

THE ELECTORAL COMMISSION

REPUBLIC OF FIJI

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21 November 2019

Hon. Alvick Avhikrit Maharaj
Chairperson
Standing Committee on Justice, Law and Human Rights
Parliament of the Republic of Fiji
Government Buildings
Suva

Dear Mr. Maharaj


Clarification of Issues noted from the Electoral Commission Annual Reports 2016 and 2017 and also on the 2018 General Elections Joint Report by the Electoral Commission and the Supervisor of Elections

Warm Greetings from the Electoral Commission.

Further to your letters dated 09 October 2019, 11 October 2019 and the subsequent email correspondences dated 04 November 2019, please find enclosed the Electoral Commission's responses.

For any further clarifications do not hesitate to contact the Electoral Commission's Secretary Mr. Mohammed Saneem on email saneem@feo.org.fj.

Yours sincerely



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Suresh Chandra
Chairperson
The Electoral Commission

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ANNUAL REPORT 2016

Question Number	Question	Response
1	In reference to the organisational structure of the Fijian Electoral Commission and Fijian Election Office; what kind of work relationship exists between the Commission and the SoF?	<ul style="list-style-type: none"> ▪ The 2017 Amendment to the Electoral Act, 2014 appointed the SoF to act as secretary to the Electoral Commission. At page 13 of the MOG Report, MOG recognizes and explains the relation quite well. Then at page 14, MOG notes that the above change is in line with international practice. Under the old system, the SoF was responsible for providing operational updates to the Electoral Commission but the amendment has extended the Electoral Commission's involvement in the operations.
2	In reference to the 2014 and 2015 recommendations that were referred to in the Report; what were these and how many were implemented successfully (please refer to page 3 of the FEC AR 2016)	<ul style="list-style-type: none"> ▪ The Committee is invited to peruse the Electoral Commission letter dated 26 June 2017 to the Standing Committee on Justice, Law and Human Rights covering the current Electoral Commission's position on the recommendations by the previous Electoral Commission. Should the Committee have further issues from that response, the Electoral Commission invites the Committee to particularize such issues for a thorough response by the Electoral Commission.
3	In reference to Page 6 of the Report; what were the rationale for engaging a NZ law firm?	<ul style="list-style-type: none"> ▪ The current Electoral Commission will furnish documents explaining the engagement prepared and signed off by the previous Electoral Commission. The Committee is invited to seek any further clarifications directly from the previous members.
4	In reference to page 3, there is mentioned of numerous work conducted by the Commission in 2016. What steps were taken that year for website development?	<ul style="list-style-type: none"> ▪ The previous Electoral Commission did not have a website in 2016. ▪ The current Electoral Commission spearheaded the development and launch of its own website on 06 April, 2017. <p>Refer to EC Annual Report 2017 page 17.</p>

5	<p>Additionally, who are the developing partners of the FEC website?</p>	<ul style="list-style-type: none"> ▪ The Electoral Commission website was developed in-house by the FEO ICT Department.
6	<p>A major highlight of the 2016 report is the agreement with NZ EC. What achievements have been made so far given that the agreement expires in 2020?</p>	<p>Refer to the EC Annual Report 2017 pages 11-19:</p> <ul style="list-style-type: none"> ▪ Enclosed in it is the MoU between the New Zealand Electoral Commission and the Fijian Electoral Commission which is self-explanatory. ▪ <u>Activities conducted by the NZEC from 2017 onwards:</u> <ul style="list-style-type: none"> ○ The New Zealand Electoral Commission overseas visitor program which was held from 19 September till 24 September 2017 and this was attended by all Commissioners except Commissioner Graham Southwick; ○ Knowledge Exchange Program to attend NZ by – election in Northcote, Auckland, New Zealand which was held from 6 June to 10 June 2018 and this was attended by Commissioner Simone Naiduki, Executive Assistant, Stakeholder Engagement and Awareness Officer and Public Relations Officer; ○ EC Retreat Workshop on Communication hosted by the New Zealand Electoral Commission at Intercontinental Fiji Golf Resort, Natadola, Fiji Islands which was held from 21 September to 23 September, 2018; and ○ Meeting with Ms. Deidre Brooks, Manager Corporate Legal, New Zealand Electoral Commission and this was attended by the Chairperson of the Electoral Commission and the SoF.

