

PERSPECTIVES

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Fiji's system of elections and government: where to from here?

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Since my party's victory in the May 2006 general election, I have concentrated my attention on the formation of the multiparty cabinet with the Fiji Labour Party (FLP), and on laying the groundwork to ensure the success of this new approach to the governance of Fiji.

I am committed to ensuring that the multiparty cabinet with Labour will successfully take us through the next five years. This is not only because it is a requirement of the 1997 constitution. More importantly, it is because I believe it provides our country with an exceptional opportunity to start a new era of cooperation between our major communities through a multi-ethnic form of government.

Since the 2006 election, suggestions have been made about the appropriateness for Fiji of a system of proportional representation, as opposed to the current alternative vote system provided under the 1997 constitution. Proponents of proportional voting consider it to be more democratic and fair in ensuring a direct correlation between votes for, and seats won by, a political party campaigning on a national scale. As 'purists' in the application of democracy, they believe that an electoral system based on proportional representation more accurately reflects the wishes of the voters. Furthermore, they assert that, in a

multi-ethnic society, proportional representation helps to mitigate the effects of racial political polarization.

This chapter posits that the people of Fiji would be best served in exercising their democratic rights, both to elect their members of parliament and to elect a strong and effective government, by an electoral arrangement that promotes a political party system dominated by two parties, even though those parties are mainly ethnically based. I argue that this would be more appropriate than a system that would tend to encourage the proliferation of small political parties within each of our ethnic communities. Experience has shown that such proliferation in the Fijian polity is a recipe for instability.

I am, therefore, suggesting that we keep the election method established under the 1997 constitution and allow it to operate in a few more elections before we consider any major changes. This does not exclude adjustments recommended by the Electoral Commission to improve the operations of the current system.

The challenge in a political party system dominated by two major and ethnic-based parties is to devise a form of multi-ethnic government, which, in the words of section 6 (h) of Fiji's constitution, would take 'full account...of the interests of all communities' in our multi-ethnic and multicultural society. Section 99 (4) also provides that the composition of cabinet should, as far as possible, fairly represent the parties represented in the House of Representatives.

Background

Ever since the first national election in post-independence Fiji, that of 1972, different political parties or coalitions of parties have been elected to form the government: the Alliance Party in 1972, in the second election of 1977, and in 1982; the National Federation Party (NFP) in the first election of 1977; the FLP/NFP coalition in 1987; the Soqosoqo ni Vakavulewa ni Taukei (SVT) in 1992, and again in 1994; the FLP-led People's Coalition in 1999; the Soqosoqo Duavata ni Lewenivanua (SDL)/Conservative Alliance–Matanitu Vanua (CAMV) coalition in 2001; and the SDL on its own in 2006.

In all these elections, the most prominent and consistent feature is the ethnic base of the political parties, and racial voting behaviour.

The Alliance Party was proud that it was multiracial, having three components (the Fijian Association, the Indian Alliance and the General

Electors Association). However, in the main, it was essentially a Fijian party, and it was the indigenous vote that determined its success or failure at elections.

Most of the other parties have also claimed to be multiracial. Indeed, in their respective constitutions, they have opened membership to all citizens, irrespective of race and cultural background. But in their membership and in voter support at elections, the FLP and NFP have always overwhelmingly drawn support from the Indian community. The SDL, the CAMV, the SVT, and others like the Fijian Association Party, the Veitokani ni Lewenivanua Party (VLV), and PANU, have been supported, in the main, by Fijians.

In addition, one important development in elections under the 1997 constitution is the emergence of what is essentially a dual-dominant political party polity: the SDL largely supported by Fijians, and the FLP by members of the Indian community. This trend toward two dominant parties has been reinforced by a better understanding by the voters of the above-the-line and below-the-line methods for choice of preferences. The overall result in the 2006 election was that the SDL received approximately 81 per cent of all votes in the Fijian communal constituencies, and the FLP 81 per cent of all votes in the Indian communal constituencies.¹

In terms of voting behaviour, Fijians essentially vote for the 'Fijian' party they consider would best secure the interests of their community. Indians, for their part, support the 'Indian' party which, in their view, would best safeguard their interests as a community. The two communities see their security ultimately in winning control of parliament and government in elections. Voters shift or move their votes within their community. There is little movement of votes across communities. Fijian votes for the FLP in the 2006 election in the Fijian communal seats were only 6 per cent. Indian votes for the SDL in the Indian communal constituencies were even less, at 2 per cent.²

