

Tainted elections

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It's a bald question, but one that's surely unavoidable after the combined experiences of 2001 and 2006: is it possible ever to hold free and fair elections in Fiji anymore?

Since 2001, a culture of vote-buying, poll-rigging and manipulation has seeped into our electoral process and threatens to destroy the very foundations of our democratic traditions and undermine the integrity of our elections.

The exact nature and extent of the behind-the-scenes manipulation to engineer the results of the 2006 polls are not fully known, but enough credible evidence is available to cast serious doubts on the integrity of the 2006 election. Likewise the 2001 general election. Certainly, no critical observer could give them a clean bill of health, and one notices that even the European Union (EU) observer mission in its final report has this time fallen short of declaring the elections free and fair. Indeed, the numerous concerns it has raised and the recommendations it has made, on the conduct of the 2006 and future polls is tantamount to saying, in diplomatic language, that the 2006 election was seriously flawed.

A local observer, Father David Arms, is not so constrained in his criticism of the racial bias and other malpractices he observed during the 2006 poll – to the point where he has refused to declare the elections free and fair. His final observations are worth noting for anyone interested in an honest review of the 2006 poll. He concluded that the ethnic imbalance among those conducting the

elections was 'a serious blotch on the integrity of the whole electoral process'. Father Arms further noted:

On the basis particularly of the ethnic bias which was so pervasive in the 2006 elections, I cannot possibly give a verdict that they were 'free and fair'.

The elections of 2006 were so administratively biased that the overall results were undoubtedly influenced thereby.

Many of Father Arms' observations and concerns are similar to those held by the Fiji Labour Party (FLP), and are contained in our fairly comprehensive report to the EU observer mission and the Electoral Commission. I am of the opinion that much of the mess and malpractice that characterized the 2006 poll, deliberate or otherwise, could have been avoided had the Electoral Commission paid heed to a lengthy report I sent to the chairman of the Commission as early as 5 May 2005 highlighting the main problems that marred the 2001 election and urging him to ensure they were not repeated.

The 2001 general election

As a precursor to the 2006 poll, the 2001 election set the trend for what should have been expected. For the first time in Fiji's electoral history, there was massive vote-buying in the lead-up to the 2001 general election by the Laisenia Qarase-led interim administration – as evidenced by the \$30 million agricultural scam, currently before the courts. No other government before this had ever been tainted by such a blatant vote-buying exercise.

The FLP has consistently held that the 2001 general election was not free and fair – marred by vote-buying/bribery, defective electoral rolls, official bias and systematic vote-rigging. As a result, the FLP was deprived of victory in at least six marginal Open constituencies, which altered the results in favour of the Soqosoqo ni Duavata ni Lewenivanua (SDL).

A detailed report highlighting cases relating to vote-rigging, tampering with ballot papers and ballot boxes was submitted to the then Supervisor of Elections, Walter Rigamoto, but he failed to investigate any of these, or to treat the matter with the seriousness it deserved. His failure to do so meant that similar malpractices and electoral fraud were again practised in the 2006 election.

The 2006 election

The conduct of the 2006 poll was deeply flawed right from the beginning – starting with the voter registration exercise. I must also comment critically on the fact that the Supervisor of Elections, Semesa Karavaki, was on study leave until January 2006 – just four months before the May election. In his absence, Tomasi Tui was sent from the Prime Minister’s office as Deputy Supervisor – the whole process was controlled from the Prime Minister’s office. Tui was subsequently promoted to be Commissioner Eastern.

Flawed voter registration

To begin with, house-to-house voter registration was confined to a mere two weeks, 12–23 September 2005 – clearly not enough time to compile an entirely new electoral roll. Requests by political parties to have the house-to-house registration period extended were not granted.

