

*Fiji electoral dialogue*

# Evaluating the effect of the electoral system in post-coup Fiji

Benjamin Reilly

National Centre for Development Studies, The Australian National University

In 1997, Fiji's Constitution Review Commission (CRC) produced a voluminous proposal for constitutional reform, *The Fiji Islands: Towards a United Future*, which recommended that Fiji move 'gradually but decisively' away from communalism towards a free, open and multi-ethnic political system. Acknowledging that political parties in many ethnically-divided societies tend to be based around particular ethnic groups, the Commission's stated objective was 'to find ways of encouraging all, or a sufficient number, of them to come together for the purpose of governing the country in a way that gives all communities an opportunity to take part' (Constitution Review Commission 1996:308). They viewed the electoral system as the most powerful tool by which the nature of Fijian politics could be influenced and engineered. After assessing and evaluating most major electoral systems against criteria such as the capacity to encourage multi-ethnic government; recognition of the importance of political parties; incentives for moderation and co-operation across ethnic lines; and effective representation of constituents, they recommended the adoption of a preferential alternative vote (AV) electoral system for all future elections in Fiji (Constitution Review Commission 1996:304).

AV is a type of majority electoral system, which requires electors to rank candidates in the order of their choice, by marking a '1' for their favoured candidate, '2' for their second choice, '3' for their third choice, and so on. The system thus enables voters to express their preferences between candidates, rather than simply their first choice. Any candidate with an absolute majority (that is, more than 50 per cent) of first preferences is immediately declared elected. However, if no candidate has an absolute majority of first-preferences, the candidate with the lowest number of first preference votes is eliminated and his or her ballot papers redistributed to remaining candidates according to the lower-order preferences marked. This process of sequential elimination and transfer of votes continues until a majority winner emerges.

The CRC argued that politicians and political parties were the key actors in the political system, and would respond rationally to incentives or restraints imposed by the electoral system. Under an AV system, as long as constituencies were ethnically heterogeneous and there was a number of political parties contesting the elections, politicians and parties would need to attract the second or third preference votes of voters from another ethnic group to maximise their

chances of electoral success. Candidates who adopted moderate positions on ethnic issues and attempted to represent the 'middle ground' would, under this logic, be more successful than extremists. By making politicians from one group reliant on votes from the other group for their electoral success, AV could, the Commissioners argued, encourage a degree of 'preference swapping' between groups which could help to encourage accommodation between (and within) Fiji's divided Indian and indigenous Fijian communities. These incentives for election would thus work to move Fijian politics away from the extremes towards a more moderate, centrist, multi-racial competition for power.

### Fiji's 1999 elections

How did this unusual constitutional architecture work in practice? Fiji's 1999 parliamentary election, the first held under the new dispensation, provided an opportunity to put the new system to a practical test. Early signs were encouraging for the advocates of constitutional reform. Apparently in reaction to the new incentives for cross-communal vote-pooling and cooperation in the reformed electoral system, even before campaigning began parts of Fiji's previously settled party system began to change. In a move that would have been unthinkable just a few years earlier, political parties from both sides of the ethnic divide came together to make early pre-election alliances, with the result that the election was effectively fought between two large multi-ethnic coalitions rather than the predominantly mono-ethnic parties of previous years. Parties representing the three official ethnic groups—indigenous Fijians, Indo-Fijians and 'General' electors—formed the core of both coalitions. The former, under the leadership of the 1987 coup-master, Sitiveni Rabuka, was built around the

governing *Soqosoqo ni Vakavulewa ni Taukei* (SVT), the National Federation Party (NFP), and the United General Party (UGP). Each of these parties had a clear ethnic base: the SVT with indigenous Fijians, the NFP with Indo-Fijians, and the UGP with general electors. The alternative coalition group was headed by the multi-ethnic but Indian-backed Fiji Labour Party (FLP)—whose election to government in 1987 had been the catalyst for the coup—but also included hard-line Fijian parties such as the Party of National Unity (PANU) and the Fijian Association Party (FAP). Known as the 'People's Coalition', this alliance was headed by the Indo-Fijian leader of the FLP, former trade union boss Mahendra Chaudhry. The parties in this alliance formed only a loose coalition, and stood multiple candidates in several seats, while the SVT-led group formed a more conventional binding pre-election coalition, designating an agreed first-choice candidate in each constituency. But the trend was clear: for the first time in Fiji's history, cross-ethnic politics began to emerge. Coalition possibilities created new bargaining arenas and brought together former adversaries from across the ethnic divide, encouraging 'understanding and cross-cultural friendship among candidates facing each other in the election' (Lal 1999:6).

