



**REPUBLIC OF THE FIJI ISLANDS
NATIONAL ELECTION, MAY 2006
REPORT OF THE PACIFIC ISLANDS FORUM OBSERVER TEAM**

INTRODUCTION

In March 2006, Fiji's Prime Minister Laisenia Qarase invited the Pacific Islands Forum Secretariat to deploy an observer Team to Fiji's national election from 6-13 May 2006. Bearing in mind the Forum Leaders' *Biketawa Declaration* of 2000, and the Forum's commitment to supporting good governance in the region, the Secretary General was pleased to accept the Prime Minister's invitation.

2. The Forum Team consisted of 25 members, led by Forum Secretary General Greg Urwin. Other Team members included Members of Parliament, government officials and others from Australia, New Zealand, Tonga and Tuvalu, as well as several Forum Secretariat staff. A full list of the Forum Team members is at [Attachment 1](#). Its Terms of Reference are attached as [Attachment 2](#). The Team's mission ran from 1-18 May 2006.

3. Forum Team members were deployed in pairs to seven locations around Fiji's main islands of Viti Levu and Vanua Levu (Suva, Korotogo, Nadi, Lautoka, Rakiraki, Savusavu and Labasa), with certain teams also making side-trips to other islands including Ovalau, Kadavu and Taveuni during the polling period. Forum team members visited a total of some 272 polling centres, and were able to see voting for 69 of the 71 constituencies. (Some polling centres were visited more than once on the same day or different days.) Forum Team members observed the counting of votes in all four count centres at Suva (two centres), Lautoka and Labasa. The Forum Team sought to cooperate and share information with (separately deployed) observers representing the European Union, Commonwealth Secretariat and the University of the South Pacific. We were also aware of, and had limited contact with, observers from the US Embassy in Suva and an independently-accredited domestic observer.

4. Prior to deployment, the Forum team attended two days of briefing in Suva arranged by the Forum Secretariat and the Office of the Supervisor of Elections, respectively. These briefings covered political and legal background on Fiji, the electoral system and procedures for the 2006 election, as well as other matters such as cultural awareness, health and security. Observers were also given access to comprehensive written material including the 1997 Constitution, the 1998 Electoral Law and the various election officials' manuals. While observing the polling and counting, Forum Team members spoke with a wide range of people involved in the process including candidates, party officials and agents, Elections Office staff, police and voters.

5. This report documents the Team's assessments and recommendations arising from our direct observation, discussions with participants in the electoral process, and examination of relevant documents.

6. The Forum Team recognises that it was of limited size and conducted its observation in Fiji for a relatively short period. For this reason, the scope of our report is limited in time and scale and focuses particularly on the process of polling and counting.

THE CONTEXT

7. The Republic of the Fiji Islands is a country of some 332 islands (110 inhabited) with a population of approximately 850,000. A former British colony, Fiji has been an independent nation since 1970.

8. A defining feature of Fiji's politics since before independence has been the relationship between indigenous Fijians and Indo-Fijians (who are primarily descendants of Indians brought to Fiji by the British to work on sugar plantations), and the political forces that represent them. In previous decades the number of Indo-Fijians was greater than indigenous Fijians, but the Indo-Fijian proportion of the population has been in decline in more recent years. In December 2005 Fiji's Bureau of Statistics estimated that about 55% of the population was indigenous Fijian, 37% Indo-Fijian and 8% belonged to other ethnic groups.

9. When national elections in 1987 led to the installation for the first time of a Government and Cabinet with substantial Indo-Fijian representation, the Fiji Military Forces staged two military coups in succession and installed a military government under the leadership of (then) Colonel Sitiveni Rabuka. Parliamentary democracy was gradually restored to Fiji with a new Constitution promulgated in 1990. National elections were held under the 1990 Constitution in 1992 and 1994.

10. Following these events a Constitutional Review Commission was convened to make recommendations for a new Constitution which aimed to reach a broadly acceptable multiracial framework for Fiji with an electoral system which would moderate ethnic divisions and create the conditions for stable government. The Commission's report was considered by Parliament and its model eventually accepted with some amendments, resulting in the adoption of the "1997 Constitution".

11. Political life was disrupted again however, following the 1999 election victory of the Fiji Labour Party and the consequent installation of Mr Mahendra Chaudhry as Prime Minister. In 2000 a group of civilians led by George Speight, with the support of a portion of the military, took control of Parliament House in an attempt to stage another coup. After extensive negotiations, an Interim Government was formed and a fresh national election was ultimately held in 2001. That election was won by the Soqosoqo Duavata ni Lewenivanua (SDL) party and its leader, Laisenia Qarase, became Prime Minister.

12. Fiji's national election in 2006 was mandated by the completion of the five-year term of the government elected in 2001 and thus marked a return to a "normal" electoral timetable in Fiji. It was the third election to be held under the system established by the 1997 Constitution and 1998 Electoral Act.

THE ELECTORAL FRAMEWORK

The legal framework

13. The legal framework for elections in Fiji is established by the 1997 Constitution and by the *Electoral Act 1998* (as amended).

