly how many people were affected in this way, or the reason. Some of those affected told us that they knew they had been on

¹⁰ A number of those who were not allowed to vote completed 'Attempt to Vote' forms. They nevertheless also raised with us the question of financial compensation, for being frustrated in their attempt to exercise their right to vote.

the register in 1999 because they had voted at that election. Given the way in which the register for this election was compiled their names should clearly have been on this register.

The reaction of the Elections Office was to insist that their officials should look more carefully; the Supervisor of Elections subsequently reported that when they did so several names that at first could not be found were actually discovered. Nevertheless, the Supervisor had to admit that lack of diligence did not explain all the incidents.

The Voters

We were told in advance that the number of electors per polling station ranged from 50 to 2,000. Our own observations showed that the average number who actually voted was 400 to 500. We noted that the voters were not required to show any form of identification at the polling stations. In theory they did have to state their name, address and occupation, but in fact (see the description later) the system did not work quite in this way.

The Opening

We observed the opening of the poll at 25 polling stations, at all of which procedures were generally followed to the letter. The Presiding Officer demonstrated either to party agents or, if none was present, to electors (who then signed as witnesses) that the wooden ballot boxes were empty. Numbered plastic seals and padlocks were then applied. To provide additional security red sealing wax was used in some stations to seal the padlock key to the box. When party agents were present they noted down all the numbers. At several of the stations the Presiding Officer gave his staff a pep-talk, then (Christian) prayers were said before polling began and at one a hymn was sung. With one exception, the stations we visited opened on time or soon afterwards.



OPENING . . . the Presiding Officer at a polling station demonstrates that a ballot box is empty before the opening of the poll. The Commonwealth Observer Group “observed the opening of the poll at 25 polling stations, at all of which procedures were generally followed to the letter”

The Voting

Before entering the polling station voters could check their registration details either at one of the ‘sheds’ organised by the political parties or at an enquiry desk staffed by elections officials.

The sheds usually consisted of a corrugated iron roof supported by corner poles, with matting on the floor and a desk at which party staff had copies of the registers. We noted that there were sometimes disputes over the positioning of the sheds and that some had to be moved, to be more than 50 metres from the station. Generally, however, despite being in close proximity, those in the party sheds appeared to co-exist peacefully. Often kava, a narcotic



PARTY SHEDS . . . party sheds near a polling station, where voters could check their registration details. Observers noted that while there were some disputes over their positioning, generally those in the party sheds appeared to co-exist peacefully, despite being in close proximity

present either in printed or computerised form. A number of officials told us that in their view manual processing was faster.

Having obtained her/his registration details the voter presented them to the polling station official: name, registration number, page in the roll, and line number. The polling station staff then verified that the information was correct. Assuming that all was well the official read aloud the voter's details to enable party agents to see if the person was indeed who they claimed to be. If they did not object the voter then had the left index finger marked with indelible ink, across the cuticle. The voter's registration number was then entered on the counterfoils of the appropriate ballot papers, which were then folded and handed to the voter (with the side showing the signed stamp facing upwards so

drink made from the root of the yaqona plant, was present and voters were invited to have a bowl with party officials and other voters. We saw many voters obtaining slips from these sheds showing their details from the register. At some polling stations the slips were part of a 'How to Vote' form issued by the party in question, indicating how their supporters should mark the ballot paper.

At the polling station enquiry desk located immediately outside the polling station the Master Roll was

that it was clearly visible). The voter took the papers to a screened voting booth to mark them, and then placed them in the appropriate ballot boxes. These were attended by election officials (known as 'ballot box guards') whose job was to ensure that the ballot papers were placed in the relevant boxes.¹¹ The voter was then free to leave the station.

Generally the atmosphere at the polling stations was positive. But we noted that the lines of voters were often segregated on racial lines. Where one queue was shorter than another, this sometimes meant that a recent arrival could vote much more quickly than someone who had been



OBSERVING THE POLL . . . Commonwealth Observer Jeanette Bolenga talks to a Presiding Officer at a polling station. On voting days Observers visited some 323 polling stations, which accounted for about 40 per cent of the total

waiting in the other queue a long time. This is a practice which can provoke animosity and in our view should be discontinued.

There were further points of note. To help the voter the Elections Office 'How to Vote' poster was placed inside the voting booth in most polling stations and the preferences were displayed outside. In one place we saw a

¹¹ Ballot boxes for each election were not always on display (e.g. the Rotuman election), but were held in reserve to be used if any voters in that election arrived to vote.

team of electoral officials processing one voter every 36 seconds. Elsewhere it took between 90 seconds and six minutes: generally the average was three minutes. Preference was often given to pregnant women, the incapacitated and the old. We noted that polling station staff sometimes gave voters a questionnaire soliciting their views on the process, an innovation we commend. Students from the University of the South Pacific were also sometimes present, conducting an exit poll. Many voters were transported to the polls by party vehicles, many of which were covered in party symbols.

At some stations there were very long queues. Some voters had to wait three hours or even more before reaching the head of the queue. They were understandably frustrated, especially when there was still – as was the case in a number of polling stations we visited – a long queue as the time for the close of the poll drew near. The delay could also be costly, since the voting days were not public holidays the voter had to take the time off work. The long queues were a particular problem on the first day of voting, but also continued into the second. Extra teams of election officials were brought in to relieve the congestion, and additional ‘streams’ of voters formed. However, at some stations the queues problem persisted even into the third day. Even as late as 1 September we were to encounter long queues. Similar problems had occurred in 1999: voters remarked that they were surprised that lessons had, apparently, not been learned. We felt great admiration for the voters, who exhibited extraordinary patience and good humour in circumstances that at times must have been very trying.

Although it was not clear on the voting days, especially given the long queues at some stations, it later emerged that the turnout was substantially lower than in 1999. On 7 September 2001 the Elections Office said that it was 77.86 per cent, compared with 90.29 per cent in 1999.

Prior to the election there had been reports of intimidation of Indo-Fijian voters and an atmosphere of fear in some parts of the country. However, even in areas which had been ‘targeted’ for ethnic cleansing following the May 2000 coup we did not detect any obvious signs of intimidation and fear. We were pleased to note that in at least one place teachers brought school children to the polling station to see the process in action.



MAKING HER MARK . . . a polling station official marks a voter's left index finger with indelible ink



POLLING DAY . . . a voter casts his ballot. Numbered plastic seals and padlocks were used on the ballot boxes. Election officials (known as ‘ballot box guards’) were present to ensure that the ballot papers were placed in the relevant boxes. Policemen were also present: primary responsibility for election security was with the Fiji Police Force

The Closure

Our teams were also present at 29 closures. Again procedures were correctly followed, except in two stations (where the closure was begun before the stipulated time). After the last voter had cast her/his ballot (the rule was that any voter in the queue and within the 50-metre limit at the closure time was allowed to do so before the station closed) the polling station staff began a lengthy procedure, which often took between 40 minutes and two hours: there were numerous forms to fill in and an elaborate procedure to follow. The ballot boxes were sealed with adhesive labels marked 'closed' (known as 'closed labels'), which were placed on the boxes in such a way that they covered the

join between the lid and the box itself at several places. The unused books of ballot papers and envelopes containing polling station information (such as the number of tendered ballots issued) were then sealed onto the boxes themselves, first with tape and twine and then, as an additional safeguard against tampering, with wax. The whole exercise was open to party agents, who together with one of the police officers, were asked to sign the closed labels. They also took the numbers of the labels. Where we were present the whole operation was conducted



CLOSURE . . . ballot boxes being sealed after the closure of polls. Observers noted that closure procedures were “conducted in an efficient, quiet and dignified manner”

in an efficient, quiet and dignified manner and at some places was treated with a reverence akin to that reserved for traditional or religious ceremonies, a sense which was enhanced by the paraphernalia of the occasion and, in most cases, the fading light. Everywhere the closure procedures ended with some words from the Presiding Officer to motivate the team for the next day, and a prayer.