The election campaign was the first in Fiji's history not to be dominated by the issues of race. The campaign, according to Lal, was

...the most relaxed in living memory. Trading preferences with other parties dampened what would have been a fiery campaign. For once, race was relegated to the background because both coalitions were multiracial (Lal 1999:5).

However, many of the preference swapping arrangements struck between parties were motivated primarily by political expediency and rational calculations, rather than on the

## Policy dialogue

basis of shared visions or aligned interests. In 22 seats, for example, the FLP directed its preferences to the traditionalist and ultra-nationalist *Veitokani Ni Lewenivanua Vakaristo* (VLV), a party whose interests ran counter to that of most Indo-Fijians. The main alternative to the FLP for most Indo-Fijians, the NFP, placed the VLV last on their preference orderings as a matter of 'principle and morality'. In the end, however, the FLP chose expediency.

For Labour ... the election was not about principle and morality: it was about winning. To that end, it put those parties last which posed the greatest threat. Among these parties was the NFP, its main rival in the Indian communal seats. Labour's unorthodox tactic breached the spirit and intention of the preferential system of voting, where like-minded parties trade preferences among themselves and put those they disagree most with last. Political expediency and cold-blooded ruthlessness triumphed (Lal 1999:20).

At the election, preferences were distributed in 50.7 per cent of the country's 71 constituencies—a high level by comparison with Australian and Papua New Guinean examples—although all contests in the Indian and Rotuman communal seats were won outright. Moreover, in five of the open seats and nine of the Fijian communal seats, the leader on first preferences lost as a result of preference distribution. One effect of this was to channel votes not so much across the ethnic divide, but from more extreme to more moderate ethnic parties. The militant Fijian Nationalist Party, for example, distributed most of its lower order preferences towards more moderate Fijian parties such as SVT, despite the latter's coalition arrangement with the NFP. In general, however, the fragmentation of the Fijian vote was a major cause of the unprecedented—and largely unexpected—

landslide victory for the People's Coalition. The mainstay of the Coalition, the Indo-Fijian backed FLP, gained a majority in its own right, enabling Mahendra Chaudhry to thus become Fiji's first ever Indo-Fijian prime minister. The FLP was the only party to gain a good spread of votes in both rural and urban seats, and in both open and communal constituencies, although it was a poor performer in the Fijian communal seats. It fielded several indigenous Fijian candidates and ran largely on a multi-ethnic, class-based platform. Nonetheless, the People's Coalition was viewed by many indigenous Fijians as Indo-Fijian dominated, despite the new cabinet comprising representatives of the three People's Coalition partners and the VLV. In total, eight parties and three independents gained seats in parliament. The former governing party, the SVT, which could have taken up its mandated seats in cabinet under the Constitution's 'grand coalition' provisions, elected to move to the opposition benches. While the SVT lost heavily—winning just 8 seats—its Indo-Fijian ally, the NFP, did even worse, not winning a single seat. The new government thus entered office with a massive and unforeseen parliamentary majority, while the opposition parties were reduced to a small rump group.

A transfer of power across not only party but also ethnic lines was a new experience for Fiji, and constituted a major test of the new institutional arrangements and of the country's political maturity. But it was not to last. Popular discontent on the part of many indigenous Fijians at the presence of an Indo-Fijian Prime Minister continued to simmer, and Prime Minister Chaudhry's sometimes outspoken advocacy of Indo-Fijian rights served to deepen mistrust over key issues such as land ownership. In May 2000, in an eerie echo of the 1987 coups and exactly one year after the 1999 election, a group of gunmen headed by a failed part-Fijian businessman, George Speight, burst into the

parliament building and took the new government hostage, claiming a need to restore Fijian paramountcy to the political system. Utilising weapons apparently stolen from army depots, Speight and his supporters—some of them members of the Fijian army's Special Forces Unit—amassed an extraordinary armory of firepower which enabled them not only to overthrow the elected government violently, but also to engineer the collapse of most of the state institutions that were central to Fiji's return to constitutional rule—including not just the parliament and the prime ministership but also the presidency and even key indigenous bodies such as the Great Council of Chiefs. Apparently robust institutions and forums fell apart at the first push. By the time the hostages were released and Speight and his supporters arrested, Fiji had returned to military rule, with the military-appointed Prime Minister, Laisenia Qarase, announcing yet another review of the constitution, with a new election scheduled for August 2001.

