2014 Fijian Elections
Final Report of the Multinational Observer Group

The opinions expressed in this report reflect the views of the Multinational Observer Group and not the individual participants in the mission or their sending Governments or organisations.

Summary of Findings

- The outcome of the 2014 Fijian Election broadly represented the will of the Fijian voters. The conditions were in place for Fijians to exercise their right to vote freely.

- There was strong interest in contesting the election, with 248 candidates from seven political parties and two independent candidates. In general, political parties were able to mobilise and candidates were free to campaign. The campaign period was peaceful.

- Civil society participation in the electoral process was unduly restricted, including because of prohibitions contained in Section 115 of the Electoral Decree 2014.

- The media in Fiji made good efforts to cover the election. Political parties were, to varying degrees, able to communicate their messages to the public. However, the restrictive media framework, including potentially harsh maximum penalties, limited the media's ability to rigorously examine the claims of candidates and parties.

- Despite a new, unfamiliar and complex voting system, the Fijian Elections Office (FEO) administered the elections effectively. Polling officials were well-prepared and voting procedures were generally followed correctly. The tasks of political party polling agent education and voter education were complicated by the effect of Section 115(1) of the Electoral Decree.

- Police played an important role in the elections, building confidence and assisting in a neutral manner when needed.

- FEO and the Electoral Commission ran an extensive voter information campaign, which appeared to reach most voters. Some voters in remote areas did not have sufficient access to voter information.

- The counting process, while onerous, appeared well organised and thorough, both at polling stations and at the National Counting and Results Centre. The Multinational Observer Group (MOG) did not observe any significant irregularities in the counting process, but the progress of the count could have been better communicated to the public.

- The MOG did observe some problems, particularly in voter registration, pre-polling and postal voting, which stemmed at least in part from the short preparation time and miscommunication, especially related to pre-polling.

- The election was enthusiastically embraced by the voters of Fiji, who were keen to participate in the democratic process. The MOG observed that the election was conducted in an atmosphere of calm, with an absence of electoral misconduct or evident intimidation.

- No challenges were submitted to the Court of Disputed Returns.

1 Introduction

The Multinational Observer Group (MOG), co-led by Australia, Indonesia and India, was invited by the Fijian Government to observe the 2014 Fijian Election. The MOG Co-Leads were the Honourable Peter Reith of Australia, Ambassador Wahid Supriyadi of Indonesia and Mr Sayan Chatterjee of India.

The Fijian Elections Office (FEO) accredited the MOG to assess whether the outcome of the 17 September general election broadly represented the will of the Fijian voters (Terms of Reference are at Annex A). MOG observers had freedom of movement around the country and were generally able to communicate freely with all stakeholders.

Following finalisation of the Terms of Reference (ToRs), MOG long-term observers (LTOs) commenced work on 18 August and met with government, election officials, political parties and candidates, media, civil society and faith-based organisations, community leaders, disciplined forces and many everyday voters across Fiji to gather information that contributed to an assessment of the pre-election environment.

From 3 to 13 September, the LTOs observed the pre-polling process in village communities, remote islands, detention facilities and at military bases. On September 17 (Election Day), 92 observers from 15 countries and organisations visited 455 polling stations (31 per cent of polling stations open on Election Day) and observed polling and counting across Fiji.

During the pre-election, Election Day, and post-election period observers attended a wide range of electoral and election-related events including:

- closing of the nominations for party candidates on 18 August
- national candidate list draw on 23 August
- High Court ruling on the candidate nominations case on 24 August
- polling agent training for political parties, presiding officer training and voter awareness delivered by the FEO
- printing of ballot papers
- packing and deployment of pre-polling boxes
- transportation and storage of pre-polling ballot boxes at a number of locations
- pre-polling across Fiji from 3 to 13 September
- sealing of the first ballot boxes for postal votes
- commencement of the verification of postal votes at the FEO
- destruction of ballot printing material (such as sample ballot papers, offcuts, misprints and spoiled or damaged ballot papers)
- media briefings by the FEO
- packing, transportation and storage of Election Day material to polling stations
- transportation of pre-polling ballot boxes from storage to the National Results and Counting Centre
- a full-day of training for all MOG observers
- opening of polls, voting, closing of polls and counting of votes across Fiji on Election Day
- counting and data entry at the National Counting and Results Centre in Suva.

The MOG co-leads and LTOs conducted media conferences, briefings for the diplomatic corps, meetings with key officials and undertook advance visits to polling venues in order to enhance public understanding of the role and work of the MOG.

The MOG's mandate also included informing the FEO of any problems observed throughout the electoral process and providing recommendations so they could be corrected. To this end, the MOG met frequently with the FEO and senior officials in government to discuss issues of concern identified by observers. In many instances the FEO addressed the concerns raised by MOG observers prior to Election Day.

The MOG concluded its formal on-the-ground observation on 22 September with the declaration of results and the allocation of seats for the 2014 Fijian Election. The MOG sought additional information from key election stakeholders such as the FEO, Electoral Commission, Fiji Independent Commission Against Corruption (FICAC), Media Industry Development Authority (MIDA) and the Fiji Police Force. The MOG remained available to receive submissions from organisations and individual stakeholders in the election process until the publication of the final report.

2 The Legal Framework for Elections

2.1 International Commitments

Fiji's international commitments relevant to the conduct of elections include: the United Nations Universal Declaration of Human Rights; the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW, in 1995); the Convention on the Elimination of All Forms of Racial Discrimination (CERD, in 1973); and the Convention of the Rights of Persons with Disabilities (CRPD, in 2010). Fiji has not ratified the International Covenant on Civil and Political Rights (ICCPR). Doing so would improve protections for Fijians' electoral rights.

Recommendation

- *Fiji should consider becoming party to the International Covenant on Civil and Political Rights.*

2.2 National Legal Framework

Fiji's electoral legal framework is established by the 2013 Constitution of the Republic of Fiji, the Electoral Decree 2014, the Political Parties (Registration, Conduct, Funding and Disclosures) Decree 2013 and the Electoral (Registration of Voters) Decree 2012, and the subsequent amendments to these decrees.[1] The Media Industry Development Authority Decree 2010 (and subsequent amendments) regulates the media registration aspect of the election.

The 2013 Constitution established a new electoral system for Fiji. Parliament is unicameral, consisting of 50 seats elected through an open list proportional system, representing a single, multi-member national constituency. The Constitution abolished ethnicity-based

[1] Other laws related to the elections include the Public Order Act (Amendment) Decree 2012 (and its amendments) promulgated following the repeal of the Public Emergency Decree and the State Services Decree 2009, establishing both the Electoral Commission and the Office of the Supervisor of Elections.

representation (which was a feature of Fiji's previous system), lowered the voting age from 21 to 18 and set a five per cent threshold for seat allocation. Parliament must be sworn in within 14 days of the declaration of election results. Members of Parliament will ordinarily serve a four year term.

In a simple proportional representation system with a 50-seat Parliament, the quota for each seat would be two per cent of valid votes. Fiji's five per cent threshold may therefore benefit larger parties – in the 2014 election, for example, only three of the seven political parties, and no independent candidates, met the five per cent threshold. The system also requires a nation-wide by-election if an independent (or party which has exhausted all candidates) vacates their seat.

The 2013 Constitution removed racial voting blocs. The application of this new electoral system, with a single voter roll, seemed to be understood by voters and was positively received by most voters interviewed.

2.3 Issues and Concerns with the Legal Framework

In general, the legal framework in Fiji was sufficient for the conduct of credible and legitimate elections. However, the MOG, political party representatives and other stakeholders did have some concerns.

Changes to legislation, and new rules introduced in the lead-up to the election, had a negative impact on political parties and prospective candidates' confidence in their ability to campaign freely and effectively under Fiji's legal framework. The Electoral Decree was finalised in March 2014 and some amendments to election-related decrees were not released until 31 July 2014 – less than two months before the election. The late changes to the legal framework left little time for explanations or socialisation, creating confusion among stakeholders and the perception that changes were aimed at disadvantaging certain parties or individuals, and decreased confidence in the electoral process. Some political parties publically criticised the July amendment to the Electoral Decree as lacking proper consultation and occurring too close to the election.[2]

It was unusual that there was no political party identification on either the ballot paper or the National Candidate List – which were the only two sources of information available to voters inside polling stations. The ballot paper did not include candidates' names, photos, or party name or symbol. It contained only boxes of three-digit numbers, from 135 to 382, each representing an individual candidate. Numbers were allocated to candidates by random draw on 23 August and confirmed on 25 August following an objection/appeal process. The National Candidate List was arranged in numerical order by candidate number, included candidates' names and photographs, but did not include political party names or symbols. Voters were prohibited from bringing how-to-vote pamphlets into polling stations.

The Electoral Decree sets out penalties for certain offences. For example, it is unlawful for a person to take any type of paper into a polling station[3] and mobile phones are prohibited

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[2]The Fiji Times, Amendment fury, 8 August 2014.
[3] Electoral Decree 2014, section 52(2)

within polling stations.[4] Both of these offences are punishable by a maximum penalty of a fine of up to FJ$50,000 and a jail term of up to 10 years, or both.

Under the Electoral Decree, the Minister for Elections has to approve observation – and in the 2014 election, non-partisan domestic observers were not approved. The decision not to approve any non-partisan domestic observers was raised as a strong concern by civil society and faith-based organisations. Having non-partisan domestic observers greatly increases the degree of scrutiny of electoral processes and serves to improve public confidence in elections. In this case, having domestic observers present, in addition to the MOG, would have strengthened public trust in the election process and assisted to alleviate the high degree of uncertainty about electoral processes and suspicion of election officials by some stakeholders in the lead-up to and during the election. The MOG believes that Fiji should consider facilitating the participation of non-partisan domestic observers in future elections, addressing any perceived conflicts of interest with Fiji's single constituency system.

Recommendations

- *To ensure the credibility of the electoral process, it is necessary to also include the participation of domestic accredited non-partisan election observers.*
- *Political party identification should be included on the National Candidate List and/or voters should be permitted to bring how-to-vote materials inside polling stations, or the ballot should be redesigned to include candidate names and parties.*
- *The National Candidate List should be arranged in both numerical and alphabetical order.*
- *The range of penalties for electoral offences should be proportionate and appropriate, and comparable to international standards and practices.*
- *The Government of Fiji should review and finalise all existing electoral laws and regulations governing elections well in advance of the next election.*

2.4 Electoral Commission and Fijian Elections Office

The Electoral Commission is constituted as an independent, non-partisan authority that has 'responsibility for the registration of voters and the conduct of free and fair elections in accordance with the written law governing elections'.[5] It is responsible for voter registration and maintenance of the Register of Voters; voter education; candidate registration; settlement of electoral disputes, including disputes relating to or arising from nominations, but excluding election petitions and disputes subsequent to the declaration of election results; and monitoring compliance with any written law governing elections and political parties.

The Electoral Commission consists of a chairperson and six other Commissioners appointed by the President on the advice of the Constitutional Offices Commission. Their tenure is for two years (eligible for re-appointment), or until reaching 65 years of age.[6] While serving at

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[4] Electoral Decree 2014, section 53(9)

[5] Constitution of the Republic of Fiji, 2013, section 75(2). The independence of the Electoral Commission is also defined by Section 5(1) of the Electoral Decree which states that the Commission 'is not subject to the direction or control of any person or authority except the Court and only in respect of whether the Commission performed its functions or exercised its powers in accordance with the Constitution.'

[6] State Services Decree, 2009, section 26(2)

the Electoral Commission, Commissioners are disqualified from any other government appointments, and are not eligible to stand for Parliament within four years of their service. The Commissioners serving during Fiji's election, chairperson Chen Bunn Young, Vijay Naidu, David Arms, Alisi Daurewa, Larry Thomas, James Sowane and Jenny Seeto, were appointed in January 2014.