14. The Constitution provides that the House of Representatives shall consist of 71 members elected from single-member constituencies. The Constitution specifies the numbers of communal and open seats in the House, and the electoral system to be used (“the preferential system of voting known as the alternative vote”). Registration and voting is compulsory for all citizens of Fiji 21 years and over who have been resident in Fiji for the preceding two years. The Constitution also contains provisions governing the Election Commission and Supervisor of Elections, determination of constituency boundaries, registration of voters, nomination of candidates and timetables for elections. The Constitution nominates the High Court as the Court of Disputed Returns.

15. The Electoral Act provides more detailed provisions governing the conduct of elections and related issues under the framework of the Constitution. The Act also empowers the Electoral Commission to make regulations as necessary for its implementation.

The election management body

16. The Constitution establishes an independent Electoral Commission consisting of a Chairperson who is appointed by the President, and four other persons appointed by the President on the advice of the Prime Minister (who must consult with the Opposition Leader). The Constitution also establishes a Supervisor of Elections, appointed by the Constitutional Offices Commission in consultation with the relevant Minister. The Supervisor heads an office commonly known as the Elections Office. At the time of the 2006 election the Supervisor of Elections was Mr Semesa Karavaki, and the Office consisted of six permanent staff, assisted by three international advisers.

17. To conduct the election, each of Fiji’s four Divisional Commissioners was appointed as Returning Officer to oversee the election in his Division. Assistant Returning Officers were appointed to cover each constituency, who were often District Officers or other government employees based in that area. These in turn were responsible for appointing and training the polling teams for each polling station which consisted of a Presiding Officer, Assistant Presiding Officer and a number of polling clerks. Many of these were also government employees of various kinds. The “Selection Criteria for Election Officials” promulgated by the Elections Office established a range of criteria to be considered in the recruitment of all election staff (for registration, polling and counting), including ethnic and gender balance.

The electoral timetable

18. The electoral timetable jointly issued by the Chairman of the Electoral Commission and the Supervisor of Elections on 27 March 2006 was as follows:

- Dissolution of Parliament 27 March 2006
- Issue of Writs 28 March

- Petitions of Demonstrated Support (for nomination of candidates) 31 March
- Close of Electoral Roll 4 April
- Nomination day 11 April
- Objection Day 12 April
- Lodgement of Preferences 18 April
- Polling period 6-13 May
- Count starts 15 May
- Declaration of Result (estimated) 18 May

The electoral system

19. Fiji's 71 electoral constituencies are made up of a combination of ethnically segregated, or "communal", and open seats. The country is essentially divided five times, into five sets of constituencies which overlay each other – 23 Fijian communal seats, 19 Indian communal seats, one Rotuman communal seat, three "general" communal seats (for those not in any of the first three ethnic groups), and 25 "open" constituencies in which voters of all ethnicities vote together. Each voter gets two votes, one for the relevant communal constituency and the other for his or her open constituency.

20. The election for each constituency is conducted using the preferential system. This system requires voters to rank the candidates in their order of preference. In order to win the seat, a candidate must win an absolute majority (greater than 50%) of valid votes cast. If no candidate does so when the first preferences are counted, the candidate with the lowest number of first preferences is eliminated and those votes are moved to the candidate nominated as the second preference by his or her voters. This process of "distributing preferences" is continued until one candidate secures an absolute majority.

21. The additional factor in Fiji's system is that the ballot paper is divided into two sections, "above the line" and "below the line". Voters who do not wish to number their own preferences "below the line", have the choice of simply ticking the symbol for their preferred party or candidate "above the line". In that case, the voter's preferences are allocated in accordance with a preference list lodged before the election by that party or candidate.¹ The reality in Fiji elections is that the vast majority of voters choose to vote above the line, effectively delegating their determination of preferences to the party of their choice.

Candidates and political parties

22. The 71 House of Representatives constituencies were contested by a total of 338 candidates, with the number of candidates per constituency varying from 2 (Lau Fijian Communal) to 11 (Nadi Open). Most of these candidates represented one of 13 political parties contesting the election, while 68 candidates stood as independents. The two "major" parties, which fielded the most candidates, were the Soqosoqo Duavata ni Lewenivanua (SDL) party and the Fiji Labour Party (FLP).

¹ It is worth noting that any party running candidates in the election may lodge preferences and therefore have its symbol placed above the line for any constituency, regardless of whether the party is fielding a candidate in that constituency or not.

OBSERVATIONS

23. Preliminary views of the Forum team on the voting and counting were published in two interim statements issued by the Team Leader on 15 and 18 May 2006. Those statements are attached as Attachments 3 and 4. Further to those assessments, and at the conclusion of the process, the following observations provide the views of the Forum Team on a number of issues that struck us as key matters arising from the election.

Election management

24. On the whole, the Forum team commends the Supervisor of Elections, the Elections Office staff and the polling and counting teams for their successful conduct of the poll under challenging circumstances. While there were undoubtedly some logistical problems with this election (which are discussed further below), the Forum team feels that the very critical media coverage of the management of the election may not have told the full story. In the great majority of polling stations and on most days of polling, the election proceeded smoothly and on time. When problems did arise they were dealt with transparently and honestly by the Supervisor or other relevant staff. In their discussions with electoral management personnel, Forum team members found them to be singularly open and of good faith.