Movement of the Ballot Boxes

One of the issues which had been raised with the Group in advance of deployment by the political parties was the security of the ballot boxes after the polling station closure, so we were especially eager to see exactly what happened. We therefore followed the ballot boxes from the polling stations on 19 occasions.

In some cases it was decided not to transport the boxes to the counting centres at night. They were therefore placed in police cells and collected the next day. In most cases, however, the procedure was for the ballot boxes to be taken from the polling station to the District Officers' office. There the boxes were checked and both their numbers and the numbers of the plastic seals and 'closed labels' were recorded. At some district offices, where those in charge considered that, for instance, sufficient wax had not been applied, additional sealing was done at this stage. When all the boxes from all the polling stations covered by the District Officer had been brought in and checked they were carefully checked out again, loaded into one or more vehicles and taken to the

appropriate counting centre. We noted that party agents were not present for any part of this procedure. Unfortunately, the agents did not appear to object to this.

Security at the counting centres was tight, a point which was repeatedly emphasised in the media. Generally, it was well provided for throughout the voting process, and the army did not have to be called in. Only once did we come across a military roadblock, although soldiers were visible in several parts of the country.



Problems and Shortcomings

On the afternoon of 3 September the Chairperson issued a Statement on the Voting in which he made clear that “so far the process has been credible” (the full text is attached at *Annex VI*). However, there had also been some problems.

Reference has already been made to the names that were missing from the rolls. The accuracy of the register is the foundation for a good election. Every person who is entitled to vote and who has registered, but in the event is not allowed to do so because their name is not on the roll, has lost their ability to exercise the most fundamental democratic right.

Even if the numbers are relatively small, as claimed by the Elections Office, this is still an unsatisfactory state of affairs. No evidence has been produced to show that the numbers of those affected in this way were such as to have affected the outcome either of the election overall or of particular constituency results. Nevertheless, we share the view expressed by the Supervisor of Elections himself when he said that action will need to be taken to ensure that the register for the next General Election is accurate.

We were also concerned about the problem of long and slow-moving queues.¹² The Supervisor of Elections told us before the election that 63 new polling stations had been added for this election, precisely to prevent this problem. However, by itself this was clearly not enough. It should not be impossible to devise a means of ensuring that queues move more quickly and we hope that this too will be done before the next General Election. It is partly a matter of better organisation and management. More polling stations and more ‘streams’ at each would clearly help. But it also has to do with the training and selection of Presiding Officers. Often we found that action could have been taken at an early stage to have addressed this issue, but was not.

Our third principal concern was that some voters found the voting system to be very complicated. The main problem was how to mark the ballot paper, and its scale came to light when the votes came to be counted. It emerged that some 11.69 per cent of ballots cast were invalid (compared with approximately 9 per cent in 1999, representing some 64,000 votes), largely because voters were ticking below the line. At a press conference on 4 September Supervisor

MOVEMENT OF BALLOT BOXES . . .
ballot boxes being loaded on to a vehicle at a polling station for transportation to the counting centre. Observers followed the ballot boxes from the polling stations on 19 occasions

¹² The Fiji Labour Party stated in a complaint to us on 27 August that the queuing problem was “tantamount to discouraging people from voting”. They claimed that some voters had to wait up to six hours and that at one station “many voters” had to be turned away, even though voting was extended to 9 p.m.

of Elections Walter Rigamoto said that Elections Office voter education had stressed the need to tick above the line, but place numbers below the line. However, many of the parties had used advertisements and banners with a tick next to their name and symbol and this may have confused voters. Voters might not understand the symbols above the line but recognised the name together with the symbol below the line, and instinctively put a tick there. Finally, he stated that even where the intention of the voter was clear the law no longer allowed counting officers any discretion: under the present legislation anything other than a tick above the line or numbers below made the ballot invalid, although a tick above and below for the same party would be acceptable. We make recommendations on this point in Conclusions and Recommendations.

We also make recommendations concerning party agents. While they were present at all the polling stations we visited they were not always as concerned with procedures as with checking who had and had not voted, and they could have been better trained. We were concerned that they did not always have the local knowledge which was claimed as a key deterrent against abuse in the absence of an ID system. Most of all, as noted above, there was no provision for them to be present at postal voting centres or to follow the boxes to their secure overnight accommodation.

There were some other shortcomings. In one case we saw a party banner attached to the side of a polling station. There was some variation in the application of the rules (e.g. in the management of queues, ways of assisting the illiterate, the use of wax in sealing ballot papers, etc). Checking on the computer at the enquiry point before going inside the station and having the same details checked again slowed the system down, even though it was intended to do the opposite. There was duplication of effort at other points too. Finally, the nature of the electoral system made the polling station procedure rather cumbersome: the use of one common roll would simplify the system.

However, none of these shortcomings were of such a scale or nature as to compromise the integrity of the election as a whole. Complaints from the voters themselves and from party agents largely related to the slow-moving queues: otherwise they were generally satisfied with arrangements. Voting was conducted in a transparent manner. The procedures – including those for checking the register, applying the indelible ink and stamping the ballot papers – were followed. The secrecy of the ballot was assured. Polling station staff were usually well trained, and despite the very long hours were efficient and helpful (especially to elderly and illiterate voters). The necessary materials were generally present. The stations were well organised, well marked and generally orderly. There was no violence: the elections took place in an atmosphere of calm. Security was well provided for and the voters did not appear to feel threatened by the presence of police inside the polling stations. Although press reports indicated that there were several cases of personation and at least one case of a ‘pre-marked ballot paper’,¹³ we came across none. Nor did we detect any evidence of double-voting or other fraudulent practices, organised and large-scale or otherwise. We saw no evidence that female voters were being deterred from voting: indeed, they turned out in large numbers. The party sheds

.....
Complaints from the voters themselves and from party agents largely related to the slow-moving queues: otherwise they were generally satisfied with arrangements

¹³ The report originated from a complaint by the Fiji Labour Party, which was copied to the Observer Group. The allegation was that on 30 August at the Nailage polling station in Ba a voter was given a ballot paper which had already been ticked for the Conservative Alliance Party. When the voter complained he was told to cross the tick off and put his own tick in, which he did.

were outside the stipulated 50 metres from the station, except where there were geographical constraints. In general, we were impressed with the voting.

We have devoted considerable space to the shortcomings. However, there were so many positive features to put in the balance against them that we have no hesitation in saying that the voting process was credible and that the conditions existed for a free expression of will by the electors.

The Count

Members of the Group were present at each of the counting centres from the start of the 'postal ballot verification' (see below) and paid regular visits on a rota basis from then until their return from deployment at lunchtime on Thursday, 6 September. They were briefed by Returning Officers, party officials and police and roved around the centres, checking on several counts during each visit. The observers' access was not restricted in any way. Wherever members of the Group were present they found that candidates and agents also had full access.

There were over 4,000 ballot boxes, all of which were taken to the four counting centres – two in Suva, one in Lautoka (in the west) and one in Labasa (Vanua Levu). Each counting centre was divided into separate rooms – in the case of that at Suva Grammar school some 28 classrooms – each accommodating one or more count. According to the Elections Office the centres would process approximately 740,000 votes, cast by 364,871 voters. 8,000 officials would be involved in the counting process.