ANNUAL REPORT 2017

Question Number	Question	Response
1	In reference to page 9 of the Report, there is mentioned of the regular revision of the Register of Voters; how does the Commission carry out this task and how often is 'regular' revision?	<ul style="list-style-type: none"> ▪ The FEO conducts regular registrations at its Voter Service Centres and during any of its programs. ▪ The reports on all such registrations are submitted to the EC at the meetings of the EC.
2	In reference to page 13 of the Report, there is mentioned of trainings by Technical Consultants from New Zealand; can there be clarification on the specific training programmes given to the EC Secretariat?	<ul style="list-style-type: none"> ▪ The following trainings were conducted for the secretariat of the Electoral Commission: <ul style="list-style-type: none"> ○ Streamlining the correspondence and complaint mechanisms; ○ Appeals and Objections Forms vetting; and ○ Implementation of the various Registers such as the: <ul style="list-style-type: none"> • Correspondence Register • Complaint Register • Decision Register • Activity Register
3	Please explain why the reporting period for the Commission (which is based on the calendar year) is different from that of the Government financial year?	<ul style="list-style-type: none"> ▪ Section 75 (4) and (5) of the Constitution of the Republic of Fiji stated: - <i>"(4) – The Commission must make an annual report to the President concerning the operations of the Commission and must submit a copy of its annual report to Parliament;</i>

		<i>(5) – The Commission may at other times make such reports to the President and Parliament as it thinks fit.”</i>
4	In reference to page 17, there is mentioned of the complaints portal on the Electoral Commission website; what sort of complaints does the Commission receive and what sort of remedies are there in addressing such complaints?	<ul style="list-style-type: none"> ▪ The portal was in place to allow complaints to be made directly through the platform, however, it has not been used till now.
5	Clarification is sort on the roles of the SoE and FEC, specifically with regard to the secretariat support provided. What would be the ramification if the office of the Supervisor of Elections provides support to the FEC	<ul style="list-style-type: none"> ▪ Refer to answer in 1 on the EC Annual Report 2016.

GENERAL QUESTIONS ON THE ELECTORAL COMMISSION ANNUAL REPORTS 2016 AND 2017

Question Number	Question	Response
1	What is the vision and mission of the EC	<ul style="list-style-type: none"> ▪ Vision and Mission of EC as per section 75 of the Constitution is to: <ul style="list-style-type: none"> - Conduct free and fair elections in accordance with the laws in place; - To ensure all citizens over 18 years is registered to vote; - To operate independently without fear/ favour; and - Uphold core rights, principles and the values of the Fijian Elections Office.
2	In regard to SDG 16 – Peace, Justice and Strong Institutions; is the FEC adequately resourced to oversee a free and fair election being conducted in Fiji in the future?	<ul style="list-style-type: none"> ▪ Yes, the EC is adequately resourced to oversee a free and fair election being conducted in Fiji in the future. ▪ Also the EC were able to carry out all their activities and are not constrained. In arguing from finance perspective they usually have surplus budget (Refer to Government Budget 2019-2020).
3	Is the budget and finances of the Commission subject to audit by the Auditor- General?	<ul style="list-style-type: none"> ▪ In the year 2016 and 2017 the EC Budget was allocated in the FEO Budget and all its budget and finances were subjected to audit by the Auditor – General. ▪ Section 15 of the Electoral Act, 2014 stated: - <i>“(1) – Parliament must ensure that the Fijian Elections Office is allocated sufficient financial resources from the state budget for the timely and effective performance of its duties and functions and exercise of its power.</i> <p><i>(2) - The Fijian Elections Office shall submit to Parliament on an annual basis, an estimated budget for the following year, based on which the budgetary funding for the Fijian Elections Office for the following year will be determined.”</i></p>

4	<p>In reference to page 5 of the 2016 Annual Report and page 14 of the 2017 Annual Report regarding the budget allocated to the Commission; clarification is sought on the different figures (amount) that were allocated to the Commission for the period August 2016 to July 2017.</p>	<ul style="list-style-type: none">▪ The question is ambiguous, please provide further particulars.
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