

## Fiji and the export of electoral systems

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The Australian media devoted much space to George Speight's attempt to take control of government in Fiji, but it was rarely mentioned that one of the factors leading to political unrest was the election of the parliament in 1999 under a new electoral system largely modelled on that of Australia.

The type of electoral system to be used in parliamentary elections has long been a matter of debate in Fiji. The British method of simple majority or first-past-the-post (FPP) in single-member constituencies was inherited, but seats were distributed among three racial groups, namely indigenous Fijians, Indians and Europeans who (with Chinese and others) were grouped as 'general'. Each racial group voted only for its own representatives. Indians in Fiji have long, but unsuccessfully, advocated a common roll for all races, but Fijian leaders have always insisted that some (and preferably a majority of) seats be reserved for Fijians on a communal basis.

In negotiations for independence, which came in 1970, communal representation was retained, but all groups agreed on elections on a common roll as a long-term objective. During the life of the first parliament a royal commission was set up to advise on a suitable method of election for the future. The commission, headed by Sir Henry Street, recommended that some communal representation be retained, but that there should also be 25 national seats open to all races and election for these should be by the Single Transferable Vote (STV) form of Proportional Representation (PR). The parliament, however, took no action on the report and elections continued on a communal basis (although with some national or cross-voting seats where voters of all races together elected an Indian-Fijian and general candidates) and all elections were by first-past-the-post.

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\* Professor Emeritus of Politics, Latrobe University. I am grateful to Dr Jon Fraenkel of the University of South Pacific for information and comment. Dr Fraenkel has written two excellent analyses of the 1999 elections. One was published in the *Australian Journal of Politics and History*, March 2000; the other is to be published in the *Journal of Commonwealth and Comparative Politics*.

Meantime there has been a great deal of academic writing on the use of electoral systems as a means of political engineering in general and particularly in ethnically divided societies such as the consociational states of Europe and new independent countries emerging from colonialism. Most writers have tended to agree with the Street Commission that PR (and probably the STV form thereof) is the electoral method most likely to mitigate ethnic conflict in such countries. In recent years, however, Professor Donald Horowitz of Duke University has argued that electoral accommodation in divided societies can best be encouraged, not by PR, but by the Alternative Vote (AV), known in Australia as preferential voting. When apartheid ended in South Africa, Horowitz advocated the use of AV there, but PR was adopted. When, after the Rabuka coups, Fiji established a Constitutional Reform Commission, Horowitz repeated his arguments in a submission to that Commission and in a paper presented to a workshop at ANU in 1997.<sup>1</sup>

Horowitz has maintained that while PR may encourage parties to form coalitions after elections, AV will encourage them to 'pool' votes by the exchange of preferences before elections and is more likely to produce governments with accommodative policies. Though he has discussed the consequences of AV in a number of ethnically divided countries, Horowitz has little evidence to support his hypotheses as AV has been little used outside Australia. He has continually asserted that with AV parties will win seats more in proportion to their votes than they do with FPP though this conflicts with the conclusions of other writers.<sup>2</sup> He appears to assume that AV would require voters to indicate preferences for all candidates though this has never been the case except in Australia where there has also been much experience with optional preferential voting which is at present used for state elections in New South Wales and Queensland. Much of the discussion following Horowitz' advocacy of AV failed to distinguish between compulsory and optional preferences and between the operation of the method in single and multi-member constituencies.

Yet the Fijian Commission was convinced that AV would meet its main objective of encouraging the emergence of multi-ethnic parties or coalitions. But it was also influenced by Australian use of AV for it believed 'that the people of Fiji should adopt a voting system that has been successfully used elsewhere, preferably in the region. No unexpected problems would be likely and . . . there would always be ready access to technical advice and help.'<sup>3</sup> The Commission recommended that of 71 parliamentary seats, 26 should be communally reserved (13 for Fijians, 10 for Indians, 3 for 'general'). The other 45 seats would be filled from 15 three-member constituencies with no racial restriction. All elections would be by AV and to vote formally electors must indicate preferences for 75 per cent of candidates. The Commission realised that it would be