The counting clerks worked 24 hours a day, in eight-hour shifts. The parties had 'sheds' outside, as for the polling. Many boxes – those from the polling stations in the Division in which the centre was located – were already in the centre by Sunday. Others arrived throughout the weekend from elsewhere (e.g. the whole country was one constituency for the Rotuman boxes, which were all brought to Suva Grammar School).

Postal Ballot Verification

The intention was that the boxes should be checked on Sunday, 2 September and that counting should begin the following day. However, first the postal ballots had to be verified: i.e. it had to be confirmed that the paperwork matched. This began on Sunday, but at one centre postal ballot verification was continuing as late as Wednesday night. At the Central Division counting centre, at Suva Grammar School, accommodation was often cramped, leaving little room for a smooth operation.

The ballot boxes from the postal ballot centres could each contain postal ballots from up to 70 other constituencies. These had to be sorted out by constituency and the ballots put in the appropriate boxes for counting. No counting was done at this stage. The verification was painstaking and was done in the presence of agents and candidates. But it was also very slow, and it held the rest of the process up. While the count was on hold because of the verification hundreds of officials were idle.

The process appeared to us to be clean. But it did reveal some problems earlier in the process. For instance, the counting for Cunningham Open was

suspended when it was found that the seals on two postal ballot boxes had been broken: an investigation followed, the outcome of which was not known at the time of writing.

Counting Procedure¹⁴

As well as the postal ballot verification for a given constituency the 'ordinary ballots' for that constituency also had to be verified. The box numbers were checked against the records that had been sent by the Presiding Officers. The plastic seals and 'closed labels' were checked and the documents attached to the outside were examined. Many boxes were later found to contain no ballot papers at all – this applied to 246 of the 588 Rotuman ballot boxes counted at Suva Grammar School – but they all had to be processed in the same elaborate manner. The counting process could then begin. It was as follows.

All the boxes for a particular constituency were opened, the ballots were emptied out and the number of ballot papers counted into bundles of 10 (by between six and 10 counting clerks). The total had to match the total recorded at the polling station. This was not always the case, though the difference was usually small. In one constituency, for instance, there were supposed to be 189 ballots in the box but there were actually 186. This delayed the process as the polling station Presiding Officer had to be found to assist in sorting the matter out. The books of unused ballot paper were then counted in

an effort to resolve the matter. Where the matter could not be resolved agreements were struck amongst all the agents and candidates and counting proceeded; co-operation of this sort was, we thought, a good sign. In some instances the missing ballots were found in another box from the same polling station. In other cases the differences were attributed to human error. There were other small problems: at another count it was found that one box had only one 'closed label', a number of boxes did not have the correct documents attached to the ballot box.



THE COUNT . . . individual ballot papers being shown to counting agents/candidates before being put in the appropriate boxes. The Observers were present at all four counting centres and stated that the counting process was "generally in line with procedures and was credible"

Generally, however, the boxes were returned in good order.

Then the postal ballots were added. All the papers were checked to ensure that they were stamped with the official stamp. (As at the afternoon of Wednesday, 5 September nationwide approximately 300 were not and were therefore disallowed.) The votes were then all put into a 'Common Bin'. The individual ballot papers were then taken out one by one and shown to the counting agents/candidates (each candidate was allowed five agents, but usually no more than one was allowed in the counting room). The counting officials were at this stage looking to see whether the ballot paper had been

¹⁴ Note: one important procedural change was introduced for the count at this election. There would be a compulsory recount where the difference in the number of votes between the remaining two candidates less than 0.5 per cent of total votes cast. In the past this had been left to the discretion of the counting officials.

marked above the line (ATL), below the line (BTL) or doubtful. The counting officials walked in a steady stream around the interior of the tables so everyone could see. The ballots were then put in the appropriate boxes (ATL, BTL or doubtful). All doubtfuls were then given a second examination, with a senior official called to rule on borderline cases. We noted that some postal votes arrived after the sorting process had begun.

A similar exercise was then undertaken, in which the preference of the voter was announced and the papers shown to all. These papers were then put in boxes labelled for each candidate and counted, in groups of 10. Again, there was some variation from team to team in the exact methods used, but in our view the process was reasonably standard.

Once the votes were counted the Head Counting Officer announced the first round results. If a majority of more than 50 per cent was not obtained by the leading candidate then the preference system was applied. (See description on page 11.) The results were released on a count-by-count basis by the Returning Officer at each centre and then conveyed to the National Results Centre at the Holiday Inn Hotel.

Assessment

We believe that there are ways in which the counting process can be improved – at several points there was duplication and repetition. Time and effort could be saved in a number of ways without endangering the accuracy of the operation and we hope that the mechanisms used for the count will be re-examined before the next General Election.

However, while we observed some instances in which counting officials did not follow the correct procedure – for instance staff did not always check to ensure that votes were correctly stamped and therefore valid – the procedures were generally observed.

The counting process was transparent and party agents were present at all the key points. As with the voting, we believe that the party agents at the count need more training, but they were certainly vigilant and dedicated, and so far as we could see their complaints were accommodated whenever practically possible.

Despite the delays and the time consuming nature of the procedures, we noted that the mood at the counting centres was positive and – while more space would be helpful, because conditions were overcrowded – the facilities were adequate. The centres were also relatively orderly.

The high percentage of invalid votes caused by voters ticking under the line rather than numbering (see page 31) is certainly of concern, but the problem there is the voting process (which has produced a complicated system and ballot paper) and the law (which does not allow discretion to officials when the intention is clear) rather than the integrity of the counting centre operation.¹⁵

The process was certainly lengthy and slow: as late as 3.30 p.m. on Wednesday, 5 September final results had been declared for only 43 of the 70 constituencies, and the last of the result was declared only on Friday, 7 September. But it was very thorough, with repeated checking and double-checking. The officials showed great care, reflecting Supervisor of Elections

¹⁵ According to our observation, about 80 per cent of the votes were correctly marked above the line and 5 per cent correctly marked below the line. At the time we estimated that invalid votes were running at between 10 and 15 per cent. We also noted that some ballot papers were not marked at all.

.....
*As for the voting and
counting process taken as a
whole, while it was not
perfect in every respect in the
Observer Group's view it can
command the confidence of
the people of Fiji Islands*
.....

Walter Rigamoto's frequent remarks to the press that accuracy was paramount and that this was not a race.

On 6 September 2001 the Fiji Labour Party called on the Commonwealth and United Nations Observer Groups "to withhold certifying the 2001 General Elections" until various questions they had raised had been thoroughly investigated and explained. The leader of the party, Mahendra Chaudhry, alleged massive fraud overall and serious irregularities on a large scale at the count.

Mr Chaudhry said he suspected that the long delay in starting the count in the Central Division "was to enable vote rigging to ensure a certain party remained in the race". Postal ballots in brown paper parcels were brought in towards the end of the count. There was a failure to reconcile the numbers of ballot papers as stated on the returns with the contents of the boxes before the count. The number of invalid votes was very high and it had cost the Labour Party at least eight open seats. In one polling station 350 votes had been declared invalid because they did not carry the official stamp. These and various other of the Fiji Labour Party's complaints are being investigated by the Supervisor of Elections. Complaints were also made by the Soqosoqo ni Vakavulewa ni Taukei (SVT) and other parties were reported to have complained about the process.

