

CHAPTER 1



Recent Political Developments

The ruling SPPF won 58.4 per cent of the votes in the July election against 33.7 per cent for the DP. The six other parties which took part in the election shared among them the remaining 7.9 per cent of the votes, with none meeting the minimum requirement of five percent which would have entitled them to a seat on the Constitutional Commission (see Annex V).

Constitutional Commission Proceedings

The Commission first met on 27 August 1992 under the chairmanship of the leader of the SPPF delegation, Mr Joseph Belmont, Minister of Administration and Manpower. As required under the Act, the Vice-Chairman was a DP representative. The prescribed quorum was ten. The Commission was required to seek consensus but if it was not possible its decisions were to be by majority vote.

Opening statements to the Commission, by both President René and Sir James Mancham, spoke of national reconciliation and the need to work together to produce consensus on a new democratic Constitution. Both leaders had held a series of private meetings previously and Sir James had been recognised as Leader of the Opposition. There was reason to be hopeful of constructive engagement between the two rival parties. But on 18 September, the DP walked out of the Commission accusing the SPPF of 'bulldozing' a motion to limit discussion of the draft constitution to one sitting per topic. The DP had also wanted the verbatim record of proceedings to be given to its delegation, which it was not, and meetings of the Commission to be opened to the press. It is a requirement of the legislation, however, that the Commission not be open to the public, although it may invite any person to attend a particular meeting in order to assist the Commission.

A meeting with President René produced a compromise which allowed unfinished discussion of issues of substance to be carried over to the next sitting of the Commission. It was also agreed that the Technical/Procedural secretariat would iron out as many matters as possible in advance of the plenary. The DP returned to the negotiating table, only to withdraw again on 24 September, this time accusing the SPPF of breaking the new agreement. It accused the Commission chairman of cutting short the discussion on deprivation of property by pushing it to a vote before DP representatives had finished speaking on the subject.

The DP then said it would not return to the Commission until the SPPF was prepared to negotiate new rules of procedure and was ready to accept the

inclusion of certain basic standards and safeguards in the draft constitution. The SPPF countered by accusing the DP of deliberately delaying the proceedings, of being ill-prepared and of using the Commission as a forum simply to make political points and generate debate, rather than as a serious working session to prepare a draft constitution. No compromise was forthcoming on this occasion and the Commission, with SPPF members satisfying the quorum requirement, proceeded with its business without the DP's participation.

While legally, the Commission was properly constituted to conduct its work, the opposition regarded its proceedings as undemocratic in spirit. It is understood that in a single four-hour session, the Commission went through nine chapters of the draft constitution which included sections on the executive, legislature and judiciary.

When, on 9 October, the Commission looked set to adopt a draft constitution that was largely an SPPF document, the Democratic Party, with support from the other opposition parties, called for urgent intervention by the Commonwealth Secretary-General. Mr Max Gaylard, Director of the International Affairs Division and also leader of the Secretariat support team for the July election, was sent to Seychelles to mediate between the two contending sides. This endeavour brought President René and Sir James Mancham together in a series of meetings, one in the presence of Mr Gaylard, to discuss the draft constitution and the transition process generally. The Commission agreed to delay voting by a week. In the meantime, the draft constitution was submitted to the DP for its perusal. The DP proposed some amendments, two of which were reflected in the draft. The draft constitution was duly adopted by the Constitutional Commission on 16 October, at which time it consisted of only the 14 SPPF representatives. That same day, it was submitted to the President, approved and gazetted. The Referendum to accept or reject the draft constitution was set for 12–15 November 1992.

The Opposition

The DP, together with the other six opposition parties, decided to unite in opposition to the draft constitution and to campaign for a 'No' vote. The United Opposition comprised the:

1. **Democratic Party (DP)** led by Sir James Mancham;
2. **Parti Seselwa** led by the Reverend Wavel Ramkalawan;
3. **National Alliance Party (NAP)** led by Philippe Boullé;
4. **Movement Seychellois Pour La Democratie (MSD)** led by Jacques Houdoul;
5. **Seychelles National Movement (SNM)** led by Gabriel Hoarau;
6. **Seychelles Liberal Party (SLP)** led by Ogilvy Berlouis;
7. **Seychelles Christian Democrats (SCD)** led by André Euzice;

In rejecting the draft constitution, the United Opposition focused on what they saw as the undemocratic manner in which the draft was adopted, alleging that it was a Constitution produced in haste by a small group in order to entrench the power structure of the SPPF. They specified several areas in the constitutional philosophy and provisions of the draft which they considered to be substantially defective, undemocratic and unacceptable for Seychelles. These included:

1. the limitation of the candidacy for the Presidency to persons nominated by political parties was an infringement of the rights of independent candidates;
2. the absence of any limitation on the number of terms a President can remain in office;
3. the system for the appointment of 12 nominated members to the National Assembly on a proportional basis, based on the result of the Presidential election, was unfair and undemocratic, confused the separation of powers and should be kept completely apart from the Presidential race;
4. the system allowing the 22 elected representatives to the National Assembly also to hold office as chairpersons of the 22 District Councils was a serious breach of democratic practice, and was being established for partisan interest.

Underlying the United Opposition concern was the existing preponderance of power in the hands of the SPPF. They feared that the provisions of the draft constitution, if adopted, would only serve to entrench and consolidate the power of the President and his ruling party. The draft, moreover, did nothing to help create a more 'level playing field' between the opposition parties and the SPPF.

The decision of the Roman Catholic and Anglican churches to publicly criticise certain provisions of the draft and the manner in which it was adopted shored up the confidence of the opposition. On 29 October, the Roman Catholic Church issued a communiqué stating that the "Catholic community cannot agree, in conscience, with this [draft] Constitution" and urged all Roman Catholics (over 90 per cent of the population) to vote "with your conscience". The communiqué raised two objections. The draft constitution, it said, authorised abortions. Second, by its silence on the point, the draft failed to recognise the right of parents to choose the type of education appropriate for their children. The Anglican Church also issued a statement on 1 November raising the same two issues. It was particularly critical of the Government for not allowing time for the people to study and to understand the draft constitution before having to cast their vote in the Referendum.