25. A national election is a logistical challenge for any country, and the complex arrangements required for an election in Fiji (for example, the large number of polling staff and the need for five or more ballot boxes and separate sets of papers per polling station) were further compounded on this occasion by the short time available to prepare. The Forum Team agrees with comments made by the Supervisor of Elections and a number of others during the process, that the 2006 election demonstrated the need for a higher ongoing level of resourcing for the Elections Office. A larger staff, working continuously between elections, would contribute enormously to ensuring maximum readiness and improving the quality of the process on a number of fronts, including enabling the Office to address recommendations in this report on issues such as voter registration and invalid voting.

26. It should also be noted that there seems to be a distinction between wider, systemic problems, and the local situation at the polling and counting centres. At the polling stations observed by the Forum team, Presiding Officers and their staff appeared to be appropriately skilled for their responsibilities, conducting the poll competently and with good will. The same comments are true of the counting staff during that process. While fatigue was certainly a factor in some errors made at the end of the long voting and counting periods, staff at all levels worked tirelessly throughout the process, and almost always with a high degree of competence. There was no case in which Forum observers had reason to believe any election official at any level was behaving suspiciously or dishonestly.

27. The Forum Team observed varying levels of diversity in ethnic and gender representation within polling station and count centre teams. While generally acceptable, there remained room for improvement, especially among senior staff. The Forum Team also received critical comments from party agents regarding the lack of ethnic balance in the enumeration teams which conducted the voter registration. It was notable that all polling and counting teams, regardless of their composition, worked together with extremely good will and humour.

28. The Forum Team recognises that drawing election officials from existing government employees influenced the ethnic mix of teams, and that more time and resources to prepare for an election would allow for a more balanced recruitment of election staff. The Supervisor of Elections acknowledged this as an issue which needed to be better addressed in future. The Forum Team emphasises that adhering to the requirements for ethnic and gender balance in the makeup of the Elections Office and all electoral teams, including enumerators, polling station and count centre staff, would assist voter confidence in all stages of the election as well as ensuring that culturally and linguistically appropriate assistance is available for voters in every location.

29. Forum observers were universally impressed by the role played by the Fiji Police Force in the election. The police were polite and discreet at all times. Their vigilance, particularly at key stages such as the sealing of ballot boxes, was notable. Their presence also helped assure secrecy of voting, particularly when ballot papers were taken to disabled or elderly voters outside the polling stations. The well-presented and well-disciplined police presence contributed to the calm, secure environment at both the polling stations and count centres.

Recommendation 1:

That the Government of Fiji ensures adequate permanent resourcing of the Office of the Supervisor of Elections, including in the periods between elections, to allow it to carry out important ongoing tasks including voter registration and education, as well as ensuring maximum readiness for each election. That development partners be willing to consider assistance in this regard if requested by the Government of Fiji.

Recommendation 2:

That the Office of the Supervisor of Elections makes every effort to ensure that the requirements are met for an appropriate ethnic and gender balance in the recruitment of all election staff and the composition of teams for the conduct of voter registration, polling and counting.

The poll

30. The overall impression of the Forum Team was that the polling process was conducted properly, in accordance with the electoral laws and procedures of Fiji, and with good faith and good will among all concerned. Forum observers reported that in every polling station they visited, every effort was made to ensure a smooth and sound electoral process in which voters could cast their ballots freely and in secret.

Polling times and schedule

31. On the first day of the election there was a much-publicised delay in the commencement of the poll in some parts of Viti Levu – notably the Suva/Nausori and Nadi/Lautoka areas – due to the late printing and distribution of some ballot papers. This caused long queues and inconvenience for some voters, delaying the start of voting by up to five hours in some locations. In other places polling was opened before the full set of ballot papers was on hand, leading to the unfortunate incidence of Rotuman and “general” voters being turned away from polling stations for the first few hours while members of other communities were able to vote.

32. While those problems were significant, they were not replicated throughout the country, and in most cases polling was extended by up to two hours as partial compensation for the late start. Polling proceeded mostly on time throughout the rest of the week. Forum observers reported that a number of polling stations did not open precisely on time on other days of polling, for a range of reasons including delay in morning delivery of new ballot boxes and general lateness among staff. These delays were generally of less than an hour's duration. A few polling stations in rural areas observed by the Forum Team closed earlier than scheduled, but in these cases the Polling Agents and Police told observers they were satisfied that "everyone had voted".

33. One issue noted by the Forum Team across various districts was late changes to the schedule of polling station opening times. In at least one case, a variation to the schedule was not advertised at all in the media and some other variations were advertised with only one day's notice, and Forum observers were concerned this may have affected the ability of some voters to get to the polling stations. It may also have contributed to the absence of some of the parties' sheds at polling stations in certain open constituencies. While the Forum Team appreciated the complexity of the schedule and the need for flexibility, it is important that voters are given sufficient advance notice and clarity as to polling station whereabouts and timing, to allow them every reasonable opportunity to vote.

