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Observing the 2014 Fiji general elections

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Introduction

Having grown up in Fiji, I maintain strong connections with the country through family, friends and work, even though I moved to New Zealand more than a decade ago. As the Fiji Programme Development Manager in the Ministry of Foreign Affairs and Trade (MFAT), I was closely involved in managing New Zealand's assistance for the Fiji elections. Furthermore, I was fortunate to be one of six officials who joined five New Zealand parliamentarians to observe the elections as a member of the Multinational Observer Group (MOG).

In this paper, I describe my experience of participating in the MOG, discuss the role of the MOG, and describe New Zealand's support for Fiji's elections preparations. I hope this is of wide interest and a useful contribution to the body of literature on Fiji's historic 2014 elections. The views and conclusions presented are my own and not the view or position of the New Zealand Government. The MOG's media statements and its subsequent report provide the considered views of the observation team and I draw on those heavily in this chapter.

The paper does not examine or analyse the electoral framework and the pre-election conditions, although they are important determinants of a free and fair election. This task is left to others who are more qualified. The MOG Report findings (2014c, p. 30) concluded that voters, political parties and the media were reasonably free to engage in the electoral process. The elections were well run and there was no evidence of attempts to influence the process or outcome. The elections were credible and reflected the will of the Fijian people.

New Zealand policy settings and assistance for the Fiji elections

Much has been written and said about the merit or otherwise of New Zealand's policy settings toward Commodore Voreqe Bainimarama's Administration (the Administration) after the 2006 military coup. New Zealand did not impose economic sanctions, but restricted travel, official contact with the Administration, and limited aid funds being channelled through central government. New Zealand aid to Fiji continued throughout the period with an average total aid flow of NZ\$5.2 million per year. The political and diplomatic sanctions were targeted at the Administration leadership and its associates and not aimed at ordinary Fijians. By the end of March 2014, the New Zealand Cabinet had removed all restrictions on contact and cooperation with Fiji except for defence cooperation. However, these restrictions were also lifted by the end of 2014.

The New Zealand Government had always said it stood ready to assist Fiji's return to an elected government, provided the Administration demonstrated a commitment to holding free and fair elections with a firm date. The initial approach to New Zealand was during the first half of 2012 when the Administration sought assistance from donors for voter registration and the design of a new constitution. This was a significant step forward because New Zealand was able to respond positively to both requests. New Zealand's technical assistance contributed to the successful launch of voter registration in July 2012, using Fiji's newly acquired electronic voter registration (EVR) system. Soon after, New Zealand, along with other donors, funded the Fiji Constitution Commission to undertake nationwide consultations for a new constitution. Although the draft constitution

by the Constitution Commission, chaired by Professor Yash Ghai, was rejected by the Administration, the public response was heartening. The Commission's open consultative process provided a platform for the people of Fiji to comment on the future of their country and exercise their political rights for the first time since 2006.

In mid-2013, the Administration invited New Zealand, the European Union (EU) and the Commonwealth to undertake a needs assessment of the Fijian Elections Office (FEO) to gauge its capacity to conduct elections in 2014. Melissa Thorpe of the Zealand Electoral Commission (NZEC) was a member of the assessment team. The New Zealand and EU team members concluded that it was operationally feasible for the FEO to organise a free and fair election by September 2014, provided preparations began immediately or the likelihood of success would diminish rapidly.

It was clear from the outset that timelines would be extremely tight for the FEO to undertake the preparations necessary to hold elections by September 2014. To understand how challenging the timelines were for the FEO, it is worth noting that in the case of New Zealand, the NZEC began planning and preparing for the 2014 elections soon after the 2011 elections. For the FEO, added delays were another issue to contend with as the already compressed timeframe was squeezed further due to holdups in promulgating a new constitution, issuing electoral laws and recruiting staff.

The joint New Zealand and EU assessment helped New Zealand and other donors decide how to assist Fiji's elections preparations. New Zealand's main contribution was the deployment of technical advisers to the FEO to assist with:

- planning;
- developing policy, process and systems; and
- staff recruitment and training.

New Zealand also funded the cardboard voting booths and designed and built a database that helped fast track the processing of over 15,600 applications to recruit 9,000 polling day workers. Assistance was also extended to cover observation visits to New Zealand by the Supervisor of Elections and three members of the Fiji Electoral Commission.