### The effects of the electoral system

To most observers, the May 2000 coup in Fiji marked another, and possibly decisive, nail in the coffin for hopes of a multi-ethnic and democratic future for the country. As in 1987, the election of an Indo-Fijian led government, combined with the waning influence of some traditional powerholders within indigenous ranks, provided fertile ground for extremist elements within the Fijian community to arouse popular discord and fear. The elaborate constitutional and electoral provisions recommended by the CRC—which had been partly implemented at Fiji's 1999 elections and had appeared to encourage the first tentative steps towards genuine multi-ethnic politics—were no match for balaclava-clad men carrying machine guns. History, it appeared, was repeating itself.

The familiar circumstances of the May 2000 coup, and the apparently recurring phenomenon in Fiji of extra-constitutional attacks upon democratic institutions which deliver the 'wrong' result in ethnic terms, suggests that the latest breakdown of democracy in Fiji was not just a failure of constitutional engineering but a broader failure of political leadership, capacity and commitment within Fiji to the idea of a multi-ethnic democracy. Nonetheless, some observers did see a link between the 1997 constitutional reforms and the 2000 coup—and specifically, the apparently deleterious effects of the use of an alternative vote (AV) preferential electoral system for Fiji's 1999 elections. In a newspaper article published at the height of the hostage crisis, Jon Fraenkel claimed that

Speight's attempted takeover has received considerable support amongst indigenous Fijians because many felt politically marginalised under Chaudhry's People's Coalition government. An important part of the reason for this was the way Fiji's Australian-style electoral system operated at the elections in May last year (Fraenkel 2000).

Fraenkel argued that the electoral system 'manufactured' an overly-large majority for the People's Coalition, and particularly for its largest party, the Fiji Labour Party. This meant that Labour was able to ignore the needs of its indigenous Fijian allies—and thus, according to Fraenkel, making resort to extra-parliamentary action more likely. In addition, the preferential voting system 'gave the Fiji Labour Party key indigenous Fijian votes that it would not otherwise have been able to obtain...the transfer of these preference votes were, in most cases, not a genuine expression of voters' choices'. Overall the electoral system, he argued, 'proved extraordinarily complex, the results remarkably ambiguous and its merits as a tool for promoting ethnic co-operation highly questionable' (Fraenkel 2000).

## Policy dialogue

While Fraenkel's arguments were overly-deterministic and contested by a number of other observers (see Letters to the Editor, *Sydney Morning Herald*, 10 June 2000), he did raise some important issues that highlighted the weakness of Fiji's 1999 electoral reforms. In particular, three apparently minor changes made to the electoral system shortly prior to the poll had a significant impact on the election result, and on some of the broader phenomena that observers like Fraenkel believed encouraged Speight's coup. First, in imitation of Australian practice, both registration and voting were made compulsory for the 1999 election, meaning that those who failed to vote could in theory be fined—which presumably was something of a spur for Fiji's very high turnout of 90.2 per cent. This provision, which was not part of the CRC's own recommendations, appeared to have a clear partisan impact: the victorious Fiji Labour Party, for example, managed to more than double its 1994 vote. Second, and consistent with mandatory voting, the expression of preferences on the ballot paper was also made compulsory, meaning that voters had to number at least three-quarters of all names on their ballot or have their vote declared invalid. Finally, and probably as a result of the uncertain effects of compulsory preference marking, a 'ticket' voting option, as per the Australian Senate, was included on each ballot paper. This allowed voters to forego the task of manually ranking all candidates on the ballot. With one tick voters could accept their favoured party's full ordering of preference distribution amongst all candidates standing, from a list which had previously been lodged with the electoral authorities.

The 'ticket vote' option was exercised by around 95 per cent of all voters, and had a marked effect on the eventual election outcome and on the capacity of the electoral system to encourage inter-ethnic accommodation. Because electors were encouraged to accept a party's pre-set preference ordering,

a major impact of ticket voting was that it pushed decisions on preference marking out of the hands of voters and towards party élites. The type of cross-cultural communication which the preferential system was supposed to engender became sharply attenuated and focussed predominantly at the level of party apparatchiks and strategists, as it was ultimately the party leadership, not voters, who effectively determined where lower-order preference votes would be directed. The introduction of ticket voting thus served to remove a key moderating device from the electoral machinery, as individual candidates had little incentive to interact with other parties or to address wider groups of voters once preference-swapping deals had been made by party bosses. In particular, ticket voting served to undermine the incentives for preference-swapping at the candidate level, as deals struck in advance at a national level formed the basis of most vote transfer arrangements. In effect, the 'ticket vote' option meant that electoral competition, for the most part, largely took place between rival 'élite cartels' and hence that the AV system as a mechanism for genuine local level inter-ethnic accommodation was found wanting.

