

Acknowledgements

We wish to thank all those who helped us in the successful completion of our mission. Our special and sincere thanks go to the Director of Elections and his staff. We also wish to express our appreciation to the political leaders, church leaders, the Ministry of Foreign Affairs, the Police Force and others for their courtesy and co-operation.

We would like to pay a special tribute to the people of Seychelles for their warm welcome as we travelled around different parts of this beautiful country.

Finally, we wish to thank sincerely the Secretariat team, Mr Neroni Slade and Ms Zainah Anwar for the valuable contribution they made to our work. We appreciate the long hours this involved. Were it not for their dedication to duty, we would have had difficulty in completing this report on time. We are truly indebted to them.

ANNEXES

ANNEX I

Composition of the Commonwealth Observer Group

Mrs Barulaganye Machacha (Botswana, Chairperson)

Mrs Machacha is Director of Administration of the Bank of Botswana where her responsibilities include the preparation of the annual budget and control of expenditure, besides general administration. She previously held senior positions in the Ministry of Local Government and Lands. Mrs Machacha received her higher education at the University of Botswana and the University of Madison, Wisconsin, in the United States. She was a member of the Commonwealth Observer Group to the Seychelles election to the Constitutional Commission.

Mr Anthony Frederick Dingle (Australia)

Mr Dingle is a retired diplomat. Of his 36 years as a member of the Australian Foreign Service, 15 years were spent at posts in Commonwealth countries. Mr Dingle was serving in both Malaysia and Tanzania during their periods of transition from colonial status to independence. Whilst serving as the Australian High Commissioner to Ghana, he became Australia's first High Commissioner to be accredited to Sierra Leone and The Gambia. He has also served as Ambassador to Denmark, Iceland, Venezuela, Colombia, Ecuador and Panama. Mr Dingle was educated at St Paul's College and holds a Bachelor of Arts (1st Class Honours) Degree from Sydney University. Mr Dingle was a member of the Commonwealth Observer Group to the general election in Guyana.

Mr Ejaz Naik (Pakistan)

Mr Naik observed the Seychelles election to the Constitutional Commission for the Commonwealth in July and also the 1990 elections in Nepal for the South Asia Association for Regional Co-operation (SAARC). He has held senior positions in Pakistan's Civil Service, including that of Secretary-General, Economic Affairs Division, Ministry of Finance. As Chief Secretary to the Government of the Northwest Frontier Province from 1970-1973, he organised the 1970 General Elections. Mr Naik has also served as a diplomat – as Minister (Economic) in the High Commission for Pakistan in London, from 1965-1969.

SECRETARIAT SUPPORT STAFF

Mr Neroni Slade (Western Samoa)

Ms Zainah Anwar (Malaysia)

ANNEX II

Press Statement Issued on Arrival in Seychelles



Seychelles Referendum on Draft Constitution

Commonwealth Observer Group

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PRESS RELEASE

SEYCHELLES OBSERVER GROUP: ARRIVAL STATEMENT

This Commonwealth Observer Group, sent by the Commonwealth Secretary-General, Chief Emeka Anyaoku, is in Seychelles at the request of the Government of Seychelles and with the agreement of all political parties.

Our broad task will be to observe every relevant aspect of the organisation and conduct of the Referendum on the draft constitution in accordance with the law of Seychelles. We are not here to form a judgment on the merits or demerits of the draft constitution. That is for the people of Seychelles to decide. But we are here to form a judgment on whether the process of determining the acceptability or otherwise of the draft constitution by the people of Seychelles is free and fair.

We have no executive role. Our function is neither to supervise nor act as a commission of inquiry but to observe the process as a whole and to form a judgment based on those observations. Our conclusions will reflect our independent collective judgment and will be submitted in a report to the Commonwealth Secretary-General who will make it available to the Seychelles Government and political parties, and subsequently to Commonwealth Governments.

