

Pacific Islands Brief

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Won by a Dictator? The 2014 General Elections in the Republic of Fiji

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Overview

This paper analyzes the 2014 general election in the Republic of Fiji in which Interim Prime Minister Rear Admiral (Retired) Josaia Voreqe (Frank) Bainimarama, who led the 2006 coup, won. Bainimarama's FijiFirst (FF) party, gained a substantial parliamentary majority in the 2014 elections.

Fiji became independent in 1970. Since then, it has experienced four coups—two in 1987, and one in both 2000 and 2006—and promulgated four constitutions in 1970, 1990, 1997 and 2013. Fiji has been described as having a “coup culture” (Tarte 2009). It held general election on September 17, 2014, the first since the 2006 coup.

The Multinational Observer Group (MOG) in their initial statement recognized that “(a) the outcome of the 2014 Fijian Election is on track ‘to broadly represent the will of the Fijian Voters’; (b) the conditions were in place for Fijians to exercise their right to vote freely.” (Multinational Observer Group 2014) Many governments and international organizations around the globe welcomed the implementation of the elections, including Australia, New Zealand, Japan, France, the United States, the European Union, the Commonwealth, the Pacific

Islands Forum (PIF) and the Melanesian Spearhead Group (MSG).¹

This paper analyzes the 2013 Constitution; various government decrees including the Electoral Decree 2014, Electoral (Amendment) Decree 2014, Electoral (Amendment) (No. 2) Decree 2014, Political Parties (Registration, Conduct, Funding and Disclosures) Decree 2013, Political Parties (Registration, Conduct, Funding and Disclosures) (Amendment) Decree 2013 and 2014, Political Parties (Registration, Conduct, Funding and Disclosures) (Amendment) (No. 2) Decree 2013 and 2014; manifestos of the four main political parties—FijiFirst (FF), Social Democratic Liberal Party (SODELPA), National Federation Party (NFP) and the Fiji Labour Party (FLP); paid electoral advertisements of FF, SODELPA and NFP²; the Voter Instruction Booklet which includes the National Candidates List; the Final Results by Polling Station; and the Final National Results Tally. These documents were reviewed to assess the electoral regulations, political party strategies and election results.

We begin by examining the transitions after the announcement of “A Strategic Framework for

Change” in 2009. Next, we analyze the background of the 2014 general elections. We conclude by suggesting elements that may serve as the basis for future political progress in Fiji.

Transitions After the 2009 “Strategic Framework for Change”

The 2014 general election was the first election after the military takeover in 2006. In 2007, Interim Prime Minister Bainimarama promised to hold an election in 2009, but afterwards he claimed that this was not possible because it was necessary to reform Fiji’s electoral systems before holding an election. Instead, he announced the roadmap to hold the general elections in September 2014, as part of “A Strategic Framework for Change.”

To follow the roadmap, in 2012, Prime Minister Bainimarama announced the processes to create the 2013 Constitution, namely the Constitutional Consultations. According to the Constitutional Consultations, the fundamental values and principles of the 2013 Constitution followed the People’s Charter for Change, mainly based on equal citizenship, a secular state, and one person, one vote and one value (Ministry of Information 2012).

Accordingly, the Fiji Government created the Constitutional Commission, chaired by Kenyan Professor Yash Ghai, along with one international member and three members from Fiji. The commission visited many places throughout Fiji to collect opinions

and views before promulgating a draft constitution. It collected over 7,000 written submissions within three months (Constitution Commission 2012). After accumulating and classifying the opinions and views, the commission submitted its draft to President Ratu Epeli Nailatikau in December 2012. However, in January 2013 Prime Minister Bainimarama ordered modifications of the draft constitution, following requests from President Nailatikau who found that some parts of the draft did not fit in Fiji and were not acceptable to him (Ministry of Information 2013).

In March 2013, the Fijian Government officially announced the contents of its draft constitution through the Government gazette, newspapers and printings, and requested citizens to read and submit their opinions and views.. The government received 1,093 written submissions and many oral expressions within less than two months (*Fiji Sun* 2013), changed the land ownership clauses, and promulgated the 2013 Constitution in September of the same year.

In January 2013, President Nailatikau ordered existing parties to complete their registration. Following the decree, only two political parties (National Federation Party (NFP) and Fiji Labour Party (FLP)) registered by February 2013. Soqosoqo Duavata ni Lewenivanua (SDL), known as the United Fiji Party, did not register under the decree, instead changed its name to the Social Democratic Liberal Party (SODELPA) and registered as a new party just after

the other two . Later, the People’s Democratic Party (PDP), the Fiji United Freedom Party (FUFPP) and the One Fiji Party (OFP) also registered as new political parties to run for the general elections in September 2014. Finally, in May 2014, Prime Minister Bainimarama created and registered his political party, FijiFirst (FF).