The FEO is constituted as an independent office that 'acts under the direction of the Electoral Commission' to administer voter registration and elections.[7] The Supervisor of Elections, Mohammed Saneem, is the most senior official and was appointed in March 2014. There were 54 ongoing staff, 647 short-term positions and 9,030 polling day workers for the 2014 election.

Representatives of some opposition parties and civil society organisations reported to the MOG that they lacked confidence in the independence and impartiality of the Electoral Commission and the Supervisor of Elections. They also questioned the appointment process for the Supervisor of Elections, given the appointed Supervisor had not applied for the position and did not have election administration experience. Some political party representatives raised concerns of a perceived conflict of interest due to the dual roles of the Attorney-General as Minister for Elections and General Secretary of FijiFirst.

While, by law, the Electoral Commission is empowered to direct the Supervisor of Elections,[8] some political party representatives told observers it was not clear who had the ultimate decision-making authority. The Electoral Commission told the MOG it lacked sufficient funding and staff.

The Electoral Commission and FEO were competent, professional and committed in performing their duties. They were also generally open in their dealings with the MOG. However, despite a general invitation for the MOG to observe the meetings of the Electoral Commission, in practice, invitations were not forthcoming. Furthermore, the minutes of the Electoral Commission's meetings were not published, which limited the transparency of administrative preparations.

The MOG did not witness any instances of deliberate misconduct. Nor did the MOG receive any credible evidence of anything that compromised the impartiality of electoral administrators or the conduct of the election. However, the Fiji Government and electoral authorities should make an effort to strengthen the impartiality of these bodies as well as increase citizens' trust in the election institutions.

Recommendation

- *The division of responsibilities between the Electoral Commission and the Fijian Elections Office should be clarified.*

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[7] Constitution of the Republic of Fiji, 2013, section 76, Electoral Decree, 2014, section 8

[8] Section 76 (3) of the 2013 Constitution states 'The Supervisor of Elections must comply with any directions that the Electoral Commission gives him or her concerning the performance of his or her functions.' The Electoral Decree 2014 section 8(a) makes a similar provision.

2.5 Fiji Independent Commission Against Corruption

FICAC was established under FICAC Promulgation No.11 of 2007 to receive complaints, investigate and prosecute corruption-related offences. FICAC's mandate is also recognised in section 115 of the 2013 Constitution.

Under section 18 of the Electoral Decree, the Electoral Commission or Supervisor of Elections, upon being made aware of any election-related criminal offence, must immediately report the matter to FICAC for investigation. FICAC can also receive complaints directly from the public and from the police via referrals. During the election, FICAC also initiated inquiries in the absence of formal complaints 'where prompt actions were required to uphold the law and order'.[9]

According to FICAC records, from 30 May to 19 September 2014, FICAC received approximately 65 complaints related to the election. Fifteen complaints were referred for investigations. Of the remaining 50 complaints, 'most did not warrant criminal investigations' as they involved 'administrative issues such as delay in receiving postal ballot papers, complaints against the selection process of polling officers and stations, non-payment of allowances to volunteers on time, [or] misplacing voter ID cards'. The rest were referred to the FEO or MIDA.[10] Other issues involved 'destroying handouts and posters, displaying posters in non-designated public spaces, misbehaviour in polling stations, etc.' According to FICAC, some complaints 'did not reveal the perpetrators and could not be pursued further', other matters were trivial and were resolved with 'a stern warning'.[11]

Of the fifteen complaints investigated, four cases were taken to court as of 26 September 2014 and no action was taken regarding the other nine investigations due to insufficient evidence. Two investigations were pending as of 26 September.

Six persons were charged altogether in the four cases. The charges related to breaches of sections 111, 116, 139 and 142 of the Electoral Decree, describing offenses related to campaigning rules, ballot papers and impersonating an election official. Under the law, if convicted, the accused could face fines of up to FJ$10,000 or a term of imprisonment of up to five years, or both.[12] The MOG notes that these penalties are higher than common international practice and hopes that such penalties will be applied justly and lawfully.

The MOG was made aware of allegations of intimidation by FICAC. In particular, during the course of the elections, FICAC investigated civil society organisations for breaching Electoral Decree section 115, which describes restrictions on campaigning (more detail below in 5.7 Civil Society and Elections).

In the context of FICAC's investigation into Citizens' Constitutional Forum (CCF), which included a search of the CCF physical premises, FICAC also searched offices of members of the Electoral Commission. This raised questions among interlocutors and the MOG regarding the appropriateness of the role of FICAC in investigating electoral offences, as set out in the Electoral Decree, rather than the police.

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[9] FICAC correspondence with MOG, 26 September 2014.
[10] FICAC correspondence, 26 September 2014.
[11] FICAC correspondence, 26 September 2014.
[12] Electoral Decree 2014, section 150.

3 Political Parties

3.1 Political party registration

The registration of political parties is governed by the Political Parties (Registration, Conduct, Funding and Disclosures) Decree 2013. Under this Decree, the Registrar of Political Parties (the Supervisor of Elections) is responsible for the registration of political parties.

Seven political parties were registered to contest the 2014 election:

- FijiFirst;
- Social Democratic Liberal Party (SODELPA);
- National Federation Party (NFP);
- People's Democratic Party (PDP);
- Fiji Labour Party (FLP);
- One Fiji Party (OFP); and
- Fiji United Freedom Party (FUFP).

The Political Parties Decree required existing political parties to re-register under its provisions within 28 days of its promulgation or face dissolution and forfeiture of assets to the state. In contrast, new political parties had until the issue of the writ of election to comply with the registration requirements. Only two parties chose to re-register – Fiji Labour Party and the National Federation Party. One party, Soqosoqo Duavata ni Lewenivanua (SDL), chose to dissolve itself and re-register as a new party under the name of SODELPA.

Key registration requirements for political parties include a minimum of 5,000 members drawn from all four administrative divisions in Fiji, payment of a fee of FJ$5,005 and establishing branch offices in all four administrative divisions. Public office holders are prevented from being party members or from holding office in a party and cannot run as candidates in an election.[13] The Decree defines 'public office holders' broadly to include the whole public service and government apparatus, the judiciary and trade unions, but excludes the Prime Minister, Ministers and Leader of the Opposition. If a political party commits an offence under the Decree, the Registrar has the power to suspend the registration of the party for a period not exceeding 12 months.

While it is not uncommon to require minimum party membership, the large number of signatures required (5,000) within such a short period for existing parties (28 days) set Fiji apart from the standard practice internationally.

Fiji's broad definition of a public office holder means that large numbers of Fijians are effectively excluded from the political process. The prohibition on trade union officials being members of political parties is a limitation on political freedom.

Upon registration, all political parties and members are bound to adhere to a Code of Conduct, which includes the requirement to respond to the interests, concerns and needs of the citizens of Fiji, to promote national patriotism and national unity and to not advocate racial or religious hatred, incitement or vilification.[14]

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[13] Political Party (Registration, Conduct, Funding and Disclosures) Decree 2013, section 14.
[14] Political Party (Registration, Conduct, Funding and Disclosures) Decree 2013, First Schedule.

Recommendations

- *Consideration should be given to reducing requirements for party registration and activities.*
- *Public office holders, including trade union officers, should be allowed to be political party members.*

3.2 Political party funding

The Political Parties Decree sets out funding and disclosure requirements for parties:

- Political parties may only be funded by membership fees and contributions from individuals. No funding may come from foreign governments, non-government organisations or companies. An individual may donate up to FJ$10,000 in any one year.
- All registered political parties must provide details of all assets and expenditure, including donations. Thirty days before the General Election, each political party must list its assets and liabilities and submit it to the Registrar, who will publish the information.
- Any political office bearers and election candidates must declare their income and assets on behalf of themselves, their spouse and any dependent children. This includes total assets, including money and property in Fiji and abroad, and any business interests, directorships and gifts.

Funding regulations vary widely across countries, and the funding regulations in Fiji fit within the range of common international practice.

3.3 Candidate registration

Candidate nomination took place from 4 to 18 August. The Constitution and the Electoral Decree allow for registration of both independent and party-nominated candidates.[15] Eligible candidates must have Fijian citizenship, and no other citizenship, and be registered as voters. A candidate cannot be an undischarged bankrupt nor be subject to a sentence of imprisonment for which the maximum penalty is 12 months or more imprisonment. Any person holding public office, including in trade unions, must resign when becoming a candidate with the exception of the office of the Prime Minister and Ministers.

A late amendment to the Electoral Decree passed on 31 July changed the residency requirement. Instead of requiring 24 months residence in Fiji, candidates had to reside in Fiji for an aggregated period of no less than 18 months out of the last two years prior to nomination. Some political parties were critical of this last-minute amendment.

In total, 248 candidates were registered to contest the 50 seats in parliament, representing seven parties and two independents, as set out below:

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[15] Constitution of the Republic of Fiji, sections 56 and 57; Electoral Decree 2014, sections 23 to 34.

Political Party/Independent	Nominations received	Rejected	Approved
NFP	50	1	49
FLP	42	5	37
SODELPA	50 (1 withdrawal)	1	48
FUFP	4	1	3
One Fiji	14	1	13
PDP	50	4	46
FijiFirst	50	Nil	50
Independent	2	Nil	2
TOTAL	**262 (1 Withdrawal)**	**13**	**248**

Thirteen nominations were rejected. According to the Supervisor of Elections, the legal bases for rejection were mainly existing previous convictions and lack of residential qualifications.

The Electoral Commission received 11 objections and ten appeals to nominations. The grounds for objection included that some candidates were still public office holders when they presented their nomination papers. An objection was made against the Attorney-General and the former Permanent Secretary of the Ministry of Justice on the basis that they both held election-related offices and were prohibited by law from standing as candidates for four years after ceasing to hold office.[16] The nominations were both upheld.

The Electoral Commission allowed one objection and one appeal, which would have resulted in the removal of a FijiFirst candidate from the list of candidates and the addition of a Fiji Labour Party candidate. However, the Supervisor of Elections did not accept the advice of the Electoral Commission, stating that the advice had been provided after the 'three day' deadline set out in the Electoral Decree. The Electoral Commission sought an emergency hearing in the High Court to clarify the definition of 'three days' and whether a 'day' expired at midnight or at a set time. The High Court found in favour of the Supervisor of Elections' interpretation (set time) and held that the Electoral Commission's advice was therefore null and void. The Electoral Commissioners said they would continue to support the process.

In the case of the disqualified Fiji Labour Party candidate, the FEO had publicly stated that it agreed the candidate should not have been disqualified, but that the Supervisor of Elections could not reinstate the candidate – that it was a decision for the Electoral Commission. Because the Electoral Commission's decision was late and therefore null and void, the candidate's disqualification was not reversed. The disqualified candidate appealed to the High Court, which rejected the appeal and awarded costs against him.

The MOG believes the rulings contributed to perceptions held by members of some political parties that the electoral environment in the lead up to polling day was unfair. However, stray incidents of denial of candidature on technical grounds or issues becoming time-barred are all part and parcel of the electoral culture, and over time as more elections take place in the country a more balanced perspective on such incidents would be taken by all concerned.

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[16] Constitution of the Republic of Fiji, section 57(2); Electoral Decree 2014 section 23(4)(e).

Recommendation

- *The Fijian Elections Office and Electoral Commission should consider implementing electoral and campaign calendars to ensure political parties and other election stakeholders have adequate time to prepare for the election cycle.*

3.4 Campaign environment

Political parties were able to mobilise and candidates were able to campaign prior to the election. The campaign intensified after the national candidate draw on 23 August, when candidates were allocated their candidate number.[17] Posters for all political parties appeared on the streets and advertisements in the national newspapers and on TV and radio increased. The major parties held rallies throughout the country. The heads of the two major rival parties, FijiFirst and SODELPA, participated in a live debate three days before the election, which was broadcast widely on radio.

