

ARTICLE

**Preferential voting and Indo-Fijian
minority strategy**

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ABSTRACT

Do preferential voting systems produce inter-ethnic cooperation in deeply divided societies? This was one of the questions explored by Fiji's Constitution Review Commission (CRC) in 1995. Fiji since independence had six general elections under the "winner takes all" First Past the Post system (FPTP) and the results reflected acute racial voting patterns. However, with the emergence in 1990s of a new democratic South Africa and multi-party executives in Northern Ireland, debates over electoral reform led by academics Donald Horowitz and Arend Lijphart provided new conceptual tools for managing conflict in divided societies. Utilising existing theories on electoral reform and borrowing from a voting system used in Australia, Papua New Guinea and Nauru, the CRC recommended Alternative Vote (AV) as the electoral system for Fiji. This paper examines whether AV produced the desired effect as envisaged by Fiji's constitutional designers and in particular evaluates its impact on minority Indo-Fijians and proposes de-ethnicisation policy strategies for the future.

Introduction

Following the collapse of the Berlin Wall in 1989 and emergence of new democratic states in Europe, Asia, Latin America and Africa, electoral reform was seen as a precondition for cementing democratic values in conflict-prone states. More importantly, perhaps, with the rise of destructive hyper-nationalism and bitter ethnic rivalry in Bosnia, Sri Lanka, Trinidad, Guyana, Nigeria, Uganda, Rwanda, and Kosovo, constitutional strategists in divided societies started looking at electoral systems as a means of promoting inter-ethnic, inter-party and inter-group cooperation.

Fiji, like other divided communities, went through a similar learning curve, experimenting with a democratic constitution and electoral reform. Following extensive consultation with Fiji's communities, the Constitution Review Commission proposed Alternative Vote (AV), which replaced the First Past the Post (FPTP) electoral system, used in Fiji since independence in 1970. Alternative Vote is essentially a preferential system, aimed at prompting groups to seek electoral support outside their own communal bloc to form a broad representative government.

Preferential Voting has its strengths as well as its weaknesses, especially in racially divided societies. The strengths are that political parties across ethnic affiliation may choose to swap preference and even agree to a pre-election contractual agreement, which allows larger parties to share executive power with their smaller allies². However, the weakness in such a system is that preferential voting may still favour larger ethnically centric political parties and may not work in constituencies where a single ethnic group forms the largest population share.

To address the anomaly in preferential voting, political leaders in Fiji agreed to introduce proportional party representation based on the share of parliamentary seats at the cabinet level of Government. The aim of this measure was to design a

² Sunil Kumar and Biman C. Prasad, "Preferential Voting and Electoral Engineering: The Case of Fiji's 1999 and 2001 General Elections," *Commonwealth and Comparative Politics*, 42, (2004), pp. 312-332.

constitutional mechanism for the solution to collective choice problems, involving ethnic conflict and multiparty governance.

Indo-Fijian representative to the Fiji Constitutional Review Commission (CRC), Dr. Brij Lal, emphasized that whilst the CRC advocated preferential voting, the Joint Parliamentary Select Committee on Constitution devised a mechanism for compulsory power sharing. It stipulated that any party with more than 10 per cent of the seats in the House of Representatives would be constitutionally entitled to an invitation to be part of Cabinet.³

Fiji's elected representatives recognized that instead of advocating proportional representation based on ethnicity, it was prudent to establish proportional party representation based on a 10 per cent national seat threshold. John Dryzek argues that precision electoral engineering is difficult in the changed setting of a divided society, especially once different sides realize that rules are not neutral and so try to influence the context, bringing the deadly numbers game to a meta level.⁴ Jon Fraenkel labels Fiji's electoral system as "artificial", aimed at discriminating against extremist parties.⁵

Developments in political science theory with respect to electoral systems in the past twenty years have enabled electoral analysts to better understand electoral designs and their potential impact on divided communities.

³ Brij V. Lal, "Fiji's Constitutional Conundrum," *The Round Table*, 372, (2003), pp. 671-685. Also see Brij Lal, *Another Way: The Politics of Constitutional Reform in Post-Coup Fiji* (Canberra: Asia Pacific Press, 1998), p. 675.

⁴ John Dryzek, "Deliberative Democracy in Divided Societies: Alternatives to Agonism and Analgesia," *Political Theory*, 33, (2005), p. 227.

⁵ Jon Fraenkel, "The Triumph of a Non-Idealist Intellectuals: An Investigation of Fiji's 1999 Election Results," *Australian Journal of Politics and History*, 46, (2000), p. 104.

Theories on Electoral Systems

Fiji's electoral system was influenced by two leading scholars in political science. Arend Lijphart⁶ and Donald Horowitz. Lijphart developed a most comprehensive theory in politics based on four organizational principles:

- 1) Executive power-sharing (EPS). Each of the main communities share in executive power, in an executive chosen in accordance with the principles of representative government.
- 2) Autonomy or self-government. Each enjoys some distinct measure of autonomy, particularly self-government in matters of cultural concern.
- 3) Proportionality. Each is represented proportionally in key public institutions and is a proportional beneficiary of public resources and expenditures.
- 4) Veto-rights. Each is able to prevent changes that adversely affect their vital interests.⁷

However, Lijphart makes no important distinction between polities that are linguistically, ethno-nationally or religiously divided. Lijphart's theory of consociationalism has been extensively tested in Northern Ireland, and adopted as a model of political discourse in Netherlands, Belgium and Switzerland.