As part of our work, we will be in touch with all the major political parties and will be travelling to different parts of the country before and on the days of the Referendum. This is, of course, not the first time that a Commonwealth Observer Group has been here. Mr Naik and I were honoured to be part of the COG for the July election to the Constitutional Commission. We are glad to be back again for the second-stage of Seychelles transition to multi-party democracy and are privileged to be present at this vital period in Seychelles' history.

Mrs Barulaganye Machacha
Chairperson
Commonwealth Observer Group to the Seychelles Referendum
Beau Vallon Bay Hotel
9 November 1992

ANNEX III

List of Significant Engagements and Press Release

Sunday, 8 November

- 1230 SPPF rally in Victoria
- 1500 United Opposition rally in Beau Vallon
- 2130 COG Briefing

Monday, 9 November

- 0900 Press Conference: Arrival Statement
- 1000 Meeting with Mr André Sauzier, Director of Elections
- 1400 Meeting with Parti Seselwa
- 1530 Meeting with Seychelles Institute for Democracy
- 1730 Meeting with Democratic Party

Tuesday, 10 November

- 0900 Meeting with Archbishop French Chang-Him, Anglican Church
- 1100 Meeting with Mr Tite Morin, Deputy Commissioner of Police
- 1400 Meeting with National Alliance Party
- 1630 Meeting with Movement Seychellois Pour La Democratie

Wednesday, 11 November

- 0830 Meeting with President Albert René
- 1000 Meeting with Father Edwin Mathiot, Vicar-General, Roman Catholic Church
- 1315 Meeting with Seychelles People's Progressive Front

1445 Meeting with British and Indian High Commissioners

Thursday, 12 November

0700 Mr Slade to Farquhar and Desroches (polling day)
0800 Mr Dingle to Bird, Denis and Fregate (polling day)
0900 Chairperson and Mr Naik to Praslin and La Digue to visit three electoral areas

Friday, 13 November

0730 Mr Dingle to Alphonse, Marie-Louise and Darros (polling day)
0800 Chairperson to Coetivy (polling day)
1000 Mr Naik to visit electoral areas on Mahé: meet with District Councils, police, local party leaders and supporters and general public

Saturday, 14 November

0800 Mr Naik to Platte (polling day)
0800 Mr Slade to Silhouette (polling day)
1000 Chairperson and Mr Dingle visit polling stations to check preparations for the poll. Meet with Electoral Officers and assistants and political party leaders

Sunday, 15 November

MAIN POLLING DAY

0615 Observers visit selected polling stations to observe opening of poll and monitor compliance, or otherwise, with regulations
Observe polling at all stations on Mahé, Praslin and La Digue
1400 Return to Hotel for interim consultation
1530 Observe polling and procedures at close of poll at selected polling stations. Observe counting to ensure compliance or otherwise, with regulations

2100 Issued comments and observations of polling day

Monday, 16 November

1800 Issued interim statement

Wednesday, 18 November

2330 Departure from Seychelles



Seychelles Referendum on Draft Constitution

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COMMONWEALTH OBSERVERS COMPLETE CONSULTATIONS

The Commonwealth Observer Group has now completed its round of formal consultations with leaders of the political parties participating in the Referendum, the Director of Elections, Government officials including the police, and with representatives of the Churches. The Group has also met with members of the public, representatives of organisations and other important individuals in the community.

It was made clear that the Group's mandate involved looking into every relevant aspect of the organisation and conduct of the Referendum. The consultations enabled the Group to bring to the notice of the Government and appropriate authorities issues which the Group considered to be crucial to the free and fair conduct of the Referendum.

The present mission follows that of the first Commonwealth Observer Group to the July election to the Constitutional Commission and is an integral part of the total process of monitoring and observing Seychelles' transition to multi-party democracy.

Of particular concern to the Group were the five issues detailed in the report of the Commonwealth Observer Group to the July election, namely, the need to delink the state from SPPF; the role of the security forces; funding of political parties; the voters' registration list; and the independence of the media. They were taken up with President Albert Rene and with the appropriate authorities as matters about which there has been little progress and causing deep concern to the opposition parties. The Group also raised the concerns expressed over procedures of the Constitutional Commission which produced the draft Constitution. The President's response outlined plans towards dealing with these areas of concern, including the Government's proposal to reorganise the security forces by the end of the month.