We took these allegations seriously and revisited and analysed our notes on the conduct of the count. On 7 September we met Mr Chaudhry and two colleagues, who told us that they would shortly be sending further information. Shortly afterwards two of our members met with Mr Rigamoto, the Supervisor of Elections, to discuss these complaints. Later in the day Mr Rigamoto met the whole Group.

Having looked again at the evidence gained during our own observation at the counts and considered the complaints and the explanations we have received, we believe that the vote-counting process was credible. There were problems and shortcomings, but they were not of such significance as to have compromised the integrity of the counting process.

As for the voting and counting process taken as a whole, while it was not perfect in every respect in our view it can command the confidence of the people of Fiji Islands.

Conclusions and Recommendations

In our Terms of Reference we were asked to observe relevant aspects of the organisation and conduct of the General Election, consider the various factors impinging on the credibility of the electoral process and, on that basis, determine whether the conditions existed for a free expression of will by the electors.

We have observed widely and, we believe, well. We have been able to meet with a wide range of people and organisations and, most of all, the voters. We have travelled extensively, sampling the process in all parts of the country including the smaller islands. On the voting days we visited some 323 polling stations, approximately 40 per cent of the total, and during the counting of the votes we were present at all four counting centres.

When we met up again in Suva to write our report we noted that the General Election took place in conditions of peace. The political parties campaigned openly. The media could and did report objectively. The Elections Office organised the polling well. The voters voted freely and secretly. The counting process was generally in line with procedures and was credible.

So far as the whole process is concerned, having observed as much of it as we could we are strongly of the view that the conditions did exist for a free expression of will by the electors and that generally the results of the elections reflected the wishes of the people.

Beyond that principal finding, we have some suggestions and recommendations for the future. We believe that:

- the people of Fiji Islands should continue to move away from the communal system of representation: we look forward to the day when there is one electoral roll and every citizen of Fiji Islands sees themselves, and is seen, simply as Fijian;
- the present electoral system should be reviewed, in particular to remove the complications arising from the current system of voting and the disenfranchisement which results from the placing of ticks below the line: the present system is too complex and results in too many invalid ballots;
- Parliament should restore the legal provision which enables counting officers to use their discretion to admit a vote when the intention of the voter is clear;
- the Government, Electoral Commission and Office of the Supervisor of Elections, as appropriate in each case, should also consider:
 - taking appropriate steps to strengthen the Constitutional independence of the Electoral Commission and the Office of the Supervisor of Elections, making the Supervisor full-time, expanding his office and increasing its resources so that during the whole electoral process it functions on a continuous basis and independently of the state, in particular of the Divisional Commissioners and District Officers;
 - reassessing the voter registration arrangements, with a view to the development of a satisfactory continuous registration process which ensures the inclusion of all who are entitled to be on the register;
 - introducing a numbered Identity Card: this would have wider advantages, but so far as elections are concerned could help to speed up the polling station process and act as a further check against electoral fraud;

- agreeing on tight legal prohibitions on all forms of treating: the distribution of food and other items in return for votes at the General Election is entirely unacceptable in a democracy and should be stopped;
- increasing voter education efforts, to ensure that voters are completely clear about how the electoral system – especially the voting mechanism – works;
- reducing the voting age to 18 years and making a particular effort to involve young people in democracy, through civic education, and activities in schools such as mock elections and model parliaments;
- devising disclosure requirements for both party funding and expenditure, so that there is transparency at every point;
- providing state funds to assist in the strengthening of the political parties, their meaningful participation in elections and the maintenance of a truly democratic system of government;
- introducing Codes of Conduct for the media and for political parties and candidates at the next General Election;
- reviewing the arrangements for absentee voters, in particular to change the postal ballot system with a view to greater transparency and efficiency at the postal ballot centres and speedier verification at the count: consideration might be given to closing postal ballot centres before the voting begins and undertaking verification at an earlier stage;
- improving the organisation of polling stations and revising their number and distribution, so that at the next General Election they cope better and there are no long queues;
- revising the regulations so that party agents are able to be present at all stages of the process, including the postal ballot centres and the movement of the ballot boxes from the polling stations;
- ensuring the greater use of information technology to enhance the management and administration of the entire electoral process;
- amending the law, so that employees are entitled to time off work to vote.

We want to end by:

- noting that the security forces have played a valuable and positive role in this election: we urge them to continue to recognise the importance of their role in maintaining a democratic and parliamentary system of government and the need at all times to remain subordinate to the Constitution and the rule of law;
- commending the involvement of young people in this electoral process – as voters, as officials and as party workers: young people are the future for Fiji Islands and we hope that they will play an increasingly important part in Fiji's democracy;
- congratulating the voters, commending the responsible role of the political parties and expressing the hope that the atmosphere of peace, tranquillity and respect for the rule of law that has characterised this election should continue afterwards, in all aspects of life;
- urging that Fiji Islands' civic institutions should in future participate fully in the democratic life of the country, without being partisan, and help the nation to move away from a situation where race is a major factor in democratic arrangements and in the direction of reconciliation, harmony and non-racialism.

Acknowledgements

We wish to express our profound appreciation to the people of Fiji Islands for the warm and hospitable reception afforded to us while we carried out our task. Wherever we went we were deeply moved by the welcome extended to us.

We wish to pay tribute to the Electoral Commission, the Supervisor of Elections, Mr Walter Rigamoto, and his staff, particularly those who worked tirelessly and patiently through the long days and nights at the polling stations and counting centres. They fulfilled the demands and challenges of the electoral process with patience and were always willing to answer any questions we asked of them. We were impressed by the dedication of the police to the democratic process and grateful for the assistance they gave us.

We particularly appreciated the co-operation of the political parties, the members of the press and non-governmental organisations and individuals who found time in the most demanding circumstances to meet us and share their opinions and concerns. We noted the high number of young people working as election officials and party agents and wish to thank them for their assistance to us and hope that they will continue to participate in such large numbers.

We wish to acknowledge our gratitude to the United Nations Fiji Election Observer Mission (UNFEOM) and the ACP/EU Observer Group for the assistance and co-operation we received from them.

We reserve our warmest tribute to all the people of Fiji Islands who, by turning out peacefully on voting days and waiting patiently while the count was in progress, did their country proud and served so ably the cause of democracy.

We also wish to extend our appreciation to the Commonwealth Secretary-General, Don McKinnon, for inviting us to participate in this historic mission.

Composition of the Commonwealth Observer Group

Sir Henry Forde QC MP (Barbados – Chairperson)

Sir Henry Forde was Attorney-General and Minister of External Affairs of Barbados from 1971 to 1981 and was again a Minister of State in 1983. He has been a Member of Parliament for 30 years, was Leader of the Barbados Labour Party from 1986 to 1993 and was also Leader of the Opposition for most of that period. He was a Member of the Privy Council from 1976 to 1992, and again since 1997. Sir Henry was a Member of the Commonwealth Committee of Experts on Vulnerability of Small States, such as Fiji Islands. He chaired the Commonwealth Observer Group for the Elections to the Constitutional Commission in Seychelles in 1992. In 1998 he chaired a Special CARICOM Group which sought to help resolve political problems in Guyana following the elections of the previous year. He has led Barbados delegations to the United Nations, the Organisation of American States, and several other international conferences and organisations.

Ms Jeanette Bolenga (Vanuatu)

Ms Jeanette Bolenga has been the Acting Principal Electoral Officer for Vanuatu since April 1997. She conducted and supervised the 1998 National General Elections to Parliament, four by-elections, two Municipal Council elections, six Provincial Council elections and the Malvatumauri National Council of Chiefs' election. She was also Acting Director-General in the Ministry of Internal Affairs from January to July 2001. Ms Bolenga's primary expertise is as an electoral administrator/supervisor, a public sector administrator and a policy adviser to government.

