TOWARDS REPLACING THE ALTERNATIVE VOTE IN FIJI WITH PROPORTIONAL REPRESENTATION

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Introduction

The Reeves Commission, in its historic 1996 report Towards a United Future, believed that introducing the Alternative Vote (AV) system into Fiji would promote multi-ethnic government and help unite Fiji’s peoples. Indeed, multi-ethnic government was the Reeves Commission’s primary criterion for choice of an electoral system. They did consider other electoral systems, including forms of Proportional Representation (PR), but put forward arguments why they felt AV (which is a preferential voting system, but not a proportional one) would be preferable in Fiji’s circumstances.

Fiji’s experience since then has been anything but “united”. While it would be naïve to attribute this entirely to the newly adopted AV electoral system, it would be equally naïve to claim that AV had nothing to do with it. AV was supposed to promote multi-ethnic government. In point of fact, it did nothing of the sort in either of the national elections (1999 and 2001) which have so far used it. AV has in fact moved Fiji in the opposite direction.

The reasoning of the Reeves Commission was wrong in a number of key respects, as we shall see in more detail below. Experience has shown that AV can quite easily work against multi-ethnic government rather than for it, and provide a highly unrepresentative (so-called) House of Representatives as well. It makes no sense to argue for a continuation of AV in the hope that it will do better next time. Indeed it might. But it also might not. There is urgent need to shift away from such an erratic system that has already caused much damage, to one that is more consistent and benign. The logical claimant to replace AV, even by the Reeves Commission’s own reasoning, is a PR electoral system.

The Argument for Retaining AV

Nevertheless, the preceding paper by Robert Stockwell in this volume does in fact argue that AV should be retained. There are two elements of this paper I should address immediately. Firstly, we read sentences (with emphasis added) such as “Up to this point, the way AV has operated in Fiji has not provided a proper test of its potential benefits” and “It is one thing to say AV is subject to abuse; it is quite another to say despite its potential for promoting moderation, it should be replaced”. Towards the end of the paper, we read “A strong case can be made that AV has unique advantages in the promotion of accommodation”. Perhaps the case “can be made” for AV, but the paper does not in fact make it. Simply referring, as the author does, to the “the potential benefits” or “the potential for promoting moderation” of AV, is presuming on these effects, not proving or providing support for their existence.

The theoretical basis behind AV is in fact seriously flawed as we shall see in more detail below. In addition, as Sisk (1996:62) points out, “there is insufficient empirical evidence” supporting the theoretical claims that are made for AV. There are no other countries with an ethnic cleavage broadly comparable to Fiji’s which have used the AV system. The only real case is Fiji itself, which was unfortunately used in effect as some sort of experiment. The results in Fiji provide clear counter-evidence to the theory.

Reilly (2001:68-80,89-94) claims some success for AV in Papua New Guinea (PNG). However, the extreme fragmentation of the electorate there represents a far different type of cleavage from that in Fiji. AV was in fact discontinued in PNG, at least partially because of its lack of simplicity (see below). It has now been reintroduced there. Hopefully AV will contribute to solving some of PNG’s electoral problems, but that still remains to be seen.

It has also been alleged that AV did help inter-ethnic relations in the Fiji elections of 1999 (Reilly 2001:106). If it in fact did so, this was only in the lead-up to the polls, not at all when the results were released. Even in the lead-up, the moderating effect of AV should not be exaggerated. It was slight at most. We must remember that good ethnic relations had already been established through the negotiation process and ultimate agreement on the 1997 Constitution. Furthermore, a multi-ethnic coalition was not at all a new thing. The 1987 elections were won by such a coalition, and there had been other such groupings in the intervening period.

Although good inter-ethnic (or for that matter intra-ethnic) relations can be furthered by parties’ and candidates’ negotiating on preferences, it must be borne in mind that the
opposite can also take place. We have a two-way street here. Relations can be very much soured when good preferences are not given. In 1999 and 2001 there was often bitterness or outright fury when a number of parties ganged up on another party or parties, always putting them at the bottom of their preference lists; also when an agreed preference swapping arrangement was reneged on. While removing the ‘above-the-line’ ticket option (see below) would help here, the theory claimed that AV was supposed to provide the parties with incentives to be moderate (e.g., Horowitz 1997:22-24,29-31). This was a major miscalculation. Calling the ticket voting agreements made by party leaders “political expediency” (Lal 1999:20) or “bizarre” (Reilly 2001:111) is in fact an indictment of the theory. There were other built-in incentives the theorists had overlooked.

The second point to be commented on regarding Stockwell’s paper is the fact that the author quotes Taagepera (2002:259) to justify retaining AV, “An electoral system consists of rules and skills in using these rules. If the rules are continuously altered, no stable electoral system can emerge”. Firstly, it should be noted that Stockwell himself advocates changing some of the rules, which is contrary to Taagepera’s advice. My recommendation is simply to change more of them (one possibility being to change AV into STV — see below). In quoting Taagepera, Stockwell would do well to take good note of the two sentences following the above quote: “Of course, no advice is absolute. There may be disastrous sets of rules to be given up in a hurry”.