New Zealand's assistance was delivered through the NZEC, which had responsibility for running the New Zealand elections just three days after the Fiji elections. The highly experienced technical advisers deployed in Fiji were drawn from the NZEC's pool of election officers in the field. The New Zealand advisers worked well with the Fiji Supervisor of Elections and his staff and advised the Fiji Electoral Commission when needed. Together with advisers from Australia and those funded by the EU, the New Zealand team made an important contribution to the successful delivery of the Fiji elections.

As Fiji's election day drew nearer, and following an invitation from Fiji, New Zealand also agreed to provide 11 observers to the MOG. The New Zealand team was led by former deputy prime minister the Right Honourable Wyatt Creech, and consisted of four former parliamentarians (Hon. Richard Barker,¹ John Hayes, Dr Paul Hutchison, and Ross Robertson) and six MFAT officials made up the rest of the contingent. All except Creech were short-term observers.

Multinational Observer Group

The Administration invited four countries (Australia, India, Indonesia and Papua New Guinea)² to co-lead the MOG. This was a departure from the usual practice of using multilateral or inter-governmental organisation-led missions. The MOG was also very broad with 92 observers representing 15 countries and organisations, which provided greater legitimacy. The Administration also ensured the MOG worked under common terms of reference (agreed between the Administration and the co-leads). This enabled the Administration to keep an overview of the process and ensured the group worked well administratively.

The terms of reference (Multinational Observer Group 2014a, p. 1) stated that the MOG's two objectives were to:

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1 At the time of MOG mission Hayes, Hutchison, and Robertson were MPs, but have since retired.

2 PNG subsequently declined Fiji's invitation to co-lead the MOG.

assess whether the voter processes of the FEO facilitated and assisted the Fijian voters to exercise their right to freely vote and whether the outcome of the 2014 Fijian General Election broadly represented the will of the Fijian voters; and

provide recommendations going forward on how future elections can be improved in terms of integrity and effectiveness.

This scope allowed the MOG to assess various aspects of the electoral process including the functions of the FEO; voter registration; public education; alternative means of voting; nomination and candidate registration; election day operations; vote counting and results; dispute resolution; and reconciliation of ballot papers.

Countries invited to send observers submitted nominations that were endorsed by the Supervisor of Elections and then formally issued with identification cards. This two-step accreditation process allowed the Administration better management over the process. There were no domestic observers accredited, but this did not stop the Concerned Citizens for Credible Elections, a coalition of Fijian NGOs, from conducting research on the elections and compiling a report of its observations.³

Clear and regular communications were an integral part of the MOG Secretariat's business and this was very well managed. Regular briefings to the media and other stakeholders ensured that all were kept informed. The MOG's transparency, professionalism and independence enhanced Fijian confidence in the electoral process. This, according to the MOG Coordinator (27 August 2014, *Fiji Sun*):

goes to the heart of these sorts of observer activities, it's about providing confidence, it's not just about the international [communities'] confidence in what's happening in Fiji it's about providing some level of confidence to the Fijian voting public that in fact this election will be as good as it can be in terms of its integrity and effectiveness.

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3 The coalition of 10 NGOs included the Fiji Women's Crisis Centre; Pacific Dialogue; Social and Economic Empowerment Programme; Fiji Council of Churches; Ecumenical Centre for Research, Education and Advocacy; Academics from the School of Social Science (Fiji National University); Academics from the School of Government, Development and International Affairs (University of the South Pacific); Citizens' Constitutional Forum; Fiji Women's Rights Movement; and Dialogue Fiji.

The New Zealand team leader, the Rt Hon Wyatt Creech, arrived as one of the long-term observers (LTO) on 22 August. He joined other LTOs and participated in all aspects of MOG Core Group, including pre-election preparation, visiting and talking to villagers throughout Fiji (including the outer islands) to interview voters, parties, election officials, candidates and civil society organisations on election issues generally. More specifically, the observers sought to gauge the public's comprehension of the electoral processes and attitudes towards the elections. Creech took part in pre-polling observation missions as well, and on election day he was in Levuka, Fiji's former capital. During his month-long assignment, Creech reached some of the more remote places in Vanua Levu, Taveuni and the Lau Group, easily making him the most intrepid MOG member. He was tireless and got on with the job, undeterred by long ferry rides, bumpy drives, and having to trek through difficult terrain.