Access for voters

34. There were over 1100 polling stations for the 2006 election, an increase of some 200 from 2001. Some rural voters commented favourably to Forum Team members on the increased number of polling stations, which had made voting more accessible for them. At the same time, Forum observers noted that some polling stations were located in places which created difficulties of access. These included at least two stations at the top of steep hills and a few with flights of stairs, a few with poor or no road access and even one to which a path had to be excavated by polling officials following heavy rain, before voting could start. In addition, Forum observers in Suva noted some inefficient allocation of resources, with certain stations maintaining long queues while others nearby were overstaffed and virtually empty. While securing a perfect location and distribution for all polling stations may never be achievable, some attention could be given to lessons learned in 2006 for the allocation of polling stations next time around.

35. Once a polling location was reached, voters generally had no access problems, with good layout and flow of voters evident in the majority of stations observed by the Forum Team. There were some cases where small rooms or rooms with only one entry and exit point made access more difficult and the station congested. There were also cases in which queue management outside the station could have been better handled. The overall impression of Forum observers, however, is that polling stations were well set up and managed to ensure access and a smooth flow of voters.

36. On a separate access issue, Forum observers were particularly impressed with the efforts made to ensure that those with special needs were able to vote. Presiding officers and polling clerks went out of their way to assist those with disabilities, the elderly and the illiterate. It was not uncommon for polling station officials, accompanied by the police and sometimes polling agents, to take ballot papers to a disabled voter in a car outside the polling station or to a house in a village. Care was taken to ensure that the secrecy of the vote was as

assured as well as possible in these circumstances. The process for assisting illiterate voters in the polling stations was largely adhered to and the requisite form completed.

Particular incidents and irregularities

37. There were certain irregularities in particular polling stations observed by Forum Team members which, while not indicative of an overall pattern, are worthy of mention. In a few polling places voting screens were set up backing on to windows and in one case at a visible angle to polling staff, allowing the possibility of compromise of the secret ballot, although Team members saw no evidence of any actual compromise. In one polling station Forum observers encountered misprinted ballot books with extra (un-numbered) ballot papers, which were found by the Presiding Officer.

38. Members of the Forum Team also noted some variations in practice between polling teams in relation to the sealing of ballot boxes. A few cases were observed where ballot boxes were either unsealed or sealed incorrectly during polling – this was the result of insufficient seals in one case, and possibly poor judgement by Presiding Officers in others, although in no case was there any evidence or suggestion of corruption. One member of the Forum Team expressed concern about the time consuming and potentially dangerous use of sealing wax, and some Team members agreed that simpler and safer procedures could have been implemented to speed up the opening and closing procedures, while retaining sufficient assurance of security, such as using additional numbered closing labels in lieu of wax sealing. It is important to emphasise that the Forum Team was not concerned in any case that ballot boxes were inadequately sealed by the time they left the polling station.

39. In one constituency (Ba West Fijian Provincial Communal), Forum observers were concerned to discover a candidate for election, who was also the Chief of that area, sitting with supporters well within the 50m boundary of a polling station and apparently canvassing votes as voters entered the station. Although this was a clear breach of the electoral law, the Presiding Officer was unable to remove the candidate due to his chiefly status.

40. In mid-May Fiji's Police Commissioner Andrew Hughes stated that there were 21 complaints about the polling process under police investigation. While these appear to have been relatively minor in scale and nature, the Forum team encourages full and transparent investigation of all formal complaints made about the process.

41. This section of the report has drawn attention to some significant irregularities and weaknesses that may have prevented or dissuaded some electors from pursuing their right to cast a vote. It is impossible, as a matter of abstract theory, to exclude the possibility that at least one seat (Laucala Open, which was won by 11 votes) may have been decided differently had none of the problems identified above occurred. On the other hand it is equally impossible for the Forum Team to point to anything that would prove that a different result would necessarily have been the outcome had such problems not occurred. Any disappointed candidate has the legal right to challenge the result in his or her seat, and the Forum observer mission can not duplicate the task of the court of disputed returns. Our task is to make an assessment as to whether the election for the 71-seat House of Representatives, taken as a whole, was free and fair.

42. The irregularities the Forum Team observed in the polling were not the result of malice or impropriety. The Supervisor of Elections and his staff worked extremely hard

under considerable pressure to solve every problem arising as best they could. While the irregularities we have referred to were in some cases significant and should be addressed in future elections, the Forum Team has formed the view that they do not amount to such violations as would undermine the integrity of the process as a whole. The Forum Team therefore concludes that the polling process should be respected as valid.

Recommendation 3:

That the Office of the Supervisor of Elections seeks comments from Presiding Officers on possible ways to improve and/or streamline the opening and closing procedures, while maintaining the current levels of security.

The count

43. The overall impression of the Forum Team was that the verification of votes and the count was conducted with a very high degree of integrity. The guidelines set out in the *Instructions for the Count* were generally followed closely by the count officials. The strong presence of candidates, party agents, police and international observers provided additional assurance of a fair, open and transparent process. Some small errors occurred, due either to insufficient training or the evident fatigue of officials at the end of the count process, but according to the observation of the Forum Team these were minor, were properly resolved and did not affect the integrity of the count.