Campaign activities reported by LTOs included 'pocket meetings' (a local term for a small campaign meeting) and telephone contacts, going from house to house and printed promotional materials. Campaigns of all parties focused on both national and local issues. The MOG conclude that all parties and candidates were free to campaign in all areas of the country.

The campaign period proceeded peacefully with only a few isolated incidents of vandalism of campaign materials and one incident of breaking into the local office of a political party. There were reports of a handful of people campaigning at polling stations on Election Day, but these incidents were reportedly dealt with quickly, according to law and in a reasonable way by polling officers and police. Parties appeared to broadly comply with the requirements set out in the Political Parties Decree.[18]

Political campaigning before the national candidate draw was subdued, with few rallies, candidate posters and advertisements in the media, other than by FijiFirst. The short timeframe between the national candidate draw and the election curtailed the length of time political parties had to conduct widespread campaigning.

Some parties complained about a restrictive campaign environment and the lack of a level playing field in the lead up to elections, alleging use of state resources by FijiFirst to campaign (in breach of the Electoral Decree). Several party representatives raised concerns that FijiFirst had greater access to the resources required to campaign through traditional and electronic media, and that FijiFirst, as the party of the Prime Minister, received more coverage in the news.

It is possible that FijiFirst could have had greater access to media outlets, which could have had an impact on voter knowledge of political party platforms. MOG observers conducted numerous interviews with ordinary voters to assess voter knowledge and, regardless of disparities in media coverage, almost all voters interviewed felt they had received enough

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[17] As the ballot paper contained only candidate numbers, not names, the number was critical for campaigning.
[18] Political Party (Registration, Conduct, Funding and Disclosures) Decree 2013, First Schedule.

information from various sources about the parties and candidates to make an informed decision on Election Day.

The Public Order (Amendment) Decree 2012 (POAD), which replaced the Public Emergency Decree put in place following the abrogation of the constitution in 2009, restricted the ability of political parties to organise public gatherings in the lead up to the election. The Decree requires anyone wishing to hold a public meeting to apply in advance to the police for a permit. The Fiji Government temporarily suspended the POAD in 2012 to allow public consultations on the new constitution. Throughout 2013, and in the lead-up to elections, permits were required for all public gatherings. . The Government of Fiji stated that permits were required in the interest of public order and safety.

Rumours of civil unrest and possible military action increased on social media in the days before the election, but no such unrest or action occurred. Comments by the Prime Minister and the head of the Fiji military, Brigadier General Mosese Tikoitoga, that the Fiji military would be 'on stand-by' during the election, may have been seen to play into the political debate and possibly added to a climate of apprehension in the days before the election.

Recommendations

- *The Public Order (Amendment) Decree 2012 should be revised to allow groups, including political parties, to gather without requiring a permit.*
- *The national candidate numbers should be drawn earlier, to allow parties sufficient time to publicise these ahead of pre-polling.*

3.5 Political Party Polling Agents

Political parties and the FEO gave insufficient weight to the importance of agents in guaranteeing the electoral process. The FEO and political parties agreed that the FEO would train some party officials (mostly candidates) as trainers and who would then train their own party agents. The FEO provided some training for agents (which was observed by the MOG), but it tended to be limited to the electoral process, rather than agents' role in that process. The few political parties sufficiently organised to provide training for their own agents followed the FEO model and focused on the process, rather than the agents' role in it. Only FijiFirst and SODELPA were able to recruit and deploy significant numbers of polling agents.

Some international organisations had planned to conduct agent and candidate training, but they did not receive approval under Section 115(1) of the Electoral Decree for procedural reasons. Others chose not to seek approval under Section 115(1) due to the perception that the decree was restrictive. However the MOG observed that when international organisations adhered to the provisions of Section 115(1), the FEO applied the Decree liberally.

Polling agents were instructed to collect polling results from each station on Election Day. This is a critical function, as it allows parties to independently aggregate polling results to confirm the official tally. While MOG observers conducted a tally from a sample of polling stations, no party that the MOG was aware of conducted a similar exercise. Had they done so, parties could have independently verified the vote count. This may have given them greater confidence in the results, as even the MOG's sample accurately reflected the official results with no greater variance than two per cent.

The restrictions on bringing in any paper into polling stations was of concern to the MOG and political parties. It is common practice for observers, party polling agents and police officers to carry surveys, checklists and notebooks into polling stations. However, interpretations of the Electoral Decree section 52(2), which restricts access to 'any type of paper', limited the rights of international observers, polling agents and the Fiji Police Force to undertake and record observations on Election Day, as provided for in the 'Presiding Officers Operations and Training Manual' and other FEO instruction manuals.

Recommendations

- *Rules regarding the use of paper in polling stations should be clarified, and observers and party polling agents should be able to carry paper into polling stations.*
- *The Fijian Elections Office should provide clear information materials in advance of the election, which includes the role of political party polling agents in the polling process.*
- *More comprehensive training for party polling agents on their role and responsibilities in the electoral process should be provided by political parties or other responsible bodies.*

4 Media Environment

4.1 Media in Elections

The Constitution of Fiji provides for freedom of 'speech, expression and publication'.[19] The media in Fiji made good efforts to cover the election and political parties were, to varying degrees, able to communicate their messages to the public. However, the restrictive and vague media framework, including potentially harsh penalties, limited the media's ability to rigorously examine the claims of candidates and parties.

In February 2013, the Government amended the Political Parties Decree and prohibited the media from referring to prospective parties as 'political parties' until they were registered. This included established parties that were seeking re-registration (news organisations faced fines of up to FJ$50,000 or a five-year jail term for violation).

There were complaints of media restrictions from some parties, highlighting the threat of penalties under the Media Industry Development Decree 2010. Nevertheless, the press began to report more widely on the political process, including some criticism of the Government. The MOG believes that engagement through the media is essential, in order to encourage public ownership of the electoral process.

The repeal of section 18A of the State Proceedings Act in June 2014, which had conferred comprehensive protections to the Prime Minister and Ministers from prosecution arising from any personal or official statements (and media organisations that reported them), also had a positive impact as it provided a legal solution for those who considered themselves libelled, slandered or defamed.

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[19] Constitution of the Republic of Fiji, section 17.

4.2 Media Industry Development Decree

Media in Fiji is governed by the Media Industry Development Decree 2010. Following the Decree, the Media Industry Development Authority (MIDA) was established in October 2013 as the government body responsible for initiating and prosecuting complaints against the media.

The Media Decree sets out the standards for reporting that media outlets are required to comply with, including:

- a duty to be balanced and fair in their treatment of news and current affairs and their dealings with members of the public;
- an obligation to give an opportunity to reply to any individual or organisation on which the medium itself comments editorially; and
- to show fairness at all times, and impartiality and balance in any item or program, series of items or programs or in broadly related articles or programs when presenting news which deals with political matters, current affairs and controversial questions.

In relation to elections in particular, MIDA carried out a number of functions. Most notably the MOG observed MIDA's role in media accreditation, policing the campaign blackout and ongoing investigative work.

Media Accreditation

The FEO required all media personnel wishing to have access to elections to be accredited. To gain accreditation, media (including international media) had to be registered with MIDA first. The MOG received a number of complaints about this process, which generally related to a lack of clarity over accreditation procedures. The deadline set for submitting applications was considered too early by some media organisations (this was subsequently extended after a suggestion by the MOG) while others were unaware that they had to apply both to MIDA and the FEO for accreditation. The MOG is not, however, aware of any media organisations that applied for accreditation and did not receive it. A statement from MIDA on 15 September said 431 local and 37 international media personnel were registered with MIDA and accredited by the FEO.

Policing the Campaign Blackout

The Electoral Decree gives MIDA authority to investigate any breaches of the 48 hour campaign blackout. The Decree also gives MIDA the power to approve reporting during the blackout period. MIDA provided briefing to local and international media in order to explain the campaign blackout, although many commented that this was unclear. The interpretation of this section of the Electoral Decree was broad, and included any media that could be accessed in Fiji (i.e. any international online media). The burden this placed on MIDA and media organisations was heavy. MIDA did not take any action against media outlets for breaching the blackout and it did not directly hinder reporting of the elections.

Ongoing Investigative Work

Under the terms of the Media Decree, MIDA has ongoing powers to investigate any complaints made against media organisations. A number of cases were referred to MIDA in the course of the election campaign, including one against a television station for 'giving unfettered prominence' to comments by Ratu Timoci Vesikula that were deemed by MIDA to be hate speech, and another against Prime Minister Bainimarama and The Fiji Sun newspaper

for comments claiming SODELPA was involved in plotting to release George Speight (convicted for staging a coup in 2000).

Recommendations

- *The media accreditation process should be simplified and all media outlets, including international media, should have sufficient advance notice of deadlines and timelines.*
- *The Media Industry Development Authority should issue clear, timely and practical reporting guidance.*
- *Penalties for breaching election-related reporting rules should be reviewed.*
- *Should the Media Industry Development Authority continue its role in future elections, there is a need for an independent institution to adjudicate complaints about its actions, consistent with Fiji's legal and constitutional framework.*

4.3 Effectiveness of Media

The effectiveness of the media to provide informed choice on Election Day varied greatly between the urban and rural areas. Voters in the urban areas had access to a reasonably diverse range of media. As of September 2014, a total of 34 media outlets were officially registered under MIDA, including newspapers, magazines, radio stations, TV stations and social media. Radio is the most important source of information for many Fijians and played a crucial role in distributing information about both the political and administrative aspects of the election. In remote areas, word of mouth was the most common way of disseminating information.

The coverage of the electoral campaign in the final weeks before the election included instances of both neutrality and partiality among the local media. While effort was made by some domestic private media (Fiji One TV, Communications Fiji Limited) to allocate an equitable amount of airtime to the different candidates and political leaders through special election programs, some media organisations appeared to exhibit political biases. The MOG believes that any public complaint on biased media coverage should be addressed and adjudicated by an independent institution regulated by law.

Some parties claimed that the campaign environment was restrictive and lacked a level playing field, including access to the media. They complained that they were frequently unable to get their views published in the media and claimed that some media outlets were biased towards FijiFirst. Some of the smaller parties also complained that media outlets were biased towards the larger parties. While the MOG observed bias by some media outlets, as reported above, it concludes that political parties had enough access to the media to enable voters to make an informed decision on Election Day.

Recommendations

- *There is a need for a regulation as well as an independent institution to prevent and adjudicate media biases, thus ensuring a level playing field among election participants.*

5 Preparations for Elections

5.1 Voter registration

The Electoral (Registration of Voters) Decree 2012 provides for the registration of voters. Among the major provisions of the Decree are: establishing the electronic voter register; including biometric identification (thumbprints and facial photograph); and setting the voting age to 18 (lowered from 21). The Register of Voters is broken down into voter lists for each polling station, and voters may only vote at their assigned polling station.[20] The 2014 election was the first time Fijians voted with a common voter roll, rather than ethnic rolls.

Voter registration commenced in July 2012. FEO officials organised mobile registration teams that travelled across Fiji registering voters, collecting biometric data and issuing voter cards. Voter registration closed on 4 August 2014, when the writs were issued. In total, 591,101 people registered (51 per cent men and 49 per cent women), of the target 610,000 estimated eligible voters. This included approximately 5,508 overseas registered voters, following an overseas registration exercise in Australia, New Zealand, America, Papua New Guinea, Europe and the Middle East. The FEO made a commendable effort to expand the franchise, although it did not reach all areas (such as Tonga). The table below sets out voter registration figures in Fiji by Division:

Division	**Total Registered**
Central	247,393
Western	223,867
Northern	89,212
Eastern	25,121
Overseas	5,508
Total	**591,101**

There were some errors with allocation of voters to polling stations, particularly during pre-polling. In particular, some voters were incorrectly assigned to polling stations. The MOG heard examples where, even within the same household, voters were allocated to different polling stations. While voters could check their registration details on the FEO website, or via a free SMS facility, not everyone was able to do so, particularly due to lack of internet and telephone access in remote areas.