Voter Registration drives were held at various time periods between July 2012 and August 2014. Each voter had to visit one of the registration stations to receive a voter identification card. These stations were deployed nationwide. Moreover, officials of the Fijian Elections Office (FEO) also traveled to other countries to encourage Fiji nationals living there to register as voters.³ In total, FEO registered 591,010 voters for the 2014 general elections.⁴

From June to July 2014, the Government created three amended decrees regarding the elections and political parties.⁵ PDP claimed that the promulgations of the amended decrees were implemented suddenly without consultations with registered political parties affected by the amendments (Tabuya and Singh 2014).

In the lead up to the election some countries and organizations, such as the Commonwealth and Australia, requested that Fiji allow election observers. The Government agreed and in March 2014 asked Australia to lead the multinational observation endeavor. Accordingly, it created the Terms of Reference (TOR) with Australia to establish the

Multinational Observer Group (MOG) and invited 13 countries and two organizations⁶ which came to be jointly led by Australia, Indonesia and India to observe the 2014 general election..

The 2014 General Election

There was strong interest in contesting the election. Seven political parties and two independent candidates were registered. By August 18, 2014, the FEO received the names of 262 candidates including 50 from FF, NFP, SODELPA and PDP respectively, 42 from FLP, 14 from OFP, four from FUIFP and two independent candidates. According to the electoral decree, the FEO only admitted 248 candidates: 50 from FF, 49 from NFP, 48 from SODELPA, 46 from PDP, 33 from FLP, 13 from OFP, 3 from FUIFP and two independent candidates. SODELPA, FLP and PDP made a submission to the Fiji Electoral Commission (FEC) regarding candidates who were denied a place to run in the elections by the FEO. The FEC wrote in its official recommendation letter to the FEO that two candidates (one from SODELPA and one from FLP) were deemed qualified to run. However, the FEO claimed that this letter was sent to them after the deadline, so the FEO carried out draws for the National Candidate List, ignoring the letter and thus, these two candidates were excluded.

On September 17, 2014, polls opened at 7:30 a.m. and closed at 5:00 p.m. There were 2,028 polling stations, and each voter was assigned to a pre-

designated polling station by the FEO. (Early voting commenced in some limited areas before the official “one day” election, justified by the FEO on the basis of logistical challenges they faced.) Early morning voters frequently had to line up to cast their vote, but by early afternoon the pace of arriving voters had eased, thereby reducing the amount of time voters had to wait. Polling stations were peaceful, and voters appeared pleased and indeed eager to cast their ballots.

Immediately after the polling stations were closed, polling officials in each polling station began to count the ballot papers in front of the party polling agents as well as the MOG observers. It took about four hours to count all the votes and formally record the total number of votes attained by each of the candidates. Most polling stations had about 200-500 ballot papers. After the counting, each polling station posted the results on the wall outside of its polling station for the public to see and telephoned Suva-based FEO officials. On the same night, the results were sent to the central polling station in Suva with ballot papers in sealed ballot boxes. The final official results were announced on September 22, 2014. The FEO took six days to make the announcement because it also needed to count the pre-polling ballots and mail-in ballots after September 18, 2014.

The result of the elections showed that there were 500,078 votes cast out of 591,101 registered voters (turnout: 84.60%). There were 496,364 valid votes

with only 0.75% of votes deemed to be invalid. FF, SODELPA, and NFP received 59.2%, 28.2%, and 5.5% of the votes respectively, and were allocated 32, 15, and 3 seats in the new parliament. Other parties and individual candidates failed to garner the 5% threshold of votes needed to gain a parliamentary seat.

The MOG observed 31 percent of the polling stations in Fiji on the (early) pre-polling and polling dates and made its preliminary statement on September 18. The MOG did not explicitly pronounce the general elections as being credible, free and fair in its statement, but the majority of its 92 observers from 15 countries and regional institutions, to varying degrees, appeared to convey that the elections were in fact credible, free and fair, even though the election was not perfect.

Background of the 2014 General Elections

Examination of election campaign materials suggests few significant differences between the policies of the political parties. Analysis of the manifestos of the four major parties: FijiFirst (FF), Social Democratic Liberal Party (SODELPA), National Federation Party (NFP) and Fiji Labour Party (FLP) all recognize the importance of education, agriculture, land, etc. SODELPA, NFP and FLP also claimed they would abolish the decrees which were promulgated after the 2006 coup. The only significant difference found is that SODELPA was alone in promising to restore the Great Council of the Chiefs

(GCC), abolished by the regime in 2012.