Furthermore, the process was highly politicized and lacked transparency; enumerators were hand-picked by staff of the Elections Office and District Offices – often friends and family of officials. Voter registration teams were headed by persons who were politically affiliated and not impartial. A case in point is that of Prem Singh, a National Federation Party (NFP) candidate for the Nadi Open constituency, who was assigned registration and voter education activities by virtue of his being an advisory councillor. Subsequently, irregularities in the registration of voters in the Nadi Open constituency were noticed – some 1,400 voters in localities known to be FLP strongholds were found registered in the adjacent rural constituency of Yasawa/Nawaka Open. Unfortunately for him, the displacement of these voters was picked up by FLP branch representatives, and the matter rectified.

There was also gross ethnic imbalance in the recruitment of enumerators. Out of a total of 4,284 enumerators, only 407 were Indians; 155 were from other minority communities, while the rest, 3,722, were indigenous Fijians. This would clearly have created communication problems for Indians in rural areas, and for the elderly, many of whom cannot speak English. And, no doubt, such biased recruitment was responsible for much of the mess in the voter registration process, as well as for the very high number of invalid votes in the 2006 election compared with the 2001 election.

Parliamentary questions from the FLP asking for details on enumerators for each constituency were rejected by the Prime Minister, who made the ludicrous claim that such information was of a confidential nature. His refusal to provide the information underscored the lack of transparency in the process, and further fuelled suspicion that something was afoot.

In the past, school teachers, civil servants and political parties conducted the registration of voters. Why was this convention not followed in the 2006 election?

The FLP-conducted surveys of the registration process found the following major flaws/discrepancies:

- Many Indian households in rural and urban areas were not visited by enumerators – leaving large segments of Indian voters unregistered. In Labasa, for instance, just a three-day survey by the FLP in March 2006 uncovered 805 voters who had not been registered. Likewise, significant numbers of voters in Korovuto, Nawaicoba and Meigunya in Nadi were not registered.
- Hundreds of voters were either not given registration slips to show they had registered or were given blank slips – they were told slips were not necessary.
- People living in the same house were registered to vote in different constituencies – a subtle way of disenfranchising voters, as they would not be aware that their names were actually on the rolls of adjacent constituencies. They would simply assume that their names were missing from electoral rolls. Such attempts to disenfranchise voters would have made a crucial difference in closely fought Open constituencies, particularly those in the Central Division.
- For some reason, registration was not carried out on weekends when most people can be found at home. Enumerators did not make call-back visits.
- Faulty registration slips – numerous cases of names incorrectly entered, blanks left for constituencies or slips tagged ‘to be decided’ – rendered the entire registration invalid.
- Married women were deliberately asked to register under their maiden names – again this would have disenfranchised the voter.

- Hundreds of bizarre cases were noted of people listed in wrong constituencies that were not even borderline cases. The following cases recorded in the Ba, Lautoka and Nadi districts serve as illustration:
 - 1,300–1,500 voters in the settlements of Nalovo and Uciwai, well within the boundary of the Nadi Rural Indian Communal constituency, were registered in the Nadroga Indian Communal constituency
 - over 1,000 residents from Sariyawa, Savusavu, Waica and Momi were registered in the Nadroga Indian Communal constituency instead of Nadi Rural Indian constituency
 - over 1,000 voters from the Nadroga Indian Communal constituency were wrongly listed in the Nadi Rural Indian Communal constituency
 - 1,321 voters were wrongly listed in the Ba West Indian Communal constituency instead of the Ba East Indian Communal constituency
 - 373 voters from the Ba Open constituency were listed in the Magdro Open constituency
 - about 600 voters residing in Meigunya and Votualevu in the Nadi Urban Indian constituency were registered instead in the Nadi Rural Indian constituency
 - 1,900 residents, mostly Fijians, from the Magdro Open constituency were listed in the Vuda Open constituency
 - Indian and General voters were also found registered in Fijian Communal constituencies
 - Some 2,000 voters from the Vuda Indian Communal constituency were registered elsewhere, particularly the Lautoka Rural Indian constituency.