Voters could change their registration details, including their assigned polling station, up to 20 August, and could apply for postal voting up to 27 August. This opportunity was limited by the time available between the announcement of pre-poll locations (25 August) and the closing of applications for postal voting (27 August). The FEO cross-checked the Register of Voters with Fiji's Births Deaths and Marriages registry system, and removed 'deceased' voters (although MOG received reports of prospective voters appearing as 'deceased' on the Register when checking their details using the FEO's SMS facility). Some prospective voters were not able to vote, particularly in remote, pre-polled areas.

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[20] The EU electoral observation report from 2006 recommended that voters should be able to vote only in an allocated polling station, to reduce the number of ballot papers needed and to increase accountability.

Some parties complained that the Voter Registration rolls were not made freely available but had to be purchased from the FEO. Presiding Officers did not generally have access to the national voter roll. Providing Presiding Officers with copies of the roll could have greatly assisted voters in remote areas in identifying at which polling station they were registered to vote in those cases when they could not use the SMS service.

The above issues notwithstanding, the voter registration process appears to have been conducted professionally.

Recommendation

- *To facilitate prospective voters in remote areas to vote, the duration to apply for postal voting could be lengthened and the Fijian Elections Office should be more active in providing support and amenities.*
- *It is important for voters and political parties to be informed of the national voter roll through all accessible means.*

5.2 Voting methods

There were a total of 2,028 polling stations throughout the election period. On Election Day, there were 822 polling venues, with approximately 1,489 polling stations (including postal) – some venues had more than one polling station – for 524,712 registered voters. The table below sets out polling venues on Election Day across Fiji by Division:

Division	Number of polling venues	Registered voters
Central	281	231,040
Eastern	24	7,191
Northern	208	77,043
Western	308	203,930
Overseas	1	5,508
TOTAL	822	524,712

There was a maximum of 500 registered voters per polling station, although in some remote areas polling stations had as few as nine voters. Although described as a 'one day election', the Electoral Decree also provided for pre-polling (further details below in 6.1 Pre-polling) and postal voting.

International best practice suggests polling station planning figures should create relatively small catchment areas so voters do not have to travel long distances to reach a station. The FEO's planning figure was appropriate and consistent with international best practice.

Approximately 12,190 postal vote packs were dispatched, including to the military and voters living overseas. Of these, 7,948 postal votes were subsequently received by the FEO. By 26 September, 2,219 postal vote packs had been returned to the FEO; 480 of which were 'received too late' and 1,739 were 'undelivered'.

5.3 Election materials

In the lead up to the election, sensitive materials such as ballot papers and seals were stored in secure facilities and under police guard. The security for the printing of ballot papers also

appeared very high. Security measures included police observers, FEO staff, and secure storage facilities. There were also procedures for securely destroying ballot paper discards. Ballot papers incorporated secret security features to prevent duplication.

The total number of ballot papers printed was 715,000, including 15,000 for postal voters. Ballot papers were bundled into booklets of 50. Although the ballots included many security features, quality control in production could have been higher, with observers reporting some instances of ballot booklets containing slightly more or less than 50 ballot papers, and instances where the counterfoils of consecutive ballot papers had the same serial number. These defects caused challenges for the reconciliation and counting of ballot papers by FEO staff when they occurred.

The translucent plastic ballot boxes and cardboard polling booths were light, transportable and fit-for-purpose. Yellow plastic numbered seals were used to secure ballot boxes. While generally secure, some FEO staff faced difficulties in sealing the final (fifth) seal on the ballot box. In some cases the final sealing took over 15 minutes.

5.4 Recruitment and Training

The FEO is an independent office, with organisational structure, key positions and authorities approved by the Supervisor of Elections. The Supervisor has sole authority to appoint and remove employees to the FEO, although the appointment of any FEO staff who is not Fijian citizens requires approval from the Minister for Elections.

The FEO recruited 9,030 temporary polling officials from 15,609 applications (63 per cent of applicants were female), from recruitment centres all over Fiji. In Fiji's previous elections, civil servants were engaged as temporary polling officials. The recruitment process appears to have been open and merit-based, and included literacy and numeracy tests, police checks, and a requirement to be non-partisan. This process was broadly consistent with international best practice.

MOG observers commented very positively on the performance of polling day officials, who in general were very competent and committed in performing their duties. Most polling staff had no experience of the previous election, and were implementing a new electoral procedure. The training of polling staff was generally well organised. Materials for staff – particularly the Presiding Officers' Operations and Training Manual – were extremely detailed, describing every step at length.

5.5 Security

Security for the elections was provided by the Fiji Police Force. In total, 1,323 officers were deployed for election security under the 'election task team'. Police played a very important role and also built confidence in the electoral process through their low-key presence at polling stations. The cooperation between FEO staff and police was also commendable. Police officers assisted in maintaining order at polling stations during the voting and counting process. Police officers could not enter a polling station during voting and counting, except at the request of the Presiding Officer. In many cases on Election Day, MOG observers noted that police officers were inside polling stations, however their presence did not appear to disrupt the voting process or intimidate voters.

Police officers independently recorded ballot box seal numbers during opening and closing procedures, and accompanied the transfer of sensitive election materials. There were usually two police officers assigned to each team for pre-polling, and one police officer assigned per polling station on Election Day. Police also patrolled campaign events, which were orderly and peaceful.

5.6 Voter information

Voter educators in Fiji faced significant challenges. The FEO calculated there were 220,000 registered voters under the age of 30 who had not voted in a previous election, since there had not been an election since 2006. Those who had voted in previous elections faced a new electoral system, a new registration system, and a new ballot design. The overall task of voter education was complicated by the effect of Section 115(1) of the Electoral Decree.

For the 2014 elections, the FEO focused its voter education program on procedural matters, such as how to vote, where to vote and assistance available at polling stations. Television, radio, printed booklets (in English, Fijian, and Hindi), newspapers, electronic billboards and social media (Facebook and Twitter) were the main media outlets used to educate the public.

MOG observers noted the admirable effort by the FEO to reach out to voters in geographically isolated areas and through door-to-door awareness activities in informal settlements. The FEO set up 18 voter information centres across Fiji, where voters could check their registration details, inspect the National Register of Voters and collect voter information. FEO teams undertook voter awareness activities over three months in all parts of the country. The MOG noted that the information was very technical and procedural in nature. The Electoral Commission also led a voter information campaign about seat allocation, which included booklets published in the newspapers in a range of languages.

The FEO's SMS voter registration checking service was innovative; however it was restricted to voters with access to mobile phones and network coverage. On polling day, some voters told observers that the information provided through the service was not always accurate.

Almost all voters interviewed about the pre-election period said they had received sufficient information about the electoral process to enable them to vote. However, the MOG observed that the condensed timeframes to conduct voter awareness for pre-polling, and the new electoral system, meant that some voters in communities with no access to phones, internet or newspapers needed to be given special attention by awareness teams.

Recommendations

- *The Fijian Elections Office should continue and expand its efforts to reach remote areas with in-person voter education programs.*
- *Voter and civic education should be introduced in the secondary school curriculum in order to raise voter awareness in future elections.*
- *The Fijian Elections Office should create a mechanism to respond to reports of inaccuracies of information provided by the SMS voter registration checking service.*

5.7 Civil Society and Elections

Heavy restrictions were placed on civil society participation in the lead up to the election. Electoral Decree section 115 is unduly restrictive. It states:

> 1) Following the announcement of the date of the election, it shall be unlawful for any person, entity or organisation (including any person employed or engaged by any such person, entity or organisation) that receives any funding or assistance from a foreign government, inter-governmental or non-governmental organisation or multilateral agency to engage in, participate in or conduct any campaign (including organising debates, public forum, meetings, interviews, panel discussions, or publishing any material) that is related to the election or any election issue or matter.
>
> (2) It shall be unlawful for any person, entity or organisation (including any person employed or engaged by any such person, entity or organisation) to engage in, or to undertake any act which, under the Constitution or under this Decree, is given to or assigned to the Electoral Commission or the Supervisor, unless authorised in writing by the Electoral Commission or the Supervisor.
>
> (3) Any person who contravenes this section commits an offence and shall be liable upon conviction to a fine not exceeding FJ$50,000 or to a term of imprisonment not exceeding 10 years, or to both.
>
> (4) Nothing in subsection (1) prevents any university from organising inclusive public forums or panel discussions that are related to the election.
>
> (5) This section shall not apply to the Electoral Commission or the Supervisor.

This provision precluded some civil society organisations not only from participating in political debate but also from taking part in voter education initiatives.

According to the FEO, 17 applications under section 115 were submitted for approval; 12 were approved and 5 were rejected on procedural grounds. The rejected applications were for:

- National Democratic Institute's Women Candidates Training Manual
- International Republican Institute's Political Party Election Day Observer Training
- International Foundation for Electoral Systems' Community Facilitation Workshops for Women, Youth and Rural Citizens
- CCF's Domestic Elections Observers training, and
- CCF's Discussion paper on free and fair elections.

The FEO advised the MOG that the applications were rejected for the following reasons:

- The National Democratic Institute, International Republican Institute and the International Foundation for Electoral Systems failed to obtain clearances to operate lawfully in Fiji
- CCF applied for approval after it had implemented its program
- The application by domestic observers was made to the wrong authority and hence rejected, and
- International bodies did not get clearance to operate in Fiji.

The FEO interpreted section 115 liberally, but the very existence of this requirement had a negative effect on civil society participation. Restrictions in the Electoral Decree meant that some internationally recognised democracy organisations did not conduct training for political parties and candidates, and local civil society organisations that had received foreign funding did not host public debates.

On 7 August, FICAC executed a search warrant at the CCF office in Suva and the offices of the Vice Chancellor and a senior academic at the University of the South Pacific, which hosted the forum. It was believed that the search was in response to a CCF-hosted public conversation at the University of the South Pacific on the discussion paper on the topic of 'free and fair elections' mentioned above. Following this, CCF cancelled its planned remaining election-related public seminars on the separation of powers, the Bill of Rights, and transitional processes. The Electoral Commission advised that the CCF event contravened section 115 of the Electoral Decree because it was held without an application being made as required by the Decree.

Fiji Women's Rights Movement (FWRM) and femLINKpacific were active in their voter education drives to promote women's participation in the election process. MOG observers noted that their guides and programs were accessible to all and included easy-to-understand illustrations and content in Fijian.

A coalition of 15 civil society organisations formed under the name 'Civil Society Organisations for Domestic Elections Observer Group' did not receive approval to undertake domestic observation with up to 300 local observers. The MOG believes that civil society should have been able to play a greater role in voter education and election observation.

Recommendations

- *Section 115 of the Electoral Decree 2014 should be revised to encourage civil society engagement in the election process, including removing restrictions on organisations receiving foreign funding.*
- *The Government of Fiji should engage with civil society organisations and actors to help support its civic education efforts.*
- *The MOG respects Fiji's national laws. However, the MOG suggests the Fijian Elections Office provides clarification on the reasons for rejecting civil society applications.*

6 The Poll, Counting and Results

6.1 Pre-polling

Timing and Locations

The pre-polling period extended from 3 to 15 September, covered 549 polling stations and served 66,389 voters. Pre-polling stations were established at remote island and inland locations, military sites, pre-trial detention centres and prisons. The table below sets out pre-polling stations in Fiji by Division:

Division	Number of pre-polling stations	Total voters registered	Total voted
Central	120	16,353	13,349
Eastern	155	17,930	13,626
Northern	124	12,169	8,918
Western	150	19,937	15,146
TOTAL	549	66,389	51,039

The use of the term 'pre-polling' (instead of 'early' or 'advance' voting) confused some voters, who interpreted it as 'preparing for polling', and thought it was some form of training or voter education. They were surprised to learn pre-polling was the actual polling day for them.