Indians switched largely to the FLP from the NFP in the 1999 election. The NFP's share of the Indian vote fell from 32 per cent in 1999 to 22 per cent at the 2001 election. The New Labour Unity Party, led by Dr Tupeni Baba, broke away from the main Fiji Labour Party. But its low Indian vote (3 per cent in 2001) showed that Indian voters still preferred NFP, when judged against this newer multiracial party. More importantly, they favoured a single political party to articulate communal interests. The consolidation of Indian support around

the FLP continued at the 2006 election, when the FLP received 82 per cent of Indian votes and the NFP share dropped to 14 per cent.³

On the Fijian side, Fijian votes crossed over from the SVT to the VLV and the Fijian Association parties in the 1999 election. In the 2001 election, Fijian votes shifted from these two political parties to the SDL and the CAMV. In the 2006 election, Fijian votes moved overwhelmingly to the SDL from all other parties within the Fijian community. As a direct result, there was a 60 per cent increase in overall voter support for the SDL.⁴

Where to from here?

Given our experience and the trends from past elections, the question that arises is, where do we go from here? A combination of continuing ethnic-based support for particular political parties; the racial vote by individual voters preferring the party and candidates closely identified with, and supported by, their ethnic community; and the continuation of the above-the-line choice of preferences under the current alternative vote system, will tend to consolidate the dominance of the two political parties – the SDL and the FLP. This, in my view, will be further reinforced if the current SDL/FLP multiparty cabinet continues successfully to run government until the next general election in 2011, and to resolve the country's main national issues. These include the renewal of agricultural leases on native land, promoting sustained high growth in the economy, and devoting more resources to alleviating and eradicating poverty amongst Fiji's poor and the low-income sections of our society.

The known advantage of the proportional representation system over first-past-the-post and alternative voting is that it reduces the discrepancy between votes cast for a party and seats won by that party. This ensures that a party's representation in parliament directly reflects the level of support it received. But this advantage is undermined if it leads to a proliferation of small political parties. This makes it harder for any single party to win a clear or outright majority in general elections. The New Zealand example is relevant.

From past trends, the introduction of a system of proportional representation is unlikely to draw, to any significant extent, Indian voter support away from the FLP and the NFP, or lead to the formation of a third 'Indian' party. There is, however, a real probability that it would exacerbate the problem of political

fragmentation within the Fijian community, and take Fiji back to the kind of political situation that led to the defeat of the Alliance government in 1977, and of the SVT government in 1999. It would make it harder in future elections for a single 'Fijian' political party to win with a clear majority in the House of Representatives. Without a 'Fijian' party winning with an outright majority, Fiji could see a repeat of what followed the 1999 general election. That election produced a coalition government led by a 'non-Fijian' party, despite the Fijian numerical majority. The reason for this was the fragmentation of Fijian votes caused by numerous parties competing for Fijian support. And this could happen again, even though the Fijians have an increasing Fijian political advantage, stemming from the growing Fijian population.

Voting results in the open seats in the 2006 election confirm the mobility of Fijian votes among several 'Fijian' parties, and the stability of Indian votes with the two 'Indian' parties, the FLP and the NFP. Amongst Fijian voters, 65 per cent voted for the SDL; 35 per cent voted for other parties, with the majority of these votes going to other 'Fijian' parties. Amongst Indian voters, 80 per cent voted for Labour. With only a 2 per cent vote for the SDL in the Indian communal constituencies, it was clear that the majority of the remaining 20 per cent of Indian votes in open constituencies went to the NFP and minor 'Fijian' parties.⁵

In assessing the suitability for Fiji of the proportional voting system, the following comments by researchers who have thoroughly studied it are relevant:

Various Western European countries use proportional electoral systems. More often than not, they bring about coalition or minority governments because no party wins an overall majority.⁶

Proportional representation, where it has been tried, has not noticeably improved the standards of public life. In Belgium, it has tended to eliminate independence. In Switzerland, it has so multiplied the tiny groups that no coherent opinion has been able to emerge. That always implies weak government, and weak government ultimately means an irresponsible government.⁷

Whilst variations can be made to the proportional representation system to lessen its tendency to encourage a proliferation of political parties, its application in New Zealand is illustrative of the unclear electoral outcomes it

can produce. There, it has led to a succession of coalition governments, with weakened authority for the prime minister.