The words “Of course” here indicate that Taagepera presumes action will be taken when things have become “disastrous”. Just how much more disastrous do we need things to be? The AV system in 1999 gave Fiji a parliament divided on ethnic grounds, with all Indo-Fijian MPs except one being in just the one party, all others having lost. Instead of providing the multi-ethnic balance that was touted, it did the opposite (which clearly PR would not have done). This in turn re-awakened the ethnic fears of domination etc. which had with considerable effort been laid aside during the rapprochement of 1995 to 1998.

So in 2001 Fiji went to the polls again, and the AV system, which was supposed to provide moderation on inter-ethnic issues, did exactly the opposite when moderation was most needed. Again all the Indo-Fijians except one were in just one party and out of government. Only this time matters were worse. The ‘moderates’, whom AV is supposed to promote, were reduced to a handful (five), even though there was clearly a good level of voter support for them. As if these results were not enough, there was the 2000 coup between the two elections – all quite enough to qualify as “disastrous”, one would think.

In bad situations such as this, Taagepera sees the need to change “in a hurry”. After the elections of 1999, I made such a plea myself. I quipped that, having just emerged from the shark tank of AV and had a leg bitten off, some people want Fiji to go straight back into the shark tank. Well, in Fiji went again in 2001, and, sure enough, lost another leg. It is as well that Fiji is referred to as a three-legged stool! Unfortunately, however, the third leg is likely to succumb too. There remain only two years at most before the next election is due. It is doubtful whether in the contentious atmosphere AV has created, there is enough willingness or time to have the necessary discussions, make the desirable decisions and pass the enabling legislation for a new (PR) electoral system to take over. While a further AV election may not be as bad as the last, this is mainly because it could hardly get much worse! Indeed it could only do so by making the two major parties even more diametrically opposed than at present, by wiping out even the few moderates who remain, or by not even electing a sole Indo-Fijian (which there is now) to be on the other side of the House from the rest.

While strongly opposed to Stockwell’s view that “AV should be retained”, I do agree with him and other commentators on some specific drawbacks in the way the AV system was used in Fiji. These made the overall effects of the system even worse than they might have been.

**Simplicity**

In national elections, adults of all ages, with widely different levels of education and from diverse walks of life, are expected to participate. Indeed in Fiji, with its new compulsory voting regulations, they have to. It is very questionable whether such compulsory voting is a desirable thing. There was no clamour for such prior to or during the Reeves’ Commission’s work. As in its decision to adopt AV itself, the Commission seems to have turned unduly to Australian practice.

In any event, to cater adequately for such a variegated group of voters, it is highly desirable to keep the voting system simple – simple in its rules so that people know how their
votes will be interpreted, and simple in its procedures so that their votes will not be void for some reason.

Fiji’s AV system can be justly lambasted on this score. It is anything but simple in either respect. Each voter belongs to two different constituencies whose boundaries are sometimes not at all natural. One of these constituencies is ‘communal’ (that is, defined according to ethnic group – Fijian, Indian, Rotuman, or General) and the other is ‘open’ (that is, all ethnic groups together). The voters therefore have two ballot papers to fill in, with all the registration, checking for authenticity, etc. that this entails. Each of these two ballot papers is divided into two parts, only one of which they are supposed to use. The way of filling in these two parts is quite different: either one tick ‘above-the-line’ (what is known as the ‘ticket option’) or a series of numbers ‘below-the-line’.

Is it any wonder then there was a huge number of invalid votes in both the 1999 and 2001 elections? The figures are 8.7% in 1999, and a whopping 11.89% in 2001 – the increase in 2001 being due to a stricter interpretation of the voting rules. But both figures are too high. It is clearly unjust to deprive such a high percentage of voters of their vote. The inclusion of these people’s views can have a decisive effect on some constituency outcomes (as was clearly demonstrated in Fiji by a court decision which admitted certain votes that had been deemed invalid, thus overturning the Nadi Indian Communal constituency result).

By far the most frequent cause for votes being declared invalid was the tendency of voters to put a tick ‘below-the-line’ instead of ‘above-the-line’. Clearly the format of the ballot paper and the similarity of the ‘below-the-line’ portion of it to the ballot paper of Fiji’s previous First-Past-the-Post (FPP) electoral system (where only ticks were employed) led many people astray.

Amazingly, simplicity for the voters does not seem to have been seriously taken into account when the current form of AV was proposed. It must be a key element in electoral reform.

Legitimacy in Eliciting Votes (the ‘Ticket Option’)

To describe a voting system as ‘legitimate’ is to assert that it does faithfully elicit and then interpret the voters’ wishes. We will look at the ‘interpreting’ element further below. What we will look at here is whether voters are really conveying their wishes accurately through the system.

For the AV system in Fiji, this is in very grave doubt. The vast majority of voters (about 95%) use the ‘above-the-line’ portion of their ballot papers. Each party had registered its list of preferences with the Elections Office. By choosing the ‘ticket option’, that is, by ticking their party’s box ‘above-the-line’, the voters accepted their party’s registered list of preferences. But did the voters actually understand how the list of preferences worked? Did they know what their chosen party’s list was – that is, did they know the order their party had listed the candidates in? Did they really intend to accept that order when ticking ‘above-the-line’?