Another most influential scholar to influence proportional representation and multiparty executive, Donald Horowitz⁸ agrees that proportional results may or may

⁶ Arend Lijphart, *Democracy in Plural Societies: A Comparative Exploration* (New Haven: Yale University Press, 1977)

⁷ John McGarry and Brendan O' Leary, "Consociational Theory: Northern Ireland's Conflict and its Agreement, Part 1: What Consociationalist can learn from Northern Ireland," *Government and Opposition*, (2006), p. 44.

not foster inter ethnic cooperation. An electoral system originally devised in Lebanon- with ethnically reserved seats, multi-seat constituents, and common roll elections- gives politicians very good reasons to cooperate across ethnic lines, for they cannot be elected on the votes of their own group alone. Horowitz devised electoral rules that encouraged ethnic cooperation, reciprocal vote pooling, bargaining and accommodation across groups.

Horowitz states that the choice of electoral system inevitably involves choice of conflicting preferences and unforeseen forecasts on effects. He outlines six possible goals for a functional electoral system. Proportionality of seats to vote, accountability to constituencies, durable governments, victory of the “condorcet winner”, interethnic and inter-religious conciliation, and minority office holding.⁹ Horowitz proposes a package of conflict-regulating institutions designed to promote moderation and cross-cleavage appeals in divided societies. It consists of a directly elected president, using AV or a requirement of nation-wide support; federalism; and AV in heterogeneous districts for parliamentary elections. Ideally, these institutions reinforce each other and contribute to the emergence of a moderate multi-party system of national parties with moderate programs that attract the support of a variety of social groups.¹⁰

Benjamin Reilly¹¹ supports Horowitz thesis by stating that preferential voting has had mixed success in stimulating the core objective of peaceful multiethnic politics in Fiji. There is an ongoing tension between ethnic Fijian nationalism on the one hand and an effort to maintain broad based constitutional rule on the other. According to Stephanie Lawson¹², Fiji was hardly the model of liberal constitutionalism; rather, it’s social and

⁸ Donald Horowitz, “ Electoral Systems: A Primer for Decision Makers, “ *Journal of Democracy*, 14, (2003), p.118.

⁹ Ibid, pp. 116-120.

¹⁰ Matthijs Bogaards, “Electoral Choices for divided societies: Moderation through constituency pooling and vote pooling,” Paper prepared for the 29th Joint Sessions of Workshops, 6-11 April, 2001, p. 6.

¹¹ Benjamin Reilly, “Electoral Systems in Divided Societies,” *Journal of Democracy*, 2,(2002), p. 164

¹² Stephanie Lawson, “Nationalism vs Constitutionalism in Fiji,” *Nations and Nationalism*, 10, (2004), pp. 520-535.

political institutions reflects generations of conservative policy making and the scope for communal oriented electioneering remained substantial.

The communal oriented approach was further exacerbated by a classic Westminster-based power indices of “winner takes all” mentality shaped by the first-past-the-post system from 1970 to 1997. The first-past-the-post system often causes distortion between the percentage of votes and the number of seats obtained. The result is the over-representation of the party that elects the most members and the under-representation of the other parties, with third parties more often than not eliminated altogether. The winning party also benefits from a seat "bonus." Furthermore, critics argue that first-past-the-post systems do little to favor the representation of women and minorities.¹³

The apparent shortcoming of a classical winner-loser power index is that the underlying framework of a simple game only classifies the subsets of players (coalitions) into ‘winning’ and ‘losing’, such an index is insensitive to the strategic aspects of power relations.¹⁴ In 1975, the Street Commission recommended Single Transferable Vote (STV) as a strategic measure to move away from classic power. However, while STV provided better proportionality of seats, it required very low electoral threshold to get elected and failed to promote multi ethnic government.¹⁵ Fiji’s Constitutional Review Commission also looked at Mixed Member Proportional System (MMP) and argued that it created problems by grouping the whole country under a single list thereby compromised candidate-member relationship in electoral constituencies.

¹³ *Reform of the Voting System in Quebec*, October 2002

<http://www.assnat.qc.ca/fra/publications/participation/consulta.html>

¹⁴ Mathew Braham and Manfred J. Holler, “The Impossibility of a Preference-based Power Index,” *Journal of Theoretical Politics*, 17, (2005), p. 141.

¹⁵ Brij V. Lal, “Towards a United Future: Report of the Fiji’s Constitution Review Commission,” *The Journal of Pacific History*, 31, (1997), p. 80.

As a result, the AV was deemed to be the strategic electoral solution by the Constitution Review Commission for managing inter ethnic relations at a political-constitutional level in Fiji.

Alternative vote (AV)

Alternative Vote is popularised around the globe by the Australian experience . Versions of Alternative Vote had already been used in two of the Australian colonies in the late nineteenth century (Queensland using a variant of AV and Tasmania a variant of Single Transferable Vote).¹⁶ In Australia, the nation is divided into electoral divisions¹⁷. Each division contains about 80,000 electors and each division elect one member under the Preferential Voting System for the Australian House of Representative.

The Australian Senate system¹⁸, which closely resembles the Fiji electoral system, works in the following way. For an elector to cast a valid vote, he must either place a mark in one of the party ticket squares at the top or “above the line” of the ballot paper or by placing a series of numbers indicating a preference against the candidates listed in “below the line” part of the ballot paper. Party groups are identified on ballot papers and a candidate’s position within a group is determined by the party.

Should a candidate gain an exact quota on first preference , they are declared a winner. According to Clive Bean, the alternative vote is a majoritarian system because no candidate can be elected without securing a majority of vote in the electoral division, even if that majority may come partly in the form of second, third and fourth

¹⁶ David Farrell and Ian McAllister, “1902 and the Origins of Preferential Electoral Systems in Australia,” *Australian Journal of Politics and History*, 51, (2005), p. 155.