Hon Ben Humphreys AM (Australia)

Mr Ben Humphreys was an Australian Labor Party Member of Federal Parliament for 19 years, having served between 1977 and 1996. His roles during this time included a six-year term as Minister for Veterans' Affairs, two years in Cabinet as Minister Assisting the Prime Minister for Northern Australia and four years as Government Whip. Since 1987, Mr Humphreys has held the positions of Deputy Chair and Director of the Stockman's Hall of Fame, and is currently a Member of the Board for Bush Doctor Australia Ltd.

Mr Reuben Kaiulo MBE (Papua New Guinea)

Mr Reuben Kaiulo has been Electoral Commissioner of Papua New Guinea since 1991. He was a member of the Commonwealth Observer Group to the Parliamentary Elections in Bangladesh in 1996. In 1980 he was part of the Commonwealth Observer Group which was present in Southern Rhodesia for the elections which preceded independence. In 1991 Mr Kaiulo was awarded an MBE by HM Queen Elizabeth II.

Mr Bandula Kulatunga (Sri Lanka)

Mr Bandula Kulatunga has held a number of posts in the Sri Lanka Administrative Service. He was Assistant Commissioner of Elections from 1969 to 1983 and then Deputy Commissioner from 1984 to 1987. He is still involved with the Department of Elections, as a consultant, when presidential, parliamentary, provincial council and local authority elections are held. He was Commissioner of Registration of Persons from 1987 to 1993. He also worked in the Ministry of Defence, as Additional Secretary from 1993 to 1994 and as a consultant from 1994 to 1996. He chaired the Board of Investigations into Disappearances in the North of Sri Lanka from 1997 to 1998. Mr Kulatunga was in Southern Rhodesia in 1980 as part of the Commonwealth Observer Group for the elections prior to independence. He was also involved in the United Nations Assistance Mission in East Timor (UNAMET) in 1999, as a District Electoral Officer.

Hon Margareth Mensah MP (Namibia)

Ms Margareth Mensah is Vice-Chair of the National Council (the Upper House of the Namibian parliament) and a member of the South West Africa People's Organisation (SWAPO).

Secretariat Support Staff

Mr Richard Gold	<i>Team Leader</i>
Mr Christopher Child	<i>Assistant to Observers</i>
Mr Mwambu Wanendeya	<i>Media Adviser and Assistant to Observers</i>
Mr Jeremy Clarke-Watson	<i>Assistant to Observers</i>
Mr Albert Mariner	<i>Assistant to Observers</i>
Ms Shirley Edwards	<i>Administrative Assistant</i>

Arrival Statement, 20 August 2001

COMMONWEALTH OBSERVER GROUP **Fiji Islands General Election 2001**

Office: Room 136, Holiday Inn Suva
Tel: (679) 301 600 x 136
Fax: (679) 307 096

ARRIVAL STATEMENT BY SIR HENRY FORDE QC MP **CHAIRPERSON OF THE COMMONWEALTH OBSERVER GROUP**

We are very pleased to be here in the Fiji Islands. We are present in your country at the invitation of the Government and after a visit by an Assessment Mission whose purpose was to consult with your political parties. We are not here to interfere. We are here to consider the various factors impinging on the credibility of the electoral process as a whole; to assess whether, in our own judgement, the conditions exist for a free expression of will by the electors; and to determine if the results of the elections reflect the wishes of the people. At every stage we will act with neutrality, impartiality, objectivity and independence. We will abide by the laws of this country.

We cannot visit every polling station or be present everywhere. But we can and will attempt to take a representative sample of the process, so that we can arrive at a broad overview. We will see the end of the immediate pre-election period, visit as many polling stations as we can and see the counting at all four counting centres. We will travel extensively, consult widely and take every opportunity to see the process for ourselves. We look forward to meeting as many people of this country as possible. We will, of course, co-operate closely with the United Nations Observer Group.

Each of us has been selected by the Commonwealth Secretary-General to participate in our individual capacities, but we represent the whole Commonwealth rather than the countries from which we have come. We are independent of our governments and any organisations to which we belong. Our concern is purely with the electoral process and its credibility.

... / 2

One of our members has already been here for a week and will be briefing us shortly. We have already been briefed by members of the Electoral Commission, the Supervisor of Elections and senior police officers. Today and tomorrow we will meet political parties and on Wednesday non-governmental organisations and others. On Thursday we will deploy around the country to begin our observation.

After the count we will then return to Suva to consider our report, which we will write here and sign before we depart, which is due to be on 8 September. When we leave we will submit our report to the Commonwealth Secretary-General, who will in turn forward it to the Government of the Fiji Islands, the Electoral Commission, the leadership of all the political parties and then to all Commonwealth governments. The report will be made publicly available, here and throughout the Commonwealth.

We will do our utmost to ensure that we observe as well as we can. We hope that the Fiji Islands have a good election.

Suva
20 August 2001

ANNEX III

Schedule of Engagements

Sunday, 19 August

1430 Briefing by Supervisor of Elections Mr Walter Rigamoto

Monday, 20 August

0930 Arrival Press Conference

1030 Briefing by Advance Observer

1145 Briefing by Soqosoqo ni Vakavulewa ni Taukei Party (SVT): Mr Jone Banuve (General Secretary) and Mr Berenado Vunibobo (former Minister for Foreign Affairs, Board Member and Candidate)

1400 Briefing by Fiji Labour Party: Mr Pratap Chand (Management Board Member and Minister for Education)

1515 Briefing by Fijian Association Party: Dr Isimeli Cokanasiga (Deputy Leader)

1630 Briefing by United General Party: Ms Veronica Jang (Vice-President) and Mr Joseph Magnus (Member)

Tuesday, 21 August

0930 Briefing by National Federation Party: Mr Vijay Nand (Assistant General Secretary)

1030 Conservative Alliance/Matanitu Vanua (MV): Mr Metuisela Mua (Assistant Secretary-General) and Mr Vilimani Rakaseta (Candidate)

1130 Soqosoqo Duavata ni Lewenivanua (SDL): Mr Jale Baba (General Secretary)

1230 New Labour Unity Party: Ms Ofa Duncan (Candidate)

1430 Briefing by non-governmental organisations: Reverend Akuila Yabaki (Executive Director, Citizens' Constitutional Forum); Mr Ponipate Ravula (Project Officer, Citizens' Constitutional Forum); and Mr Hassan Khan (Executive Director, Fiji Council of Social Services)

1530 Briefing by religious bodies: Reverend Mamasa Lasaro (Methodist Church); Right Reverend Ifereimi Cama (Anglican Church of Diocese of Polynesia); Sister Teresa Naidu (Archdiocese of Suva, Roman Catholic Church); Mrs Esiteri Kamikamice (General Secretary, Fiji Council of Churches); Mr Henry W Rigamoto (Co-ordinator, Interfaith Search Fiji); Mr Jagdish Prasad (Education Convenor, Sri Sathya Sai Service); Ms Elina Paki (Baha'i faith); and Mr Bhuwan Dutt (Arya Pratinidhi Sabha of Fiji)

1630 Briefing by women's organisations: Ms Shamima Ali (Co-ordinator, Fiji Women's Crisis Centre); Ms Edwina Kotoisuva (Deputy Co-ordinator, Fiji Women's Crisis Centre); and Ms Miriama Leweniqila (President, National Council of Women)