44. Although the somewhat convoluted process for transporting ballot boxes from polling stations to the count centre gave rise to some allegations of possible misconduct during polling week, the Forum team believed that the security of ballot boxes was well assured. In some cases Forum observers were able to follow the boxes to their destinations and in those cases saw them properly handled and carefully guarded by police. In one count centre, Forum observers expressed concern that ballot boxes were left relatively unsecured during the reconciliation of postal ballots, although there was no evidence (nor allegation) that any interference with the ballots took place during that time. Verification of seals and labels on boxes was transparently conducted at all count centres and showed that no interference had taken place. Still, the Forum team emphasises the importance of police and authorities maintaining strong security over the boxes during the entire transport, storage, verification and counting stages.

45. As a general observation the Forum Team noted that the Count (including the verification of postal votes) was a cumbersome process. Despite this – or perhaps to some extent because of it - it was a very thorough and transparent one. There were variations in the efficiency with which the count process was managed, and some delays were caused by count teams' difficulties in filling in the forms required at the conclusion of each stage of the count. In addition to seeking "best practice" from the methods adopted by the various Count Team Leaders, there may be ways the process as a whole could be streamlined and sped up. However, the Forum Team recognises that accuracy and transparency were the priority considerations and notes that the count was completed faster in 2006 than in past elections.

46. Most seats were decided on the first count. For those seats where preferences were required it was obvious that a careful and thorough process was followed, including a recount in the closest constituency – Laucala Open – where the initial count led to a winning margin of just 17 votes, which was reduced to 11 votes on the recount.

47. Of particular interest was the treatment of invalid and doubtful votes. The *Instructions for the Count* made it optional for Count Team Leaders to refer all invalid votes to the Returning Officer. Some count teams classified all invalid votes as “doubtful” and thus subject to the Returning Officer’s scrutiny, while others did not. Given the high number of invalid votes it may be appropriate that all invalid votes be referred to the Returning Officer for consideration.

Recommendation 4:

That the Office of the Supervisor of Elections seeks comments from Returning Officers as to why some Count Rooms performed more effectively than others. Common elements could be used to establish best practice and refine procedures for the Count.

The register of voters

48. To date there has been no standing register of voters in Fiji. Thus a complete new registration exercise was conducted in the months leading up to the 2006 election. A registration drive was conducted through both door-to-door canvassing and public announcements, from which a Provisional Roll was published. This was made publicly available and it was the responsibility of voters to check that they were properly registered. Following a period for the lodgment of corrections to the Provisional Roll, a final Master Roll of 479,674 registered voters was produced, which was divided into communal and open rolls for each constituency to facilitate the polling. (A Supplementary Roll was also produced immediately before the election to add late registrations and changes to the rolls.)

49. Prior to the polling period, concerns had been raised about the conduct of the registration process and the accuracy of the register. It quickly became apparent once polling commenced that there were problems with the rolls, with numbers of voters across the country reporting to observers that despite their belief that they were validly registered, polling officials were unable to find their names on the relevant rolls.

50. The short time frame allowed for preparation of the register was undoubtedly a contributing factor to the number of missing names and inaccuracies on the rolls. There appeared to be data entry and quality control deficiencies, as some people were correctly registered on the communal roll but not on the open or vice versa. Confusion also arose through the similarity of names, especially among the Indian community; in some cases the date of birth was the only separator between voters.

51. The situation was further complicated by the fact that it was suggested to many potential voters that they may be registered in a different constituency than the one in which they turned up to vote (due to either the voter’s misunderstanding, or a mistake in the roll). Not all Polling stations had copies of the Master Roll to check this. Some of these people were assisted by party representatives in the sheds and sent to correct polling stations to vote, but in other cases party agents reported that voters were unable to get to their nearest elections office or to get through to the elections office telephone hotline, and it is probable that some simply gave up and did not vote.²

² Due to the legal obligation to vote, and in order to avoid being fined for not voting (at least in theory), unsuccessful voters were required to complete an “Attempt to Vote” form. This was not always done and where it was, often added to the burden on polling officials and the delays associated with the roll problems.

52. It is extremely difficult to ascertain with any certainty the scale of this problem. Some individual Forum observers conducted their own assessments in local areas which suggested that a range from 0.01% to 4% of potential voters may have been affected. It should be noted that Forum observers consistently saw polling staff make genuine and thorough attempts to find voters' names and facilitate their votes if at all possible. It is also worth noting that late in the polling period, many polling stations apparently received instructions to allow voters who appeared on only one roll to vote for both their constituencies. The reportedly high voter turnout figure of 87.7% does suggest that the vast majority of registered voters who attempted to vote were able to do so.

53. Moreover, the Forum Team's observation indicated that the problems with the rolls were *ad hoc*, affecting voters of all ethnic groups and political allegiances and spread throughout the country. As such, the Forum Team found no evidence to suggest a deliberate attempt to disenfranchise voters through manipulation of the rolls.

54. At the same time, denial of the vote to any genuinely registered voter, for whatever reason, is a serious breach of democratic rights and a cause for concern. The Forum Team thus regarded the problems with the rolls as the biggest single weakness of the election and strongly urges that this issue be addressed. The establishment of a "continuous roll", maintained and updated between elections has been suggested within Fiji, and the Forum Team believes this would be a major positive step towards a more accurate roll. Fiji may also wish to consider amendments to the electoral law to better protect the franchise, such as setting up a system to allow a "special" or "provisional" vote to be cast when a voter has evidence of registration, subject to checking with the Master Roll later.