The majority of the MOG, however, were short-term observers (STO) who arrived in time for a comprehensive briefing two days before the elections. This day-long briefing was invaluable in going over the terms of reference, which included a code of conduct. The observers received useful presentations from the Fiji Supervisor of Elections and members of the Fiji Electoral Commission on the technical aspects of the elections. The observers were paired to cover designated areas, met their liaison officers and drivers, and armed with maps, phones and tips on culturally appropriate behaviour they were ready for deployment the next day.

Observing the elections

On Election Day, the MOG members visited a total of 455 out of 1,489 polling stations (approximately 31 per cent of polling stations operating on 17 September) and observed polling and counting across the country. I was paired with a Suva-based South African diplomat and allocated the Lautoka⁴ Central area. We visited 11 polling venues that consisted of 40 polling stations.

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4 Lautoka is the second largest Fijian city, lying in the heart of Fiji's sugar cane growing area in western Viti Levu, 24 kilometres north of Nadi. Lautoka spans an area of 16 square kilometres and had a population of 52,220 (per 2007 census).

Our early arrival in Lautoka on 16 September allowed time to drop into the Elections Office and pick up information on the polling venues we were allocated. All of the venues were schools except for two—one a community centre and the other a building belonging to the Housing Authority of Fiji. The largest polling venue had nine voting stations and the smallest had one. At a couple of venues, I observed the delivery of the sealed ballot boxes containing ballot papers, election materials and documentation. At other venues I witnessed polling-day workers (PDW) setting up in an orderly fashion. Police were present at all polling venues in an unobtrusive manner, away from the polling areas.

On arrival at a polling station, I introduced myself to the presiding officer, who checked my identification card then got me to complete and sign a logbook. The PDWs were meticulous in following process, such as reading aloud from the instruction manual to inform observers about what was being done. This ensured that the political party officials (PPO) and I were following procedures. It was positive to see the high number of women engaged as PDWs, including highly competent women presiding officers.

I also noticed that there were more women than men PPOs observing the elections. The PPO presence at polling stations was generally low and the smaller parties were usually absent. My conversations with a number of PPOs indicated that they were ill-prepared as election scrutineers. This is echoed by the MOG Report (2014c, p. 13), which noted that the:

Political parties and the FEO gave insufficient weight to the importance of agents (PPOs) in guaranteeing the electoral process. The FEO provided some training, but it was entirely focused on the electoral process, rather than agents' role in the process.

Despite this and a general lack of political party support for PPOs on election day, most officials were stoic and stayed till the votes were counted.

Voting

Early on election day, I made a quick drive by a cluster of venues before calling in at Tilak High School, which had seven polling stations, to observe PDWs set up before polling started at 7.30am. Outside each venue people were queuing up, many arriving over an hour before polling began. It was a public holiday and many people had clearly decided to get the voting over and done with to free up the rest of the day. As it turned out, a smarter choice might have been to vote later in the day when there were fewer queues. Voters appeared genuinely upbeat, good natured and full of anticipation. The atmosphere was generally positive and at times festive. This accords with the MOG's Preliminary Statement that noted:

The 2014 Fijian Election, the first election since 2006, was enthusiastically embraced by the voters of Fiji who were keen to participate in the democratic process. The election was conducted in an atmosphere of calm, with an absence of electoral misconduct or evident intimidation.

The FEO election material promoted voting as a national responsibility with slogans like 'My election, My Fiji' and 'I'm voting because I'm Fijian'. Fijians were clearly motivated by these messages and the urging of leaders, including the Chair of the Fiji Electoral Commission, with 84 per cent of registered voters casting their votes.

It would appear that the FEO had not anticipated a surge at the start of polling and PDWs were not prepared for this. Better anticipation and planning could have averted some delays and the frustration experienced by some voters. By mid-morning, long, slow-moving queues were frustrating voters who had been standing in the hot sun for two to three hours. At venues with multiple polling stations, PDWs directing voters to the correct queues in the first instance would have prevented people from lining up for the wrong polling station. Proportionally, however, such incidents were few and election officials quickly worked out the issues and managed them. Most able-bodied voters completed their ballots with ease, usually within a few minutes, while those needing assistance took longer. I was pleased to see election officials go out of their way to assist voters who were elderly, pregnant, unwell or had disabilities—they were allowed to

vote on arrival without queuing. The slowest aspect of the voting process was verification. Under pressure the PDWs carried out their duties assiduously, with the MOG Report (2014c, p. 3) noting that:

Despite a new, unfamiliar and complex voting system, the Fijian Elections Office administered the election effectively. Polling officials were well-prepared and voting procedures were generally followed correctly.