Such high numbers of discrepancies, irregularities and anomalies are clear evidence of a calculated and orchestrated move to disenfranchise Indian voters. They were too numerous to be merely accidental omissions or errors.

These irregularities/anomalies were regularly brought to the attention of the Supervisor of Elections and the Electoral Commission as they surfaced. In most cases, however, they remained uncorrected by polling day, often despite assurances that they would be addressed. In the case of the 1,321 voters from the Ba East Indian Communal constituency wrongly listed in the Ba West Indian Communal constituency, although the Elections Office agreed to rectify a significant number of these, during polling week it was discovered that no such rectification had indeed been made.

Observer missions have been unanimous in their criticism of flaws in the registration process that saw scores, if not hundreds, of voters turn up at the polling stations only to be told their names could not be found on the electoral rolls. These people were effectively disenfranchised. And, as I have mentioned earlier, in closely fought open seats, such malpractices made a difference to the final result.

The EU observer mission noted that in a fifth of all polling stations visited, a number of voters were denied their right to vote. Names were misspelled, constituencies were wrongly allocated, and eligible voters were not registered. Some registered in the Communal constituencies, but not in the Open constituencies, should have been allowed to vote but were not.

Vote-buying

Blatant vote-buying/bribery by the SDL continued to be a feature of the 2006 general election, although not to the same extent perhaps as in the agricultural scam prior to the 2001 poll, when fishing boats, brush cutters, cooking utensils and money were blatantly handed out.

Soon after it had announced the dates for the 2006 general election, the SDL began giving out money for education, ostensibly earmarked for the poor. The point is that in the past five years since its inception, the SDL had not once spared a thought for these struggling students from poor families, at least to public knowledge. In another unprecedented move, Indian religious organizations and women's groups this time received money, pots and pans etc. Just two days before polling began, TV showed footage of an Indian man overwhelmed by the generosity of the Prime Minister who had gifted a brush cutter to him after his was stolen. Such altruistic gestures from the PM had been unheard of in the previous five years!

SDL's campaign director Jale Baba openly boasted that the party had spent \$7.5 million for the 2006 election campaign. Where did the money go? And, more interestingly, where did such a large amount of cash come from? Was it corrupt money? The campaign could not have cost so much. It is well known that money was handed out to chiefs in the Ba Province, even during polling week. Buying votes in any form is a criminal act under the Electoral Act.

Failure to comply with the Electoral Act

Considering all the errors, irregularities, anomalies and omissions that surfaced during the registration process, it was important that the final electoral rolls be published in time to allow thorough scrutiny. Sections 22 and 23 of the Electoral Act provide a mandatory period of 42 days for objections to be lodged in regard to incorrect entries in the electoral rolls and their settlement by the Elections Office.

This important requirement was not met. Provisional rolls carrying only registrations made up until 31 December 2005 were released to political parties on 17 February 2006. The public was given a mere two working weeks to scrutinize the rolls, from Thursday 23 February to 13 March 2006. The main roll closed on 24 March. All registration after this was to go in a supplementary roll, with registration finally closing on 4 April – a week after the writ of election was issued. The so-called main roll, clearly a misnomer, was released to political parties in batches from 29 March onwards, and thereafter opened for public scrutiny.

Our major concern, however, is that the final main roll, which included the provisional and supplementary rolls, was not released until 27 April – and then only for 33 (less than half the) constituencies. Another 35 rolls were released on 29 April, a week before polling started. And the final three came out on 2 May. These were for the Nasinu/Rewa Open, the Magodro Open and the Nadi Open constituencies – giving barely three days for voters to scrutinize the rolls. Clearly the Supervisor of Elections and the Electoral Commission had failed to meet their obligations under the Electoral Act as far as publication of the electoral rolls was concerned. They had also failed to update the electoral rolls each year, as required by the Act.