55. On a separate but related issue, the Forum Team supported the views expressed by Boundaries Commission Chairman Mr Barrie Sweetman in his briefing to observers, that determining electoral boundaries based on a census completed only once every ten years is at best problematic. The Forum Team also noted the need to re-align the timetable between censuses, boundary review processes and elections, to ensure that the boundaries used for elections and the allocation of polling stations and resources can be based on the freshest possible demographic data. The Forum team suggests that consideration be given to whether a continuous roll containing clear and accurate voter information would meet the need for up to date data upon which to determine constituency boundaries and conduct election planning.

Recommendation 5:

That the Office of the Supervisor of Elections takes action to ensure improved accuracy in the register of electors, as a matter of priority in advance of the next election.

Reforms worthy of consideration include the institution of a continuous roll system, allowance for provisional voting, and provision of the Master Roll at all polling stations.

Recommendation 6:

That the Government of Fiji considers the potential of a continuous roll not only to assist with the integrity of the register of voters but to facilitate appropriate and regular boundary distribution in accordance with the Constitution.

Invalid votes

56. The Forum team notes with great concern that the recent high level of invalid voting in Fiji – around 9% at the 1999 election and 12% in 2001 – continued in the 2006 election. Despite advice from the Elections Office that voter education was conducted at an unprecedented level prior to this election, the level of invalid votes was around 9%. This is a slight improvement on 2001 but remains one of the highest levels of invalid voting in the world, and in some constituencies, the level of invalid votes was higher than the winning margin. Disenfranchisement of any voter is a cause for concern: the consistent loss of the vote on this scale is simply an unacceptable pattern in a functioning democracy.

57. It is difficult to authoritatively assess the reason for the continuing high level of invalid voting. The proportion of invalid votes in respective constituencies did not suggest any clear distinction, such as between urban and rural areas, or between Fijian and Indian seats. Our limited observation of the invalid ballots during the counting seemed to indicate that the majority of invalid votes occurred when voters ticked below the line (instead of ticking above or numbering below the line). This lends weight to suggestions that the alternative vote system with its above or below the line choice, and/or the design of the ballot paper remain difficult for the people of Fiji to understand.

58. The response to this problem may take a range of possible forms. One or more of the following may be worthy of consideration:

- more and better targeted voter education³
- a change in the electoral law relaxing the validity requirements, such as allowing ballots to be determined valid by the Returning Officer where the voter's intention is clear
- changing the design of the ballot paper, such as removing the above / below the line choice while maintaining the alternative vote system, or amending the design and terminology to clarify the distinction between above and below the line choices, or even creating separate ballot papers for above and below the line voting
- changing the electoral system itself from the alternative vote to another system.

The most appropriate method and scale of reform is a matter for the people and election authorities of Fiji, but the Forum team feels strongly that the problem must be addressed in some way as a matter of urgency before the next election, so that the trend of unreasonably high invalid voting can be turned around. The Forum team believes it is essential that research be conducted into both the reasons for invalidity and the actual levels of understanding of the voting system (and its implications) in Fiji and in the various communities within it. The result of this research should then be used to target appropriate responses to the invalidity problem for future elections.

Recommendation 7:

That research be undertaken into the high level of invalid voting in Fiji, and be used as the basis for appropriate action aimed at decreasing the invalid vote, as a matter of urgency before the next election.

³ This may include improving the timing of voter education sessions in rural areas. Two polling officials commented to Forum observers in Vanua Levu that voter education had been conducted in villages at times when the majority of farmers were away working in the fields.

Media

59. Media coverage of the election before polling commenced was substantial. Large amounts of paid television, radio and press advertising were placed by candidates and parties in the week before polling. This paid advertising was complemented by a substantial amount of reporting and comment including televised leaders' debates, interviews with candidates and discussion about proposed policies and platforms, and coverage of election preparations. On the whole the Forum Team was satisfied that the media coverage was extensive and in most cases sought to be balanced in dealing with election-related issues.

60. However, from the first day of polling, media coverage of the election focused strongly on the problems that arose, even where these were not widespread and/or were appropriately addressed. These topics included the first-day delay in delivery of ballot papers to some polling stations, variations in the polling schedule, larger-than-expected queues, and problems in relation to voter registration. Political parties' allegations of irregularities about the process were given extensive coverage with little independent investigation of their merit. The Supervisor of Elections received almost daily criticism in the media, and as a result spent more time during the polling period managing issues and the media than was desirable, given his need to focus on managing the polling.

61. Robust media coverage is part of a transparent electoral process. However, it is a matter of concern to the Forum Team that focus by the media on logistical problems without any sort of perspective could lead to a lack of confidence among citizens, despite their own generally positive local voting experience. In some cases it appeared that the criticisms of the Elections Office were politically driven and the Office was not well equipped to manage its own reputation at a critical time. The Forum Team believes that consideration should be given to training key election staff and resourcing the Office to handle this important aspect of the process, to ensure long term public confidence in the electoral system.