The answer to these three questions must be a resounding “No!” in many cases. In relation to the first question, there is still a high level of ignorance among the populace as to how votes are transferred from one candidate to another. This was very clear in educational seminars held on the voting system before both elections, and the problem persists.

In relation to the second and third questions, the vast majority of voters did not know what the order of candidates was on their party’s list. The information was not easy to come by. It was only published once in the newspapers in large electoral supplements that were daunting even to the highly educated reader. The parties on the whole did not help in this. They obviously preferred that voters support them holus-bolus, so simply urged them to tick ‘above-the-line’ without explaining to them what their list was, much less why it took the shape it did.

One can’t blame the parties for this. It is only to be expected that they will use whatever legitimate means they can within the system to advance their chances. It is the ‘above-the-line’ aspect of the system itself that is at fault. The Reeves Commission was quite inconsistent in advocating this form of ballot paper. The purpose of having a preferential system was to encourage voters to consider the various options available to them, even looking beyond candidates of their own ethnic group. Why interfere with this positive feature of the system by tempting the vast majority of voters to surrender their right of choice to the parties?
That voters ticked their party ‘above-the-line’ certainly meant that they wanted their party to be their first choice. But since in so many cases they did not know the rest of the preferences, it must be concluded that votes used for such further preferences were scarcely votes of the voters at all. They were votes of the parties. True, these voters could have voted ‘below-the-line’ instead, but the voting rules made this unfairly onerous. If they did not fill out 75% of the possible numbers ‘below-the-line’ or made some other numbering mistake, their vote would be invalid. Ticking was so much easier.

The legitimacy of the AV system as concretely conducted in both elections can be seriously questioned. Many voters had their votes transferred to other candidates in a way they did not know about and certainly did not intend.

One solution to the simplicity question and also to the legitimacy question in the aspect treated above, is to discard the ‘ticket option’. A basic AV ballot paper should be used where there are not two portions to the paper at all, only a ‘below-the-line’ section. Nor should there be any compulsion to put numbers beside the names of 75% of the candidates. By having the ballot paper filled out in just one way, and making that way as straightforward as possible (no more than the figure one (1) or its equivalent being required), the AV ballot paper would become user-friendly and, even more importantly, convey the voters’ wishes more accurately and meaningfully.

However, there are other features of AV which demand, not just a modification of the rules, but a basic change of electoral system.

Legitimacy in Interpreting Votes (the ‘Will of the People’)

The whole purpose of holding elections is to allow the people to elect the candidates they want into the House of Representatives where a government will be formed. Article 21/3 of the Universal Declaration of Human Rights says:

"The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

But how do we measure this “will of the people”? People cast their votes, but since they have various different opinions, how do we come to a conclusion as to what their “will” is? In practice, this is determined according to the rules of the voting system in force.

To see what this means concretely, let’s look at the following two tables which I compiled at the time from the results of the last two Fiji elections (1999 & 2001). The abbreviated names of the various parties are given along the top of each table (the full names of most of these parties do not concern us in this paper, but are given in the appendix of the preceding paper). Underneath are, firstly the seat allotments (out of the total of 71) each party received under the Alternative Vote (AV) system, secondly what they might have received had the First-Past-the-Post (FPP) system been used, and thirdly what they might have received had a Proportional Representation (PR) system been used.

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<th>1999</th>
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The seat numbers under FPP and PR are deduced from the first preferences of all valid votes cast. Clearly, the seat numbers for these two systems are only conjectural, because, had either system been used, campaigns would have been waged differently and some voters too would have voted differently. Even so, there is no evidence to suggest that the seat-holdings in such a case would be widely different from those conjectured here.

However, the main point here is the staggering fact that these very different results are all based on exactly the same votes. In theory, we say that the people express their will by voting. But in practice, their will is interpreted – and sometimes, it would appear, seriously distorted - by the voting system used to count them.
Surely the priority in considering voting systems should be what is fair to the voters – what system most accurately tells us what they want (their "will"). If 40% support this party, 35% that party, and 25% another party, surely those are the approximate percentages of parliamentary seats each of those parties should respectively get – if, that is, we take seriously the above UN Declaration's concern for equal suffrage. And that, of course, is precisely what PR does.

It is, of course, axiomatic that there is no ‘best’ electoral system. Defects can be found in any system. But it does not at all follow that there are no ‘better’ or ‘worse’ systems. Not enough emphasis has been put on the dimension of trying to determine scientifically which systems yield results which correspond most closely to what can reasonably be called the "will of the people". It is as if there were a palette of various electoral systems, from which we might choose any single one that we please. This is convenient for political scientists and electoral engineers, but it does scant justice to the views of the public, which these systems are supposed to measure. The proportionality factor is not the only one to be considered, but it is an extremely important one.

There can be a very serious perversion of the people's wishes by the AV and the FPP systems. Even a cursory consideration of the figures of the above tables confirms this. AV and FPP leave too much up to the vagaries of individual constituencies. PR looks at the national mood as a whole.