Noting these developments the Group leader, Mrs Barulaganye Machacha, made clear the Commonwealth would continue to monitor and encourage progress towards multi-party democracy. The Group welcomed the adoption of a Code of Conduct to guide all parties during the Referendum and future elections. It particularly welcomed, too, the cancellation of the SPPF march through Victoria today.

Mrs Machacha expressed appreciation for the welcome extended to the Group and her satisfaction with the high level of cooperation encountered at all levels in the course of the Group's work.

The Group now moves on to the next phase of its observation of the Referendum, with a full schedule of visits to the Inner and Outer Islands. From tomorrow, members of the Group will accompany election officials to these outlying islands to observe and monitor the polling process. They will be in Farquhar, Desroches, Bird, Denis and Fregate on Thursday, Alphonse, Marie Louise, Darros and Coetivy on Friday and Platte and Silhouette on Saturday.

Before the main polling day on Sunday, all observers will also visit the 22 polling stations and districts on Mahe, Praslin and La Digue. They will meet with party leaders and supporters at the district level, electoral officials, the police, and members of the public.

Beau Vallon Bay Hotel
11 November 1992

ANNEX IV

Interim Statement of 16 November 1992



Seychelles Referendum on Draft Constitution

Commonwealth Observer Group

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INTERIM STATEMENT

The Referendum on the draft Constitution held over the four days from 12 to 15 November 1992 was the second and integral part of a three-stage transition process to multi-party democracy in Seychelles. The Commonwealth Observer Group was asked to observe every relevant aspect of the organisation and conduct of the Referendum in accordance with the law of Seychelles and to form a judgment on whether the process of determining the acceptability or otherwise of the draft constitution was free and fair.

Members of the Group observed polling in 11 of the 12 Inner and Outer Islands and at all 22 stations on Mahe, Praslin and La Digue. We had every opportunity to see on the ground the preparations for the Referendum and the conduct of the poll in all its aspects.

The Referendum took place largely without incident. The voting arrangements were of a high standard, the election officials efficient and well rehearsed, and the voters orderly in their behaviour. On the whole, the polling proceedings went peacefully and smoothly in all stations. The question put to the voters in the Referendum, as required by law, was framed clearly and precisely. It is our view that the voters were able to express their choice freely. We have therefore been able to conclude that this Referendum was free and fair in its organisation and conduct.

However, in the context of the transition process as a whole, we have serious concerns about a number of issues which may adversely affect the fairness of the entire endeavour. The central point of this Referendum was the draft constitution. Although adopted by an elected Constitutional Commission, the draft was, in effect, formulated by members of the ruling party, without significant public participation and following a walk-out by the Opposition. Thus, the draft constitution fell far short of being a consensus document.

We consider it desirable that all Seychellois should have at least a broad understanding of a document that has a fundamental effect on their lives and those of future generations. Having rejected the draft constitution in this Referendum, the people of Seychelles now have the opportunity to formulate a new constitution in a more participatory and democratic manner. We will urge in our report to the Commonwealth Secretary-General that full advantage be taken of this opportunity so that the cause of democracy can be advanced without undue delay.

Other specific areas of concern which have a strong bearing on our assessment were identified in the Observer Group report of July. They continue to be of deep concern to the opposition parties and other interests in the community who feel that no substantive progress has been made. These concerns have been drawn to the attention of President Rene and others in authority. We consider them matters of crucial importance as they can affect materially the outcome of any poll in a democratic society. We will continue to urge early implementation and monitor progress.

We recognise the historic step taken by the President and the Government of Seychelles and it is our sincere hope that the next round in the transition process will foster national reconciliation as Seychelles moves forward on the road to democracy. In our consultations, we met with a wide range of people to whom we express gratitude and appreciation for their assistance. In particular, we would like to thank the Director of Elections and his dedicated staff for their continuing co-operation.

