

National Council for Building a Better Fiji

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COMMUNIQUE

- 1.0 The fourth meeting of the National Council for Building a Better Fiji (NCBBF) was held at the Nasova Police Academy, Suva on Monday 23rd June and Tuesday 24th June 2008.
- 1.1 The NCBBF noted with regret the resignation for personal reasons by Mr Geert van der Linden as Chair of the Independent Monitoring Group (IMG), but it warmly welcomed the Honourable Mr. Sela Molisa, currently Member of Parliament and a former Minister of Finance of Vanuatu, as the new Chair of the IMG.
- 1.2 The Meeting received the Joint Report by the NCBBF's National Task Team 1 (NTT1) and Working Group 1 (WG 1) on Electoral Reform (hereinafter "the Joint Report") submitted by Co-Chairs of NTT1, Mr Josefa Serulagilagi, Chairman of Tailevu Provincial Council and Mr Aiyaz Sayed-Khaiyum, Attorney General and Minister for Justice, Electoral Reform, Public Enterprises and Anti-Corruption, who made formal presentations on the Joint Report to the NCBBF.
- 1.3 The NCBBF noted that Fiji urgently needs a new electoral system for at least the following reasons:
 - A major impediment to Fiji's return to parliamentary democracy is that the current electoral and voting system itself is undemocratic;
 - Current electoral rules do not enable "government of the people, by the people, for the people" in that:
 - The voting and electoral system that is used is not free and fair;
 - It lacks legitimacy as it does not enable the will of the people to be adequately reflected;
 - It violates the United Nation Universal Declaration of Human Rights by not providing for one vote to have one value;
 - It disadvantages and thereby reduces the number of women and minorities who go into politics.
 - The disproportion in representation between voters living in rural and urban areas and within Fijian provincial/communal constituencies is contrary to the principle of equal number of voters in constituencies and of one person, one vote, one value;
 - The current electoral system is a serious hindrance to the attainment of a national identity for the people of Fiji;
 - The choice between voting above the line for a party's list of candidates or voting for participant candidates below the line is not understood;
 - A high proportion of voters (up to 12%) have their votes disallowed.
- 1.4 In this context and in considering the Joint Report, the NCBBF reiterated its concern that holding another election in Fiji under existing electoral rules would be flawed because it

would amount to seeking to elect a democratically elected government under electoral rules that are undemocratic. Apprehension was expressed that any government elected in this way would be denied legitimacy and credibility thus leading to further political instability.

2.0 RESTORATION OF DEMOCRACY

2.1 The NCBBF considered the concept of Parliamentary democracy that the people of Fiji should aspire to return to. With a view to entrenching democracy and good governance, the NCBBF agreed that the goal should be for a form of “representative democracy”, based on the following broad principles:

- People, on an equal basis, freely elect representatives to decide through majority decision-making on the national priorities and the allocation of resources for the interest of all communities and should be based on the wishes and needs of the people. This is to be achieved through equal opportunities and equitable representation;
- To be legitimate, the government should be for all the people and include all regardless of ethnicity, race, gender, religion, ability, age or any similar circumstance;
- As a government of the people, it must extend rights equally and fairly to all;
- The right of a majority to decide public policy must be balanced by the right of the minority to be protected against bias or victimization in policy;
- The interest of the nation should be paramount. Therefore, government should not systematically and willfully pursue the interest of the few (especially just the elected government’s supporters) over the broad and continuing interest of the nation as a whole;
- The formulation of policies and programmes should be transparent and not biased by incompetence, corruption and dishonesty. These undermine the quest for effectiveness of outputs from government for all the people.

3.0 RESOLUTIONS ON ELECTORAL REFORM

3.1 The NCBBF in considering the various options for electoral reform noted that the Joint Report adopted five criteria to assess the various options for securing a democratic outcome. These criteria are:

- **Legitimacy:** The most important objective of any electoral system must be the legitimate transfer of power from the people to the parliament. Systems that are biased or corrupt do not do this because they distort the will of the people. The electoral system must be regarded by the people as fair in terms of equal access and just in terms of the electoral outcomes in order to be legitimate;
- **Accountability:** Any effective electoral system must provide for holding elected representatives responsible for their actions. This may not be a simple criterion as it includes both the personal accountability of individual MPs as well as the responsibility of parties for their influence in Parliament;
- **Policy Direction (Party Mandate):** It is common in responsible government systems (such as the Westminster model) for parties to issue manifestos or stand on platforms. These are used by the party to claim a mandate to carry out policy promises if elected to Government;

- **Representation (Social Mirroring):** This means that parties (usually) or social groups are elected to parliament in the proportion to their votes or numbers in the community. This criterion is often used to assess the fairness of an electoral system especially for including women and minority groups in the political process;
- **Simplicity:** Overly complex, difficult to use voting systems can make it hard for voters to record a vote that faithfully represents their interests. A simple electoral scheme helps the voter to reward a faithful representative or punish one who has disappointed them easily.