Many political party representatives shared concerns with MOG observers about the extent of pre-polling in terms of both time and locations, and the late announcement of details. Furthermore, if a voter did not cast a ballot on his or her assigned pre-polling date, they were not eligible to cast a ballot on Election Day.

Long term observers visited several provinces to assess preparations prior to the commencement of pre-polling. The FEO used a number of methods to disseminate information about pre-polling, including television, newspapers and radio. In general, perceptions were that preparations were going well, despite some minor problems. Regional election officials commented on the large numbers of voters who sought to change their assigned polling station.

Pre-polling voter turnout was 76 per cent (51,039 votes cast). Although Election Day was a public holiday, pre-polling took place on normal work days, and it is possible that some voters were unable to vote due to work commitments.

The MOG deployed long-term observers over the pre-polling period to observe the process in:

- Ra
- Serua
- Namosi
- Tailevu
- Naitasiri
- Lau Group
- Suva and surrounds
- Kadavu
- Vanua Levu

Pre-polling staff were professional and courteous. Women were equally represented, including in positions of leadership such as Presiding Officers. Observers saw no unauthorised persons directing or interfering with voters or the work of pre-polling staff.

Observers reported some problems in the opening days of the pre-polling period. In some areas, voters only learned about the schedule for pre-polling when polling officials arrived at their village to commence pre-polling. The process was complicated and confusing for some voters. There were insufficient voter materials in some pre-polling stations. Some pre-polling stations had been sent incorrect voter lists, due to similarity in name with other pre-polling stations. Observers also reported some instances of prospective voters turned back from pre-polling stations because their names did not appear on the voter register. Voters in pre-polled areas were sometimes disadvantaged compared to voters in areas polled on Election Day. Pre-polled voters had less time to access information about parties and candidates.

Based on observations during the pre-poll period, the MOG made several suggestions to the FEO for improving the conduct of pre-polling, involving providing more information to voters, assisting voters inside polling stations and allowing party polling agents and observers to bring in pen and paper into polling stations. The FEO agreed with some recommendations. The pre-polling process was cumbersome and in some cases unnecessarily complex, but overall it was credible.

Recommendations

- *'Pre-polling' should be re-named 'early voting'.*
- *Pre-polling locations should be determined earlier, and local officials should be consulted in their selection.*
- *Information on timing and locations for polling should reach all voters, with special efforts made for voters in remote locations.*

6.2 Election Day Polling

Although the process was complex to administer, observers reported that polling stations were generally well organised and operated efficiently. Observers commended polling staff on their professionalism and flexibility in problem-solving. Voter turnout on Election Day was 84 per cent.

Observers reported that voters and staff were generally welcoming where they observed, and that voters were enthusiastic to participate. Early turnout was remarkably high, with long lines at some polling stations. Most stations observed by the MOG opened on time, but a few opened late because of a lack of materials, a lack of staff, or confusion about the process. Where materials or staff were missing, problems were resolved in a timely manner. In the first hour of polling, the process was slow, but speed increased as staff became more practiced and confident.

In around a third of polling stations visited by the MOG, staff did not allow polling agents to bring pen and paper into the station, but in most others, polling agents freely recorded their observations during the process using paper and pencil, and sometimes mobile phones. Although many more stations had party polling agents than had been seen in pre-polling, in a third of the stations observers reported there were less than two agents present from different parties (the minimum number needed to provide effective and credible oversight according to international standards).

Despite a requirement that polling stations be sited in places accessible for people with disability, observers reported instances where this condition was not met. However, many instances were also observed of extraordinary efforts by polling staff to ensure the disabled could cast their ballots, including carrying people, and bringing ballots and boxes to the voter. Nevertheless, poor siting may have discouraged some of the disabled from attempting to vote.

Although long lines were observed by the MOG early in the day, by 11am most people had cast their ballot. Despite some irregularities in procedural implementation, observers in their midday reporting overwhelmingly rated the process at the polling stations *good* or *very good*, and echoed this finding in their post-count telephone update and their written reports (see Annex D for summaries of the midday and post-count reports).

Recommendations

- *The reason behind the regulation to ban pen and paper for observers should be clarified and reviewed, as it could raise questions on the openness of the voting process.*
- *Consideration should be given to simplifying the voting process inside polling stations.*
- *A chronological list of procedures for each phase of Election Day should be made available at each polling station as a guide for party polling agents and observers.*

6.3 Counting on Election Day

The counting process, while transparent and credible, was unnecessarily complex. The long polling day meant that polling station staff were already tired when they began the count, and complexity and fatigue led to errors and confusion, with less than 500 ballots taking in some cases seven hours to count. One observer noted it took two hours and forty-five minutes to count 95 ballots. The Presiding Officer had almost 40 pages of instructions and several forms to fill out for the counting process. Once the box was opened, ballots were handled fourteen times. The MOG acknowledges that it was the first time the vast majority of election officials had conducted an election and that this lack of experience would likely have been a significant factor contributing to the lengthy process. As election officials gain experience in subsequent elections, the counting process should become faster and more efficient.

The ballot reconciliation process was similarly time-consuming and complicated. A small number of ballot books were misprinted (some had 49 ballots and some 51). In many stations, polling day workers took a break after the first phase of the reconciliation process, which varied between twenty minutes and an hour, and in some cases observers and party polling agents were not allowed to observe the ballot boxes during this period. Some political parties also claimed party polling agents at a number of polling stations were asked to leave between the close of polling and the commencement of counting. This was not consistent with international best practice and adversely effected stakeholders' confidence in this part of the electoral process.

The process used to determine ballot validity allowed for interpretation of 'voter intention' (as per the Electoral Decree), and conforms to international best practice. Posting the results of the count at polling stations, which was a part of the closing process in Fiji, is also considered international best practice.

Polling staff were meticulous, followed the process to the letter, and followed the manual closely. Overall, observers evaluated the counting process as credible and legitimate, but unnecessarily complex.

Recommendations

- *Ensure sufficient training for polling station staff.*
- *Consideration should be given to simplifying the counting process.*
- *Observers and party polling agents should be allowed to maintain a continued presence in polling stations, including throughout the voting, counting and packing processes.*

6.4 Final Results

The FEO established a National Results and Counting Centre in Suva to compile results from polling stations across the country on Election Day. A Media Centre was also established in close proximity. Votes were counted on a twenty-four hour basis from the close of polls (1800hrs) until approximately 80 per cent of the vote had been counted. Pre-poll and postal votes were counted at the Centre and votes cast on Election Day were phoned-in by Presiding Officers throughout the night to produce provisional results. The MOG established a twenty-four hour roster throughout the counting period.

The FEO provided regular updates of provisional results on tally boards and to the media during the counting and tabulation process. Provisional results were also broadcast live on television and accessible on the internet. From noon on 18 September, tally boards were wiped clean and the final count started at 1400hrs. The final count was based on the receipt of the final 'protocols of results' from polling stations.

The transition from provisional counting to final counting caused considerable confusion and suspicion among some political parties around the counting of the vote. Confusion was exacerbated by inaccurate media reporting that counting had been suspended. In reality, FEO staff were working tirelessly throughout the period to enter results into the results management database. Party agents from all major parties were present at the counting centre.

Five political parties (NFP, PDP, SODELPA, One Fiji and FLP) raised concerns over the counting process and called for it to be suspended pending an investigation into their concerns. They also alleged there had been tampering of ballot boxes, removal of ballot boxes from polling stations without being counted, and the inclusion of other material in ballot boxes.

The Supervisor of Elections and the Chairperson of the Electoral Commission held a media conference on 19 September to clarify the counting process. To alleviate concerns, the FEO started announcing final results from the protocols at the Media Centre for media and other stakeholders to record. Extra counting teams were set up to speed up the count of pre-poll votes.

The Chairperson of the Electoral Commission responded to the allegations of tampering and irregularities in writing on 20 September. He acknowledged minor irregularities such as broken seals or incorrectly packed ballot boxes, and requested further evidence in relation to other allegations. Ballot boxes with irregularities were quarantined and personally inspected by the Supervisor and Deputy Supervisor of Elections, in the presence of observers, party agents, FEO staff and other election stakeholders. All irregularities were resolved transparently and appropriately.

The final count was announced on 22 September. FijiFirst won 32 seats, SODELPA won 15 seats and NFP won three seats. The remaining parties and independents did not reach the 5 per cent threshold. The table below sets out the polling results by party:

Party Name	**Votes**
FijiFirst	293,714
Social Democratic Liberal Party	139,857
National Federation Party	27,066
People's Democratic Party	15,864
Fiji Labour Party	11,670
One Fiji Party	5,839
Fiji United Freedom Party	1,072
Independent – Roshika Deo	1,055
Independent – Umesh Chand	227
TOTAL	496,364

SODELPA, NFP and FLP made a submission on 23 September to President Ratu Epeli Nailatikau, copied to Electoral Commission Chairperson Young, the Supervisor of Elections, and the MOG, alleging further irregularities. The joint statement alleged irregularities such as party agents being asked to leave polling stations, a 'Ghost Call Centre' being established to manipulate results, unsecured ballots, counting irregularities and other incidents, which 'point[ed] to a systematic and coordinated effort to alter the ballots cast at various polling stations'.[21]

The Supervisor of Elections responded to the submission on 29 September, rejecting the allegations as 'unsubstantiated' and an attempt to 'conjure doubt on the 2014 General Election'.[22]

The MOG maintained a continuous presence at the National Results and Counting Centre and did not observe any significant irregularities in the count or the process more broadly. However, recognising the sensitive nature of this part of the election process, it would have been better if the results had been communicated to the public without interruption.

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[21] Interim Report on Irregularities by the Members of the Participating Political Parties including FLP, NFP, SODELPA.

[22] Correspondence from the Supervisor of Elections, 29 September 2014.

7 Participation in the Election Process

7.1 Women's Participation

Women were active participants in all aspects of the electoral process, including being appointed as Electoral Commissioners (two out of seven), nominated candidates, Area Electoral Officers, Presiding Officers, polling day workers, polling agents, trainers/educators and in the FEO.

Of the 248 candidates approved by the FEO, 42 candidates were women (16 per cent). FijiFirst and PDP each nominated nine women candidates, SODELPA listed eight, the NFP listed seven, FLP listed five, One Fiji Party listed three, and one independent candidate in Roshika Deo – the first candidate to be registered by the FEO. FUFP was the only party without any women candidates.

Female candidates received 15.65 per cent (77,691) of the final tally of 496,364:

- 2.87 per cent of FijiFirst votes (8,438 out of 293,714)
- 41.72 per cent of SODELPA votes[23] (58,360 of 139,857)
- 17.88 per cent of NFP votes (4,842 of 27,066)
- 17.47 per cent of PDP votes (2,773 of 15,864)
- 12.26 per cent of FLP votes (1,431 of 11,670)
- 13.56 per cent of One Fiji votes (792 of 5,839)
- Roshika Deo secured 1,055 votes.

Eight women were elected to Parliament, representing 16 per cent, far surpassing the regional average (less than five per cent in the Pacific) and an increase from Fiji's previous parliament (ten per cent). Dr Jiko Luveni was appointed Speaker of Parliament, the first female speaker in Fiji's history.