An argument sometimes made is that AV and FPP tend to provide clear majorities and stable government, as against PR which too easily leads to political fragmentation and unstable government. This argument does not stand up to scrutiny. There are many countries in the world with stable governments under PR, just as there are unstable governments under the other systems. Fiji is a prime example of the latter. Having a coup when a particular group loses power, first by FPP, then by AV, does not at all support the idea that these systems provide stability. Their winner-takes-all nature generates resentment and fears of ethnic domination by the losing group, thereby provoking political unrest.

Likely Scenarios if PR had been Used

On the other hand, when we consider the political situation in Fiji after the elections of 1999 and 2001, it is clear that PR would have provided the country with a much healthier, not to mention fairer, situation. How absolutely absurd and disastrous it was that in spite of its good level of support (almost a third of the Indo-Fijian communal votes in 1999, and almost a quarter in 2001), the NFP (National Federation Party) got no representatives in either election.

Under PR in 1999, it is questionable whether Mahendra Chaudhry, the controversial leader of the FLP (Fiji Labour Party), would have led the government. Since the FLP won an absolute majority of seats, he could and did take the leadership without consulting his coalition partners. PR would have brought about more consultation on this highly sensitive issue. Either someone else (probably an indigenous Fijian) would have led the government, or at least Chaudhry would have done so with some sort of Fijian support from outside his party. This might still not have prevented a coup. After all, Timoci Bavadra was a Fijian leader, yet he was ousted by a coup in 1987. However, other considerations would indicate otherwise.

Under PR in 1999, the FLP would have had to enter into more substantial dialogue, not only with its coalition partners, but with some other group as well (e.g. the VLV) in order to form a government, since the “People’s Coalition”, as it was called, would by itself have held only 35 seats (FLP 24, FAP 8, PANU 3). The FLP would still have been by far the largest party, but having too many seats (compared to its support base) contributed not too indirectly to the 2000 coup.

The above FLP-led coalition had a total of 336,868 first preferences as against the 255,690 held by the other coalition led by the SVT (Soqosoqo Vakavulewa ni Taukei). With this much respective support round the country, does it make any sense that the FLP’s coalition won 52 seats (FLP 37, FAP 11, PANU 4) while the SVT’s coalition won only 10 (SVT 8, NFP 0, UGP 2)?

If this latter coalition of parties had been given anything like the share of seats postulated in the above tables for PR, it is highly unlikely that a coup would have taken place. The extra 16 or so seats they would have had, would have made them a force to be reckoned with in parliament, (remembering of course that the other coalition would have been weakened by an equivalent 16 or so seats). Although losing the election, the leaders of the
SVT and NFP parties, Rabuka and Reddy, would have retained respectability rather than been disgraced. They could have become a qualitatively good and powerful multi-ethnic opposition, though it is much more likely that they would have entered a multi-party cabinet with the winning coalition (as provided for in the Constitution). PR would thus have brought about precisely the multi-ethnic government the Reeves Commission craved.

But as it was, the FLP held massive power to implement its policies on the one hand, while many chiefs, ex-MPs and the business classes were reduced to virtual powerlessness on the other. Is it not some of these people against whom allegations have been leveled and court cases lodged for complicity in the 2000 coup? The flame of inter-ethnic strife did not ignite by spontaneous combustion. It was deliberately lit and fanned into flame by opportunists and by some of those who had lost much and could yet lose much more. It is all very well for Stockwell to claim “there are crucial unresolved issues in Fijian politics, including a lack of commitment to democracy”, but we must remember that this “democracy” had, by the AV electoral system, provided results that were unjust to the point of absurdity.

As mentioned earlier, the ethnic issue had been basically resolved before the 1999 elections by the accommodation that had been agreed to in relation to the 1997 Constitution. The electoral campaign was fought mostly on other issues, not ethnic ones. But the savagely distorted results provided by AV undid all this good work, and positively moved the ethnic issue back on to centre stage – the opposite of what it was supposed to do.

In the elections of 2001 we really did have an election fought on the ethnic issue – the very thing AV was supposed to handle well. But it failed egregiously once again! The electoral anomalies in 2001 were just as bad as those of 1999. The SDL (Soqosoqo Duavata ni Lewenivanua) with 160,227 first preferences got 32 seats, and the FLP with 218,728 first preferences got only 28. On the other hand, there were a total of 135,432 first preferences for parties which by AV did not get a single seat. Most of these votes were redirected to artificially inflate the holdings of the SDL and FLP, reducing the ‘middle ground’ to almost nothing. How odd it was too that the SVT got no seats at all in 2001 even though it had 20,560 first preferences, whereas the NLUP with only 17,099 got two seats and the UGP with only 3261 got one!

In a preferential system of course, lower preferences are expected to affect the overall result. Not everything depends on first preferences. Nevertheless, a consideration of the actual composition of the House of Representatives that the AV system provided, a detailed study of the election results, and experience of how the electorate perceived the situation, all indicate that AV came up twice with the wrong answer. What it provided on both occasions cannot be reasonably interpreted as the “will of the people”, even if one accepts that the ‘correct’ party led the government.

