

## **L. Qarase's response to Mr. Aiyaz Sayed Khaiyum's statement**

The angry reaction from the Attorney – General, Mr Aiyaz Sayed-Khaiyum against criticisms on his dual roles as Minister for Elections and General Secretary of the proposed Fiji First Party raises an important issue.

The issue is that of a serious conflict of interest; the people of Fiji have a right to insist that this is not acceptable in a “free and fair” election.

In the Fiji TV news last night (8.5.14) Mr Khaiyum said that his position is no different from what has been the practice in the past. When I was Prime Minister, for example, I was also Leader of the SDL Party. While this information is correct the truth is that I was never Minister for Elections.

In fact, since Independence in 1970, there has never been a Minister for Elections. The reason for this is that both the Electoral Commission and the Office of the Supervisor of Elections must carry out their functions within the laws regulating their operations, with complete independence and without interference from the Government in power.

This golden rule has been broken for the first time by the Bainimarama-Sayed-Khaiyum regime with the appointment of the Attorney- General as Minister responsible for elections. Mr Sayed-Khaiyum exercises the power of this portfolio as a member of a government with no legal or popular mandate, no accountability and no parliamentary oversight. This is the crux of his problem and public concerns about his role.

In a parliamentary democracy, all government agencies must come under a ministerial portfolio. Both the Electoral Commission and the Office of the Supervisor of Elections have always come under the Prime Minister's portfolio.

As Prime Minister from 2000-2006 my role was two-fold in relation to the two agencies. Firstly, I was expected to deal with their submissions for budgetary allocations and, secondly, I had a duty to respond to parliamentary questions as they arose. In no way did I influence or interfere in the work of the Electoral Commission or the Supervisor of Elections. I am aware that the Prime Ministers who preceded me played a similar role.

In contrast to this legal and accountable role of an elected Prime Minister, both the regime's Prime Minister and Attorney-General have been in complete control of the current election process. This has included the formulation of the onerous Political Parties Decree, the Electoral Decree, with its controversial provisions, the appointment of the members of the Electoral Commission and the appointment of the Supervisor of Elections. They also have control of the media resulting in self-censorship.

The Attorney – General and Minister for Elections, Mr Aiyaz Sayed-Khaiyum must do the right thing and step down from the position of Minister for Elections. Indeed there should be no Minister for Elections. The general elections must be carried out by a truly independent Electoral Commission and Supervisor of Elections.

L. Qarase