On polling day, observers noted that female Presiding Officers and polling day workers were equally represented. At polling venues the MOG observed, expectant and feeding mothers were given precedence in the queue and were allowed to vote ahead of the other voters.

Civil society organisations in Fiji ran a number of programs and undertook community outreach to promote women's participation in the electoral process. These included a 'Women in Politics' consultation, aimed at advancing women's participation at all levels of decision-making, and a training workshop to assist independent and political party women candidates to campaign effectively.

7.2 Participation by people with disability and the elderly

The Electoral Decree 2014 sets out arrangements for voting by people with disability:

> The Supervisor of Elections must, to the extent feasible, ensure that appropriate arrangements are made for persons with disabilities or other special needs to enable the effective realisation of their electoral rights, including the following—

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[23] SODELPA is led by Ro Teimumu Kepa, a prominent female figure, which partly explains the high number of SODELPA votes that went to a woman, relative to the other parties.

- polling activities located at ground level and ramp access at polling stations; and
- polling booths designed for persons in wheelchairs to allow such persons to vote.

The FEO consulted members of the Fiji National Council for Disabled Persons to discuss how the needs of people with disability could be accommodated. The FEO made some polling venues more accessible by building ramps for wheelchair access. During training, Presiding Officers were taught how to assist voters with disability. Voter education materials, developed by the FEO, included YouTube videos in sign language. The 2013 Fiji Constitution has been translated into braille.

Some voters reported to the MOG that there was confusion around public transport on polling day as it was a public holiday. It was not clear whether the bus timetable would be running to the Sunday/public holiday timetable or on the regular weekday timetable. This had a more significant impact on the elderly and people with disability. Under the Electoral Decree, political parties were not permitted to provide transport for voters to polling stations.

Some members of the Concerned Citizens for Credible Elections group noted that the needs of people with disability should be given greater emphasis at the next election. They noted that there was a lack of accessibility at some polling stations, that procedures for assisted voting for people with disability were not appropriate (many Fijians would have preferred to be assisted by friends/family, not polling day workers), and that vision-impaired voters could not ink a thumbprint on the voter list (and instead had to have the Presiding Officer sign for them).

Observer teams witnessed a number of voters requiring assistance, including disabled, elderly, and visually impaired persons. In most instances it was noted that family members were available to assist under the guidance of the polling officials. On occasion, polling day workers and other community members were also called on to provide assistance. Polling staff and communities should be commended for their efforts to ensure all Fijians had the opportunity to vote.

Recommendation

- *Voters with disability and elderly voters should be allowed to receive assistance, if they so wish, from friends/family members.*

8 Complaints and Appeals

Challenges to election results may be filed at the Court of Disputed Returns (the High Court) in Suva within 21 days of the declaration of the poll.[24] No challenges were submitted to the Court of Disputed Returns.

[24] Constitution of the Republic of Fiji, 2013, section 66 and Electoral Decree 2014, section 122.

The Electoral Decree sets out the process whereby petitioners may dispute election results, including noting that the Attorney-General or Supervisor of Elections may intervene in any proceedings in which the validity of any election or return is disputed.

Under the Electoral Decree, decisions of the Electoral Commission on objections to nominations and appeals on nominations are not subject to any further appeal or review by any court, tribunal or further adjudicating body.

During polling, formal complaints can be submitted to the Presiding Officer, by any polling agent. The Presiding Officers' decision can be appealed to the Supervisor of Elections. During counting, polling agents may request one recount, and can also lodge complaints. (Further discussion of complaints during the election period can be found in sections 2.5 FICAC, 3.3 Candidate Registration and 6.4 Final Results.)

9 Conclusions

The FEO and election workers were competent, professional and committed in performing their duties, sometimes under challenging circumstances. Despite compressed timeframes, a complex voting system and some restrictions in the electoral environment, the conditions were in place for Fijians to exercise their right to vote freely.

While the MOG notes areas for improvement of Fiji's electoral process, it deems this a credible election. The MOG believes the election broadly represented the will of the Fijian voters. The MOG congratulates the people of Fiji on taking this important step in their return to democracy.

The MOG would like to thank the staff of the Fijian Elections Office, the Electoral Commission, political parties, civil society and faith-based organisations, the Fiji Police Force, the media, and the people of Fiji for their invaluable contributions to its observation efforts and the cooperative manner in which they interacted with observers.

10 Summary of Recommendations

The Legal Framework for Elections

International commitments

- *Fiji should consider becoming party to the International Covenant on Civil and Political Rights.*

Issues and concerns with the legal framework

- *To ensure the credibility of the electoral process, it is necessary to also include the participation of domestic accredited non-partisan election observers.*
- *Political party identification should be included on the National Candidate List and/or voters should be permitted to bring how-to-vote materials inside polling stations, or the ballot should be redesigned to include candidate names and parties.*
- *The National Candidate List should be arranged in both numerical and alphabetical order.*
- *The range of penalties for electoral offences should be proportionate and appropriate, and comparable to international standards and practices.*
- *The Government of Fiji should review and finalise all existing electoral laws and regulations governing elections well in advance of the next election.*

The Fijian Elections Office

- *The division of responsibilities between the Electoral Commission and the Fijian Elections Office should be clarified.*

Political Parties

Political party registration

- *Consideration should be given to reducing requirements for party registration and activities.*
- *Public office holders, including trade union officers, should be allowed to be political party members.*

Candidate registration

- *The Fijian Elections Office and Electoral Commission should consider implementing electoral and campaign calendars to ensure political parties and other election stakeholders have adequate time to prepare for the election cycle.*

Campaign environment

- *The Public Order (Amendment) Decree should be revised to allow groups, including political parties, to gather without requiring a permit.*

- *The national candidate numbers should be drawn earlier, to allow parties sufficient time to publicise these ahead of pre-polling.*

Political party polling agents

- *Rules regarding the use of paper in polling stations should be clarified, and observers and party polling agents should be able to carry paper into polling stations.*
- *The Fijian Elections Office should provide clear information materials in advance of the election, which includes the role of political party polling agents in the polling process.*
- *More comprehensive training for party polling agents on their role and responsibilities in the electoral process should be provided by political parties or other responsible bodies.*

Media Environment

Media Industry Development Decree

- *The media accreditation process should be simplified and all media outlets, including international media, should have sufficient advance notice of deadlines and timelines.*
- *The Media Industry Development Authority should issue clear, timely and practical reporting guidance.*
- *Penalties for breaching election-related reporting rules should be reviewed.*
- *Should the Media Industry Development Authority continue its role in future elections, there is a need for an independent institution to adjudicate complaints about its actions, consistent with Fiji's legal and constitutional framework.*

Effectiveness of Media

- *There is a need for a regulation as well as an independent institution to prevent and adjudicate media biases, thus ensuring a level playing field among election participants.*

Preparations for Elections

Voter registration

- *To facilitate prospective voters in remote areas to vote, the duration to apply for postal voting could be lengthened and the Fijian Elections Office should be more active in providing support and amenities.*
- *It is important for voters and political parties to be informed of the national voter roll through all accessible means.*

Voter information

- *The Fijian Elections Office should continue and expand its efforts to reach remote areas with in-person voter education programs.*
- *Voter and civic education should be introduced in the secondary school curriculum in order to raise voter awareness in future elections.*
- *The Fijian Elections Office should create a mechanism to respond to reports of inaccuracies of information provided by the SMS voter registration checking service.*

Civil society and elections

- *Section 115 of the Electoral Decree 2014 should be revised to encourage civil society engagement in the election process, including removing restrictions on organisations receiving foreign funding.*
- *The Government of Fiji should engage with civil society organisations and actors to help support its civic education efforts.*
- *The MOG respects Fiji's national laws. However, the MOG suggests the Fijian Elections Office provides clarification on the reasons for rejecting civil society applications.*

The Poll, Counting and Results Processes

Pre-polling

- *'Pre-polling' should be re-named 'early voting'.*
- *Pre-polling locations should be determined earlier, and local officials should be consulted in their selection.*
- *Information on timing and locations for polling should reach all voters, with special efforts made for voters in remote locations.*

Election Day Polling

- *The reason behind the regulation to ban pen and paper for observers should be clarified and reviewed, as it could raise questions on the openness of the voting process.*
- *Consideration should be given to simplifying the voting process inside polling stations.*
- *A chronological list of procedures for each phase of Election Day should be made available at each polling station as a guide for party polling agents and observers.*

Counting process on Election Day

- *Ensure sufficient training for polling station staff.*
- *Consideration should be given to simplifying the counting process.*

- *Observers and party polling agents should be allowed to maintain a continued presence in polling stations, including throughout the voting, counting and packing processes.*

Participation by people with disability

- *Voters with disability and elderly voters should be allowed to receive assistance, if they so wish, from friends/family members.*

TERMS OF REFERENCE
MULTINATIONAL OBSERVER GROUP FOR 2014 FIJIAN GENERAL ELECTION

Preamble

This Terms of Reference sets out the framework and scope within which the Multinational Observer Group ('**MOG**'), on the invitation of the Fijian Government, must work and conduct itself and which it must adhere to, as it observes the 2014 Fijian General Election.

Article 1: Scope

The MOG will:

(a) observe and evaluate the functions and operations, including the procurement process, of the Fijian Elections Office ('**FEO**') with respect to the 2014 Fijian General Election;

(b) observe and evaluate the voter registration process and the establishment of the Register of Voters and voter lists;

(c) observe and evaluate the voter education campaign including voter information provided or authorised by FEO;

(d) observe and evaluate the processes involved with alternative means of voting;

(e) observe and evaluate the nomination and registration of candidates and conduct of political parties as prescribed in the Electoral Decree 2014 ('**Decree**');

(f) observe and evaluate election day operations and events that facilitate voting operations in compliance with the procedures established in the Decree;

(g) observe and evaluate the vote counting process, the determination of election results and the dissemination thereof

(h) observe and evaluate the resolution of disputes throughout the electoral cycle, including any mechanism established to hear and adjudicate election related disputes;

(i) observe and evaluate the reconciliation of all ballot papers after the 2014 Fijian General Election; and

(j) assess whether the voter processes of the FEO facilitated and assisted the Fijian voters to exercise their right to freely vote and whether the outcome of the 2014 Fijian General Election broadly represented the will of the Fijian voters.

Article 2: Duration

(a) The MOG will be made up of both long term observers, who will arrive in Fiji prior to the election date, and short term observers, who will arrive prior to polling and stay until polling and counting have been finalised, with the final number of observers and dates of arrival and departure to be mutually agreed by the Fijian Government and relevant international partners.

(b) The MOG will commence its tasks once it has been given an induction of the Electoral laws by the Fijian Government, and has received the accreditation documents from the FEO, and will conclude once the MOG has submitted its report in accordance with Article 3.

Article 3: Reporting

Based on the scope of the MOG as outlined in Article 1, the co-leads will:

(a) issue a media statement at the conclusion of the election detailing the MOG's observations, which will reflect the views of all members of the delegation and will not be attributable to any individual country or organisation; and

(b) issue to the Fijian Government and the FEO an observation report as soon as practical after the conclusion of the election process, which shall contain a determination on all the matters provided in the scope of the MOG under Article 1. Where appropriate the observation report will also offer recommendations for improving the integrity and effectiveness of future electoral and related processes.

Before issuing the media statement and the observation report under this Article, the MOG must comply with Article 7, paragraph (k), and seek a response from FEO.

Article 4: Composition

(a) The MOG will include a team of observers to form a single coordinated group, from countries and organisations which are approved by the Fijian Government.

(b) The Fijian Government has invited Australia, India, Indonesia and Papua New Guinea to co-chair and coordinate the MOG, and work with other accredited election observers to establish a single consolidated international observation mission. The co-chairs will be the primary contact point between the MOG and the Fijian Government.