Furthermore, the Supervisor of Elections failed to comply with the requirement of the Act to gazette the names of candidates standing for each constituency, following their nominations. He also failed to meet the requirement to gazette all polling stations, and dates for the opening and closure of each station, as required under the Electoral Act. Had this been done, a lot of the confusion, and, in at least two instances, unscheduled polling without the knowledge of most political parties and candidates (except for the SDL), would have been avoided. Dates for polling at various stations kept changing right into polling

week. It was not until after polling, when the count was nearing its end at the Veiuto Centre, that a gazette notice was issued listing schedules for polling stations; it was backdated to comply with the Act. The Electoral Commission must be held equally guilty for this omission. Indeed, they rendered themselves culpable by advising that all preparations for the proper conduct of the election would be completed before polling began.

It is clear that the Office of the Supervisor of Elections was just not ready for the rushed national poll beginning on 6 May 2006. The Supervisor of Elections failed in his duty to inform the Prime Minister of this fact when he was asked if he would be ready in time for early elections.

Both the Supervisor of Elections and the Electoral Commission must accept full responsibility for the incompetence, the inefficiencies, the delays and the shambles that characterized the 2006 poll. Having given the nation, and the Prime Minister, over-confident assurances that the electoral machinery would be ready for the rushed poll, they must now accept the blame for seriously compromising the integrity of the 2006 general election.

Indian voters misled by the Elections Office

Indian voters were told in advertisements placed by the Elections Office that they could continue to register until 8 July 2006, well after elections were over, when advertisements in Fijian and English gave the correct date of 4 April 2006.

How-to-vote TV commercials placed by the Elections Office informed Indian voters they could vote by ticking either above or below the line, when to tick below the line rendered the vote invalid. In contrast, the Fijian and English versions of the advertisements gave the correct information. Despite repeated complaints by the FLP, the incorrect Hindi advertisement was not removed until I personally called up the chairman of the Electoral Commission, Graham Leung, after 8 pm on Friday 5 May, the eve of the polls, to complain. He then ordered television officials to remove it.

Excessive printing of ballot papers

The FLP has reliable information that excessive ballot papers were printed for a number of constituencies. We believe that these were used to stuff ballot boxes in certain crucial constituencies, as in 2001. Candidates, for instance, are baffled by the very high number of ballots cast in the Nasinu/Nausori

Communal constituencies – numbers which belie the low voter turn-out experienced – and by the lack of correlation between Communal votes and those cast for the open seats.

Polling

The first day of polling was an utter shambles, as everyone knows. This is despite assurances by the Supervisor of Elections through the media that his Office was ‘ready to roll’ come 7 am Saturday 6 May. The truth is that ballot papers were not ready at most of the polling stations scheduled to open at 7 am on 6 May. A number of polling stations did not open until well into the afternoon – the polling station at Kalabo opened at 1.30 pm, that at Colo-I-Suva at 12 noon – but the loss in polling time was never made up.

The problem with unavailability of ballot papers plagued various stations throughout the week. It caused unnecessary frustration to voters who had to queue for hours on end, and in some cases walk away without voting because the polling station had either not received the ballot papers or had run out of them. Here again, there was a noticeable racial and political bias that could not be ignored. It was pretty obvious that, while polling for the indigenous Fijian streams at almost all polling stations went on unhindered, it was the Indian constituencies and those for other minorities that were affected.

Senior Labour executive and candidate for the Nasinu Indian Communal seat, Krishna Datt, reckoned that much of the ‘mess’ was deliberate. ‘It is designed to frustrate the process and disenfranchise Indian voters’, he said. The Leader of the United Peoples Party, Mick Beddoes, expressed similar sentiments in his report:

The scale of the disruptions and level of unpreparedness is far too extensive for it to be a simple matter of mass incompetence on the part of the Electoral Commission and the Supervisor of Elections and his officials.