**Multi-Ethnic Government**

In making its electoral recommendations, the Reeves Commission drew up a list of ten criteria. These were based closely on the ten criteria drawn up by the Royal Commission on the Electoral Commission in New Zealand ten years earlier. The main difference was that the Reeves Commission made “multi-ethnic government” its primary criterion whereas the closest corresponding criterion in New Zealand (effective Maori representation) was in third place. This prioritization led the Commission astray in a number of respects.

Firstly, the “will of the people” is more important even than a highly desirable objective like multi-ethnic government. If one is promoting democracy, one must respect the people’s views even if one disagrees with them. Even the New Zealand Royal Commission can be criticized on this point, as their first criterion was “Fairness between political parties”, which, though closely related to the basic issue of fairness to the people, gives an unhealthy emphasis to parties.

Secondly, multi-ethnic government is not synonymous with multi-ethnic parties. The Reeves Commission was prepared to be quite unfair to ethnically based parties (for detailed discussion with references, see Arms 1997a:114, 118 & 120). This, obviously, is wrong. All shades of opinion should be fairly treated by the electoral system. If there is some ideology which is unacceptable, then let it be banned by law. But it is not right to skew an electoral system in favour of certain views which the electoral planners consider politically desirable. It is not their prerogative to make those decisions, but the people’s. The Commission believed that multi-ethnic parties were the key to multi-ethnic government. But a multi-ethnic government can also be put together from a coalition of ethnically based parties. Multi-ethnic parties are not the only answer.
While Fiji’s experience has shown that AV can actually work against multi-ethnic government, this was also clear from theoretical considerations even before AV was adopted. Yet a blind eye was turned to these arguments because of unsupported preconceptions of the superiority of AV for a divided society such as Fiji.

The Reeves Commission believed AV would promote moderation. But it is totally simplistic to regard ‘moderation’ as desirable and ‘extremism’ as to be avoided, even though English does appear to give a positive and a negative spin respectively to these two terms. A political viewpoint is not good, bad, or indifferent according to whether it is left, right or centre, but according to whether or not it is well-principled and beneficial to society. History is full of cases where views that were considered ‘extreme’ (the right of women to vote, for example) were ultimately accepted as desirable and won the day.

The particular ‘moderation’ the Reeves Commission was thinking about, was of course ethnic moderation. They commendably wanted to promote harmony between Fiji's ethnic groups. A voting system, however, cannot make distinctions of this kind. If a voting system is promoting moderation, then it is promoting moderation in all sorts of other fields as well as ethnic ones.

This problem is well illustrated by the way vote-pooling operated in the last two elections. The Commission presumed that only parties of similar persuasion would pool votes. Multi-ethnic parties, they thought, were likely to profit from this, as they would attract votes from both major ethnic groups whereas ethnic parties would not. But experience has shown clearly that vote-pooling is governed by a lot more than ethnic considerations. In constructing their registered list of preferences, parties and individual candidates often gave high preferences to most unlikely bedfellows because of a perceived personal, local or other advantage to be gained. So often, good preferences were ‘thrown away’ on non-viable or even strongly opposed candidates in order to disadvantage as much as possible some ‘good’ candidate who was considered to be the greatest threat to the party or candidate concerned.

In any event, the idea that AV promotes moderation is fallacious. The most serious problem with AV is not that it tends to promote moderation, but that it tends to exaggerate the majority whatever that majority may believe. A clear example of this in Fiji has been in the Indo-Fijian communal constituencies where AV has functioned like FPP. Because the FLP has held a majority in all 19 of these constituencies, it has won all 19 seats even though the other major party, the NFP, as mentioned earlier, received very important support in them.

But the same type of thing occurs even where there are three (or more) seriously contending parties. Let’s suppose there is an ethnic party A at one political extreme that holds 33% of the vote in a constituency, another ethnic party C at the other extreme that holds 30%, and a multi-ethnic party B (a ‘moderate’ party) that holds 37%. The probability is high that, as C is eliminated by AV, most of C’s votes will go to B, giving that ‘moderate’ party victory. If the above ratio is fairly constant from constituency to constituency, we have the ethnic party C winning, and ‘moderation’ suffers a severe defeat. Even if C’s votes go unevenly between A and B in the various constituencies, B and its ‘moderation’ come out at the bottom!

Where is the advantage for moderation here? It is indeed non-existent, and the argument promoting AV for this purpose is completely false. AV indeed promotes moderation when moderation is already in the ascendancy. It promotes the very opposite when it is not. For advocates of moderation, this is hardly a desirable outcome. When moderation is most necessary, AV works against it; when it is considerably less so, only then does AV promote it!

PR, on the other hand, gives each opinion its fair proportion according to the support it gets, ethnically ‘extreme’ or ‘moderate’ as the case may be. If in the above example the moderate party B holds 37%, that is the amount of representation it will get. But in parliament, this percentage will be very significant. When it comes to passing legislation, parties A and C are more likely to support the policies of B than they are each other’s policies. True, they could gang up on some issues, but on many others there will be enough support from A or C, or from both, to pass the legislation. It is surely only fair enough that B would not get a clean sweep on everything. Nevertheless it will do well.
And what happens in the other example where B is the minority party holding only 30% of the vote? Under PR, although it is the minority party, B has sufficient representation to make a big difference. Party A with 33% and party C with 37% cannot pass legislation on their own. Either party is more likely to gain some support from B than from each other, but such support would only come after dialogue and the moderating influence of B. It is well to point out here that the above arguments are not “being wise after the event”. They were made before AV was used in Fiji (Arms 1997b:8), and expanded further in Arms 1999b:18. For more detailed arguments against AV on this whole question, see Fraenkel & Grofman, forthcoming.