(c) The co-chairs will manage and coordinate the MOG overall, including the allocation of specific delegation members to observe the various aspects of the process as set out above.

(d) The MOG will establish a Secretariat to coordinate logistical support and briefing to the delegation, for the duration of the observation mission.

Article 5: Co-operation

The Fijian Government:

(a) will seek the approval of the FEO, to provide unimpeded access to the MOG to all stages of the election process and all election technologies and the certification processes for voting and other technologies, without requiring the MOG to enter into confidentiality agreements concerning technologies or election processes;

(b) will facilitate unimpeded access to the MOG to all persons concerned with election processes, including:

(i) Electoral officials at all levels subject to the approval of the FEO; and

(ii) Members of Government whose functions are relevant to organising genuine democratic elections.

(c) guarantees freedom of movement around the country for all members of the MOG;

(d) guarantees full, country-wide accreditation (that is, the issuing of any identification or document required to conduct election observation) for all observers who are part of the MOG as long as the MOG complies with the requirements for accreditation; and

(e) guarantees that no Governmental authority will interfere in the activities of the MOG, or individuals or organisations who provide information to, or support for, the MOG, in accordance with the laws of the Republic of Fiji.

Article 6: Accreditation and Identification

(a) All countries/organisations who are part of the MOG must submit an application for accreditation to the Fijian Government, which shall specify:

(i) the name of the country/organisation;

(ii) the photograph, name and nationality of each observer designated by the country/organisation;

(iii) the intended time of stay in Fiji; and

(iv) a statement, duly executed by each observer, that they will abide by the laws, regulations, guidelines, this Terms of Reference and the code of conduct governing observations by MOG, which is annexed to this Terms of Reference.

(b) Upon receipt of the application for accreditation, along with its accompanying documentation, the Fijian Government shall make a decision on the accreditation of each observer, and, if approved, will request the FEO to issue an official accreditation to the observer.

(c) The FEO may (following reasonable consultation with co-leads) revoke the accreditation of any accredited member of the MOG if the organisation or accredited member:

(i) has failed to adhere to the laws of the Republic of Fiji;

(ii) has failed to adhere to the lawful instruction, direction or order issued by the FEO;

(iii) has shown a bias in the observation of the electoral process;

(iv) has obstructed election officials in the conduct of their official duties;

(v) has not adhered to this Terms of Reference or the Code of Conduct for the MOG.

(d) The Fijian Government will seek the approval of the FEO to issue an identity card for each accredited observer, to be worn at all times by the observer throughout the observation of the 2014 Fijian General Election.

Article 7: Rights and Privileges

All accredited observers who are part of the MOG shall have the following rights and privileges:

(a) to receive a visa to enter Fiji if this is required;

(b) to enjoy freedom of movement throughout Fiji, without prior permission or notification;

(c) to communicate freely with Government, political parties, coalitions of parties and other social and political organisations in Fiji;

(d) to seek clarifications from all the organisations involved in the electoral process on matters connected with the activity of the observation of the elections, and to obtain answers in a useful and timely manner;

(e) to observe voter registration activities, voter education activities, the vote, the count and the dissemination of election results;

(f) to have access to information transmitted by the FEO and its officers in relation to any complaints regarding the electoral process that may have been registered;

(g) to open an office in Fiji, if so required, to guarantee the successful accomplishment of this Terms of Reference;

(h) to observe the participation, as authorised by law, of the political parties or coalitions of parties connected with the electoral process;

(i) to have freedom of access to all polling stations and counting centres at all times, subject to the laws of the Republic of Fiji and any reasonable instruction or direction issued by the FEO;

(j) to have freedom to examine all electoral materials including ballot boxes, ballot papers and indelible ink, which are to be used; and

(k) to communicate according to the provisions of this Terms of Reference and based on the scope of MOG as outlined in Article 1, the findings of the observation to the FEO and seek a response from the FEO before making these views public.

Article 8: Obligations

Individual members of the MOG shall have the following obligations:

(a) to respect the Constitution of the Republic of Fiji;

(b) to exercise their role with impartiality, independence and objectivity;

(c) to identify themselves immediately, whenever necessary, and at all times to wear or otherwise prominently display the prescribed identification cards issued by the Supervisor of Elections;

(d) to immediately notify election officials of any action or conduct which they believe to be serious infringements of the electoral process;

(e) not to interfere in, or impede, the normal course of the electoral process;

(f) not to issue individual statements (including by or on behalf of any person or country) about the electoral process to the media; and

(g) to abide by the annexed Code of Conduct for the MOG.

Article 9: Status of Diplomats

Diplomats, who have been accredited by the Fijian Government and who are designated as observers to be part of the MOG, shall exercise their functions without prejudice to the provisions of the Vienna Convention on Diplomatic Relations.

Article 10: Funding

All countries/organisations, duly accredited, shall be wholly responsible for all costs in their observing duties. The Fijian Government and the FEO shall not be responsible for any such costs.

Dated and signed this day of August, 2014.

For and on behalf of the Government of the Republic of Fiji:

.....
Aiyaz Sayed-Khaiyum
Attorney-General & Minister responsible for Elections

For and on behalf of the MOG by the Co-leads:

.....	.....	.....	.....
Australia	**India**	**Indonesia**	**Papua New Guinea**

ANNEXURE

CODE OF CONDUCT FOR THE MULTINATIONAL OBSERVER GROUP FOR 2014 FIJI GENERAL ELECTION

Preamble

All observers in the Multinational Observer Group ('**MOG**') observing the 2014 Fijian General Election must be familiar with and abide by this Code of Conduct.

1. Respect for Sovereignty, Constitution and the Law

The observer must perform his or her functions with:

(a) respect for the sovereignty of the Republic of Fiji;

(b) respect for and compliance with the Constitution of the Republic of Fiji; and

(c) respect for and compliance with the laws of the Republic of Fiji, including the Electoral Decree 2014, and any direction or instructions issued by the Fijian Elections Office ('**FEO**').

2. Neutrality

The observer must:

(a) act in a strictly neutral and unbiased manner in relation to national authorities, including the electoral officials, political parties, candidates, voters and the media;

(b) avoid any conflict of interest during observation and assessment, and must immediately report to the Fijian Government of any conflict of interest;

(c) refrain from accepting any gifts from any individual or organisation;

(d) refrain from any action likely to be interpreted as indicating partisan support for any candidate, political party or organisation;

(e) refrain from expressing partisan views;

(f) exercise the highest level of personal discretion, at all times; and

(g) refrain from wearing or carrying party or independent candidate symbols.

3. Accuracy and Transparency

The observer must:

(a) obtain a valid view of all aspects of the electoral process relevant to its legitimacy;

(b) obtain a valid view of the way the electoral process has progressed in all parts of the country;

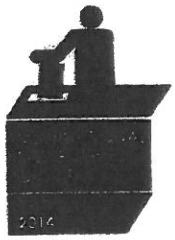
(c) consult widely with relevant political organisations and the members of the Fijian public;

(d) take all necessary steps to assure that all information gathered by them and conveyed to others as part of the observation process has a sound factual basis;

(e) ensure that all information is collected in a way that is systematic, clear and unambiguous; and

(f) in respect of any allegations which reflect adversely on the FEO or on a participant in the electoral process, obtain the response of the concerned party before treating such an allegation as valid.

Annex B – Preliminary Statement



MULTINATIONAL OBSERVER GROUP

Preliminary Statement

18 September 2014

In the view of the Multinational Observer Group:

(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.

The 2014 Fijian Election, the first election since 2006, was enthusiastically embraced by the voters of Fiji who were keen to participate in the democratic process. The election was conducted in an atmosphere of calm, with an absence of electoral misconduct or evident intimidation. The Fijian Elections Office and election workers were competent, professional and committed in performing their duties, sometimes under challenging circumstances. Despite compressed timeframes, a complex voting system and some restrictions in the electoral environment, the conditions were in place for Fijians to exercise their right to vote freely. This was a credible election. While counting is ongoing and the results are yet to be finalised, we assess that the outcome is on track to 'broadly represent the will of the Fijian voters'[25]. We congratulate the people of Fiji on taking this important step in their return to democracy.

Multinational Observer Group

The Multinational Observer Group (MOG), co-led by Australia, Indonesia and India, was invited by the Fijian Government to observe the 2014 Fijian Election.

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[25] MOG Terms of Reference Art 1(j).

The MOG had freedom of movement around the country and was able to communicate freely with all stakeholders. Working in-country since 18 August, MOG observers met with government, election officials, political parties and candidates, media, civil society and faith-based organisations, community leaders, disciplined forces and voters. From 3-13 September, the MOG observed pre-polling in village communities, remote islands and at military bases.

On Election Day, 92 observers from 13 countries, the European Union and Melanesian Spearhead Group went to 455 polling stations (31 per cent of polling stations) and observed polling and counting across Fiji.

Electoral Environment

There was strong interest in contesting the election, with 248 candidates, from seven political parties and two independent candidates. Despite earlier restrictions on public meetings, political parties were able to mobilise and candidates were free to campaign. The campaign period was peaceful. However, civil society participation in the process was restricted.

The media in Fiji made good efforts to cover the election and political parties were, to varying degrees, able to communicate their messages to the public. However, the restrictive media framework, including potentially onerous penalties, limited the media's ability to examine rigorously the claims of candidates and parties.

Election Administration

Despite a new, unfamiliar and complex voting system, the Fijian Elections Office (FEO) administered the elections effectively. Police played an important role and also built confidence. Polling officials were well-prepared and voting procedures were generally followed correctly. FEO and the Electoral Commission ran an extensive voter information campaign which appeared to reach most voters. The counting process appeared well organised and thorough, both at polling stations and at the National Counting and Results Centre. The MOG has not observed any significant irregularities in the counting process. The MOG did, however, observe some problems, particularly in voter registration, pre-polling and postal voting, which stemmed at least in part from the short preparation time.

These and other matters will be the subject of more detailed comment when the final MOG report is completed in due course.

Annex C – STO Pre-Election Environment Assessment Questions

September 16, Pre-Election Reporting

To supplement the environmental and pre-election reporting of the Long Term Observers, we asked the STOs to meet with voter and other stakeholders and collect their impressions and perceptions of the pre-election environment. Conversations were guided by the questions below. It total, we received completed forms from 11 of the teams, representing areas across Fiji. Combined responses to the questionnaire are given below. Where there is an 'x' it indicates they did not have sufficient time to assess that aspect of the environment.

