

## CHAPTER 3



### Issues of Concern

The election threw up a number of issues which by their very nature bore directly on the ultimate freeness and fairness of the entire process. Some were of the sort to be expected in any competitive election; others reflected the peculiarities of Seychelles, the great majority arising from the fact that the election itself was part of a wider process involving a transition from many years of one-party rule to multi-party pluralism. It is also only fair to add that most of these issues seemed to weigh more heavily with the opposition parties who invariably raised them with us in the clear expectation that our intervention with the authorities would help to resolve them.

#### Voters Registration List

In an estimated total population of some 70,000, the authorities had come up with an electorate of 49,975 voters. Some opposition parties considered this a gross exaggeration. Basing their argument on an update of the 1987 census which put the population of Seychelles at the time at 68,598, they said that the voting population should have been more like 43,000 and not 49,975, even allowing for births and deaths in the intervening period. In addition, there were allegations that the Voters Registration List contained names of dead people and of foreigners who had either impersonated others in order to get onto the list or who had been registered as voters against the provisions of the law and in the interest of the ruling party. It was also brought to our attention that voters who had registered in one electoral district had been transferred to another apparently without their prior knowledge and consent, thus effectively putting them in danger of being disenfranchised.

On all these points, we found the explanations provided and the actions taken by the Director of Elections to be reasonable and convincing. First, the size of the electorate. The District Council Elections of 30 November 1991 were the most recent poll in Seychelles; and the registered voters on that occasion totalled some 49,254, as against the present figure of 49,975 – a difference of only 721. These Elections were held under the one-party system when there should have been no need to pad the figures. The margin of difference between the November 1991 figure and that for July 1992 further strengthened the case for the credibility of the latter.

The Director of Statistics also offered a credible explanation for the seemingly high number of voters on the Registration List. This List still included some thousands of Seychellois in possession of National Identity Numbers or ID Cards who had gone to live overseas in recent years. Such persons were excluded from official population estimates, which were based on residence in country. Thus the official estimate of 43,276 Seychellois over the age of 18 at

mid-1991 did not include those living overseas but still on the Voters Registration List, and did not account for those who had turned 18 in the 12 months since.

On the issue of dead voters remaining on the register, the Director of Elections assured us that he had checked the names submitted by the political parties with the Registry of Births and Deaths and that as a result some 100 names had been struck off the list of voters. Even so, this remained an issue of considerable concern to some of the parties right up to the eve of the poll. Where there were foreigners on the list, this had been due to computer error and all the necessary precautions had subsequently been taken to ensure that no foreigner remained. In the case of voters who had registered in one electoral district and moved to another, the authorities initially hoped, by the use of fax machines, telephones and computers to direct them to the appropriate polling stations. But in the end it was decided to allow them to vote where they were, once they had satisfied the necessary requirements.

In our view, much of the controversy surrounding the size and disposition of the electorate stems in the main from the fact that a new census is now needed which will settle the controversy over the size of the electorate to the satisfaction of all concerned. We urge the authorities to put this matter in hand at the earliest opportunity.

### **Franchise for Overseas Seychellois**

Related to the wider issue of the size of the electorate was the question of extending the franchise to the Seychellois adult community abroad, variously estimated to be between 10,000 and 13,000. The DP and the SNM, parties headed by returning exiles, led the way in pushing for such a provision. They maintained that the overseas community represented too significant a proportion of the national population to be ignored. Particularly as many had left for political reasons, it would in their view be compounding injustice to deny them the opportunity to participate in the election. It would be impracticable to expect them to return home to vote, but they could be enabled to do so through the Seychelles diplomatic missions abroad. The issue was further complicated by a misunderstanding about residence requirements.

Apparently during the debate on the Constitution (Preparation and Promulgation) Bill, some members of the People's Assembly demanded a two-month residence in the country as a minimum residential requirement to qualify as a voter. This was subsequently misreported in the press as a decision of the Assembly, even though in its final version, the Bill did not prescribe any minimum residential requirement; but nor did it allow for voting by Seychellois from abroad.

How the vote of the expatriate community would have affected the outcome of the election in terms of the relative positions of the parties is clearly a matter for conjecture and speculation which is not part of our mandate. There is some merit in the Government's argument that with only four diplomatic missions abroad, there is very little it can do by way of enabling overseas Seychellois to use its Embassies as polling centres at election time. The expatriate Seychellois

community is mainly concentrated in Australia, Britain and Canada; of the three countries, only in London does Seychelles maintain a diplomatic mission. We also accept that while many of the overseas Seychellois left the country for political reasons, many others left for economic reasons and having settled into relatively good jobs are unlikely to return home. In those cases, it is a matter for debate whether they should be enabled to have a say in shaping the destiny of a country to which they are unlikely to return. What is beyond challenge, however, is that a very high proportion of Seychellois now live overseas and the question of whether they should be allowed to vote from abroad might be one of the issues to be addressed by the Constitutional Commission.

### **Calendar for Transition**

Several opposition party leaders expressed reservations about various aspects of the planned three-phase transitional process. A common complaint was that the Government had drawn it up on its own without consulting any of the other parties with a legitimate interest in the matter. Some considered it unduly protracted, thereby exposing the entire process to all manner of risks, with a considerable potential for instability. Two of the opposition political parties said that they were not opposed to the three-stage process but would rather it was compressed into a shorter time period. There was also concern about the co-existence of a democratically elected Constitutional Commission alongside the People's Assembly. Some, fearing a possible conflict of roles between the two bodies, argued that for the duration of the Constitutional Commission, the People's Assembly should not pass any new legislation. Yet, for all that, no registered party abstained from the election and we have no cause to think that any of these concerns is likely to lead to a boycott of any remaining stages of the process.