¹⁷ Australian Electoral Commission, *A Guide to your Electoral System*, 2002.

¹⁸ Australian Electoral Commission, *Voting and Electoral Systems Research Paper*, Research Paper No. 1989-1990.

preference.¹⁹ In the Australian context, there are 150 House of Representative members elected under preferential vote as well as on two-party preferred basis. In Senate, however, each state and territory elect proportional number of Senators using a quota rule that aggregates the population of each State and Territory.

Australian experience has shown that the party winning the largest share of primary votes won elections, except in one case in 1954 when the Labour Party received an absolute majority of primary votes.²⁰ Within Australia, there are a number of different electoral systems used by states and territories. New South Wales uses an optional preferential voting²¹ system. In the Australian Capital Territory (ACT), modified D' Hondt²² method of highest averages is used and in Tasmania, Hare-Clark²³ system based on a variation of STV has been in use since 1907.

Another Pacific Island nation, Papua New Guinea, chose to conduct its election under the Fiji style alternative vote electoral system. However, unlike Fiji, Papua New Guinea has a "limited preferential system" where voters mark a minimum of three preference votes on their ballot paper.²⁴ According to Benjamin Reilly, the new voting system will mitigate the effects of "vote splitting" as candidates will be able to aggregate their vote totals via secondary preferences. Jon Fraenkel²⁵ believes that there are lessons that the Fiji experience may provide for Papua New Guinea.

¹⁹ Clive Bean, "Australia's Experience with Alternative Vote," *Journal of Representative Democracy*, 34, (1997), p. 103.

²⁰ Ibid, p. 105

²¹ In optional preferential system, voters are required to cast a first preference vote only and as a result can avoid expressing preferences for candidates whom the voter dislikes.

²² Victor D' Hondt was a Belgian lawyer who devised a system that allocated seats to candidates based on party list proportional elections. This method has been adopted in Argentina, Austria, Belgium, Chile, Croatia, Finland, Japan, the Netherlands, Poland, Portugal, Scotland, Turkey and Wales.

²³ Andrew Clark (1848-1907) was the first public figure to advocate elections based on universal adult suffrage. He was greatly influenced by the work of Thomas Hare (1806-91) who implemented an electoral divisor rule of dividing the number of votes by the number of seats to establish a quota and distributing surplus at random.

²⁴ Benjamin Reilly, "Economic decline and political reform in Papua New Guinea," *Pacific Economic Bulletin*, 17, (2002), p. 138.

²⁵ Jon Fraenkel, "Electoral engineering in Papua New Guinea: Lessons from Fiji and elsewhere," *Pacific Economic Bulletin*, 19, (2004), p. 122.

Nauru also has adopted a modified form of alternative vote with an 18 member legislature elected for a three-year term from eight multi-member electoral districts.²⁶ The instructions on Nauruan ballot papers direct electors to mark preferences similar to preferential voting systems in Australia and Fiji. However, unlike any other electoral system, the first preference vote is given a value of a unit and every second preference is given a value of one-half and so forth. In any constituency returning two candidates, the candidates having the highest and next highest score are declared elected.

According to Fraenkel, in Fiji there was little evidence of Horowitz's anticipated moderation favoring changes to political conduct at either the 1999, 2001 and 2006 polls.²⁷ In Fiji's circumstances, a mixed member system of proportional representation (PR) or a list PR system of the type used in New Caledonia would make much more likely the formation of inter-ethnic coalitions and multiparty governments.²⁸

Benjamin Reilly seriously challenges Fraenkel's thesis that AV had largely failed in Fiji's and argues that problems are due to disproportionate influence of party elites in determining preferential deals via "ticket-balloting."²⁹ Under a ticket ballot arrangement, political parties in a coalition agree to a pre-election strategy on allocating preferences. This is a form of "preference engineering" that can be used effectively by parties in cases where a large number of voters place a tick next to the party symbol as opposed to individually numbering preferences.

²⁶ Benjamin Reilly, "Social Choice in the South Seas, Electoral Innovation and the Borda Count in the Pacific Island Countries," *International Political Science Review*, 23, (2002), p. 363.

²⁷ Jon Fraenkel, "The Perils of Majoritarianism in Fiji: The 2006 Polls in Perspective", Fiji Times, 20 May 2006.

²⁸ Jon Fraenkel, "Does the Alternative Vote Foster Moderation in Ethnically Divided Societies?: The Case of Fiji", *Comparative Political Studies*, 39, (2005), pp. 623-651.

²⁹ Benjamin Reilly, "The Global Spread of Preferential Voting: Australian Institutional Imperialism?" in *The Australian Journal of Political Science*, 39, (2004), pp. 264-65

The questions are then, has the electoral system in Fiji created further divisions and polarisation along racial lines contrary to the anticipation of the Constitution Review Commission? And how well alternative vote promotes minority interest in Fiji?

Minority representation is one of the thornier issues for participatory democracy. At its simplest, democracy is a system of majority rule. Yet if democracy is reduced to this single element it cannot survive. In practice, a functioning democracy must provide some institutionalised protections for minorities if it is to thrive. To recognise this, however, is to raise a series of questions: What role should minorities have in a democracy predicated on majority rule? Which minorities are at issue? How should their interests be incorporated in decision making? Most critically, how should the answers to these questions be institutionalised into the rules that structure the political system?³⁰

Fiji Context

Fiji's Constitutional review process started in September 1993 with the debate on the terms of reference, which was finally agreed to between the Soqosoqo ni Vakevulewa ni Taukei (SVT) and Indo-Fijian National Federation Party (NFP). During the debate, another political party representing a majority of Indo-Fijians, the Fiji Labour Party (FLP), objected to the terms of reference as "restrictive."