The fact that the Fijian voters, ballot boxes and ballot papers were in adequate supply and in a state of preparedness and [that] they were voting in many cases for up to 4–5 hours before the first General or Indian ballot papers and boxes arrived, adds greater suspicion about the intent of electoral officials.¹

The large numbers of voters who turned up to vote with registration slips, but found their names missing from voter rolls, reflected the earlier deliberate mess-

up in the voter registration process. Had the Electoral Commission accepted my request made in May 2005 that registration forms be made accountable documents, this problem would have been avoided. As the problem began to surface with consistent regularity at polling stations, a request was made to the Electoral Commission that voters with registration slips whose names were not on electoral rolls be allowed to vote. This is the Commission's response:

If a person's name does not appear on the electoral rolls, that person is not a registered voter and, therefore, not entitled to vote.

This response was both disappointing and unexpected, because the voter was being deprived of his or her democratic right to vote, not through any fault of his or her own, but because of a mess-up by the Elections Office, of which the Commission had been kept fully informed. It also failed to appreciate that voting is compulsory in Fiji, and a denial of a person's right to vote is tantamount to disenfranchising the voter.

The American Ambassador, Larry Dinger, clearly concerned at the high number of voters being turned away because of missing names, pointed out that:

In my country, problems like this of missing names are catered for when a provisional roll is created so that the person can vote and his vote counted.²

In some cases where the presiding officer did allow such people to vote, these votes were kept separate, but in the end not included in the final count.

In tightly contested marginal seats, such as the Laucala Open, which was lost by the Labour Party by a mere 11 votes, missing names become crucial.

Nasinu polling

At least 200,000 people live in the Suva/Nausori corridor – most of them travel to Suva to work. Due to the very heavy traffic congestion during peak hours, workers generally leave home well before 7 am to get to the city by reporting time at 8 am. Likewise, in the evenings, with a 5 pm knock-off on week-days, they do not get home until 6 pm or after. Despite these considerations, all polling stations in the heavily populated Nasinu region were scheduled to close at 5 pm. This is contrary to past practice. Even though the Commissioner Central said presiding officers had the discretion to stay open late, almost all polling

stations closed promptly at 5 pm, discouraging voters from queuing to vote. In the rare cases where polling stations did stay open, they conveniently found that they had run out of ballot papers. The FLP made several written as well as verbal requests to election officials to accommodate voters who turned up after 5 pm, but to no avail.

The impression thus created, was that every effort was being made to frustrate voting rather than facilitate it. As far as the FLP is concerned, this was an orchestrated plan to frustrate Labour supporters from voting in these crucial seats – it must be noted that constituencies in the Nasinu area have large numbers of low-paid workers and squatters who traditionally vote Labour.

One must also note that polling stations on a number of occasions did not open at 7 am as scheduled, but several hours later. To cite a few examples:

- On 6 May, the Training and Productive Authority of Fiji polling station opened at 11.30 am instead of 7 am – hundreds of voters who had turned up early to vote went away frustrated
- On 6 and 8 May, Nepani polling station opened at 9 am instead of 7 am – a number of FLP supporters went away without voting; it closed at 5 pm sharp
- At Rishikul Primary School, on 10 May, polling started one and a half hours late but finished promptly at 5 pm
- At Wailoku, polling finished at 3 pm even though voters were lined up to vote
- At the Assemblies of God Primary School polling station in Suva on 6 May, polling began late in the morning but ended sharply at 5 pm. It was noticed that, while Fijian voters were allowed in to vote after 5 pm, Indians were refused entry.

Unscheduled polling

As mentioned earlier, the Elections Office kept making last-minute changes to polling schedules that were not gazetted as required under the Electoral Act. Once polling programs had been finalized and publicized, they should not have been changed. If changes were absolutely necessary due to unforeseen circumstances, then it was the responsibility of the election officials to ensure that all candidates and political parties were notified of the change, in writing.