The bright orange fluorescent vest, white *bula* shirt⁵ with the MOG logo, and large photo IDs worn by MOG observers made them easily identifiable. This also made it easy for observers to interact with voters and election officials. Many voters were curious about my presence, while others welcomed and thanked me for being there. Some voters complained about the delays and the way the elections were run. On a handful of occasions, I helped voters find their designated polling stations by texting the '545' number, a dedicated telephone number set up by the FEO for voters to either text or call to find their polling station. The system was innovative, quick and worked well if one had a mobile phone.

Counting

Polling stations closed at 6pm, but at most venues things had quietened down well before then. I returned to the same polling station at Tilak High School where I had witnessed the start of polling in the morning, this time to observe the conclusion of voting and counting. Again, the presiding officer was meticulous in adhering to procedures, first making a final call before closing the polling station, then reconciling the number of ballot papers used against the roll, followed by the sorting and counting of votes. Counting 500 votes took almost four hours, an indication of the arduous process involved. After the results were double checked, a copy was displayed outside the polling station and the provisional results were reported to a call centre in Suva. Everything was packed into the ballot box, sealed and then sent back to Suva. As with voting, the PDWs were very diligent in adhering to the counting process. I spent Saturday at the

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5 Fijian name for a Hawaiian-style floral shirt

Vodafone Arena, the vote counting centre in Suva, to observe the counting of postal votes because by then the bulk of the counting had been completed and the results displayed around the hall.

Elections—critical for Fiji's progress

Fiji's 2013 Constitution introduced for the first time an electoral system that was not based on ethnicity. The 2014 elections for a 50-member unicameral legislature was conducted under an open list proportional representation system, which also lowered the voting age from 21 to 18. For many reasons the elections were a much anticipated and closely followed event for Fijians as well as for the broader international community, including the large Fijian diaspora abroad. A credible election would reinstate Fiji as a democratic country and help restore political relations between Fiji and its Pacific neighbours—particularly with Australia and New Zealand. More importantly, the elections answered immediate questions like:

- How well would the new electoral system fare?
- What would voter turnout be?
- What would the elections outcome be?
- Would the results be accepted by Fijians?

According to the MOG, the elections were very well run despite the limited time to prepare and logistical challenges caused by geographical spread and remoteness. While there were some anomalies on election day, these were isolated cases and not unexpected, given that the electoral system was new and untried. In the bigger scheme of things, the administrative issues encountered were minor and did not compromise the integrity of the elections. Voter turnout was high. According to the Fijian Elections Office (2014, p. 2):

a total of 84.6 per cent of Fiji's 591,101 registered voters voted in the 2014 General Election. Only 0.75 per cent or 3714 of the 500,078 ballots cast were invalid, a record low for an election in Fiji.

A total of 248 candidates from seven political parties and two independent candidates contested the elections. Bainimarama and his FijiFirst Party won close to 60 per cent of the votes to claim 32 of the 50 parliamentary seats. The Opposition (made up of the Social Democratic

Liberal Party and the National Federation Party) secured 15 and three seats respectively. The other political parties and independent candidates did not gain any seats because they did not secure 5 per cent of the total votes cast as required by the 2013 Constitution. Fijians and the international community have largely accepted the result, assured by the MOG's declaration on 18 September 2014 that:

(a) the outcome of the 2014 Fijian Election is on track 'to broadly represent the will of the Fijian voters; and (b) the conditions were in place for Fijians to exercise their right to vote freely'.

Conclusion

Some feel that the Administration's decision to postpone the elections from 2009 helped Frank Bainimarama and FijiFirst get elected. While there may be some truth in this claim, it would be difficult to verify. The additional time certainly allowed the Administration to consolidate power, demonstrate its ability to govern, and implement policies that have had immediate tangible benefits and won support. Examples of such policies include the introduction of free school fees and bus fares, improvements to roads and village infrastructure.

The MOG found (2014c, p. 30) that:

Despite compressed timeframes, a complex voting system and some restrictions in the electoral environment, the conditions were in place for Fijians to exercise their right to vote freely; and

The election broadly represented the will of Fijian voters.

The MOG concluded that the elections were credible and the Fijian people had spoken, with almost 60 per cent of voters choosing FijiFirst. This was a comprehensive show of support for Bainimarama. The elections paved the way for Fiji's return to democracy.

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