On 24 June 1994, Fiji's Prime Minister, Sitiveni Rabuka, moved a motion to set up a 20 member Joint Parliamentary Select Committee on Constitution Review (JPSC). A week earlier, Rabuka predicted a "bloody" third coup, which led to a short Indo-Fijian boycott of parliament.

³⁰Shaun Bowler, Todd Donovan, and David Brockington, *Electoral Reform and Minority Representation: Local Experiments with Alternative Elections* (Ohio: Ohio State University Press, 2003), p. 8.

The JPSC was based on representation by population. It was agreed that 55 per cent of the Committee would comprise of indigenous Fijians and General Voters while the other 45 per cent would comprise of Indo-Fijians. From the very beginning, the SVT representatives at the JPSC were calling for an indigenous Fijian to chair the Constitution Review Commission (CRC).

On 15 March 1995, the CRC was formally established through an executive warrant under Section 77(6) and Section 161 of the 1990 Constitution. The work of the CRC was governed by the broad terms of reference agreed in the parliament in September 1993.

Indo-Fijian viewpoint during constitution review

On 3 July 1995, National Federation Party parliamentarian, Azam Khalil, argued that the 1990 Constitution discriminated against Indo-Fijians. It favoured indigenous Fijians in areas of scholarship, training, business licenses and employment.³¹ A predominant Hindu religious organization, Shree Sanatan Dharam Pratinidhi Sabha of Fiji Sigatoka branch called for affirmative action to be available to all the people of Fiji regardless of race.

Indo-Fijian submissions to the Constitution Review Commission (CRC) were consistent in calling for a drastic overhaul of Fiji's racial and communal structures. The only notable exception was the Fiji Muslim League, which called for separate representation for Muslim Indo-Fijians. A political movement called Fiji Muslim Political Rights Movement (FMPRM) called for 10 communal seats in the House of Representatives and 4 seats in the Senate reserved for Muslims.³² The FMPRM argued that it was a persecuted minority, whose previous attempts at political recognition have been denied throughout Fiji's history.

³¹ The Daily Post, 4 July, 1995

³² The Daily Post, 13 September, 1995

The most authoritative position on the Indo-Fijian side came from the joint submission to the Constitution Review Commission by the Fiji Labour and National Federation Parties.³³ Both parties in its submission argued that the 1990 Constitution had effectively disenfranchised the Indo-Fijian community by pushing them towards a situation of permanent opposition. Moreover, the Constitution mandated wide scale and arbitrary discrimination and oppression. It made Indo-Fijians into a third-rate citizens whose interests were subordinated to indigenous Fijians.³⁴

The National Federation Party and the Fiji Labour Party recommended a consensual form of government based on the principles of consociational democracy. The recommendation was that if a political party won 20 per cent of the seats in parliament, it should be entitled to be represented in cabinet. The Indo-Fijian submission recommended 31 communal and 40 national seats. Out of the 31 communal seats, 14 seats each would be reserved for indigenous Fijians and Indo-Fijians, 2 seats for General Voters and 1 for the Island of Rotuma.

Fiji's constitution review

From the outset, Fiji's Constitution Review Commission sought to balance the often conflicting aspirations of Fiji's diverse ethnic communities. Moreover, the Commission had to make recommendations within the legal limitations imposed by the terms of reference.

The Commission recommended the following parliamentary structure for Fiji.

³³ The Submission of the National Federation Party and the Fiji Labour Party to the Constitutional Review Commission, *Towards Racial Harmony and National Unity*, August 1995

³⁴ *Ibid*, p. 35.

Communal seats

Indigenous Fijians	12
Indo-Fijians	10
General Voters	2
Rotuma	1
Total	25

Open Seats

The Commission recommended that 45 seats be contested entirely on common roll. In such a case, there would be 15 constituencies electing 3 members each and all those elected will need the support of all ethnic groups in Fiji.

With respect to electoral boundaries, the Commission emphasized that open seat constituencies should be as far as possible heterogeneous. However, the Commission did not elaborate on how this can be achieved, especially considering changing demographics in favour of indigenous Fijians. The most significant, of course, was the recommendation for a new electoral system based on alternative vote.³⁵

The Senate, which since independence had been an appointed body modeled along the British House of Lords, was to become an elected body. Senate reform was particularly interesting because it aimed to provide the President with constitutional powers to appoint 6 members from those groups that may be under represented in the parliament, with a particular emphasis on women and ethnic minorities. The Commission recommended that 14 indigenous Fijian provinces elect 28 Senators with Rotuma electing 1 and the President appointing 6.

Despite the bold gestures made by Fiji's Constitution Review Commission, Fiji was not ready to shed of its ethnic-communal skin. The Joint Parliamentary Select

³⁵ Fiji Constitution Review Commission, *Towards a United Future*, 1996, p. 325.

Committee on Constitution agreed to reverse the recommendations of the Commission by placing greater emphasis on communal voting and chose to retain an appointed Senate. After series of negotiations, a new constitutional framework was drawn up for Fiji along with a new Electoral Act.³⁶ As in Australia, Fiji has compulsory voting and qualified persons who fail to apply for registration commit an offence and are liable on conviction to a Fijian \$50.00 fine, but unlike Australia³⁷, compulsory voting in Fiji³⁸ has had mixed success.

The 1997 Fiji Constitution

The 1997 Constitution provides for 71 members to be elected to the House of Representatives, from 5 electoral rolls. 4 rolls consisting of voters registered respectively as Fijians, Indians, Rotuman and others, the 5th is an open roll of voters from all communities. Out of the 71 MPs, 23 are elected by voters on the Fijian roll, 19 by voters on the Indian roll, 1 by voters on the Rotuman roll and 3 by those voters who are registered as neither Fijian, Indian or Rotuman. The rest of the 25 members of parliament are elected by voters on the open or common roll.