The most bizarre case was the incident at the Rishikul Nadera Primary School on Thursday 11 May. Polling at the primary school in Reba Circle was not scheduled to take place until Friday 12 May. For some inexplicable reason, the Elections Office decided to move polling there forward to Thursday 11 May without notifying all political parties or candidates. Mystifyingly, only the SDL was aware of the changed polling schedule at this station and were there to kick it off. Others heard about it closer to noon. Several serious concerns arise:

- Why was a last minute switch necessary?
- Why were other candidates and political parties not informed of the switch, but SDL was?
- How could election officials allow ballot boxes to be opened in the morning without other candidates or their agents being present?

Clearly, there was mischief afoot. Inquiries by the Labour candidate, Vijay Nair, disclosed that the directive to hold polling one day ahead of schedule was issued by the District Officer's office in Suva. This incident is a clear case of collusion between election officials and the SDL. It becomes even more significant considering that Nair lost this seat by a mere 11 votes. Surprisingly, none of the observer missions made note of this incident. Labour's request that voting that took place at this particular station on Thursday 11 be disallowed was ignored by the Electoral Commission.

Such malpractices added to the general air of suspicion regarding the impartiality of the Electoral Office. The fact that a serious incident of this nature can be treated so casually by those in authority bodes ill for future elections in Fiji.

Ballot boxes and the count

There were numerous mishaps with ballot boxes that should never have been tolerated. Boxes breaking up, as occurred in 2006, is something unheard of in Fiji's electoral experience. Ballot boxes were not properly sealed – a point noted even by observer missions. The EU mission recommended that in future plastic boxes be used to ensure greater security. The law requires ballot boxes to be properly sealed leaving no room for tampering with ballot papers. By failing to ensure this, the Elections Office breached section 86 (1) (a) of the Electoral Act.

There were concerns about ballot boxes being left unguarded for hours at polling stations before they were transported to the count centre. One such instance occurred on Tuesday 9 May at the Naivitavaya Church Hall polling station for the Laucala Open constituency. The ballot boxes were left unattended for three hours until 9 pm, while the presiding officer went to drink grog at the SDL shed. It wasn't until a complaint was lodged with the Elections Office that the boxes were finally taken to the Flagstaff operations centre. The entire incident was repeated the following day. This case is particularly significant because ballot papers for Box No. C404L from this polling station could not be reconciled at the count. According to the presiding officer, the total number of ballot papers issued was 1,200; yet total votes cast were only 463 – what happened to the balance of 737 ballot papers?

From this same polling station, five ballot boxes were placed aside following queries from FLP agents because papers could not be reconciled. However, a little later, the count team-leader said he had spoken to the presiding officer, who said he had made a mistake in stating the number of ballot papers issued. They then brought back the boxes put aside to include them in the count. Surprisingly, however, only four not five boxes were brought back. What happened to the fifth box? There was an absolute lack of transparency in dealing with this complaint. And how could the presiding officer have made such a huge mistake in stating the total number of ballot papers issued? Was he grossly incompetent or just plain dishonest?

Another questionable incident concerned Box No. C579 from the Vatuwaqa Church Hall polling station. Here the total votes cast were 12; total ballot papers issued were also 12. Yet, the actual count revealed 21 ballot papers in the box. Where did the extra ballot papers come from?

The FLP candidate for the Nausori/Naitasiri Open constituency maintains that 15 extra ballot boxes were introduced at the count for her constituency. The manner in which the count officials and the Returning Officer dealt with this complaint again lacked transparency and smacked of political bias.

Count for the Laucala Open constituency

By the morning of Wednesday 17 May, it became obvious that the election, so closely fought, now hinged on the marginal open seats in the Suva/Nasinu/

Nausori corridor. The Nausori/Naitasiri Open constituency, stuffed with 15 extra boxes, emerged a winner for the SDL.

The Samabula/Tamavua Open seat was wrested by Labour after a tough count battle, during which the bias of election officials towards the SDL became very obvious.