Wednesday, 22 August

- 0900 Briefing by United Nations Election Assistance Project: Mr Hugh Cholmondeley (Co-ordinator) and colleagues
- 1115 Briefing by UN Observer Group: Mr Dong Huu Nguyen (Head of Mission) and colleagues
- 1200 Briefing by Commonwealth High Commissioners:
HE Mr Mohammed Takwir Din (High Commissioner of Malaysia); HE Ms Susan Boyd (High Commissioner of Australia); HE Mr Adrian Simcock (High Commissioner of New Zealand); HE Professor Ishwar Chauhan (High Commissioner of India); Mr William Nindim (Deputy High Commissioner, Papua New Guinea); Ms Jocasta Sibbel (Third Secretary, Australian High Commission); and Mr Fakavae Taomia (Deputy High Commissioner, Tuvalu)
- 1400 Briefing by media organisations: Ms Viriska Buadromo (FM 96); Mr Netani Rika (*Fiji Times*); Mr Tukaha Mya (Fiji TV); Mr Mika Turaga (*Fiji Sun*); and Mr Vijay Narayan (Viti FM)
- 1500 Final Briefing: Office of the Supervisor of Elections
- 1545 Deployment Briefing

Deployment of Observers



Commonwealth Observer Group

Fiji Islands General Election, 25 August-5 September 2001

News Release

23 August 2001

Commonwealth Observers Deployed

Members of the Commonwealth Observer Group to the Fiji Islands General Election deployed to base locations across the country today. The Observers deployed in six teams – two based in Suva, two in Nadi, one in Savusavu/ Labasa: another team will travel throughout the country and will visit the smaller islands including those in the Lau Group. In addition the Chairperson of the Observer Group, Sir Henry Forde, will visit key locations across the country.

The Observers will travel throughout the divisions in which they are based attending the final campaign rallies, meeting election officials and voters. On voting days they will visit polling stations. Later they will see the counting of votes at all four centres.

Speaking before the Observers were deployed Sir Henry Forde said:

"Since we arrived we have held briefings with political parties, non-governmental organisations, Heads of Commonwealth diplomatic missions and other groups. These meetings have provided our Group with very useful background. Now we will be on the ground, looking at as many polling stations as we can, meeting as many voters as possible and observing the counting of votes."

Note to Editors:

The Fiji Islands are currently suspended from the Councils of the Commonwealth following the overthrow of its democratically elected government last year. This will be the first time that the Commonwealth will have observed elections in the Fiji Islands. This is the 34th Commonwealth Observer Group since October 1990.

Sir Henry Forde was Foreign Minister and Attorney-General from 1979 to 1981 and was again a member of the Barbados Cabinet in 1983. He has been a Member of Parliament for thirty years and has held numerous positions in international organisations. In 1998 he chaired a Special CARICOM Group which sought to help to resolve political problems in Guyana following the elections of the previous year.

Holiday Inn, Victoria Parade, GPO Box 1357, Suva, Fiji Islands
Tel: 00 679 300 600 Fax: 00 679 300 251

Observation Notes for Poll and Count and Checklist for Polling Station Visits

5. The adequacy or otherwise of facilities at polling stations and their state of readiness. 6. Availability of adequate supplies, e.g. ballot papers, official stamps and stamp pads etc. 7. The performance of electoral officials at the polling stations visited. 8. The procedures in place to ensure proper security of ballot papers, ballot boxes and official seals. 9. Arrangements to facilitate voting by women. 10. The steps taken to ensure that the secrecy of the ballot is assured. 11. The general atmosphere at the polling stations visited. 12. Access of party agents to polling stations. 13. Whether illiterate voters are assured of a vote in secret. 14. Whether the ballot boxes are properly sealed at the end of the day and their security in transit is assured. 15. The conditions under which they are stored overnight.	THE COUNT 1. Inspection of seals. 2. The process of reconciling the number of people who voted with the number of ballots in the boxes. 3. The determination of invalid ballots. 4. The facilities for party agents and their representatives to witness and verify the count and overall transparency. 5. Access by international observers. 6. The conduct of election officers.
--	--

COMMONWEALTH OBSERVER GROUP Fiji Islands General Election 2001 OBSERVATION NOTES FOR POLL AND COUNT PART A The Observers may focus particular attention on the following aspects of the conduct of the election: THE CAMPAIGN 1. Balance of TV/radio election coverage and extent and nature of access by party and other candidates. 2. Print media: nature of coverage and extent of access by the political parties. 3. The tone and content of material put out by the candidates, access to printing facilities. 4. The conduct of political meetings/rallies (permits for public meetings?) 5. The conduct of house-to-house canvassing of voters. 6. Nature, scale and effectiveness of Electoral Commission and other voter education on radio and television, in the print media and by other methods. 7. Activities/measures to encourage the participation of women. 8. Access to funds and sources of funds. THE POLL 1. The location of polling stations. 2. Distances travelled by voters to polling booths, particularly in rural areas. 3. The procedure followed at the opening of the poll. 4. The length of time voters wait to cast their votes.	
---	--

PART B

Questions that may be put and which you may ask yourself:

1. Was the Voters' Register compiled in a satisfactory way? Were people missed out? Were the names of dead people or "phantom voters" included?
2. Who are the election officials? How were they chosen? Are voters confident that they will be impartial?
3. Is the person in the street satisfied with arrangements? Will he/she vote? If not, is he/she afraid to do so? Were there any attempts to discourage/discourage the participation of women and were they effective?
4. Have all parties been able to campaign freely? Has the campaign been free of intimidation etc? Have all parties had full access to the mass media?
5. Is there freedom to advertise and distribute posters, leaflets etc?

ON POLLING DAY

1. Before polling starts, are the ballot boxes empty? Are they properly sealed? Are all procedures being adhered to?
2. Are all the parties/candidates represented at polling stations? Are they satisfied with the process?
3. Are the voters apparently voting freely? Are they enthusiastic? Do they talk freely? Do they exhibit signs of fear or intimidation?
4. Do voters understand the procedures properly? If not, are the procedures being explained fully and impartially? Are attempts being made to suggest how voters should vote?
5. Does the turnout indicate that women have been deterred from attending to vote?
6. Is only one person at a time being allowed into the voting compartment?
7. How long are voters waiting to vote? If a long time, are some being put off?

8. Will all parties be represented at the polling stations throughout voting and the count? Are agents adequately trained and vigilant?
9. Will observers have free access to all stages of the process?
10. Is the security presence effective/oppressive?
11. Were the proper procedures followed at the end of the day? Were they properly followed at the start of the next?

THE COUNT

1. Are the boxes kept safe until opened? Are all parties present when they are opened?
2. Does the number of used ballot papers tally with the record of those who voted?
3. Are the papers counted properly? Are counting agents present? Are they satisfied with the procedures of the count?
4. Are the proper procedures followed for declaring votes as invalid?

FIJI ISLANDS GENERAL ELECTION 2001

CHECKLIST FOR POLLING STATION VISITS

Team Member(s):

Constituency:

Polling Station:

Time of Arrival:

Time of Departure:

Voters in Queue: Rate of Processing:

1. **Opening of Poll** On time? No/Yes Procedures followed? No/Yes All materials? No/Yes
Details:
2. **Party Agents** Present/Absent
3. **Register** State of the register? Are voters on it? Are parties complaining? Details:
4. **Layout and Facilities** Good? Adequate? Poor?
5. **Polling Staff** Efficient? Satisfactory? Poor?
6. **Security Presence** Discreet? Intrusive? Oppressive?
7. **Complaints by Party Agents** Are Party Agents present? Which parties? Any complaints? No/Yes Details:
8. **Complaints by Voters** No/Yes Details:
9. **Presence of unauthorised persons** No/Yes Details:
10. **Atmosphere at Station?** Orderly? Tense? Chaotic?