Recommendation 8:

That consideration be given to specific training and resourcing for the Office of the Supervisor of Elections in media management, in order to ensure the Office is able to safeguard public confidence in Fiji's election process.

Participation of women in the election

62. The Forum Team recognises the project currently being undertaken by the Forum Secretariat and the United Nations Development Fund for Women (UNIFEM) on advancing women's representation in parliaments across the Pacific region. Full political participation is a fundamental right for every woman, as set out in The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which Fiji acceded in 1995.

63. Of the 338 candidates standing in the 2006 election, 30 were women. Eight were elected - five from SDL, two from FLP and one Independent - the same number as in 1999, and three more than in 2001. While women will comprise 11% of the new House of Representatives this remains far short of the global target of 30% at the national decision making level. It is however well ahead of the average in Forum Island Countries which according to the International Parliamentary Union is approximately 3.5%.

64. Forum observers noticed women playing a visible and constructive role as officials at both the polling stations and the counting centres. There were few women Presiding Officers although the majority of team members were women. Having had the experience of this election, the Forum Team hopes that election managers and women themselves will need little encouragement to increase the number of women in senior roles next time.

65. The Forum Team found no evidence of intimidation of women voters. Rather it was our impression that they formed the majority of voters.

Recommendation 9:

That the Government of Fiji notes the low participation of women in the electoral process and makes efforts to address this.

CONCLUSION

66. Having observed the 2006 poll from the commencement of voting to the conclusion of the count, the Forum Team is of the opinion that the election was a credible exercise of the will of the people of Fiji. While there were some problems and shortcomings which should be addressed for future elections, these were not significant enough to undermine the integrity of the overall election process. The Forum Team hopes the election will provide a sound basis for Fiji to move forward with peaceful, democratic and responsible parliamentary government for the next five years.

SUMMARY OF RECOMMENDATIONS

Recommendation 1:

That the Government of Fiji ensures adequate permanent resourcing of the Office of the Supervisor of Elections, including in the periods between elections, to allow it to carry out important ongoing tasks including voter registration and education, as well as ensuring maximum readiness for each election. That development partners be willing to consider assistance in this regard if requested by the Government of Fiji.

Recommendation 2:

That the Office of the Supervisor of Elections makes every effort to ensure an appropriate ethnic and gender balance in the recruitment of election staff and the composition of teams for the conduct of voter registration, polling and counting.

Recommendation 3:

That the Office of the Supervisor of Elections seeks comments from Presiding Officers on possible ways to improve and/or streamline the opening and closing procedures, while maintaining the current levels of security.

Recommendation 4:

That the Office of the Supervisor of Elections seeks comments from Returning Officers as to why some Count Rooms performed more effectively than others. Common elements could be used to establish best practice and refine procedures for the Count.

Recommendation 5:

That the Office of the Supervisor of Elections takes action to ensure improved accuracy in the register of electors, as a matter of priority in advance of the next election. Reforms worthy of consideration include the institution of a continuous roll system, allowance for provisional voting, and provision of the Master Roll at all polling stations.

Recommendation 6:

That the Government of Fiji considers the potential of a continuous roll not only to assist with the integrity of the register of voters but to facilitate appropriate and regular boundary distribution in accordance with the Constitution.

Recommendation 7:

That research be undertaken into the high level of invalid voting in Fiji, and be used as the basis for appropriate action aimed at decreasing the invalid vote, as a matter of urgency before the next election.

Recommendation 8:

That consideration be given to specific training and resourcing for the Office of the Supervisor of Elections in media management, in order to ensure the Office is able to safeguard public confidence in Fiji's election process.

Recommendation 9:

That the Government of Fiji notes the low participation of women in the electoral process and makes efforts to address this.

ACKNOWLEDGEMENTS

Without wishing to overlook the contributions of any individuals to our Team's work, we are very grateful to:

- The Prime Minister and Government of Fiji, for the invitation to observe the election and the facilitation of the observer team;
- The Supervisor of Elections, Mr Semesa Karavaki and his staff, including adviser Mark Borg, for their work to accredit the observers, provide background materials, comprehensively brief us, and ensure that all "doors were open" for us to observe the poll;
- The Returning Officers, polling and counting staff and police in the polling and counting centres we visited, for their warm welcome and their open and cooperative dealings with us, which made our job of observation both straightforward and pleasant;
- Likewise the candidates and party agents in the polling stations, counting centres and the "sheds", who shared with us their welcome, their experiences, their opinions and their grog (kava);
- The members of the other international observer teams who shared information and the "burden" of observing with us;
- The Governments of Australia and New Zealand, for the funding support which made the observation mission possible;
- And last but most certainly not least, the people of Fiji, for their friendliness and generous hospitality everywhere we went, which made participation in the Forum's observer mission a pleasure and a privilege.

Pacific Islands Forum Election Observer Team
Suva, 18 May 2006

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**FORUM ELECTION OBSERVER TEAM
FIJI 2006**

TERMS OF REFERENCE

At the request of the Prime Minister of Fiji, the Pacific Islands Forum has agreed to provide an Election Observer Team to observe Fiji's 2006 national elections.