Under the 1997 Constitution, there are 32 appointed Senators. 14 appointed by the Great Council of Chiefs (GCC), 9 appointed by the Prime Minister, 8 appointed by Leader of the Opposition and 1 appointed by Council of Rotuma.

The electoral system based on Alternative Vote established an “above the line” and “below the line” method whereby candidates has either a choice of placing a tick for a party, based on the party symbol at the top part of the ballot or in “below the line”, voters place the number “1” against the candidate of their choice, known as their "first preference, and then required to place the numbers “2”, “3” for second and third

³⁶ Fiji Electoral Act 1998

³⁷ Australia has one of the highest voter turnouts anywhere in the world, averaging 94.5 per cent from 1946 to 2004. See Gerard Newman, “Federal Election Results 1949 to 2004,” Research Brief No. 11, Parliamentary Library, Canberra, 7 March, 2005. <http://www.aph.gov.au/library/pubs/rb/2004-05/05rb11.htm>

³⁸ 152,245 eligible voters did not vote in 1999 elections and 194,817 did not vote in 2001 elections.

preferences against the other candidates listed on the ballot paper in order of preference. The counting of first preference votes takes place first and if no candidate secures an absolute majority of the votes, then the candidate with the least number of votes is "eliminated" from the count. The ballot papers of the eliminated candidate are examined and re-allocated amongst the remaining candidates according to the number "2", or "second preference" votes and the process is repeated for third and subsequent preferences until a candidate achieves 50 per cent plus one votes.

The first test for the new electoral system and the constitution in general was the 1999 general elections.

The 1999, 2001 and 2006 Fiji general elections

An advantage under preferential voting is that like-minded parties come together in some form of a pre-election agreement. While in European countries pre-election coalitions are based on ideological class-based parties³⁹, in Fiji, coalitions are made across ethnic lines. The National Federation Party formed a pre-election coalition with the largest indigenous Fijian party, the SVT. Similarly, the Fiji Labour Party formed coalitions with smaller indigenous Fijian parties and with regional-based parties like Party of National Unity (PANU).

One advantage of transferring ballots under the alternative vote is that it enables votes of several aligned candidates to accumulate so that diverse but related interests can be combined to win representation. Preference deals were made among the Fiji Labour Party, Fijian Association Party, Party of National Unity and the nationalist Veitokani ni Lewenivanua Vakarisito (VLV) whereas SVT, National Federation Party and the General Voters had their own pre election agreements.

³⁹ David Bell, *Parties and Democracy in France* (Hampshire: Ashgate Press, 2000)

Alternative Vote enables supporters of candidates who have little hope of being elected to influence via second and later preferences⁴⁰ the election of major candidate. For this reason, it is sometimes argued that alternative vote is the best system for dealing with politics in deeply divided societies as it can compel candidates to seek not only the votes of their own supporters but also the “second” and the “third” preferences of others. To attract these preferences, political candidates must make broad-based centrist appeals to all interests and not focus on narrower sectarian or extremist issues.

In Fiji, the pre-election coalitions in 1999 general elections had two effects. It consolidated the Indo-Fijian votes while fragmenting the indigenous Fijian ones. Disintegration of the indigenous votes was caused firstly by the formation of a number of indigenous parties, including VLV, which impacted on the SVT’s share of the indigenous votes. Moreover, VLV, entered into a surprise coalition with the Indo-Fijian dominated FLP.

In the 1999 elections, Fiji Labour Party was able to capture 72 per cent of open seats due to the preferences flow from its coalition partners. Nearly 36 seats or 51 per cent of the seats were decided on preference. In 1999, the population mix in a number of open seats favored indigenous Fijians over Indo-Fijians. In Tailevu, Cunningham, Ra, Serua and Bua open seats, the indigenous Fijian population outnumbered Indo-Fijians by a ratio 2:1. In Namosi, Kadvau and Cakodrouve, it was 5:1 whereas in Tailevu North, it was 10:1. In Nausori/Naitasiri, Nasinu/Rewa, Laucala, Samabula/Tamavua, Suva City, Tavua, Lautoka, Nadroga, Nadi, and Yasawa and Nawaka open constituencies, the two communities had roughly equal share of population.

The population matrix in a number of open constituencies invariably favours the indigenous Fijian parties while the Indo-Fijian parties have to rely on the support of its indigenous partners to reap the benefits of indigenous preferences. In 1999, the

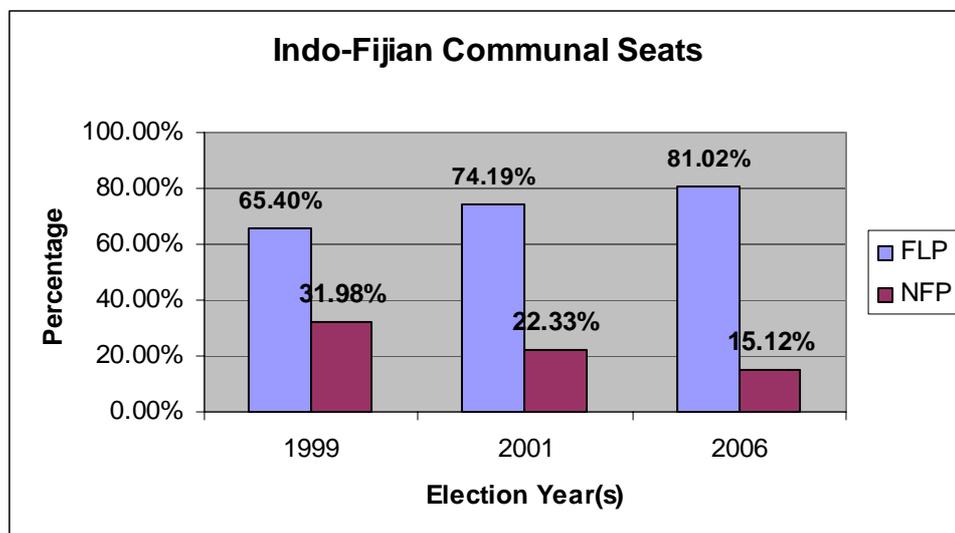
⁴⁰ David George Arms, *Evaluation of the Alternative Vote System* (Suva: University of the South Pacific, 1999)