11. **Secrecy of Ballot** Assured? Poor? Uncertain
12. **Voting**
 - (a) Personation attempts alleged: No/Yes
Details:
 - (b) Multiple voting attempts alleged: No/Yes
Details:
 - (c) Women deterred from voting: No/Yes
Details:
 - (d) Is the voting procedure (dye, stamping ballots etc) being followed? No/Yes
Are procedures being followed re illiterate and incapacitated voters? No/Yes
 - (e) Is the correct procedure being followed for marking finger with indelible ink? No/Yes
 - (f) **Fifty Metre Limit** – is it being observed? No/Yes
13. **Closing of Poll** On time? Numbers still in queue? Seals applied? Procedure followed? No/Yes
14. **Transport Arrangements** – what arrangements to transport the sealed boxes after the end of voting?
15. **Security of Boxes** – how are they stored overnight? Are arrangements secure? No/Yes
16. **Agents** – are the party agents satisfied with closure, sealing, security, transport arrangements

FIJI ISLANDS GENERAL ELECTION 2001
THE COUNTING OF VOTES

1. **The Count** Are procedures being observed? No/Yes
Detail:
2. **Post Count** Procedures followed? No/Yes
3. **Apparent fairness overall** Good? Acceptable? Questionable?
4. **Other Comments**

Statement on the Voting, 3 September 2001

COMMONWEALTH OBSERVER GROUP Fiji Islands General Election 2001

Tel: (679) 301 600 x 136
Fax: (679) 307096
Office: Room 136, Holiday Inn, Suva

STATEMENT ON THE VOTING BY SIR HENRY FORDE QC MP CHAIRPERSON OF THE COMMONWEALTH OBSERVER GROUP

The Commonwealth Observer Group has had six teams in the Fiji Islands observing the immediate pre-election period and the voting. On each of the election days our teams visited as many polling stations as possible, including in the most remote areas: altogether we visited 323, in all four of the Divisions. We were given access to all parts of the voting process: we saw the opening of the polls, the voting, the polling station closures and the transfer and security of the ballot boxes and we spoke with voters, party agents, candidates and election officials. Yesterday we went to the counting centres to see the verification of the postal ballots. Today we will begin our observation of the count. Once we have observed that part of the process we intend to make a further statement.

In the meantime, we wish to congratulate all those who were involved in the voting – particularly the voters, so many of whom turned out to take part in the process. We are pleased that the voting took place in such a calm and peaceful atmosphere. We are impressed with the professionalism and dedication of the election officials, especially the polling station staff.

There were some problems, there have been some complaints and some matters will need to be investigated. The Supervisor of Elections, Walter Rigamoto, has himself stated that action will need to be taken before the next election to ensure that the register is completely accurate. We share that view. Queues were sometimes very long and slow-moving. That too needs to be tackled before the next election. There were other shortcomings. And some voters found the voting system to be complicated. However, overall the voting process functioned well: indeed, it compared favourably with that of many other countries.

So far the process has been credible, but it is not over yet. Now our attention will turn to the counting process. Then, on 6 September the members of our Group will return to Suva to write our report to the Commonwealth Secretary-General, Don McKinnon, on the electoral process as a whole, which we will complete here before we depart. We intend to make a further press statement before our departure.

Suva
3 September 2001

Statement on the Counting and the Electoral Process as a Whole, 8 September 2001

COMMONWEALTH OBSERVER GROUP Fiji Islands General Election 2001

Tel: (679) 301 600 x 136
Fax: (679) 307096
Office: Room 136, Holiday Inn, Suva

STATEMENT ON THE COUNTING AND THE ELECTORAL PROCESS AS A WHOLE BY SIR HENRY FORDE QC MP CHAIRPERSON OF THE COMMONWEALTH OBSERVER GROUP

On 3 September 2001 we said that overall the voting process functioned well and that so far the process had been credible. Now we are commenting on the counting process and giving our view on the process as a whole.

Members of the Commonwealth Observer Group made visits to each of the counting centres from the start of the postal ballot verification until our return from deployment at lunchtime on Thursday 6 September. We were at liberty to go wherever we wished and were able to check on several counts during each visit to each centre.

The high percentage of invalid votes caused by voters ticking below the line rather than numbering is of concern, and we trust that following this election there will be a thorough review of the relevant arrangements. We believe that Parliament should restore the legal provision which enables counting officers to use their discretion to admit a vote when the intention of the voter is clear.

There were delays and the procedures took a great deal of time. We believe that there are ways in which the organisation of the counting centres can be improved and hope that the Office of the Supervisor of Elections will give proper consideration to these for the future. However, the count was generally in line with procedures. The process was transparent. And it was painstaking, with repeated checking and double-checking. The officials showed great care, reflecting Supervisor of Elections Walter Rigamoto's frequent remarks that accuracy was paramount and that this was not a race.

Complaints have been made and it is right that these should be examined and investigated by the Supervisor of Elections. There are procedures for those who feel that there have been irregularities in the counting process. However, based on our own observations and analysis and having considered the allegations and taken into account the explanations we

have received, we believe that the vote-counting process was credible. There were problems and shortcomings but they were not of such significance as to have compromised the integrity of the process.

We have observed widely and, we believe, well. We have been able to meet with a wide range of people and organisations and, most of all, the voters. We have travelled extensively, sampling the process in all parts of the country. On the voting days we visited some 323 polling stations and during the counting of the votes we were present at all four counting centres.

On visits each team made detailed reports to our Chairperson on its observations. These reports and all other information, including representations made by political parties, were thoroughly studied and analysed at our final meetings in Suva prior to compiling our report.

When we prepared our report we noted that the General Election took place in conditions of peace. The political parties campaigned openly. The media could and did report objectively. The Elections Office organised the polling well. The voters voted freely and secretly. The counting process was generally in line with procedures and credible.

The General Election has not been perfect in every respect, but in our view it can command the confidence of the people of the Fiji Islands. Having observed as much of the process as we could we are strongly of the view that the conditions did exist for a free expression of will by the electors and that generally the results of the elections reflected the wishes of the people.

We hope that the results of the elections will be accepted by all and that all those involved in the political process will work for reconciliation, harmony, respect for the rule of law and the strengthening of the Fiji Islands' democracy.

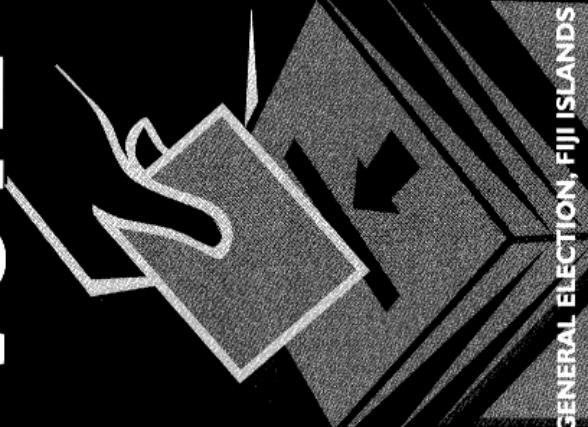
Our report – which contains a number of recommendations and suggestions for the future – will now be forwarded to the Commonwealth Secretary-General. It will be released to the press once it has been sent by the Secretary-General to the Government, the Electoral Commission and the Supervisor of Elections, the political parties and Commonwealth Governments.