Desirability of PR

What is clear from the above is that AV has not in practice produced the multi-ethnic government which was the principal criterion behind its adoption. What’s more, it cannot be expected to do so with any degree of reliability, because the theoretical backing for AV in this regard is seriously flawed.

Substantial reforms to Fiji’s electoral system would greatly ameliorate its political scene. Though a return to FPP or several modifications to the present AV system are possible, they do not go at all far enough in solving Fiji’s representational problems. From what has been said above, it is clear that PR would be a great improvement in this regard. It would further the “will of the people” criterion, which should be the first of all. It would also handle more fairly and reasonably the multi-ethnic government criterion of the Reeves Commission (as well as most of their other criteria which we cannot cover in detail here – see Arms 1997a).

PR too is a type of voting system being used increasingly in the world’s democracies. Indeed there are many electoral experts who specifically recommend it for situations of inter-ethnic tension such as that experienced in Fiji (see Lijphart 1994:139-152).

To adopt PR would be an important step forward for Fiji. This is not to say that PR would solve all Fiji’s political problems or ensure fair government. Even where the House of Representatives is truly representative in numbers of the whole community, it is still possible for power to be concentrated in the hands of just one faction or coalition of factions. If majoritarian rules are in place for the passing of legislation, it is still disturbingly easy for a majority to override the rights and legitimate concerns of a substantial minority. The composition of the House may be proportional, but the decisions it takes (and their fruits) are not usually shared out proportionally according to the groups that compose it.

There needs to be developed in general, and especially in Fiji, a strong sense of listening to each other’s concerns and of adapting constructively to accommodate them as far as reasonably possible. Such a cooperative approach can be reinforced by the work done in Sector Standing Committees, by the genuine contribution to issues by both Houses of Parliament, and by other legislative rules of consultation (and perhaps veto-power) that give all viewpoints a real chance of being taken seriously into account. The sharing of power and the way decisions are made in Switzerland, (including the use of referenda) provide examples of the various strategies that can be adopted in this regard (see Linder 1994:168-173).

The details of these matters are beyond the scope of this paper, but it must be emphasized that PR is at least a start. Without it, one is already severely handicapped from proceeding with a genuinely representative and consultative process.

Any form of PR would benefit Fiji substantially, so the decision to adopt PR is the first decision that needs to be made. But since there are various systems of PR, it would be good to take a brief look at the main types and see how they might be used in Fiji. I will consider here a concrete form for each of three systems: a List system (List), a Mixed-Member Proportional system (MMP), and a Single Transferable Vote system (STV).

A List System for Fiji

In the List system I would suggest for Fiji, all voters would be on a common roll. The whole country would be divided into between 14 and 18 multi-member constituencies. These constituencies would be based primarily on the 14 Fijian provinces plus Rotuma. However, some provinces are so large population-wise (e.g. Rewa and Ba) that for voting purposes they should be divided, others so small (e.g. Namosi and Serua) that they should be combined.

It would then be determined fairly (e.g. by the Sainte Laguè method) how many seats each constituency should have, for they will be of different sizes. When voting, voters are
presented with each party's list of candidates for their constituency. They would then put just one tick beside the name of their chosen candidate for their constituency.

Before any candidate is deemed elected, all votes are summed nationally as well as regionally according to the parties supported. The proportion of seats due to each party nationally is determined using the Modified Sainte Laguë method. This done, the proportion of seats due to each party at the constituency level is provisionally determined in the same way. It will usually be found that the sum of the proportional allocation of seats in all constituencies does not fully accord with the proportional allocation of seats at the national level (which is the more important). A reallocation of certain seats is done to rectify this difference, according to reasonable rules which it is not necessary to specify here.

Finally, it must be decided which candidates of each party on each constituency list are to take up that party's seats there. Reference is had to the number of ticks each candidate has received from the voters. In each constituency, those candidates are deemed elected who have the most ticks for the entitled parties.

Advantages of this List system are that:

a) it is close to fully proportional at both national and regional levels;
b) although voters are on a common roll, fair ethnic representation is assured for as long as a particular ethnic group wants it;
c) the system provides balanced regional representation by using constituencies which are based on Fiji's provinces, something that is attractive to many, especially Indigenous Fijians;
d) it is very easy for the voter – just one ballot paper and one tick.

Disadvantages of this List system are that:

a) party lists are a new concept for Fiji and would require some explaining; but the concepts are not difficult, and any initial resentment of another electoral change should be soon overcome;
b) the ballot paper would be somewhat longer than in the past, but as against that, there is only one ballot paper and its length is nevertheless manageable;
c) Sections 50 to 54 of the Constitution would need to be substantially rewritten.