The Suva Open went to the SDL in another close battle, but it was confidently expected that Labour would win the two Nasinu Open constituencies – the Laucala Open and the Nasinu/Rewa Open – in view of the very high polling (90%) for the corresponding Indian communal seats in these constituencies.

Labour had good preferences and too high a lead in the Nasinu/Rewa Open constituency for games to be played there. The Laucala Open constituency thus became crucial if the SDL were to win the election. Despite the very close run, it should be noted that Mr Qarase had already hailed victory for the SDL. He therefore had to win Laucala Open by hook or by crook.

As the first count drew to a close on Wednesday, there was confusion. It seemed the SDL had asked for a recount, and polling agents were waiting for a decision while count officials left the room to confer. However, as everyone waited for the final outcome, suddenly, the count team began sealing up the ballot papers even though an official announcement declaring the winner had not been made. Just then, the Labour team at the count centre was informed via a phone call that the radios were announcing an SDL victory for the seat by 17 votes.

I was en route to Suva from the west when I received this stunning news. I immediately called the chairman of the Electoral Commission, Mr Graham Leung, and informed him that we wanted an immediate recount and that no papers should leave the room in the meanwhile. It was as well that Mr Leung came down because the Commissioner Central was obviously hell-bent on packing up the ballot papers and having them removed from the room. Mr Leung put a halt to this, and the Commissioner had no choice but to allow a recount. In the recount stage, a serious breach of procedure took place. The count team refused to recheck the validity of votes earlier declared valid. The fact that, despite all this, the difference in votes was reduced from 17 to 11 was significant. Had the team rechecked the validity of the 'valid' votes, it is possible that the result may have been overturned altogether.

Independent observer Father Arms, who was present at this stage, says in his report that he had noted at least two invalid ballot papers put into the valid votes box. He makes the following observation:

The last seat won that gave the SDL an absolute majority of seats, was won only on the mis-conducted recountwhere the difference between the SDL and the FLP was only 11 votes. Had the FLP won that seat (which they might have under fairer circumstances or if the recount had been conducted properly) it is possible they would have been able to form a government...

If there had not been the mistakes that worked against the Indo-Fijians and if the electoral administration had been properly balanced ethnically, another seat or two might have gone the way of the FLP.

Add to this the unacceptably high percentage of invalid votes, and it becomes clear that Fiji has a few important, but quite manageable, things to do in order to ensure free and fair elections.³

Transporting and security of ballot boxes

There were other questionable and untoward happenings. For instance, why were private security companies with very close links with the SDL used in the Central Division to transport boxes to the count centre and to guard boxes? Trucks belonging to Global Risks, owned by Sakiusa Raivoce, a known SDL supporter and brother-in-law to Ratu Jone Kubuabola, were used to transport ballot boxes. Sunia Cama's (security/bailiff) men, dubbed the 'box boys', provided 24-hour security at the Veiuto count centre, sleeping on the premises. It was not their job under the Electoral Act. Why could not the police provide this security? Sunia Cama is a former professional boxer with known extremist nationalist sympathies and a relative of Jale Baba, SDL's campaign director. Win Gate Marketing Company Ltd was also used to transport boxes. The company has close association with Jale Baba in the carting of mahogany logs from Tailevu North to the mills.

The Electoral Act requires transportation of ballot boxes to be carried out by trustworthy companies. The above are too closely associated with the SDL to be classified trustworthy or impartial.

I have attempted to highlight a few of the more glaring and questionable practices and acts, and examples of non-compliance with electoral laws, that

compromised the integrity of the 2006 poll. The trend emerged in 2001. Fiji has held eight general elections since independence. Apart from minor concerns and hiccups, the integrity of the first six elections was beyond suspicion. High standards and professionalism were generally the hallmarks of our electoral machinery.