When no party wins an outright majority, a coalition of convenience becomes necessary for the formation of a government. In Fiji, this kind of result would make it almost impossible for a prime minister to create the kind of multiparty cabinet envisaged in section 99 of the constitution.

An illogical consequence could be a cabinet in which the prime minister's own party was in a minority. I doubt whether this was envisaged by the architects of the constitution, because section 98 appears to assume that the person to be appointed prime minister will have a parliamentary majority.

Clearly, what Fiji needs is an electoral system that delivers:

- the democratic right of the voters to elect their members of parliament and their government
- a government with a clear majority in the House and strong constitutional authority for the prime minister to lead decisively
- an effective opposition in parliament
- constitutional support for the prime minister to form a multi-ethnic cabinet to promote intercommunity accommodation and cooperation.

The Electoral Commission has proposed an amendment to the Electoral Act to simplify the ballot paper in relation to the above-the-line and below-the-line option for voters. Specifically, the amendment is to restore the discretionary powers of Returning Officers during the counting process, to assess and declare the voting intention of a voter.

The Commonwealth Observer Mission has also recommended improvements to the counting and reporting system. It has called for a review to refine, streamline and simplify the process for future elections. The mission believes that this could be done without any loss of transparency or damage to the overall integrity of elections.

The process of developing an electronic voter roll, constantly updated and improved, will be ongoing, as will be the strengthening of the Elections Office to take on full responsibility for municipal elections as well as national elections.

However, other than the above, there are several aspects of the electoral system that could usefully be considered in public discussions.

The first is whether or not, in the long run, the present system of mixed communal and open constituencies should be changed to make all 71 seats in the House of Representatives open and non-racial. There have been many suggestions that communal representation perpetuates racial polarization and should, therefore, be abolished. The 1996 Reeves Report⁸ commented on this and recommended that the majority of seats should be through open constituencies. This issue is something the Indian and minority communities, in particular, will have to think carefully about, because of the continuing decrease in their population numbers. Recent reports on population trends have indicated that the annual birth rate of the Indian community has fallen to such an extent that, even without emigration, the number of Indians in Fiji will continue to decline. Fijians, on the other hand, have continued to increase to the extent that they now comprise more than 54 per cent of Fiji's total population. Assuming that the Indian community regards its assured communal representation as vitally important to its political future and security, the question that arises is whether or not that community will, in the light of population changes, now opt to reverse its earlier historical preference for the 'common roll', or one-person-one-vote in open and non-racial constituencies, and insist instead on retaining its communal seats.

It should be noted that our constitution actually allows our three main communities – the Fijians, the Indians and the General electors – to retain their communal seats. There are 23 for Fijians, 19 for Indians and three for the General electors. This right of communal representation is entrenched. The numbers cannot be changed without the express consent of the respective community representatives in the House. Ironically, Fijians, who have always been averse to the earlier demands of Indian political leaders for a 'common roll', will, as their numbers continue to increase, see political advantage in moving toward an all open and non-racial constituency system.

If communal seats are to be retained, an aspect that is worth considering is whether or not we should reintroduce the cross-voting system established under the 1970 constitution. This would be one way of opening up and further democratizing voting for communal representatives. It would also confer a political advantage to those candidates who could muster support from all communities.

An issue for the Constituency Boundaries Commission to consider following the population census scheduled for 2007 is the desirability of closely aligning, as far as possible, the constituency boundaries of communal seats to the geographical boundaries of the 14 Fijian provinces and Rotuma. Already, the government's development administration and the geographical boundaries of all Rural District Advisory Councils are being harmonized with the Fijian provincial boundaries. Such a move would encourage all members of parliament from the same 'province' to support each other, across the parties to which they individually belong, in serving the people.

Those who have shown a keen interest in the continuing development and improvement in Fiji's electoral system would greatly assist our ongoing efforts to promote unity if they would also closely examine the persistence of ethnic voting. Why, precisely, do Fijians vote mainly for Fijian candidates, or for parties they consider to be predominantly 'Fijian' in their membership and policies? And, *vice versa*, why, precisely, do Indians vote largely for candidates who are from their community, or for a party they consider to be 'Indian' in its membership and policies? If this continues in the long term to be an entrenched feature of voting in Fiji, what can be done to ameliorate its negative impact on race relations and intercommunal cooperation in Fiji?