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<sup>1</sup> Donald L Horowitz, *A democratic South Africa? Constitutional Engineering in a Divided Society*, Berkeley, University of California Press, 1995. D. L. Horowitz, 'Encouraging Electoral Accommodation' in B. V. Lal & P. Lamour (eds), *Electoral Systems in Divided Societies; The Fiji Constitutional Review*, Canberra, ANU, 1997. Horowitz' arguments re South Africa are well answered by Arend Lijphart, 'The Alternative Vote: A Realistic Alternative for South Africa?', *Politikon*, 18 (2) June 1991.

<sup>2</sup> D. W. Rae, *The Political Consequences of Electoral Laws*, Yale University Press, New Haven 1967. Lijphart op. cit.

<sup>3</sup> B. V. Lal, 'Fiji Constitutional Review Commission Recommendations for a new Electoral System', in B. J. Lal and P. Lamour, op. cit. p. 61.

difficult for voters to use AV, particularly in the open seats where a large number of candidates could be expected. To ease the voter's task it suggested an above/below ballot paper modelled on that used in Australian Senate elections since 1974. Voters wishing to vote on a 'ticket' basis need only tick the name of a party (thereby accepting that party's allocation of preferences), but those who wished to distribute their own preferences could vote below the line by numbering the candidates. Such a divided ballot paper has never been used with AV. It was designed to reduce informal voting under a PR system and, in recommending its use, the Commission may have made its greatest mistake.

When the parliament considered the report, it felt the need of mechanisms other than the electoral system to foster racial co-operation and determined that any party winning 10 per cent of seats should be entitled to representation in the cabinet. It increased the communally reserved seats to 46 (24 Fijian, 19 Indian and 3 'general') and reduced the open seats to 25 single-member constituencies. It legislated for AV with the requirement that preferences be shown for 75 per cent of candidates and that the above/below the line ballot paper be used in all elections. It would seem that considerable Australian influence may have been brought to bear at this stage for the parliament decided that registration and voting would be compulsory for all citizens over 21. There seems to have been no demand for compulsion nor any discussion of its desirability in earlier proceedings. There has never been any suggestion that compulsion would lessen ethnic conflict in a divided society. One is left to assume that the parliament was persuaded that compulsory voting was a necessary concomitant of AV simply because of the Australian example. There may have also been an argument that compulsion would make administration of elections easier and would help political parties to exercise considerable control of them.

Elections were held in 1999 amid great ignorance and confusion as to the method of voting. Compulsion increased turnout slightly, despite expressed doubts as to whether the law could, or would, be enforced, but the informal votes reached almost 9 per cent. The process was incredibly complicated with each voter being required to vote twice, once in a communal and once in an open seat. Voting lasted a week and counting a further three days. The cost of the election was nearly twice that of 1994. 21 parties participated with up to ten candidates in some seats. Many of the parties were small and of little significance, but there were two loose coalitions, each of three parties. The STV supported by the Council of Chiefs and led by Rabuka was allied with a predominantly Indian party (NFP) and the UGP which represented general voters. Thus they emphasised racial co-operation. It was widely expected that Rabuka would be returned to office. The other group of parties was led by the basically Indian Labour Party (FLP), but they had little in common except a desire to defeat the Rabuka government. The result was completely unexpected with a landslide victory to the FLP which won 37 of the 71 seats, while Rabuka's party was reduced to 8. FLP members consisted of 31 Indians and 6 Fijians. The new parliament was hardly a scene of racial co-operation since the coalition pledged thereto was completely defeated and all Indians elected were supporters of the governing party. AV was shown to give no more proportionate results than FPP. The FLP won 32 per cent of first preference votes (38 per cent of the final count) but won 52 per cent of seats whereas Rabuka's party with almost 20 per cent of first preferences won only 11 per cent of seats. Most of the small parties failed to secure representation.