majority of seats, some 91 per cent, was decided on “above the line” vote and this disproportionately favoured the larger parties notwithstanding SVT, which was punished by the indigenous Fijian majority on a number of issues, including the demise of the National Bank of Fiji in 1995 and the review of the 1990 Constitution. Fiji Labour Party’s share of total indigenous Fijian votes in 1999 general elections was a meager 1.8 per cent.

Donald Horowitz thesis⁴¹ of inter-group accommodation was largely defeated in Fiji as preference arrangements between the indigenous Fijian parties and the Fiji Labour Party coalition fragmented and to an extent compromised the collective indigenous Fijian viewpoint while rewarding preference engineering by Labour. As opposed to indigenous Fijian communal votes, on average nearly 65 per cent of Indo-Fijian communal votes went to Fiji Labour Party whereas the National Federation Party received 35 per cent. Voters’ behaviour in 1999 general elections indicated that the Indo-Fijians were generally suspicious of the leader of the SVT, Sitiveni Rabuka, and being in coalition with him indirectly impacted on the share of the National Federation Party’s Indo-Fijian votes.

⁴¹ Donald Horowitz, *A Democratic South Africa? Constitutional Engineering in a Divided Society* (Berkeley: University of California Press, 1991)

Comparison of Indo-Fijian Votes (%)



Among the Indo-Fijian voters in 2000, there was a growing sense of political disengagement following the hijacking of the Peoples Coalition Government by the George Speight group and this was reflected in low voter turnout in the 2001 general elections, despite the fact that the Fiji Labour Party increased its proportion of votes among Indo-Fijians who chose to vote at the polls. There was a net increase of 8.8 per cent for the Fiji Labour Party over the 1999 election result whereas the National Federation Party registered a net decline of 9.7 per cent. In 2006, the Fiji Labour Party further increased its share of Indo-Fijian votes compared with 2001 by 6.8 per cent with National Federation Party continuing to loose ground over 2001 with a decline in Indo-Fijian votes of 7.2 per cent.

The increase of Indo-Fijian support for the Fiji Labour Party can be attributed to the strong leadership of Mahendra Chaudhry, who continued to argue that Indo-Fijians' fight in Fiji was for the restoration of "dignity" that was taken away by the coups of 1987 and 2000. The National Federation Party on the other hand advocated moderate politics that was a hallmark of its leader Jai Ram Reddy, who resigned from the party following the coups of 2000. Since then the party has struggled to maintain stable leadership. University of South Pacific academic Biman Prasad was the leader of the

Federation Party for a short time in 2001 He was succeeded by Nadi lawyer Dorsami Naidu followed by Pramod Rae before the 2006 elections. However, Indo-Fijian voters were less than impressed with the National Federation Party. Many Indo-Fijians failed to decipher the Federation's election manifesto and saw its pre-election preference strategies in both 2001 and 2006 as undermining Indo-Fijian interest.

A study conducted on elections and democratic legitimacy revealed that being in the political majority translates into more positive attitudes towards government, while losers tend to exhibit significantly more negative attitudes towards the political system.⁴² As it is noted, indigenous Fijians expressed great dissatisfaction with the 1999 election result and indigenous nationalists viewed alternative vote as a "diaspora conspiracy" aimed at disenfranchising the indigenous majority. Morgan Tuimaleali'ifano argues that Indo-Fijian academics often underplay the centrality of indigenous struggles for political paramountcy⁴³ Steven Ratuva supports Morgan's argument indicating that indigenous Fijian nationalism is complex and plays a significant role in indigenous communal politics.⁴⁴

As a result of an overwhelming feeling of disenfranchisement, indigenous Fijians rallied behind the Soqosoqo ni Duavata ni Lewenivanua (SDL) party in 2001 and 2006 general elections and drastically altered the fortunes of the Fiji Labour Party. In 2001, there was a pervasive feeling of fear and anxiety among Indo-Fijians. According to Brij Lal, the relatively low voter turnout among Indo-Fijians in 2001-78.6% — and a surprisingly large number of informal votes indicated indifference and protest.⁴⁵

What 2001 and 2006 elections confirmed that communal parties, like the SDL, can effectively mobilize the indigenous majority in support of an ethnically exclusive

⁴² Christopher Anderson, Andre Blais, Shaun Bowler, Todd Donovan, and Ola Listhaug, *Loser's Consent: Elections and Democratic Legitimacy* (Oxford: Oxford University Press, 2005), p. 183.

⁴³ Morgan Tuimaleali'ifano, "Veqati Vaka Viti and the Fiji Islands Elections in 1999," *The Journal of Pacific History*, 35, (2000), p.253.

⁴⁴ Steven Ratuva, "The Fijian Power Struggle," *Fijilive*, 10 November 2000.