### **Links between Party and State**

The issue which loomed largest and which appeared to be of most concern to all the opposition parties was the continuing link between the state and the ruling SPPF. As in all single-party states, the 15 years of SPPF rule had brought about a well-nigh complete fusion of the party and the state. The theory proclaimed it and the practice enforced it. The President's statement of 4 December 1991 making Seychelles once more a multi-party state should have inaugurated the effective delinking of the party from the state. In actual fact, at the time of the election to the Constitutional Commission, it did not seem that much headway had been made to this end. For example, it was pointed out that shortly before the President's declaration on the reintroduction of multi-party politics, District Council Elections were held which had installed SPPF party functionaries in positions of power and influence at the local level.

Not altogether surprisingly, the opposition parties had complaints about being denied the use of public facilities, such as district community centres, which were readily available to the SPPF. Some said that on those occasions when their parties were allowed the use of community halls, they had to pay a rental fee of SR800 in addition to a deposit of SR500, when the SPPF paid nothing. There were

also repeated allegations about the use of other state resources for party political purposes. A particular case in point was the allocation in the 1992 budget of SR9.6 million to the SPPF against only SR200,000 which was subsequently allocated to each of the other registered parties. The Government's explanation for the allocation to the ruling party was that the bulk of the money would be used to pay salaries and meet other recurrent expenditure on public institutions which had been built up over the years of one-party rule. The opposition parties also claimed that in more indirect, but no less effective, ways the SPPF exploited its dominant position in society and the economy to its own partisan advantage. We note that the Government is already examining the whole question of funding political parties out of state resources and perhaps this is another matter that might be considered by the Constitutional Commission.

As in many developing societies, the state in Seychelles is the main employer and this makes the community dependent on those who control it for their jobs, pensions, loans, education, housing and other social facilities. This has placed a disproportionate advantage in the hands of the SPPF leaders and the opposition parties maintain that it has not scrupled to use that advantage to compel political loyalty and support from the community. Many of the Inner and Outer Islands, for example, are under the control of the Island Development Corporation (IDC), the parastatal responsible for the economic exploitation of these distant areas. The control of these islands by a quasi-governmental body in effect gave the SPPF privileged access to the voters living there. By contrast, other parties wishing to campaign in these areas faced considerable difficulties. A number of opposition parties complained to us that permission to visit these islands was almost invariably difficult to secure from the IDC and even when permission had been given, it could just as suddenly be withdrawn.

### **Conduct of the Security Forces**

The Inner and Outer Islands were not the only areas perceived to be the preserve of the SPPF. Of the institutions of the state, the army, the Police Mobile Unit (PMU, which is the paramilitary wing of the police force), and the militia were widely perceived to be particularly close to the present Government and therefore having a stake in its continuation in office. These perceptions seemed to have been reinforced by the command structure in each case and the fact that these institutions came into being under the SPPF Government. The army which did not exist before 1977 had grown to its present strength in the period since then and had come to be seen as one of the privileged institutions in Seychellois society. It says a great deal about the perceived link between the army and the ruling party that all the opposition parties were against soldiers of the Seychelles Defence Forces (SDF) patrolling the streets on polling day or being ferried in military vehicles to polling stations to cast their votes. The clear division between civilian and military responsibility normally found in all modern democracies is absent in Seychelles. The Minister of Finance, the second most senior member of the Cabinet, is also the Chief of Staff of the Defence Forces. There is thus a direct operational link between the Cabinet and the military. The potential for abuse in such situations can be considerable.

The PMU was considered to be even more closely allied to the SPPF

Government. In formal terms, it falls under the command of the Commissioner of Police; but it is widely believed that in practice it comes under the direction and control of the Chief of Staff of the Defence Forces. In the week before the election, there were many complaints of PMU officers tearing down posters and other propaganda material of the opposition parties. The militia was said to be the most partisan of all the security agencies. Not surprisingly, there were many complaints of intimidation of opposition party supporters by elements of the militia.

In the immediate aftermath of the election, the President himself called for national reconciliation. The good faith of that appeal will be called into question if the perception gains ground that the normal law enforcement agencies are either not able or not allowed to have control of the law and order situation. The conduct of the civilian police on polling day was exemplary as were their relations with the community. We strongly suggest that everything possible be done to build on that foundation and that the distinction between police and military functions be clearly demarcated.

### **Emergency Legislation**

The existence of Emergency legislation dating from colonial days introduced a further source of concern for the integrity of the process. Under the terms of that legislation, the Government had proclaimed a State of Emergency in 1981, which remains in force, and which was a source of anxiety. We suggest that pending its early repeal, a public commitment by the Government not to invoke any of its provisions in the context of the elections will go a considerable way to building all round confidence in the transitional process.

### **Post-Election Security**

Many of those we spoke to over the period of our visit had expressed fears of instability should the SPPF lose this election. In particular, they were apprehensive about any possible disorder leading to intervention by the army. A week before polling day, five opposition parties wrote a joint letter to the British, French, Indian and American Governments to send warships to Seychelles during the election period "to forestall any possibility of a military coup during the elections".

It is therefore ironic that in the immediate aftermath of an SPPF victory in a free and fair election, those fears of disorder should have been borne out.

The office of the Commonwealth Observer Group was inundated with telephone calls throughout the day on Monday, 27 July, from the leaders and supporters of opposition parties, church representatives and members of the public, who had witnessed both PMU and army personnel arresting and rough-handling opposition party supporters and bystanders. