

REPUBLIC OF KIRIBATI
(No. 7 of 2009)

I assent,

Beretitenti
Assented: 7th December 2009

**AN ACT TO AMEND THE ELECTIONS ORDINANCE (29B) TO MINIMISE
THE ABUSE OF CUSTOM AS A DEFENCE TO ELECTION OFFENCES AND
FOR CONNECTED PURPOSES**

Commencement:
2009

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti

1. Short title

This Act may be cited as the Elections (Amendment) Act 2009.

2. Insertion of new section.

The principal Act is hereby amended by inserting the following new section 25A after section 25:

“25A(1) Subject to the provisos in section 24 in relation to legal expenses, mweaka, moanei and ririwete the custom of bubuti or katuuu shall not be a defence to any person charged with bribery or treating under sections 24 and 25 of this Ordinance.

(2) For the purposes of this section –

“bubuti” means a customary manner of asking someone for a favour whether in money or in kind which usually obliges the person asked to provide;

“katuua” means a customary method of fining a person with the payment of money or otherwise whether in a maneaba or at a function for an offence whether minor or serious against the rules of the maneaba or the function, which obliges the person fined to pay or provide;

“Principal Act” means the Elections Ordinance (Cap 29B) as amended.”

ELECTIONS (AMENDMENT) ACT 2009

EXPLANATORY MEMORANDUM

The purpose of this short amendment is to stop the abuse of custom before or during the election. Experience has shown that elections have become more and more expensive with voters taking advantage of the election period to get free kava or alcohol or even other favours from candidates.

Every time an election petition is brought against a successful candidate it is not unusual for custom to be invoked in answer to an allegation of bribery or treating. The usual response to an allegation of treating or bribery is the custom of “bubuti” or katuuu”.

Voters have usually made bubutis to candidates to oblige the candidate to give under the custom of bubuti. Sometimes a candidate may arrange with his supporters for the supporters to make the bubuti so that the donation by the candidate will be viewed as a simple compliance with a bubuti rather than an attempt to influence the voters.

Unless stopped the abuse of our custom will become an obstacle to free elections. Where this happens a lot of capable I-Kiribati people who are suitable candidates will never make it to Parliament or the Council because they do not have the means to comply with the custom of “bubuti” and “katuuu”. Parliament will therefore become a place for those who have the means to buy their way into it.

The purpose of this amendment is to put an end to this problem before it becomes uncontrollable. Its purpose is to ensure that future elections are free from abuse of custom. Its purpose is to ensure that all those who want to serve their people in Parliament are not hindered by their means. They will be judged by their suitability based on character and capabilities.

Banuera Berina MP
South Tarawa
July 2009