⁴⁵ Brij Lal, "In George Speight's Shadow: Fiji General Elections of 2001," *The Journal of Pacific History*, 37, (2002), p.1.

development policy and entirely ignore the aspirations of Indo-Fijian minority, thereby defeating the principles behind AV and preferential vote. Whilst the Fiji Labour Party engaged in “preference engineering”⁴⁶ in 1999, SDL in 2001 and 2006 engaged in its own variety of “communal based preference engineering”⁴⁷ and in both cases, multiethnic representational democracy, as envisaged by Fiji’s constitutional planners was defeated.

Seats won by parties in 2001 and 2006 general elections

In the 2001 general elections, the SDL won 78 per cent of communal seats and 52 per cent of open seats whereas the Fiji Labour Party swept all the Indo-Fijian communal seats and managed to win 36 per cent of the open seats. SDL’s coalition partner, Conservative Alliance Matanitu Vanua (CAMV), won 22 per cent of the indigenous Fijian communal seats. While the National Federation Party received 22 percent of Indo-Fijian communal votes, it did not win any seats, except for the seat in Nadi Open constituency made possible by preference flows from the SDL. However, the result was too close and on a legal challenge, the National Federation Party lost the seat to the Fiji Labour Party in September 2002.

In the 2001 general elections, the Conservative Alliance Matanitu Vanua (CAMV) and the SVT provided strong competition to the SDL in a number of communal seats. However, with the amalgamation of CAMV with SDL on 17 February 2006 and the disappearance of the SVT from the indigenous communal scene, the SDL increased its support among the indigenous Fijians from 54.9 per cent in 2001 to 80.3 per cent in 2006. The SDL increased its share of indigenous Fijian votes across the board with the highest swing recorded in Cakaudrove West Fijian seat, which was held by

⁴⁶ Preference engineering in 1999 entailed Fiji Labour Party led political parties placing SVT last on the preference list.

⁴⁷ Communal based preference engineering by SDL was a deliberate strategy to form an indigenous party bloc and to inform indigenous Fijians that a vote for a non-indigenous party would lead to political instability and more importantly the position of Prime Minister should be held by an indigenous Fijian only. In addition, the “blueprint on indigenous supremacy” was effectively used to argue that only an indigenous Fijian party can address indigenous socio-economic concerns.

CAMV candidate Ratu Rakuita Vakalalabure in 2001 general elections. Nationalist Vanua Tako Lavu Party and independent indigenous candidates failed to win any seats.

In 2006 elections, the SDL received 44.9 per cent of the total votes in open seats whereas FLP got 42.6 per cent. 9 of the 25 open seats were determined by preferences and two of these, Suva City and Laucala Open, were won by SDL with a margin less than 2 per cent.

Following the 2001 elections, the National Federation Party failed to capitalise on the preference deal with SDL and as a result sat in opposition, instead of having a seat at the cabinet. The scope and nature of the pre-election agreement⁴⁸ is essential for Indo-Fijian political parties, following an absence of Indo-Fijian viewpoint in government from 2001 to 2006. More importantly, historical evidence indicate that Indo-Fijians have been since independence grossly under-represented in Fiji cabinet. In 1972, the cabinet was 55 per cent indigenous Fijian and 9 per cent Indo-Fijian. Between 1987 and 1990, it was on average 83 per cent indigenous Fijian and only 6 per cent Indo-Fijian. Between 1990 and 1996, there were no Indo-Fijians in the cabinet. Even when an Indo-Fijian became prime minister in 1999, two thirds of cabinet members were indigenous Fijians⁴⁹. For Indo-Fijian political parties, pre-election agreements with indigenous counterparts have to be strategic in nature to ensure that in post-election coalition government, they have meaningful representation in cabinet.

Strategies for Indo-Fijians

Indo-Fijian parties like the National Federation Party and the Fiji Labour Party have to develop policies that include or accommodate indigenous nationalist viewpoint.

⁴⁸ Tim Bale, Jonathan Boston, and Stephen Church, "Natural Because it had become just that. Path Dependence in Pre-electoral Pacts and Government Formation: A New Zealand Case Study," *Australian Journal of Political Science*, 40, (2005), pp.483-84.

⁴⁹ Yusuf Bangura, *Ethnicity, Inequality and the Public Sector: A Comparative Study* United Nations Research Institute for Social Development (UNRISD), 2005, p. 23.

Fiji's electoral system is designed to accommodate centrist party policies and parties with such policies can come together in a governing coalition. However, evidence from the 1999 elections shows that parties with nationalist agenda can be co-opted within Fiji multiparty executive framework with the coalition between VLV and the Fiji Labour Party. Horowitz called this a decidedly accommodative direction.⁵⁰ Come 2001 and 2006 elections, the SDL with an exclusive indigenous communal agenda won a majority of seats. These developments seriously challenge the rationale behind AV - that Fiji's electoral system by its very design is aimed at encouraging "moderate" parties. 1999, 2001 and 2006 elections have shown that large communal parties with exclusive ethnic appeal formed governments in Fiji. These election results, to some extent, were largely crystallized by the constitutional provision for a preponderance of communal seats over national ones.

For minorities, like Indo-Fijians, pre-election preference deals with larger indigenous parties backed with a formal inter-party or multi-party pre-election agreement can see smaller Indo-Fijian parties like the National Federation Party included in cabinet and senate as part of the indigenous Fijian-led majority government. With the same breath, the Fiji Labour Party needs to find ways to accommodate indigenous nationalist views so that it is easier for an indigenous party winning most seats to accept participation in cabinet of FLP under the provisions of Section 99⁵¹ of the 1997 Constitution. Executive power sharing is not only exclusive to Fiji, but the nation of Suriname also has dealings among ethnically based parties since independence in 1975. To a large degree, the absence of marked ethnic conflict is due to Suriname's tradition of consensus-oriented, multi-ethnic political coalitions.⁵² Constitutional reform in Guyana⁵³ has also led to limited power sharing, where multiparty joint committees are established to find common ground and make policy recommendation.