On the promotion of intercommunity cooperation through the formation of a multiparty cabinet, I acknowledge that the provisions under section 99 of Fiji's constitution reflect a sincere attempt to promote political power-sharing and mutual accommodation between the country's major political parties and the ethnic communities they represent. The intention was to move our country away from the identification of government and opposition with particular ethnic groups. With decision-making by majority in the House of Representatives and the convention of the opposition vigorously projecting itself as the alternative government, the adversarial nature of the government/opposition relationship in parliament only served to widen and embitter intercommunal relations in Fiji.

However, the question that arises now, and on which I would encourage research and welcome ideas, is whether or not there is a better alternative to the current approach of an enforced multiparty cabinet under Fiji's constitution. Whilst the SDL/FLP multiparty cabinet is working well and is a credit to the

commitment of all ministers from both political parties, there have also been attendant difficulties and uncertainties. For example, are the backbencher members of the entitled party in the multiparty cabinet strictly bound to support the government's legislative and other proposals in the House in exactly the same way as are those from the prime minister's party? Then there is the role of the opposition. A government can only be fully responsible and accountable to the people if there is also an effective opposition. In the current House of Representatives, how can the opposition play this role effectively when it is made up of only two out of the 71 members!

The Compact chapter of the constitution, in section 6 (g), lays down the guiding principle for the formation of a government following a general election. A government has to have majority support among the members of the House of Representatives. This majority support can come from the winning political party, or a pre-election coalition of parties. But the constitution goes further. It says, '... if it is necessary or desirable to form a coalition government from competing parties, [that] depends on their willingness to come together to form or support a Government'.

I believe that constitutionally encouraging the prime minister to form a multi-ethnic government, through a voluntary coalition of willing political parties, is a far better approach to political power-sharing and intercommunal accommodation in Fiji than that currently provided under the provisions of section 99.

Conclusion

In a multi-ethnic and multicultural country like Fiji, where communities have been kept apart by communal concerns and interests, it is imperative to have an electoral system that produces clear and unequivocal results. The experience of other countries indicates that proportional representation does not do this. It is crucially important to have a prime minister appointed under section 98 of the constitution whose party, or pre-election coalition of parties, has an outright majority in the House of Representatives. A clear popular mandate and strong constitutional authority would enable the prime minister to form what would essentially be a voluntary coalition of parties represented in the House, and willing to join in a multi-ethnic government. Such a government

should represent, as widely as possible, our different communities, and govern Fiji in the best interests of all.

Such a government would also be strong because it would be led by a prime minister with a clear mandate. What will bring it together, and sustain it, is an abiding conviction from all of Fiji's communities that this voluntary form of inclusive government offers the best way forward for our country.

Although communal representation may not be 'politically correct', and may also not be in keeping with the universal principles of democracy, in Fiji's situation the Indians and other minority communities may prefer its continuation and retention. Their support for the multiparty cabinet of the SDL and the FLP has clearly indicated that they regard their equitable representation in parliament and participation in cabinet as being important in assuring them of their place in our multi-ethnic and multicultural society. The retention of their communal representation would be a matter for consideration by the members of these communities themselves. For the Fijians, it would be an act of altruism and goodwill, and a demonstration of our caring concern, to respect their wishes – and, in any case, Fiji's constitution entrenches communal representation.

Notes

¹ Office of the Supervisor of Elections.

² Office of the Supervisor of Elections.

³ Analysis of 2001 and 2006 election results in the Prime Minister's Office.

⁴ Analysis of 2001 and 2006 election results in the Prime Minister's Office.

⁵ Office of the Supervisor of Elections.

⁶ S.A. de Smith. 1973. *Constitutional and Administrative Law*, 2nd Edition, Penguin Education. p.251.

⁷ Harold H. Laski. 1973. *A Grammar of Politics*, Third Impression. George Allen & Gawin Ltd, London. pp.317–18.

⁸ Fiji Constitutional Review Commission 1996 (Reeves Commission). *The Fiji Islands: Towards a United Future*, Government Printer, Suva.