2. The Team will be led by Mr Greg Urwin, Secretary General of the Forum Secretariat, and consist of individuals from Forum member countries (excluding Fiji). The Team's mission will commence upon its assembly in Suva prior to the election (on or around 1 May 2006) and conclude upon the issue of its final report, which will occur as soon as practicable following the declaration of the election results.

3. Under the direction of the Team Leader, The Team will:

- deploy to various locations within Fiji as directed, to observe the preparations for the elections (to the extent possible given the limited timeframe of observation), the polling, counting and results process
- Attend pre- and post-deployment briefings in Suva as required
- prepare a report summarising the team's observation of the polling and counting and the electoral environment, and an overall assessment of the integrity of the electoral process (noting the extent to which such an assessment is reasonably able to be made)
- Include in the report recommendations, if appropriate, as to how the election process may be improved in future
- Consider and note in the report, if appropriate, any technical assistance arising from the recommendations which may usefully be provided by the Forum or other partners following the elections.

4. Upon completion, the Team's report will be provided first to the Government of Fiji and the Office of the Supervisor of Elections in Fiji. The report will subsequently be shared with Governments which are members of the Pacific Islands Forum, and then be made public.

5. The observers participate in the team as representatives of the Pacific Islands Forum, rather than their respective countries or governments. As such they will conduct their duties impartially and independently, taking direction only from the Team Leader in regard to the performance of their duties as observers. Team members will not make substantive comment to the media unless specifically authorised to do so by the Team Leader.

6. All team members must familiarise themselves and ensure they comply with the Guidelines and Code of Conduct for international election observers issued by the Government of Fiji for the 2006 election.

PRESS STATEMENT 15-06

**PACIFIC ISLANDS FORUM ELECTION OBSERVER GROUP
INTERIM STATEMENT ON FIJI ELECTION**

Election Observers from the Pacific Islands Forum say that on the basis of what is now known, the voting process in Fiji's week long election has been conducted in a fair and credible manner overall, although some features of the process can be improved.

"The Pacific Islands Forum deployed 25 observers around Fiji and some of them will be observing the official counting of ballots over the next two days," said Forum Secretary General, Greg Urwin, who is also the Team Leader.

"Polling officials appeared to make all the efforts they could to ensure that registered voters were able to exercise their right to vote for the candidate or political party that they supported. The Forum observers were impressed with the professionalism of election officials, police and support staff who worked very long hours during the seven day voting period, and the patience of voters.

"The Forum observers noted a range of specific problems which were mainly linked to the voter registration process with which the Supervisor of Elections and his staff are obliged to work. These included names missing from the rolls, or registered in the wrong constituency, thereby depriving the voter of his or her right to take part in the election. While precise figures are not yet available, the observers believe the numbers involved may be relatively low and unlikely to have a significant impact on the outcome of the poll, but they represent a key shortcoming that should be addressed in preparations for future elections.

"The Elections Office may wish to consider the merits of moving to a system of a continuous registration of voters, as the current practice where registration is organised just prior to an election seems to place undue pressure on election officials and to lead to avoidable errors.

"Given the short period that the Elections Office was given to prepare for the election, it was possibly inevitable that problems with planning and logistics - the absence of some names from the rolls; the late starts on the first day; and transport and communication problems at some of the polling stations - were magnified.

"It is to the credit of the voters, the candidates, police and elections officials, and the network of support staff working behind the scenes, that Fiji has completed an election process in which the great majority of voters were able to exercise their right to vote, and to do so freely," Mr Urwin said.

The Pacific Islands Forum will issue a more detailed report on the election, including its recommendations, after counting of votes is completed this week. The report will first go to the election authorities and the government of the day, before it is released to Forum member governments and the public.

Forum Secretariat, Suva
15 May 2006

PRESS STATEMENT 17-06

**PACIFIC ISLANDS FORUM ELECTION OBSERVER GROUP
INTERIM STATEMENT ON THE COUNTING OF VOTES**

Election observers from the Pacific Islands Forum were present for the counting of votes this week at the counting centres in Suva, Lautoka and Labasa in Fiji.

“On the basis of its observation the Forum Team believes that the verification and counting of votes was conducted with the same integrity as the poll”, said Forum Secretary General and Team Leader Greg Urwin.

“Small problems and irregularities did arise in some constituencies observed by the Forum team, but these were appropriately addressed in the presence of observers and party agents. Forum members have no hesitation in assessing the counting process as fair and transparent” said Mr Urwin.

“The Forum team is aware that some concerns have been raised about alleged irregularities in the count, particularly in relation to one constituency.

“The Forum team encourages full and transparent examination of any credible complaints through the appropriate channels, and is confident that the Office of the Supervisor of Elections will be able to ensure that any discrepancies are properly resolved,” Mr Urwin said.

“We hope that Fiji will now be able to move forward on the basis of what we judge to have been a sound process,” Mr Urwin said.

The Forum team is now working to complete its more detailed report on the observation of the election, which will include some recommendations for improving the process in future elections.

The report will first go to the election authorities and the Government of Fiji, before it is released to Forum member governments and the public.

Forum Secretariat, Suva
18 May 2006