3.2 The NCBBF endorsed the above criteria as relevant in its deliberations and took note of the following additional factors:

- **Neutrality:** With regard to equal access to ensure legitimacy it is of particular relevance and importance for Fiji that the electoral and voting system promotes neutrality. Its structure should not encourage or have bias towards any particular ethnic, religious and political ideological tendencies as is currently the case. The electoral system should simply reflect the support for particular political parties or individual candidates.
- **Acceptability:** The importance of extensive public consultations to ensure there is popular support for proposed electoral reforms was emphasised.

3.3 NCBBF agreed that the legitimacy of the present system is suspect under the concepts of fairness and human rights. This taints every other aspect of the present system since electoral outcomes cannot be trusted to exact appropriate accountability or give genuine and fair guidance on the appropriate policies to pursue in Government. The effective representation of the diversity of Fiji is, under the current electoral rules, largely defined by race and its impact is distorted in consequence. Minority interests are often not well represented. Moreover, the present system has demonstrated itself not to be voter friendly as indicated by the high numbers of invalid ballots.

3.4 NCBBF further noted that in applying the foregoing criteria, WG1 and NTT1 had carefully assessed several electoral system options to replace Fiji's current Alternative Vote (AV) electoral system. NCBBF, in considering the recommendations of the Joint Report, unanimously agreed to endorse that a proportional representation (PR) electoral system that provides for the Open List Voting system be proposed to the people of Fiji to be adopted.

3.5 NCBBF, therefore, resolved to recommend the following electoral reform package to the people of Fiji:

1. The complete abolishment of the communal representation system as provided for under the Constitution and the Electoral Act 1998 and to replace this with the use of a common roll for all future elections;
2. The electoral and voting system as provided for under the Constitution and the Electoral Act 1998 be reformed to enable the adoption of a proportional representation system;
3. That the Open List System be strongly recommended as the preferred electoral system in the public consultations on electoral reform. Other systems that were considered but rejected that may be included for these consultations are the closed list and MMP systems;
4. That these electoral reforms be implemented before the next general election, which should be held as soon as is practicable;

5. That specific anti-discrimination measures be incorporated into Fiji's electoral laws to ensure no person is discriminated against by political parties on the grounds of race, religion, gender or circumstance;
6. That a relatively small number of large constituencies, but no more than 5 be adopted to maximize the proportional benefits of a PR electoral system;
7. That the mandatory power sharing arrangement as provided under subsections 99(5)-(9) of the Constitution be removed and due consideration shall be given to provide for the formation of a truly representative Cabinet;
8. The reduction of the voting age from 21 to 18 years of age; and
9. The abolition of compulsory voting.

3.6 NCBBF further resolved that the next and immediate phase of the People's Charter related consultations throughout the country be on the subject of proposed electoral reform and that in these consultations the following be highlighted as some of the main reasons in favour of the PR Open List Voting System:

- The intrinsic fairness of this system in electing a more representative Parliament gives it a strong claim to legitimacy. Being highly proportional means each political party will be very sensitive to changes in voter opinion and political parties will become more accountable to the voters;
- It would more accurately reflect the will of the people;
- Moreover, allowing voters to select an individual candidate from the party list offers some personal accountability;
- The party mandate will be clear but as coalitions are likely this may be qualified by voluntary executive power-sharing;
- Women and minorities can have greater participation because this system forces parties to consider the make-up of the electorate as a whole when selecting candidates;
- Voters will be in a position to resist the party leadership by choosing the party candidate they prefer rather than merely having to endorse the list as set out by the party as in the closed list system;
- The open list system is relatively simple for a voter to use, although some education may be required on how to understand the counting of the vote;
- The open list improves this situation over most other systems of PR since a voter can actually vote for the party of choice and yet retain a direct vote for an individual candidate. This can even allow the voter to support the party and clear out candidates who are non-performers; and
- The tendency of PR systems is to favour voluntary coalition government. This should be regarded as, a strength in the case of Fiji since it would result in voluntary executive power-sharing.

3.7 In regard to the political representation of Indigenous Fijians, the NCBBF stressed that under a PR electoral system, indigenous Fijians will always be guaranteed appropriate representation in Parliament without any need for special provisions that reserve places on the grounds of ethnicity. Further, the NCBBF emphasises that what Fiji needs most to move forward is an electoral and voting system that guarantees equality for all its citizens and facilitates the promotion of national unity and development, providing the best opportunity to end ethnic division and conflict. The Open List System allows for this.

3.8 In addition, Fiji Indians and other ethnic communities will see the end of inequalities through the introduction of an electoral system that will work to the elimination of the

abuse of ethnicity in electoral politics. Women and the minorities similarly will be advantaged by a system where every vote counts and all voters are treated with respect and as having equal value. It is felt that this benefit, particularly for women, can be enhanced if political parties moved to endorse more women as candidates as a deliberate act of party policy.

