

Special report: Fiji after the 2022 Election

Fiji held its national elections on 14 December 2022 for 55 parliamentary seats. The elections had its own controversies¹ following a “glitch”² in the counting that resulted in the Supervisor of elections halting the counting and reverting to manual counts of votes.³ The leader of the People’s Alliance Party (PAP) called on the military and the President to step in and halt the election.⁴ Following this call, Rabuka was then taken in by the Police for questioning.⁵ However, by 18 December, it was clear that there was no outright winner⁶ though the ruling Fiji First government retained the highest number of seats (Fiji First 26 seats, PAP 21 seats, National Federation Party 5 seats and SODELPA 3 seats) but not enough to government by itself. The tense negotiations⁷ that followed with SODELPA⁸ the former Opposition Party resulted in SODELPA accepting a coalition with PAP and NFP.⁹ However, SODELPA General Secretary protested the process¹⁰ resulting in the Supervisor of Elections stepping in and nullifying the SODELPA management board decision and calling for another vote. By December 24, SODELPA reconstituted management board again voted in favour of a PAP/NFP Coalition.¹¹ On 24 December, the PAP/NFP/SODELPA government was sworn in by the President of Fiji at government house.¹² Sitiveni Rabuka was elected Prime Minister and a government of 29 Ministers and Assistant Ministers sworn in by the President.¹³ At a time of heightened political tensions, the Commander reportedly called on the new government to ensure that they work within the Constitution following concerns by the Opposition Party, that the Government was flaunting the provisions of the Constitution.¹⁴ He was then called by the Minister for Home Affairs for a meeting.¹⁵

Immediately after assuming government, significant changes started to take place including the resignations and/or terminations of Members of Government Board, or Senior Civil Servants appointed by the Bainimarama government (now Opposition). The Constitutional Officers Commission (COC) tasked with appointments of Constitutional Office holders was reconstituted under the provisions of the Constitution but also written to favour the government. Members include the Prime Minister and Attorney General on one side together with two nominees, while the other is the OL with one other nominee.

1. Suspension of the Commissioner of Police
 - On 30 January 2023, the Commissioner of Police was suspended by the COC pending an allegation of abuse of office lodged against him.¹⁶
2. Suspension of the Commissioner of Corrections
 - On 30 January 2023 the Commissioner of Corrections was suspended by the COC¹⁷
3. Suspension of the Supervisor of Elections
 - On 19 January 2023 the Supervisor of Elections was suspended by the COC following complaints of abuse of office made against him.¹⁸
4. Suspension of the Chief Justice
 - On 30 January 2023 the Chief Justice was suspended by the COC following complaints of judicial misconduct made against him.¹⁹

The former Attorney General and General Secretary of the Fiji First was taken in by Police for questioning.²⁰ Immediately after the new government took office, a police watch was placed at the airport since the former AG had travelled overseas at the time and upon his arrival was met by the police. The next day he presented himself for questioning at the CID HQ. A few days later the LO²¹ and the former AG again were required to attend the CID for questioning²² on complaints by a Government Minister on allegations of community incitement among other allegations including abuse of office.²³ No charges have been laid yet as legal advice has been sought from the Office of the DPP.²⁴

On 17 February, Parliament voted to suspend the LO for 3 years²⁵ following his maiden speech and right of reply to the President's Speech to open the Parliament for 2023-2024. According to the allegations made by Government Minister, the LO had breached Standing Orders by attacking the President in his reply²⁶ as well as calling on the rank and order of the Military to fulfil their constitutional role which the Minister argued amounted to seditious comments²⁷ and incitement of the military to take over the government. The Speaker referred the matter to the Privilege Committee²⁸ who recommended to Parliament for the suspension.²⁹ The Government moved a motion to adopt the report and recommendations of the Privilege Committee and the vote took place on Friday 17 February.³⁰ The LOP stands suspended till February 2026. In similar suspensions issued by the previous parliament for terms of up to 2 years, the IPU has argued that the periods of suspensions are excessive.³¹

Various legislative changes have been made by government including by the President in his speech to open parliament.³² Minister for Communications³³ announced the review of draconian³⁴ Media Act³⁵ that has been criticised including by the Human Rights Council for its breaches of various rights related to a free press.³⁶ Other changes in laws include those passed by the previous government affecting traditional rights and lands.

The government has indicated that it will reinstate of the Great Council of Chiefs,³⁷ Fiji's apex chiefly body that was abolished by the former government. The GCC was responsible for issues relating to indigenous rights particularly land and matters of custom but was removed when Bainimarama overthrew the government in 2006.

Key human rights organisations in Fiji have reportedly stated that human rights are now respected and promoted in Fiji following the change of government. Others have argued that people are "finally free after 16 years of Fiji First government" and oppression of rights. The Fiji First led Opposition on the other hand have argued that the current government continues to violate human rights and the provisions of the 2013 Constitution.