The manipulation, rigging and deliberate disenfranchisement that characterized the 2001 and 2006 general elections should be a concern to all citizens who believe in the integrity of the democratic process. What went wrong occurred with too much regularity to be simply brushed off as incompetence or oversight. As Shakespeare's Hamlet would say, there was clearly 'a method to the madness'.

The neutrality of the civil service and the police is now a serious issue. In 2006, there was a palpable, pervasive aura of pro-SDL sentiment among both the police and count officials, certainly in the Central Division count centre. This could stem from the fact that there was gross racial imbalance in the recruitment of count officials, and in the police presence on the premises.

Indeed, when the count seemed to go against the SDL, those present could sense the palpable hostility through the body language, and even in the actions, of officials and police. At times, the situation bordered on being dangerous for FLP supporters. A clear demonstration of such bias was the spontaneous manner in which Fijian count officials burst out singing as SDL emerged 'victorious'.

Unless timely action is taken to weed out these malpractices, they will become a cancer that will completely destroy the integrity of our electoral machinery.

Conclusion

The reports of all observer groups must be thoroughly studied, and their recommendations implemented. The final report of the EU observer mission, for instance, makes comprehensive recommendations to improve the system and ensure greater security.

Major concerns are the registration and preparation of the electoral rolls and the conduct of postal ballots. Since 2001, there has been an alarming increase in the number of postal ballots despite the considerable increase in polling stations to facilitate voting in remote areas. For instance, there were some 20,000 postal ballots in 2006 – an unbelievably high number. Furthermore, postal ballots

were being allowed even after polling proper started, and late postal ballots were included in the count well after the legal deadline of Monday 15 May. The process clearly lacked transparency.

Postal ballots can be a vehicle for vote-rigging, and must be brought under control. The EU observer mission report is highly critical of the manner in which postal voting was conducted and reports as follows:

The vulnerability of the postal voting exercise to errors or fraud (impersonation) was increased with the provision to allow postal voting in person to continue during the official ordinary polling days and the fact that postal ballot boxes were not sealed overnight... Party agents were not present throughout the postal polling process and in any case would not have been allowed to stay at the premises overnight.

It is obvious that Fiji can no longer rely on the neutrality of the civil service to conduct future elections. An independent body must be created to conduct elections in order to restore the credibility of the process. Ethnic parity in the appointment of elections officials, both in the Elections Office and at the polling and counting stages, must be paramount.

All observer group reports have emphasised the need for Fiji to move away from the current emphasis on communal voting, and to encourage more cross-racial voting. This entails a move away from having a majority of Communal constituencies to having more Open constituencies. This is something that the FLP fought vigorously for during negotiations on the 1997 Constitution. Our call was not heeded then. It is now obvious to a wider group of observers and political pundits that, unless constitutional reforms take place to embrace more Open constituencies as opposed to Communal constituencies, national politics will continue to be dominated by ethnic rather than national considerations.

In this respect, I wish to deny the observation made by the EU in its report that the two major political parties, namely the SDL and the FLP, staged a highly ethnic political campaign rather than concentrating on issues of national concern. The FLP at no stage played racial politics in its 2006 election campaign, and this can be clearly gauged from our election manifesto as well as from advertisements placed in the newspapers and on television. If anything, there was an attempt to woo indigenous Fijian votes. Indeed, our entire 2006 election campaign focused on national issues. I call on observer groups to be fair in compiling their reports.

The SDL stole the 2001 and 2006 general elections. It used, at a conservative guess, over \$40 million of taxpayers' money under the guise of agricultural programs, to buy votes. The Office of the Supervisor of Elections, senior electoral officers and divisional commissioners facilitated an SDL victory.

Notes

- ¹ Letter to Chairman of Electoral Commission, 8 May 2006 (unpublished).
- ² *Daily Post*, 9 May 2006.
- ³ 'Report of Fr David Arms; Observer to the 2006 Fiji General Elections, circulated 18 September 2006, unpublished, p.1.