An MMP System for Fiji

In the MMP system I would suggest for Fiji, all voters would again be on a common roll. The country would be divided up into 36 single-member constituencies, which would continue to be elected through AV. Proportionality would be achieved by having the remaining 35 seats as list seats. As well as designating its candidates for the local single-member seats, each party would present a national list of candidates for the list seats. Some or all of these candidates could also be running in the local seats, if desired.

Each voter would vote only once in his local constituency, but this vote would serve a double function. The preferential order on the vote would be used in determining the representative for that local constituency. The first preferences of all votes would be summed nationally to determine the total proportion of seats each party should receive nationally. This would be done by the Modified Sainte Laguë method. If a party's local seats fall short of the total number of seats it is due nationally, that shortfall is made up by taking candidates from the top of the list and declaring them as also elected.

Advantages of this MMP system are that:

a) the results are proportional (by the Modified Sainte Laguë method);
b) 36 single-member constituencies are maintained; though many would regard multi-member constituencies as preferable, the retention of a good number of single-member constituencies constitutes a compromise that may be broadly acceptable;
c) it makes it easier for a more diverse range of personalities to enter parliament; people with valuable political talent, though not good perhaps in waging electoral campaigns, can still be elected through their party's list;
d) conditions can be attached by law to the lists (e.g. requiring a certain percentage of women or of a particular ethnic group to be accommodated by the list);
e) by giving voters only one vote each, it encourages voters to put the national interest first, and it encourages parties to take all constituencies seriously and to make appeal to all ethnic groups;

Disadvantages of this MMP system are that:

a) it sets up two sorts of representative within parliament, which in turn can create undesirable and indeed false expectations;
b) it still employs AV in the local constituencies, so the regional representation will still be affected by AV’s deficiencies, but it is nevertheless preferable to the FPP system;
c) Sections 50 to 54 of the Constitution would need to be substantially rewritten.

An STV System for Fiji

In the STV system I would suggest for Fiji, voters would rank candidates (1, 2, 3, etc.) on their ballot paper, as they do currently under AV when voting ‘below-the-line’. When the votes are counted, the lowest candidates get successively eliminated as in AV, their votes being transferred to other candidates according to the preferences written on the votes. There is the addition, however, that if a candidate gets more votes than he needs, these surplus votes also get passed on.

The present division of constituencies into open and communal would be maintained, and each voter would continue to have two votes each. All constituencies (except one), however, would become multi-member constituencies. The present 25 open seats can be easily and naturally divided into five 5-member constituencies. The current constitutional allotment of communal seats would be divided up in a similar if not so even way. The Rotumans would retain their 1-member constituency, the Generals would have one 3-member constituency (as per their 3 seat allotment), the Indians would have three 5-member constituencies and one 4-member constituency (as per their 19 seat allotment), and the Fijians would have three 5-member constituencies and two 4-member ones (as per their 23 seat allotment).

Advantages of this STV system are that:

a) it is proportional, but not fully so, there being, as it were, a built-in threshold;
b) the voter is not tied to a particular party; having given a preference for a member of his preferred party, the voter’s next preference can be given to some other, thus accommodating his precise wishes better than in the other systems;
c) the way of filling in the ballot paper is the same as for AV, so there would be minimal new learning required of the voters; the iniquitous ‘above-the-line’, and the 75% ‘below the line’, provisions would not be in force;
d) STV, in conjunction with AV, was the system suggested as suitable for Fiji by the Street Commission of 1975;
e) STV constitutes a combination of preferential-style voting (like AV) and proportionality (see Arms 1997a:129 and Reilly & Reynolds 1999:36-38);
f) it would require only modest modification of sections 50, 52 and 54 of the Constitution.

Disadvantages of this STV system are that:

a) it is not as fully proportional as the others; this may result, for example, in a small party with nation-wide support doing considerably less well than a similar small party with only very localized support;
b) like AV, it is non-monotonic – that is, occasionally a candidate will actually do worse through having too many votes at a particular stage, (or conversely, he may do better through having less votes rather than more);
c) the system as proposed retains two ballot papers (which would be a bit longer than the present AV ballot papers, but simpler in structure);
d) STV is complicated to count, though Fiji certainly has scrutineers capable of conducting it.

It should be noted here that the STV system could be adapted to operate on a strictly provincial basis with only one ballot paper, just like the List system suggested earlier. Vice versa, the List system could be built around the current communal/open division using two ballot papers, as just proposed for an STV system.

The STV system could also be adapted to be party-based rather than candidate-based. Such a change would undermine advantage (b) outlined above, but would overcome the objection that the ballot paper can sometimes be too long, also the objection that STV can result in candidates of one party competing against each other in a constituency as much as against candidates of other parties.

In a party-based STV system, the parties each put up a closed list for each constituency. Voters rank the parties (not the candidates) 1, 2, 3, etc. Only slight modifications are necessary to the counting rules. The system works very well in the normal way to provide proportional representation of the parties in each constituency, the topmost
candidates on the parties’ respective lists being elected according to the degree of support for those parties.

A lot more detail plus sundry other variations to the above three systems could be provided (see also Arms 1999a, 2001a, 2001b), but the above description illustrates that a range of PR systems could be very coherently adapted for use in Fiji’s context. Any of the three systems suggested would be a vast improvement on the AV system currently in place.