⁵⁰ Donald Horowitz, "the alternative vote and the interethnic moderation: A reply to Fraenkel and Grofman," *Public Choice*, 121, (2004), p.513

⁵¹ Victor Lal, "A Multi-Party Cabinet In Fiji: Warning Bells From South Africa: A Constitutional Equivalent of Shotgun Marriage Is Not Workable", typescript, 2005, pp.1-27.

⁵² Dougal Martin, "Governance in Suriname," Regional Operations Department 3, Country Division 6, April 2006, p. 10.

⁵³ Guyana electoral reform was completed in 2001 with the adoption of Largest Remainder Hare Quota System of proportional representation. Under this system, A single vote is cast by each voter; and a

Following the 2006 general elections, Fiji's Prime Minister, Laisenia Qarase, demonstrated better national leadership and offered the Fiji Labour Party significant cabinet portfolios in Agriculture, Energy, Environment, Local Government, Commerce, Health and Mineral Resources. After initially protesting the offer, Labour leader, Mahendra Chaudhry accepted the Prime Minister's invitation to join the multiparty Cabinet.⁵⁴ However, differences between the SDL and the Fiji Labour Party remain despite efforts by the Fiji Labour Party to address indigenous issues in its 2006 election manifesto.

Policy positions are an important measure of polarization in Fiji because they determine the parties' ideological distance from each other and from the political centre⁵⁵. If the political parties in Fiji do not re-adjust and re-align the communal centric party policies, then Fiji's elections will continue to produce disproportionate results in favour of the communally focused parties- be it indigenous Fijian or Indo-Fijian. Such results will continue to have devastating effect on race relations, despite mandatory constitutional power sharing requirements in the 1997 Constitution.

Besides changes to party policy, Fiji may wish to explore proportional representation as proposed by Fraenkel or Mixed member systems used in New Zealand, Italy and Germany. In these countries, there is a mixture of plurality and list methods. Part of the parliament is elected through single member electorates and the remainder is chosen from closed party lists, so as to ensure that a party's proportion of the national vote is matched in the national parliament.

vote for a Party's Geographical Constituency List is simultaneously a vote for that Party's National Top-up List. Accordingly, if a Party choose not to contest in a Geographical Constituency, it could not receive any votes from electors in that Geographical Constituency that would count towards its level of national support. http://www.sdn.org.gy/elections/elections_in_guyana.html. Guyana's population make up according to 2002 statistics is as follows: Indo-Guyanese (43.5%) of the population, Afro Guyanese (30.2%), Mixed race (16.7%) and Ameri-Indians (9.2%). Also see Ralph Premdas, *Ethnicity and Development: The Case of Guyana* (London: Avebury Press, 1995)

⁵⁴ Fijilive, 19 May, 2006.

⁵⁵ Paolo Morisi, "The Northern Island Peace Process and the Nationalist Political Parties: A shift Towards Consociational Democracy," *Peace, Conflict and Development*, 8, (2006), p.4.

As the Indo-Fijian population declines⁵⁶, the debate on the Indo-Fijian minority rights within the overall electoral framework of preferential voting will intensify. This will put pressure on the Indo-Fijian leaders to move away from communal voting strategies of the past to one that effectively integrates⁵⁷ the indigenous nationalist policies and principles with those of the Indo-Fijians. Such a move will de-ethnicise Fiji politics and compel other communally rigid parties, mostly indigenous Fijians, to follow suit because they risk political marginalization by continuing to ride the race-communal bandwagon.

Previous hostile takeovers of elected governments in 1987 and 2000 by indigenous nationalists have compromised race relations in Fiji. However, from such adversity, there are opportunities for the Indo-Fijian political parties to become strategically focused with respect to protecting and promoting minority rights in Fiji without alienating or antagonizing the indigenous majority. Integrating indigenous issues with those of Indo-Fijians will require engaging the indigenous and Indo-Fijian grassroots and building the party policy from ground up. It is only through such an integrative strategic policy approach the Indo-Fijian parties can successfully protect minority interest via a majoritarian preferential system.

In conclusion, political theory has so far focused on multi-party coalitions as a means of addressing “inclusive” politics in plural societies. However, for Fiji, coalitions remain primarily communally focused and, as a result, past multiparty arrangements quickly came under competitive inter-communal pressure. In 1999, the Peoples’ Coalition Government became undone as coalition partners publicly started criticising government policy. Party policy of each coalition member in a multi party coalition plays a dynamic role in overall public policy formulation and advice. Conflicting and sometimes opposing party policies within a coalition compromises effective policy making and governance. The most appropriate way, therefore, for managing inter-communal and multiethnic aspirations within a plural society is for the political

⁵⁶ Indo-Fijian population stood at 38% in 2006. This will decline to 34% by 2010.

⁵⁷ Sven Gunnar Simonsen, “Addressing Ethnic Divisions in Post-Conflict Institution Building,” *Security Dialogue*, 36, (2005), pp. 297-318.

parties to develop policies that as far as possible “accommodate” the aspirations of the diverse community. In Fiji’s case, the Indo-Fijian parties need to “accommodate” the indigenous nationalist views within its party policy structure and the indigenous Fijian nationalist parties should follow suit. Such an integrative strategic party policy in divided society will promote efficient political management of diverse interests within multiracial democracy.

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