We leave the Fiji Islands with lasting memories of the warm welcome, friendship and courtesy that was extended to us by people in every walk of life, and gratitude to the Electoral Commission, the Supervisor of Elections and the many others who have helped us. We feel privileged at having been allowed to observe this country's return to the democratic process.

8 September 2001
Suva

Elections Office Leaflet on How to Vote

HOW TO VOTE



GENERAL ELECTION, FIJI ISLANDS

Fiji is to hold a general election at least once every five years under the electoral system called the Alternative Vote

This is a preferential system of voting where a voter ranks each candidate, giving the number '1' to the 1st choice candidate, '2' to the 2nd choice candidate, '3' to the 3rd choice candidate, '4' to the 4th choice candidate, '5' to the 5th choice candidate and so on.

You will find here, a few questions and answers about filling out your ballot papers under the Alternative Vote.

1. How many ballot papers will I receive?

You will receive two. One will be for an open seat and the other for a communal seat.

2. How do I fill in my ballot papers?

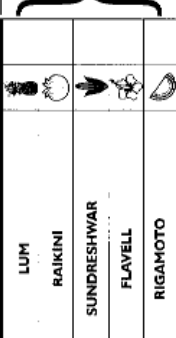
You are most likely to receive ballot papers that look like the one below.

Either



OR

place numbers here.



This ballot paper has two sections. You can either:
Vote in the top section by putting a tick in one (and only one) of the boxes beside the symbol of the party or independent candidate of your choice. You must leave all the other boxes blank.
OR
You can vote in the lower section. If you vote in the lower section, clearly write:
* the number '1' in the box beside the symbol of the candidate who is your first choice.
* the number '2' in the box beside your second choice.
* the number '3' in the box beside your third choice, and so on until you have numbered every box in this section.
Take care not to repeat or miss out numbers.
Every box in this section must be numbered.
Do not use ticks or crosses in this lower section.

Remember for this ballot paper either put a tick in the top section or number all the boxes in the lower section.

Either **ONE TICK** above the line

PNE	TOM	CMN	FLG	Regiment
LUM				
RAIKINI				
SUNDRESHWAR				
FLAVELL				
RIGAMOTO				

OR

NUMBER ALL below the line

PNE	TOM	CMN	FLG	Regiment
LUM				2
RAIKINI				1
SUNDRESHWAR				4
FLAVELL				3
RIGAMOTO				5

Instructions are printed on the ballot paper.

3. Is it possible to receive a ballot paper that is different from the above?

Yes. That ballot paper will look like the one below:-

HOUSE OF REPRESENTATIVES
NAUSORINATAGINI OPEN CONSTITUENCY

Number the boxes from 1 to 5 in the squares next to the symbols of each of the candidates in your order of preference.
Remember ... number every box to make your vote count.

LUM					
RAIKINI					
SUNDRESHWAR					
FLAVELL					
RIGAMOTO					

Remember for this ballot paper either put a tick in the top section or number all the boxes in the lower section.

Either **ONE TICK** above the line

PNE	TOM	CMN	FLG	Regiment
LUM				
RAIKINI				
SUNDRESHWAR				
FLAVELL				
RIGAMOTO				

OR

NUMBER ALL below the line

PNE	TOM	CMN	FLG	Regiment
LUM				2
RAIKINI				1
SUNDRESHWAR				4
FLAVELL				3
RIGAMOTO				5

Instructions are printed on the ballot paper.

3. Is it possible to receive a ballot paper that is different from the above?

Yes. That ballot paper will look like the one below:-

HOUSE OF REPRESENTATIVES
NAUSORINATAGINI OPEN CONSTITUENCY

Number the boxes from 1 to 5 in the squares next to the symbols of each of the candidates in your order of preference.
Remember ... number every box to make your vote count.

LUM					
RAIKINI					
SUNDRESHWAR					
FLAVELL					
RIGAMOTO					

Where your vote goes.

The most likely ballot paper

EITHER If you place a tick in a box in this top section, your preferences or choices will be counted the way that party or candidate (of the symbol that you have chosen) has registered them with the Supervisor of Elections.

				
LUM	RAIKINI	SUNDRESHWAR	FLAVELL	RIGAMOTO

You may vote in one of two ways
Do NOT do both
By placing a single tick in one of these boxes to indicate which party's or candidate's preference you wish to adopt as your vote

OR
Number the boxes from 1 to 5 in the space next to the symbols of each of the candidates in your order of preference

In this case number every box to make your vote count.

				
LUM	RAIKINI	SUNDRESHWAR	FLAVELL	RIGAMOTO

You may vote in one of two ways
Do NOT do both
By placing a single tick in one of these boxes to indicate which party's or candidate's preference you wish to adopt as your vote

OR
Number the boxes from 1 to 5 in the space next to the symbols of each of the candidates in your order of preference

In this case number every box to make your vote count.

OR You place numbers here, '1' to your 1st choice, '2' to your 2nd choice, '3' to your 3rd choice and so on until you have numbered every box in this section. You are deciding for yourself all your choices.

A possible (But less likely ballot paper)

You place numbers here, '1' to your 1st choice, '2' to your 2nd choice, '3' to your 3rd choice, and so on until you have numbered every box. You are deciding for yourself all your choices.

HOUSE OF REPRESENTATIVES NAUSORIMATASIRI OPEN CONSTITUENCY				
Number the boxes from 1 to 5 in the space next to the symbols of each of the candidates in your order of preference. Remember ... number every box to make your vote count				
LUM	RAIKINI	SUNDRESHWAR	FLAVELL	RIGAMOTO



Elections Office, Suva, Fiji
Phone: 211 646, Fax: 302 436
P.O. Box 2528, Government Buildings, Suva.

If none of the candidates for a constituency registers a list of preferences with the Supervisor of Elections, you would receive this particular ballot paper.
You vote in the same way as you do for the lower section of the ballot paper in 2.

Remember that you clearly write:

- * the number '1' in the box beside the symbol of the candidate who is your first choice.
- * the number '2' in the box beside your second choice.
- * the number '3' in the box beside your third choice, and so on until you have numbered every box.

Again, take care not to repeat or miss out numbers.

For this ballot paper remember, every box must be numbered. Do not use ticks or crosses.

4. What can I do if I make a mistake when filling in my ballot paper?

If you make a mistake when filling out your ballot paper, you can return it to a polling official and ask for another one.

5. What if I need assistance to fill in my ballot paper?

Voters who can't read or write, or who are disabled, or need help for any other reason may arrange with the officer in charge of the polling station for polling officials to assist them in the filling out of ballot papers.

6. What will happen if I don't register or vote?

If you do not register or vote in a general election without a good reason, you may be penalised as follows:-

Failure to register

- Failure to register- \$50 fine.
You may be fined \$50 by a court if you are found guilty of failing to register yourself on the Electoral Roll without a reasonable excuse.
- If you have been convicted of failing to register, you should apply for registration within 30 days. If you don't do that, then you could be taken to court again and fined up to \$500 or be imprisoned for 1 month.

Failure To Vote

- Failure to vote- \$20 penalty
This penalty is paid to the Supervisor of Elections if you don't have a valid and sufficient reason for not voting.
- If you refuse to pay the penalty of \$20, you may be taken to court. Upon conviction you may have to pay a fine of \$200 and face possible imprisonment of 1 month.

7. Where Can I Get More Information?

If you have any questions at all regarding registration and voting, call the Elections Office: Phone 211 646, Fax 302 436.