The deleterious impact of ticket voting was exacerbated by the way electoral districts were drawn, ensuring that opportunities for genuine inter-ethnic cooperation at the constituency level were rare. Because only the 25 open electorates enabled multi-ethnic competition, and of these no more than eight were reasonably balanced in their mixture of indigenous Fijian and Indo-Fijian voters, the vast majority of electorate-level contests provided no opportunity at all for cross-ethnic campaigns, appeals or outcomes. Some estimates suggest that only six seats were genuinely competitive between ethnic groups, as the heterogeneous electoral districts required to make cross-ethnic transfers an optimal

## Policy dialogue

strategy for electoral success did not in fact exist in most cases (Roberts 1999). The CRC's recommendation for a 'good' proportion of members of both major communities in all open seats was interpreted extremely loosely, to mean ethnic balances of up to 90:10 in some cases, which obviated the need for intra-communal vote swapping. In most seats, clear Indian or Fijian majorities prevailed. Given this, it is perhaps not surprising that relatively little cross-ethnic vote-trading actually occurred in most electorates. As one report noted, 'Fiji's new electoral system remains heavily skewed along racial lines, even after the constitutional review. It took nearly twice as many voters to elect a Member of Parliament in an open [that is, multi-racial] seat as in a communal seat...the electoral system was heavily weighted against open seats' (Fraenkel 1999:44).

Nonetheless, largely as a result of the inter-élite deals on the direction of preferences from ticket voting, votes did transfer across group lines in a surprisingly large number of cases. Preferences were distributed in a majority (36) of the 71 constituencies, and resulted in a candidate who was not leading on first preferences winning in 16 of these—which, at 22 per cent of all seats, represents the highest rate of preferences changing outcomes of any AV election in any country to date. In five of these cases, seats were won on preferences by candidates from the minority ethnic community in the constituency—which suggests a significant degree of cross-ethnic voting. The big losers of the 1999 election, for example, the Indo-Fijian NFP and the indigenous Fijian SVT, lost most of their seats in communal districts—defeat that cannot be attributed to inter-ethnic accommodation or lack thereof, although Fraenkel (2000) claims that 'both parties were defeated because of their willingness to compromise with the other'.

By contrast, the Fiji Labour Party—a consciously multi-racial party—gained more seats from AV than it lost, and in fact it was

transfers from three largely Fijian-backed parties that gave Labour its absolute majority. However, much of this vote-transfer activity came as a result of the sometimes bizarre ticket voting agreements made by party leaders. In some seats, for reasons best known to the respective party leaders, a ticket vote for one party actually counted as a first preference vote for a candidate from another party (Roberts 1999:6). In others—such as the case of FLP directing their preferences away from their main rival for Indian votes, the NFP, and towards nationalist Fijian parties like the VLV—the strategic considerations of party leaders which led to such 'deals with the devil' would clearly not have been replicated by most ordinary voters. Most Indo-Fijians who voted for the FLP would probably have passed their preference vote on to an allied party like the NFP if they did not have the ticket vote option. In fact the NFP, which won 14.8 per cent of the votes but no parliamentary seats, appeared to be a clear victim of the ticket voting system. This, and the over-representation of the victorious FLP, led to an extremely disproportional electoral outcome, with more than double the level of disproportionality of AV elections in Australia. The effect of this was not so much of under-representing minorities as of wiping out some of the majority parties. The SVT, for example, obtained the largest share of the ethnic Fijian vote, 38 per cent, but gained only 8 parliamentary seats, while the NFP did even worse, winning no seats at all despite gaining 32 per cent of the Indo-Fijian vote.

Such a level of disproportionality clearly undermined prospects for an accommodative outcome in Fiji. Combined with the bizarre impacts of ticket voting, it points to some serious deficiencies in the Fijian electoral model which served to negate some of the beneficial impacts of the CRC's original proposals. First, the drawbacks of the ticket voting option in terms of moving the power of decision-making away from ordinary

voters and towards more calculating party élites clearly undermined the intention of vote-pooling. Analyses of the elections featured numerous accounts of how ordinary voters did not understand the direction in which their preferences were heading under the ticket vote arrangements.<sup>1</sup> Overall, the way in which ticket voting served to skew the election results clearly outweighed any benefits in terms of simplicity it may have provided. In addition, the parliament's decision to adopt single-member electorates, rather than the multi-member seats recommended by the CRC, meant that it proved almost impossible to draw electoral constituencies that were ethnically heterogeneous—a key facilitating condition for vote-pooling. And, as most seats remained communal contests anyway, the CRC's proposals were, in effect, never properly put to the test.