Paid Electoral Advertisements were published by FF, SODELPA and NFP. On the first page of each party's advertisement there was a big picture of the party leader. The three parties each provided outlines of their manifestos; only NFP included articles of its five candidates in the advertisement. FF and SODELPA put the names, pictures and numbers of each of their candidates on pages 2 and 3. SODELPA added the names of villages and educational and professional careers of each candidate. Based on the advertisements, it appears that FF used a strategy focusing on promoting its leader and the most famous person in Fiji, Prime Minister Frank Bainimarama. SODELPA also tried to promote its leader, Ro Teimumu Kepa, but also emphasized the endorsements of influential chiefs in villages.

In addition to newspaper advertisements, TV and radio commercials were aired by FF, SODELPA and NFP. Prime Minister Bainimarama represented the FF party. He was constantly seen on TV and also appealed to the voters on radio. FF also placed daily newspaper advertisements with large photos of Bainimarama's face. SODELPA showed voters its party symbol and a still image of its leader on TV. Both the President and the Leader of NFP were in the TV advertisements and each of them highlighted policies of NFP, especially economic matters. There were big differences between the main parties regarding their advertisements on TV and ra-

dio. FF tried to personalize Prime Minister Bainimarama in the media while SODELPA's advertisements showed its party symbol and a still picture of its leader on TV.

In summary, there were no big differences between the parties evinced in party policy manifestos. However, their tactics differed considerably. FF tried to concentrate on visualizing images of Prime Minister Bainimarama. SODELPA also put its leader first on their advertisements, but at the same time it also concentrated on its strategies to utilize the influence of village chiefs. NFP, on the other hand, concentrated on its proposed economic policies, formulated by its leader Dr. Biman Prasad.

Pre-Election Lawsuits against SODELPA and FLP Leaders

Between 2012-2014, two major opponents of Prime Minister Bainimarama were forced to battle court charges against them. In August 2012, the former Prime Minister and the then Leader of SODELPA, Mr. Laisenia Qarase, was sentenced to a one-year prison term for alleged corruption.⁷ He was sent to prison in August 2012 and released in April 2013. Even though he was jailed, he was still the SODELPA Leader until Ro Teimumu Kepa was elected in March 2014. Qarase was informed that according to the 2013 Constitution and Electoral Decree 2014 he did not qualify to run in the 2014 general elections nor to lead SODELPA.⁸ Although he lost his position as party leader, Qarase toured

many places in Fiji and overseas to encourage support for SODELPA.

The other opponent to Prime Minister Bainimarama was the former Prime Minister and Leader of FLP, Mahendra Chaudhry, who was fined FJ\$2 million in May 2014 for alleged offenses against the Exchange Control Act.⁹ The Suva High Court ordered him to serve a 15 month prison sentence if he did not pay the fine within two months. After this sentencing, he submitted requests to the Suva High Court to overturn his conviction. However, the court rejected his requests, and he paid the fine. Chaudhry remained as the Leader of FLP even though he was not able to run in the election. As party leader he expressed opinions in articles in the *Fiji Sun* newspaper, raising political issues in which many people were interested. However, it appears in retrospect that many of his Indo-Fijian supporters had left him because of his legal struggles as well as a possible loss of credibility more generally.

Both lawsuits spread negative publicity and appear to have had ramifications for the political campaigns of SODELPA and FLP. These parties were recognized as strong opponents of FF, so the lawsuits and media coverage about these matters functioned in FF's favor. Still, SODELPA worked to minimize the negative impacts of the lawsuits. Qarase accepted a position as just one member of SODELPA after he finished his jail term and gave his full support to the new leader by visiting many places to win votes for SODELPA. Chaudhry, on the

other hand, remained in his position and was nominated on the party candidate list by the FLP. To many people's surprise, the once powerful FLP was not able to secure enough votes to obtain a seat in Parliament.

Analyses of the of the General Election Results

When totaled, 59.2% of the total votes went to FF, SODELPA received 28.2% and NFP 5.5%. Accordingly, the three parties were respectively allocated 32, 15, and 3 parliamentary seats. The election system as specified by the new Constitution required Open Proportional Representation, with a single constituency for the entire nation. The candidate who attains the largest number of votes will lead his or her party. Because the election system was set in the 2013 Constitution without the benefit of a plebiscite¹⁰, one can speculate that the system was designed for FF to have the greatest advantage to win the 2014 general elections. It also seems that FF knew better than other parties the details of the system and was able to better utilize its opportunities to win.