Beau Vallon Bay Hotel
16 November 1992

ANNEX V

Results of the July Election to the Constitutional Commission

Political Parties	Votes	%
Seychelles People's Progressive Front	24,538	58.4
Democratic Party	14,150	33.7
Parti Seselwa	1,829	4.4
National Alliance Party	672	1.6
Movement Seychellois Pour La Democratie	322	0.8
Seychelles National Movement	259	0.6
Seychelles Liberal Party	201	0.5
Seychelles Christian Democrats	54	0.1

ANNEX VI

Sample Ballot Paper

Ballot Paper

Eski ou aprouv sa konstitisyon?
Do you approve the draft Constitution?
Approuvez-vous le projet de Constitution?

Wi/Yes/Oui	
Non/No/Non	

ANNEX VII

Code of Conduct to be Adhered to by Political Parties, their Members and Supporters on an Election or Referendum

CODE OF CONDUCT

This Code of Conduct is aimed at maintaining a peaceful atmosphere during an election or referendum campaign and on polling day.

- (i) Existing election laws and rules must be adhered to.
- (ii) All political parties and contestants will have to extend all necessary help and co-operation to the law-enforcing authorities.
- (iii) Everyone should be aware not only of his own rights, but should also respect the rights of others.
- (iv) All political parties and candidates participating in the polls will extend full co-operation to election officials and ensure their safety until the polls are over.
- (v) Election campaigns should be so organised that a congenial and peaceful atmosphere prevails during polling.
- (vi) It is expected that criticism of opponents will occur during electioneering. All parties shall exercise restraint in speech, manner and conduct, and show respect for the opinion of others so that electioneering does not turn into a war of words and confrontation.
- (vii) It is expected that criticism of opponents will occur during electioneering. However, indecorous and provocative speeches, statements, posters, taunting, ridiculing and innuendoes shall be avoided. Parties shall be careful so that behaviour, statements or comments do not cause unnecessary tension.
- (viii) All political parties shall be vocal against violence. No party shall give indulgence to any kind of violent activity to demonstrate party strength or to prove supremacy. All political parties will extend co-operation to the law-enforcing agencies for recovery of illegal arms. No party will take any initiative for the release of any person arrested by police with arms during an election or referendum campaign or in the polling station during voting or in the vicinity of the polling station during polls.
- (ix) All parties and candidates will have equal opportunity for publicity. Meetings, processions and other campaign activities of opponents cannot be interfered with. Posters and banners shall be displayed only

in accordance with the Code of Conduct set out in the Schedule hereto.

- (x) Assistance of the nearest law-enforcing agencies will have to be sought to resist and check any sort of election offence.
- (xi) Any attempts to influence voting through money or allurements are election offences. Everyone should be aware of these offences.
- (xii) No Government transport shall be used to carry voters to polling stations other than persons working for Government departments who are on duty or persons living in Government institutions. This rule does not apply to a person who has the use of a Government vehicle and the vehicle is used for self and family.
- (xiii) No Defence Force vehicles shall be used to carry voters, including Defence Force personnel, to polling stations.
- (xiv) Defence Force personnel shall not go to vote in their uniform.
- (xv) Political parties will not procure votes by forcible occupation of polling stations or through illegal activities in the polling stations.
- (xvi) No candidate or party can commit or give covertly or overtly any contribution, grant or favour to any individual, institution, body or organisation until election or referendum day for the purpose of election campaigning and obtaining votes.
- (xvii) The congenial and peaceful atmosphere for an election or a referendum cannot be disturbed by spreading untrue and motivated rumour or by having recourse to conspiracy.
- (xviii) No election camps, check points and refreshment stalls shall be set up by political parties, their members and supporters. There shall be no campaigning of any sort either individually or collectively on polling day. District Council offices shall be closed on the day of the election or referendum. Voters must be left alone when queuing up so that they are not influenced in any way.
- (xix) Where a voter is incapacitated by blindness or other physical cause or otherwise, he may ask the Electoral Officer to record his vote in the presence of a person selected by him.