	[illegible]	[illegible]	[illegible]	[illegible]
1	Are political parties free to organise and to recruit new members?	7	0	4
2	Are parties and candidates free to assemble and conduct campaign activities?	5	2	4
3	Do ordinary citizens have freedom of association, speech, and movement?	9	0	2
4	Do people have adequate access to information on the platforms and policies of the parties and candidates so that they can make an informed choice on Election Day?	8	1	2
5	Do people have sufficient knowledge of the electoral processes (how and where to register, complain, and vote) to participate effectively in the election process?	9	2	0
6	Are election-related complaints appropriately resolved?	2	1	8
7	Are the local election officers well-trained and qualified to effectively fulfil their duties?	7	0	4
8	Has the local election administration received the materials and support needed to conduct the elections?	4	2	5
9	Are election officials perceived as neutral administrators of the electoral process?	8	1	2
10	Was campaigning done in a fair and peaceful way?	6	0	4
11	Is the security environment conducive to a free and fair election?	11	0	0
12	Were all campaigns conducted without the unfair use of government facilities or resources by incumbents or others?	3	1	7
13	Did any parties or candidates try to buy votes with money or gifts?	0	6	5
14	Did any parties or candidates use threats or violence to influence voters' choices or to intimidate them from casting a vote on Election Day?	0	6	5
15	Is media coverage perceived as unbiased and neutral?	3	4	4

Annex D – Election Day Reporting

Call 1 – Between 11:00 and 13:00

	Question	Yes	No
1	Did the process run smoothly (adequate electoral materials, stations opened on time, polling day workers effective)?	35	1
2	Did voters generally appear to understand the voting process?	36	0
3	Were there significant numbers of prospective voters not on the voter list?	3	33
4	Were there polling agents from more than one party at each station?	25	7
5	Were polling agents allowed to use pens and checklists inside the polling station?	22	11
6	Are there any other issues or problems you observed that you want to tell us about? If yes, please explain.	18	8
7	How would you evaluate the overall opening and polling process in the polling stations you observed?	Very good	11
		Good	25
		Average	0
		Bad	0
		Very bad	0

Call 2 – Between 19:00 and 21:00 (most data was received between 21:00 and 08:00 the following day)

	Question	Yes	No
1	Did the polling process run smoothly all day? (If not, why not?)	28	
2	Did the station close on time (not early) and in the prescribed manner?	28	
3	Were the reconciliation and counting conducted in a fair and correct manner?	28	
4	Were there polling agents from more than one party in the counting stations?	19	6
5	Are there any other issues or problems you observed that you want to tell us about? If yes, please explain.	18	4
6	How many polling stations (not venues) did you visit today?	Teams visited 455 (31%) of the 1489 polling stations open on Election Day.	
7	How would you evaluate the overall closing and counting process in the polling stations you observed?	Very good	9
		Good	17
		Average	
		Bad	1
		Very bad	

Counting Results by Party PS No.

Fiji First	5285 (58%)	**PDP**	297 (3%)	**FUFP**	12 (.2)
NFP	497 (5.4%)	**FLP**	150 (1.6%)	**Ind. 196**	2 (.02)
SODELPA	2821 (31%)	**One Fiji**	95 (1%)	**Ind. 283**	8 (.09)

The MOG visited 31% of polling stations open on Election Day, and collected counting results from more than 30 polling stations. Data is still coming in from remote areas, but the results above reflect accumulated totals as of 9:00am September 18, 2014. In total, 9196 individual votes are reflected in the tally above. It is important to note that this tally does not include any results from the pre-polling. Since pre-polled locations are a distinct demographic (i.e. remote and rural) the percentages above may not reflect results from pre-polled areas.

Annex E – Country and Political Overview

Fiji is made up of around 800 islands covering 18,376 sq. km. It has a total population of 858,000 (UN estimate 2012; the last census was 2007), with the majority living on the two largest islands Viti Levu and Vanua Levu. Fiji has a multiethnic population – 57.3 per cent indigenous Fijians (usually described as iTaukei), 37.6 per cent Indo-Fijians and 1.2 per cent Rotumans (the indigenous population from the outlying island of Rotuma). There are also populations of European, other Pacific Islands and Chinese totaling 3.9 per cent of the population. Fiji's major languages are English, Fijian and Hindi and its major religions are Christianity, Hinduism and Islam.

Government structure pre 2014
Fiji became independent in 1970 after 96 years as a British colony. On independence, Fiji adopted a constitutional democratic form of government based on the Westminster model. The Fiji Parliament replaced the former colonial legislative body, the Legislative Council. The Parliament of Fiji was bicameral and consisted of the House of Representatives and the Senate.

The House of Representatives had 71 members – 25 elected by universal suffrage and the remaining 46 reserved for Fiji's ethnic communities and elected from communal electoral rolls: 23 indigenous Fijians, 19 Indo-Fijians, one Rotuman, and three General Electors. The Senate had 32 members – 14 nominated by the Great Council of Chiefs, nine nominated by the Prime Minister, eight nominated by the Leader of the Opposition, and one nominated by the Rotuman Islands Council. There was universal suffrage for citizens aged over 21 years.

Political background
Fiji's recent history has been centered on race politics. In response to the 1987 election of an Indo-Fijian supported coalition government, then Lieutenant Colonel Sitiveni Rabuka launched two military coups, on 14 May and again on 25 September. Following a period of interim administrations, elections were held in 1992, which Rabuka won.

In 1999, Mahendra Chaudhry was elected as Fiji's first Indo-Fijian Prime Minister. Shortly after, a predominately indigenous Fijian group led by businessman George Speight seized the Parliament and took Prime Minister Chaudhry and members of his government hostage, holding them for 56 days. Bainimarama, who at the time was Commander of Fiji's Military (RFMF), was involved in ending the standoff and arrested Speight and members of the unit. In the following months, the Constitution was abrogated, the President stepped down and three successive unelected interim administrations held power.

General elections were held in August 2001 and Fiji returned to parliamentary democracy under Prime Minister Laisenia Qarase and his party the predominately ethnic Fijian Soqosoqo Duavata ni Lewenivanua (SDL). Prime Minister Qarase's Government was returned to office with a narrow majority at the elections held in May 2006.

In December 2006, Commodore Bainimarama led a military coup against Prime Minister Qarase on the basis of eliminating corruption and ethnic intolerance. Bainimarama assumed executive power, dismissed the Qarase Government and declared a state of emergency.

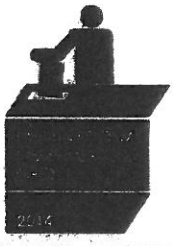
In April 2009, the Fiji Court of Appeal found that Qarase's dismissal had been illegal. Bainimarama and his cabinet stepped down but in the following days the Fiji President dismissed the High Court, abrogated the 1997 Constitution and reinstated Bainimarama and his Cabinet. Public Emergency Regulations (PERs) were imposed placing restrictions on public speech, assembly and media reporting and members of the judiciary were removed from office.

In July 2009, Prime Minister Bainimarama set out a 'roadmap' for Fiji's return to democracy stating that elections would be held by September 2014 under a reformed constitutional framework and a new electoral system that would eliminate ethnic-based voting.

In 2012 a ban on meetings without a permit (required under the Public Order (Amendment) Decree) was lifted to allow consultations on the new constitution. After a process of public consultation the Constitutional Commission presented a draft constitution to the Fiji President. The Fiji Government rejected the draft and released its own draft constitution. The Government abolished the planned Constituent Assembly and instead called for public comment. The final constitution was passed by decree on 6 September 2013.

Annex F – MOG Factsheets

FACT SHEET 16 SEPTEMBER 2014



MULTINATIONAL OBSERVER GROUP

WHO's IN THE MOG?

The Fijian Elections Office (FEO) has accredited the Multinational Observer Group (MOG) to assess whether the outcome of the 17 September general election broadly represents the will of the Fijian voters. The MOG commenced in-country election observation in Fiji on 18 August.

As of 16 September 2014, the MOG comprises 92 accredited observers from the following countries and groups:

- Australia (22)
- Canada (2)
- European Union (3)
- India (3)
- Indonesia (15)
- Israel (2)
- Japan (7)
- Melanesian Spearhead Group (5)
- New Zealand (11)
- Republic of Korea (2)
- Russia (3)
- South Africa (1)
- Turkey (1)
- UK (5)
- USA (10)

The co-leads of the Multinational Observer Group are the Hon. Peter Reith of Australia, Ambassador Wahid Supriyadi of Indonesia and Mr Sayan Chatterjee of India.

There are 17 accredited support staff providing logistical and technical support.

FACT SHEET 14 SEPTEMBER 2014

MULTINATIONAL OBSERVER GROUP

WHERE HAVE WE BEEN?

The Fijian Elections Office (FEO) has accredited the MOG to assess whether the outcome of the 17 September general election broadly represents the will of the Fijian voters. The Multinational Observer Group commenced in-country election observation on 18 August. The MOG will have freedom of movement throughout Fiji and will communicate with the Fijian Government, political parties and other social and political organisations in Fiji.

As at 14 September, MOG observers have observed pre-polling in:

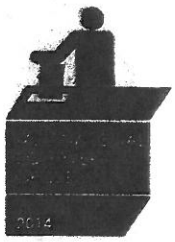
- **Ra** (Nasukamai)
- **Serua** (Sabata, Nukusere, Masi, Naimasimasi, Wainadiro)
- **Namosi** (Nasigatoka, Narukunibua)
- **Tailevu** (Nakalowaca, Naitutu, Ucunivanua)
- **Naitasiri** (Natuva, Nameka)
- **Lau Group** (Vanua Balavu)
- **Suva and surrounds** (Rewa, Nausori, Korovou, Queen Elizabeth Barracks, Naval base, Suva Women's Correction Centre, Suva Correction Centre, Nasinu Correction Centre, Navuso Agricultural College)
- **Kadavu** (Matanuku, Galoa, Davuiqele, Kabariki)
- **Vanua Levu** (Labasa)

MOG observers have attended a range of electoral events and met with election officials, political party and independent candidate representatives, media organisations, civil society and faith-based organisations, community leaders, police and voters.

As at 14 September, the MOG has undertaken these activities in:

Suva, Nadi, Lautoka, Ba, Tavua, Rakiraki, Taveuni, Savusavu, Sigatoka, Navua, Lau, Labasa and Kadavu.

FACT SHEET 16 SEPTEMBER 2014



MULTINATIONAL OBSERVER GROUP

What have observers been doing?

The Fijian Elections Office (FEO) has accredited the MOG to assess whether the outcome of the 17 September general election broadly represents the will of the Fijian voters. The Multinational Observer Group (MOG) commenced in-country election observation on 18 August. The MOG has had freedom of movement throughout Fiji and has communicated with the Fijian Government, political parties and organisations, the media, community leaders, civil society and faith based organisations, the disciplined forces, and Fijian voters across the country.

Since the MOG began its in-country observation on 18 August, observers have attended a wide range of electoral and election-related events including:

- the closing of the nominations for party candidates on 18 August
- the national candidate list draw on 23 August
- the High Court ruling on the candidate nominations case on 24 August
- polling agent training for political parties, presiding officer training and voter awareness delivered by the FEO
- printing of the ballot papers
- packing and deployment of pre-polling boxes
- transportation and storage of pre-polling ballot boxes at a number of locations
- pre-polling around Fiji from 3-13 September (see separate Fact Sheet)
- the sealing of the first ballot boxes for postal votes
- the commencement of the verification of postal votes at the FEO
- the destruction of ballot printing material (such as sample ballot papers)
- packing, transportation and storage of election day material to polling stations
- transportation of pre-polling ballot boxes from storage to the National Results and Counting Centre
- a full-day of MOG-organised training for all observers.

Observer Coordinator and MOG co-leads from Australia, Indonesia and India conducted media conferences, briefings for the diplomatic corps, meetings with key officials and undertook advance visits to polling venues.

On an ongoing basis, the MOG has been raising issues with the Fijian Elections Office as they have come to our attention.

FACT SHEET 21 SEPTEMBER 2014

MULTINATIONAL OBSERVER GROUP

OBSERVERS ON ELECTION DAY & AT COUNTING

The 92 MOG observers were present for the opening of polls, voting, the closing of polls and counting of votes across Fiji including at:

- Taveuni
- Vanua Levu (Labasa, Savusavu)
- Rakiraki (and surrounds)
- Tavua (and surrounds)
- Lautoka (North and Central)
- Nadi (Nadi Central, North, South, East and Nadi Airport)
- Serua (Namatakula)
- Pacific Harbour/Navua (and surrounds)
- Lami (town and surrounds)
- Vunidawa
- Nakelo (Visama)
- Suva (Central City, Tamavua, Nasinu, Kalabu, Nasinu North)
- Central Division – (Sawani, Muana,Logani, Verata, Ovea)
- Nausori (Town centre and surrounds)
- Ovalau

Observers were also present throughout the counting and data entry period at the National Counting and Results Centre in Suva.