- 3.9 Proportional representation is not a “quantum leap” in electoral reform because it has been recommended for serious consideration over the last 38 years. In proposing the abolishment of communal representation the NCBBF acknowledges the independent reviews of Fiji’s electoral system, which have recommended its removal (notably the Street Commission 1975 and the Reeves Commission 1996). Communal representation was only intended as an interim measure to facilitate the country’s Independence and the system must be abolished now.

4.0 **OTHER ISSUES AFFECTING DEMOCRATIC GOVERNANCE**

- 4.1 NCBBF discussed a number of other possible changes and it decided that these should be raised in the next phase of the People’s Charter consultation process. These include:

- The desirable term of the Parliament;
- To give the people of Fiji a greater say in the future in regard to the Constitution, provision should be made for referendums to be held in respect of any significant proposed amendments to the Constitution;
- The number of seats in the House of Representatives stands at 71, which is quite high when compared to the representation needs of the overall population of Fiji. Consideration needs to be given to reducing the number of seats by 25-15 % in the next Parliament. In addition, Ministers should comprise no more than 25% of the overall size of the Parliament;
- If the number of seats are to be reduced there may be a case for using some of the savings to increase salaries for members of Parliament but within reasonable bounds;
- The future role, size and composition of the Senate. There were a number of questions raised about its effectiveness. There were also questions about its method of selection and whether it should now be elected by the people of Fiji. The role of the Great Council of Chiefs was also noted;
- The expansion of conditions for eligibility to stand for Parliament;
- That a citizen of Fiji be eligible to vote where he/she is working temporarily overseas; and
- That there should be a thorough review of administrative practices related to the conduct of elections, in particular that the provisions of the Electoral Act are strengthened so as to ensure that appropriate reconciliations are undertaken between the number of ballot papers printed and used, the number of votes counted, and the actual votes cast.

5.0 **RESOLUTION ON ANCILLIARY CONSTITUTIONAL ISSUES**

- 5.1 The NCBBF therefore further resolved that in addition to its principal recommendations (as outlined in paragraph 3.4 above) the following ancillary issues be put to the people of Fiji for discussion and consideration in the next round of Peoples Charter-related public consultations:

- (i) The term of the Parliament.

- (ii) Referendums to be provided in the Constitution.
- (iii) Current number of seats in the House of Representatives.
- (iv) Salaries of Parliamentarians.
- (v) Size and Role of the Senate.
- (vi) Conditions of eligibility to stand for Parliament.
- (vii) Voting rights for citizens resident overseas.
- (viii) Strengthening of the Electoral Act.

5.2 The NCBBF also resolved that following the national level consultations a Report on proposed electoral reform be submitted to His Excellency, the President and, subject to His Excellency's concurrence, to the Forum that is to be convened and independently facilitated by the Commonwealth Secretariat and United Nations.

6.0 PUBLIC OUTREACH AND CONSULTATIONS

6.1 The NCBBF received an updated report from its Secretariat, TASS, on the Peoples Charter-related public awareness and consultation activities to-date. The meeting noted that as at June 2008, 200,000 copies of the Peoples Charter Consultation Document had been distributed nation-wide. TASS Public Outreach teams had visited up to one thousand (1,000) villages and settlements to raise awareness on the Peoples Charter process and received up to 2,000 oral and written submissions and responses to the national issues outlined in the Consultation Document. In addition, TASS has been organising radio talk back programmes and releases to the print media, on the various aspects of the work currently being done on the Peoples Charter.

6.2 The NCBBF noted the general dissatisfaction many people have with the current voting system. While there are varying opinions on communal representation, electoral boundaries, and the principle of universal and equal suffrage, many people stressed the need for more consultation and dialogue on any proposed electoral reform. The NCBBF welcomed the largely positive response from the people at the grassroots level to the idea of reforms under the Peoples Charter. This contradicts the generally negative perception which comes through the mainstream media and in particular from vocal opponents to the People's Charter initiative.

6.3 The NCBBF also acknowledged the active support and the direct involvement of several civil society organisations in supporting TASS in the dissemination of information through the outreach activities.

6.4 The NCBBF resolved to undertake extensive nation wide public consultations on the proposed package of electoral reform including dialogue with key stakeholders such as the political parties. The NCBBF stressed that the people of Fiji need to be well informed about the weaknesses of the current electoral system and the strengths of the proposed electoral system, so they can make up their mind individually without fear of the pressure from the opponents of reform.

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Commodore Voreqe Bainimarama
Prime Minister, Co-Chair, NCBBF
Suva, 24th June, 2008

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His Grace Petero Mataca
Archbishop, Co-Chair, NCBBF