According to the Final National Results Tally, Prime Minister Bainimarama received 202,459 votes. He received about 40.79% of the total valid votes and about 68.93% of the votes which supported FF. His role as the leading "vote-getter" for FF was very important during the 2014 general elections. The second biggest vote-getter was SODELPA Leader Ro Teimumu Kepa who received 49,485 votes or

about 9.97% of the valid votes and about 35.38% of the votes which supported SODELPA. The third largest vote getter was Attorney-General and General-Secretary of FF, Aiyaz Sayed-Khaiyum. He received 13,753 votes or about 2.77% of the total votes and about 4.68% of the FF votes. The fourth leading vote getter was NFP Leader Biman Prasad with 8,097 votes or about 1.63% of the overall votes cast and about 29.92% of his NFP's party votes. Thus it is clear that each party leader received the biggest percentage of votes for their parties, but Prime Minister Bainimarama received the largest number of votes of any candidate for his FF party. Hypothetically, if Mr. Bainimarama was an independent candidate, of course, he would be a member of Parliament. But FF without Mr. Bainimarama on the ticket might have received only 91,255 votes (about 18.38% of the valid votes) and might only be the second largest party after SODELPA. It is possible that under these highly unlikely circumstances, with Prime Minister Bainimarama running as an independent, FF would have received only 17 seats, SODELPA 27 and NFP 5. Of course in reality the entire FF strategy, as noted above, hinged on having Mr. Bainimarama as their leading candidate.

The Final National Results Tally shows that the number of candidates who received more than 1,000 votes is 26 for FF, 35 for SODELPA, four for NFP, three for the People's Democratic Party (PDP), one for the One Fiji Party (OFP) and one independent. Due to the dominance of Bainimarama,

six FF candidates who received less than 1,000 votes got elected, but 20 SODELPA and one NFP candidates who got more than 1,000 votes (two SODELPA candidates received more than 2,000 votes) could not get a seat in Parliament. Even though each SODELPA candidate received more votes than the FF candidates, some could not reach the 5 percent required to be seated in Parliament. This is probably because each SODELPA candidate tried to secure votes primarily in their home areas. It suggests that SODELPA is still strong in local levels even though they lost the 2014 general elections with the open proportional single constituency representation structure.

Conclusion: Won by Dictator?

If asked whether Prime Minister Bainimarama won the 2014 general elections in a credible manner, this author argues in the affirmative. Despite the fact that he initially assumed the prime minister's office through use of force, he is now the elected Prime Minister of Fiji. He freely won the general election. His FF party, received 59.2% of valid votes.

Some of the reasons why Mr. Bainimarama and FF won the general election so convincingly include that he and his supporters clearly understood the newly devised electoral system. The open proportional representation with single constituency served them well. Contents of manifestos of each party were less important than the perception of

Bainimarama as a person who was effective. The FF party's emphasis on promoting Prime Minister Bainimarama as their leader during the political campaign also aided their electoral victory.

The Social Democratic Liberal Party (SODELPA) and Fiji Labour Party (FLP) political campaigns were adversely affected by the government's lawsuits against former Prime Ministers Qarase and Chaudhry. Moreover, SODELPA's election strategy was more heavily based on the influence of local chiefs. Even though SODELPA still has strong influences at the village level, this strategy did not work well in the open proportional representation with single constituency.

The next general elections in Fiji will be most interesting to watch. Based on their experiences in the 2014 general election, political parties will likely be able to better adjust their political strategies. The 2014 general election should therefore be seen as only a first step for the people of Fiji to broaden and deepen their democratic system.

Notes

1. See the *Fiji Times*, *Fiji Sun* and *Pacnews* published on September
2. Refer to *Fiji Times* (2014).

3. The officials visited Australia, Canada, Germany, New Zealand, Papua New Guinea, United Kingdom, United Arab Emirates and United States.
4. Refer to Fiji Elections Office (2014d)
5. The Government created its Electoral (Amendment) Decree 2014 (Decree No. 23 of 2014) on June 27, 2014, its Political Parties (Registration, Conduct, Funding and Disclosures) (Amendment) (No. 2) Decree 2014 (Decree No. 24 of 2014) on June 27, 2014 and its Electoral (Amendment) (No. 2) Decree 2014 (Decree No. 26 of 2014) on July 31, 2014.
6. The MOG was represented by the following countries: Australia, Indonesia, India, Canada, European Union, Israel, Japan, Korea, New Zealand, Russia, Turkey, United Kingdom, United States, South Africa and Melanesian Spearhead Group (Papua New Guinea, New Caledonia, Vanuatu and Solomon Islands).
7. Refer to *Fiji Sun* (2012).
8. According to Article 56(2)(g) of the 2013 Constitution and Article 23(4)(g) of Electoral Decree 2014, a person may be a candidate of Parliament only if the person "has not, at any time during the 8 years immediately before being nominated, been convicted of any offence under any law for which the maximum penalty is a term of imprisonment of 12 months or more."
9. Refer to *Pacnews* (2014)
10. Article 53 of the 2013 Constitution set a multi-member open list system of proportional representation in a single national electoral roll. It also sets threshold of 5% of the total number of votes to be qualified for a seat in Parliament.

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