¹ [Fiji's opposition lodges complaint over election results | Politics News | Al Jazeera](#)

² [Fiji's main opposition leader Sitiveni Rabuka says he has 'no faith' in vote count after glitch in election results app - ABC News; Fiji Labour Party alleges electoral fraud as Fijians await final election results - ABC News; Fiji vote results system suffers glitches as final ballot count begins - ABC Pacific](#)

³ [The Fiji Times 2022 General Election: Glitch with FEO results app; provisional results update on hold - The Fiji Times;](#)

⁴ [Rabuka says they have the protocol of result slips from the polling stations to show that they have more votes \(fijivillage.com\)](#)

⁵ [Rabuka addresses party after being released – FBC News](#)

⁶ [The Fiji Times 2022 General Election: No clear winner - Fijians wait on kingmaker's decision - The Fiji Times; Vote counting finishes in Fiji election with no clear winner - ABC News \(go.com\)](#)

⁷ [Fiji kingmaker party divided on coalition choices | RNZ News](#)

⁸ [Fiji's major parties look to kingmaker to form government after deadlocked election results - ABC News](#)

⁹ [The Fiji Times 2022 General Election : SODELPA chooses PA/NFP - The Fiji Times](#)

¹⁰ [Jale challenges Duru – FBC News](#)

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- ¹¹ [For the second time, SODELPA votes to side with PA/NFP coalition to form next government | PINA](#)
 - ¹² [Sitiveni Rabuka installed as Fiji's prime minister after new coalition's vote of support - ABC News](#)
 - ¹³ [Fiji Government - NEW GOVERNMENT MINISTERS SWORN IN](#)
 - ¹⁴ [Fiji military warns new PM's government against making 'sweeping changes' | Fiji | The Guardian](#)
 - ¹⁵ [Kalouniwai agrees to follow a process: Tikoduadua – FBC News](#)
 - ¹⁶ [Fiji's President suspends Police Commissioner | RNZ News; New Fiji govt suspends police commissioner, scraps China policing arrangement | Reuters](#)
 - ¹⁷ [Fijian women's rights activists welcome suspension of police chief, prison boss - ABC Pacific; The Fiji TimesTwo out of office - The Fiji Times; The Fiji TimesFiji President suspends Qiliho and Kean - The Fiji Times](#)
 - ¹⁸ [The Fiji TimesFiji's Supervisor of Election suspended; on full pay pending investigations - The Fiji Times; Fiji's election chief suspended following complaint | RNZ News; Ex-elections boss being probed by Fiji anti-corruption agency | RNZ News](#)
 - ¹⁹ [The Fiji TimesJustice Kumar suspended; Justice Temo to act as Chief Justice - The Fiji Times; The Fiji TimesTribunal to look into allegations against Chief Justice Kumar - The Fiji Times; Chief Justice suspended, Salesi Temo is acting – FBC News](#)
 - ²⁰ [Fiji's former attorney-general questioned by police | Stuff.co.nz](#)
 - ²¹ [Fiji's former PM Bainimarama taken in for police questioning - ABC Pacific](#)
 - ²² [Bainimarama and Aiyaz Sayed-Khaiyum at the CID Headquarters \(fijivillage.com\); CID to further question Bainimarama and Sayed-Khaiyum today – FBC News](#)
 - ²³ [The Fiji TimesBainimarama and Sayed-Khaiyum questioned at CID on allegations of abuse of office - The Fiji Times](#)
 - ²⁴ [Investigation files to be forwarded to DPP - FijiLive; The Fiji TimesInterview suspended to allow files to be sent to DPP for legal advice: A/ACP Raikaci - The Fiji Times](#)
 - ²⁵ [Leader of Opposition Voreqe Bainimarama suspended from parliament for 3 years \(fijivillage.com\)](#)
 - ²⁶ [Fiji's Bainimarama suspended from parliament for criticizing president - ABC Pacific](#)
 - ²⁷ [Fiji opposition leader suspended from parliament for sedition | Fiji | The Guardian](#)
 - ²⁸ [Speaker refers Bainimarama to the Parliamentary Privileges Committee \(fijivillage.com\); Bainimarama Referred To Privileges Committee \(fijisun.com.fj\)](#)
 - ²⁹ [Privileges Committee to recommend action against Bainimarama today \(fijivillage.com\)](#)
 - ³⁰ [Bainimarama breached SO 62\(3\) and \(4\)\(c\) - FijiLive](#)
 - ³¹ [ib-2017-13-kumar.pdf \(anu.edu.au\); IPU calls for Fiji to lift MPs' suspension | RNZ News](#)
 - ³² [Fiji Government - H.E PRESIDENT KATONIVERE'S ADDRESS AT THE OPENING OF THE 2023 – 2024 SESSION OF PARLIAMENT](#)
 - ³³ [Review Of The Fiji Media Act Supported \(fijisun.com.fj\)](#)
 - ³⁴ [A free and independent media that is not subject to draconian laws helps build an informed society - AG \(fijivillage.com\)](#)
 - ³⁵ [PINA welcomes Fijian Government's review of current Media Laws in Fiji | PINA](#)
 - ³⁶ [Fiji AG apologises to media – Abuse journalists endured under Bainimarama government's reign | PINA](#)
 - ³⁷ [Restoration of the GCC does not seek to place indigenous rights above those of other communities - Ditoka \(fijivillage.com\)](#)