The FLP won all 19 Indian communal seats on the first count, but 12 of the open seats that it won were decided on preferences and here it appeared that the Fijian vote was divided between several parties, but preferences had been traded beforehand in such a way that most went to the FLP. Since 91 per cent of voters chose to vote above the line, the parties' listing of preferences was crucial. The election was decided on preferences which had to be counted in 31 of the 71 seats and in 11 seats the candidate who had led on the first count, was defeated. Several candidates who were in third place on the first count won on preferences. In a number of seats 5 or 6 counts were necessary, in two 9. Results were, therefore, haphazard and few voters knew how their preferences were distributed. Many had not understood what they were doing when they ticked a party; now they were baffled by the results. Contrary to Horowitz' arguments there was little exchange or pooling of preferences by like-minded parties for the parties tended to concentrate on putting their main rivals last. There were some very odd aspects such as in a number of seats the second or third preferences of the basically Indian FLP went to a small religious party which wished to declare Fiji a Christian country and to legislate for Sunday observance.

Comments on the elections described them as 'orchestrated block voting among the Indian community' and 'a sophisticated manipulation of the new voting system'. Results in some constituencies were seen as 'outrageously unfair'. There are now calls in Fiji for a move to a system of PR or of optional preferential voting without the above-line option. This was seen as the worst feature of the 1999 elections for, as one writer said, 'Above the line voting is in fact a corrupt practice that allows the parties to manipulate citizens' votes. Elections are the time for voters to express their opinion, not the time for the parties to impose theirs.'<sup>4</sup>

Such comments should make Australians question their own electoral methods for they have long tolerated the compulsory preferential system which is maintained in the interests of the major parties. When AV was introduced for Commonwealth elections in 1919, many citizens, confused or annoyed by the requirement to number candidates, did not vote. In 1922 turnout dropped noticeably so compulsory voting was introduced for the elections of 1925. When, in 1948, PR was introduced for the Senate, the numbering of all candidates was required. The above line option of ticket voting was only introduced in 1974, but the vast majority of Australians now vote this way in Senate elections. Australians had long been accustomed to numbering candidates; the ticket option was even more attractive to Fijians who had previously voted by first-past-the-post. Of course the above the line option is not available to Australians in lower house elections, but a similar role is filled by party instructions on how-to-vote cards. For most Australians the act of voting consists of copying such a card. The parties are able to control the process and electors are forced to state a preference between the two parties competing for control of government.

Australian electoral officials may believe that they administer the perfect voting system, but they have not previously attempted to export it. Nauru may have been influenced by Australia when it adopted a form of preferential voting which gives different values to

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<sup>4</sup> D. G. Arms, 'Towards a More Representative Electoral System', unpublished paper (Annual 'Constitutional Matters' Lecture delivered at University of South Pacific), 23 August 1999. p. 10.

first and later preferences. When the parliament of Papua-New Guinea was established, electoral legislation closely followed that of the Commonwealth, but voting was not made compulsory and indication of preferences was optional. Soon after independence the new country moved to first-past-the-post voting.

Australians apparently realised that neither compulsory voting nor compulsory preferences were appropriate in a partially illiterate developing society. Why, then, did they advocate them for Fiji? Perhaps because they see party control as the simplest method of administering elections. We cannot know to what extent the decisions for compulsory voting and the use of the above/below ballot paper was due to Australian advocacy. The Australian Electoral Commission gave great assistance to Fiji in conducting the new system, but it is not clear whether it had ministerial backing. Similarly, it is not clear how much official encouragement was given to ALP officials who visited Fiji and conducted workshops on the method of voting for the FLP and doubtless assisted it to victory.

It would seem that the attempt to export the unique Australian compulsory preferential system has had farcical results. The Fijian people could expect that under AV they would have more choices than under first-past-the-post. Instead they have found the parties made the choices for them and they were pressured to toe a party line. The Fijian experience should lead us to examine the absurdities of Australian voting methods and to concentrate on reforming them, rather than attempting to export them. ▲