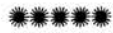


## CHAPTER 2



# The Electoral Process

### The Legislative Framework

Soon after President René's announcement was made, the People's Assembly duly passed the Constitution of the Republic of Seychelles (Preparation and Promulgation) Act, 1992 (Act 2 of 1992) in April 1992 to provide for:

- the establishment of a Constitutional Commission for the purpose of preparing the draft of a new constitution;
- the composition and regulation of the proceedings of the Commission;
- the submission of the draft constitution to the people of Seychelles for their approval or otherwise through a referendum;
- the coming into effect of the new constitution after its approval by referendum.

The Act and its five schedules would be transitional as they will cease to have effect after all the purposes of the Act have been achieved.

Our observance of the election to the Constitutional Commission was guided by the provisions of the Act. It provided for the appointment of an independent Director of Elections who would not be subject to the direction or control of any person or authority. His duties included the supervision of the election to the Constitutional Commission, the registration of voters and the holding of the referendum to approve or reject the draft constitution.

Schedule 1 of the Act made detailed provisions to govern the election and its terms were similar to the provisions of regulations governing the holding of multi-party elections in many Commonwealth countries.

The Director of Elections was empowered to appoint a Chief Registration Officer, Chief Electoral Officer and the necessary number of Registration Officers, Electoral Officers, Assistant Registration Officers and Assistant Electoral Officers.

The Chief Registration Officer was responsible for preparing a register of voters for each of the 23 electoral areas. The Electoral Officer for each constituency was responsible for furnishing the polling stations with booths for voters to record their votes in secret, regulating the admission of voters, and following the established procedures before the commencement of voting, for voting and for the closing of the poll.

### The Director of Elections

The Director of Elections, Mr André Sauzier, was one of the first officials

appointed to carry forward the planning on elections. He was highly regarded by all and was seen as the most acceptable person for the job. Although often under pressure from political parties Mr Sauzier remained confident. He earned the respect of the political parties and the general public. He went beyond his call of duty. He acted as the umpire between the ruling SPPF and the opposition, and intervened regularly to enable the opposition parties to exercise their right to campaign freely and fairly.

He held monthly meetings with all eight political parties to thrash out their complaints and problems and negotiate acceptable arrangements. He consulted them in the appointments of the Chief Registration Officer, the Chief Electoral Officer and Electoral Officers in charge of polling stations. He kept us informed of the numerous complaints from political parties and the action he had taken to deal with each situation. We were impressed by his sense of fair play and commitment and the obvious respect he commanded.

### **The Constitutional Commission**

When President René announced the three-stage process in the transition to multi-party democracy, there was much opposition to the setting up of a Constitutional Commission to draft a new constitution for the country. Sir James Mancham, in particular, questioned the necessity for such a Commission and urged the Government to revert to the democratic Constitution of 1976 (at the time of independence) with relevant sections to be amended by agreement among all parties. But President René stressed the need for such an elected Commission in order to determine the strength of the different political groups and the due weight they should carry in formulating the new constitution. The three-stage process he had earlier outlined was non-negotiable.

The Commission was to be made up of 20 to 25 members, with the election determining the precise number. Five per cent or more of the votes would entitle a party to nominate one member of the Commission for each four per cent of the votes cast in its favour. Should this formula have provided less than the required minimum of 20 members, then the parties closest to five per cent of the votes would have been entitled to nominate a member each as necessary to bring the number of members of the Commission to the minimum 20. In the event only the SPPF (58.4 per cent) and the DP (33.7 per cent) achieved the 5 per cent minimum, and the final composition of the Commission is 14 from the SPPF and 8 from the DP. The Commission is to meet shortly.

The Commission shall within three months from the date of its first meeting submit a draft constitution to the President who is required, within seven days of its receipt, to publish the draft by notice in the Gazette. Within seven days, the Director of Elections is to fix the date for the holding of a referendum to approve or reject the draft constitution. It is to be approved by an affirmative vote of not less than 60 per cent. On the publication of the Constitution, the existing Constitution ceases to have effect, the new Constitution comes into force and the existing People's Assembly is dissolved. The Director of Elections is also empowered to make regulations to govern the holding and conduct of the first election under the new Constitution. If however the draft constitution is not approved, the President is required to reconvene the Commission to prepare a fresh draft.