Despite the drawbacks of the electoral system as implemented, it is clear that the introduction of preferential voting did play a modest but important role in breaking old habits of mono-ethnic politics in Fiji, facilitating cross-ethnic bargaining, and helping to build new routines of inter-ethnic negotiation and cooperation. In particular, the opportunities for inter-ethnic bargaining that the new rules provided were both eagerly exploited and adapted by élites from both communities and, in combination with the expectations of places at the power-sharing cabinet table, served to significantly cool the rhetoric of the campaign. Indeed, one of the most striking aspects of the election was how, in marked contrast to previous election campaigns which concentrated on racial issues, the 1999 campaign was strongly focused on 'bread and butter' issues such as the economy, rather than ethnic ones (Lal 1999). Whether this marked anything more than a temporary aberration in Fiji's unfolding cycle of intermittent democratic elections followed by anti-democratic coups remains to be seen.

## Recommendations for the future

If the Pandora's Box of electoral reform is to be opened again in the future in Fiji, as seems inevitable, one clear conclusion is that, while the multi-ethnic incentives of a preferential ballot should be retained, a more proportional system which enables the drawing of larger and more ethnically-heterogeneous electoral districts should be considered. In particular, a system like the Single Transferable Vote (STV), which combines preference voting with proportional representation and multi-member electorates, deserves serious consideration—as I and a number of other observers prior to the 1999 election were in fact suggesting (see Reilly 1997; Arms 1997). The benefits of STV is that it delivers much more proportional results than AV, while still enabling the transfer of preferences between parties that can help push Fiji in the direction of multi-ethnic politics. The application of STV in small (3 or 5 member) districts can also serve to promote the interests of the 'moderate middle', as was the case in Northern Ireland's crucial 1998 'Good Friday' agreement elections, where voters on both sides of the communal divide were able to direct their lower-order preference votes towards centrist, moderate and multi-ethnic parties—a phenomenon that greatly bolstered the 'pro-peace' forces (Reilly 2001).

Interestingly, an earlier commission of inquiry into Fiji's electoral system in 1975, chaired by Professor Harry Street, came to a similar conclusion. The Street Commission, as it was known, recommended a series of reforms, based on the same implicit thinking as the CRC, to the electoral provisions of Fiji's 1970 independence Constitution. It argued that Fiji needed an electoral system 'which is fair and equitable, and which at the same time does not encourage or perpetuate communal thinking or communal politics'. Its conclusion was that the Fijian parliament should comprise a mixture of communal and

open seats, with 25 members elected in open competition from five multi-member constituencies using STV, and 28 members elected from communal rolls in single-member constituencies using AV (Parliament of Fiji 1975:12–16).

It is important that any future electoral reforms in Fiji learn from such historical recommendations, and from cases like Northern Ireland. But there is no need to throw out the baby with the bathwater. To lurch back to a first-past-the-post system, as some have suggested, would solve none of the problems identified at the 1999 elections, and would almost certainly add a number of new ones. As Fiji's highest court pointed out in March 2001, had the 1999 elections been held under a first-past-the-post system, 'the People's Coalition would still have won 45 seats, giving it a comfortable majority', and even under proportional representation they would still have won a clear election victory (Court of Appeal, Fiji Islands 2001:12) Such evidence undermines arguments that the 1999 result was somehow the result of a faulty electoral system. But Fiji's electoral law does need improving, and there is a clear case for building a simpler and more proportional form of preferential system. The best way to achieve this is by a balanced assessment of what elements of the new electoral system worked as intended, and what did not. I hope that this paper has set out some signposts for the road ahead.

## Notes

<sup>1</sup> The following account is typical: 'In hindsight, many Fijian voters are wishing they had familiarised themselves more with the preferential system. More so when they voted above the line. If I knew VLV gave first preference to the Labour candidate in my open constituency, I would have voted for the SVT,' says a VLV supporter ruefully. There are many like him' (see 'How Fijians dumped Rabuka', *The Review*, June 1999:40).

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