Feasibility of PR

It is one thing, of course, to outline a substantially better voting system, quite another to have it put in place. What are the real chances of PR in any of the above forms being introduced into Fiji? The main criterion for an electoral system is, as we have seen, that it come reasonably close to realizing the will of the people as to who should be their representatives, both at the local and national levels. Such a goal is in fact only being fair to the people. But being fair to the people is also being fair to the parties and candidates.

It is these parties and candidates, of course, who through parliament have the major say in electoral changes. Will they be interested in PR? The minor parties – those who are very small or have missed out notably in Fiji’s AV elections – can be easily persuaded to opt for it. Lack of PR has resulted in their being reduced to little or no representation in parliament. They have very much to gain from PR.

But larger parties, such as the SDL and FLP (the two largest parties at present), have been put in power (and a very inflated power at that!) precisely by the present AV system. Will not the hunger for power and the desire to shut out other contenders induce them to resist change? Clearly, an appeal must be made to them to do what is right and fair, and what is really in the national interest. Fiji is still in an unsettled political state. While changing to PR might seem at first to be a further unsettling factor, the probability is high that it would result in a far more cooperative political scene, rather than the present highly confrontational one. The very fairness of PR would promote this. Such an endpoint would far outweigh in value the cost and hassle of this change of electoral system. In addition to this argument, it can be pointed out that even self-interest should persuade the SDL and FLP parties to switch to PR.

For the SDL, they need to be reminded that their future under AV is anything but secure. Other parties tend to gang up against the incumbent party (partly because it already has other advantages). The SDL’s seat-holding in the next election is likely to shrink considerably. The NFP collapsed from 27 seats to nil in 1999, and there was a large fall-off too in the SVT’s seats. These parties were seen as the incumbents at that time. The FLP, seen as the incumbent in 2001, also shrank (by a quarter) for this reason in 2001. The SDL would be very foolish to feel exempt from this tendency under AV. PR, on the other hand, would assure them of a very substantial presence after the next election, even if the party fractured in some way.

The issues are similar for the FLP. Although in principle they support PR (they certainly did when the 1997 Constitution was being framed), they did not get an electoral fright in 2001, even though an analysis of the results reveals that AV worked substantially against them compared to 1999. They are unlikely to fear an NFP-like electoral wipe-out at this stage, and would probably be happy enough to further weaken the NFP as an electoral force by using AV a bit longer. But this is fraught with danger. If the NFP as an Indo-Fijian party becomes too weak, the FLP itself is likely to split, or else another powerful (probably multi-ethnic) party emerge. The range of political thinking within the Indo-Fijian community is too wide to be accommodated only by the FLP. It must be remembered too that the FLP drew a substantial sympathy vote in 2001. The atrocity of their being held hostage and their dignified re-emergence as a political force was faithfully acknowledged by large sectors of the public. While there are indicators that the FLP’s popularity remains high, there could be some decline in support. The FLP needs to push for an electoral change now while they still have considerable power to do so. At some stage, the FLP will fall from favour. It is too late to push for change then.

PR is a safety check that cushions fairly a party’s fall from grace and leaves it with substantial forces to fight another day. It also makes a party’s rise more gradual, whereas AV can exaggerate it in quite an unpredictable fashion (cf. the FLP’s huge win in 1999 and the SDL’s dramatic and instant growth in 2001). Parties, and the people, need protection from such extreme surges, up or down, of electoral power – surges which do not correspond to the true level of public support.
Strategies

Electoral reform in the shape of a change to PR is, I believe, an urgent need in Fiji. Without it, we are likely to continue having large sections of the community poorly, or not at all, represented. We are likely also to continue having a highly confrontational form of politics rather than the cooperative one which Fiji needs for putting behind it once for all the acrimony and tensions of the past few years.

Ideally, such reform would include a knowledgeable clamour for PR from the public. This certainly can’t happen in Fiji in the short term. The people are aware that something is seriously wrong but have no acquaintance with PR voting systems. The educational process involved in creating awareness of PR and then eliciting support for it would be massive. Obviously, such programs should be undertaken. (Indeed, one particular advantage of the STV system is that it is suitable for more than national elections; it provides excellent representation on committees, boards, councils, etc. Its use for these purposes would help in the dissemination of the PR concept).

The need for change, however, cannot wait for such an educational process to be complete. Nor would the public expect such. They would, however, like their leaders to take the necessary steps to improve Fiji’s critical political situation. There is a role here for enlightened leadership to make decisions in the common good.

The use of a referendum to elicit the public’s view, while attractive in principle, is not so attractive in its practical implications. Before there is a good understanding of the issues involved, a referendum on PR is likely in fact to be a referendum on which vested interest has the best propaganda machine, rather than a referendum on the matter in question.

While not neglecting public education, there is need therefore within Fiji of conferences where the local electoral issues are discussed in an open way by political and community leaders together with people with electoral expertise. The aim would be to work towards an electoral system that is reasonably simple for the public to use, and that could be agreed on as providing fair and genuine representation in the so-called House of Representatives. A suitably adapted PR system would be the surest means for attaining these objectives. Such a system (or a small set of such systems) should be the object of a focused discussion towards electoral reform.

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