In those circumstances the Electoral Officer shall satisfy himself that:-

- (a) the voter is truly incapacitated as he claims to be;
- (b) that the person who is to witness the vote has been freely and genuinely chosen by the voter; and
- (c) that the vote expressed by the voter is free.

In this respect the political parties shall not abuse this procedure to

pressure incapacitated persons to vote in their favour.

- (xx) In addition to election officials, only the voters are entitled to enter the 'polling stations.' The political parties shall make sure that their workers do not enter the polling stations and loiter therein. Only the polling and counting agents will remain seated at their designated seats in the polling station and discharge their responsibility from there. No disruption shall be caused by the moving or changing of accredited agents.

CODE OF CONDUCT RELATING TO POSTERS AND BANNERS

1.0 Use of Bulletin Boards

- 1.1 Any elections or referendum notice, political advertisement or announcement shall be displayed only on bulletin boards.
- 1.2 These bulletin boards or boardings will be erected only at certain specific places agreed upon by the Land Transport Division, Police (Traffic Section) and Planning Authority.
- 1.3 The Planning Authority, Police (Traffic Section) and Land Transport Division shall agree on the size, height and number of the boards to be displayed in a particular area.
- 1.4 The Department of Tourism and Transport (Tourism Division) has already erected some permanent bill boards in Victoria. Only advertisements announcing local events such as educational, cultural, social or recreational and tourism-promoting activities should be displayed on these boards.
- 1.5 Extra bulletin boards (temporary) may be erected and allocated to the different political parties.
- 1.6 Boards will be erected only 14 days prior to the day of the election or referendum.
- 1.7 All boards and political displays must be removed by the political parties as soon as possible, in any case within 14 days of the close of the poll in the election or referendum in accordance with regulation 13 (2) (b) of the Town and Country Planning (Control of Advertisements) Regulations, Cap 160.

2.0 Use of Cloth Banners

- 2.1 Easily removable cloth banners should be utilised as much as possible instead of pasted paper posters.
- 2.2 Cloth banners shall be displayed only after the necessary permission

has been obtained from the Land Transport Division and Police (Traffic Section).

- 2.3 All banners shall be removed as soon as possible, in any case, within 14 days after the election or referendum.

3.0 Use of Paint

- 3.1 There shall be a total ban on the use of paint (liquids and sprays) to write upon, mark or paint any slogan on any road, pavement, telephone or electric posts, wall, or fence, etc., whether on public or private property.

This is an offence punishable under Section 183 (j) of the Penal Code, Cap 73.

4.0 Electoral or Referendum Posters

- 4.1 Electoral or Referendum posters shall be affixed only on special boards erected for this purpose as set out in paragraph 1.

- 4.2 No poster or any other paper shall be pasted on any wall, building, road, pavement, telephone or electric poles, or fence whether public or private property.

This is an offence punishable under Section 183 (j) of the Penal Code, Cap 73.

5.0 Respect of Others and their Property

- 5.1 Political party members and supporters shall respect others and their property and shall refrain from causing damage to any property whether public or private.

ANNEX VIII

Press Release Before Departure of Group, 18 November 1992



Seychelles Referendum on Draft Constitution

Commonwealth Observer Group

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PRESS RELEASE

As we prepare to leave Seychelles, we want to acknowledge publicly our deep gratitude to all those who have worked with us over the past ten days for their co-operation and assistance.

Our work is now completed, and we are honoured to have been part of this second and key stage in Seychelles' return to democracy. We would like to pay a warm tribute to the people of Seychelles who, by conduct in the exercise of their free choice and public duty, have ensured the Referendum was peaceful and orderly. We took particular note of the calm and quiet that prevailed the day after.

The Referendum was an interim phase; the challenges ahead are formidable. Among the most testing will be the need to maintain the confidence of the people of Seychelles in the integrity of the democratic process.

We thank the Government and people of Seychelles for all the courtesies and the hospitality extended to our Group.

Beau Vallon Bay Hotel
18 November 1992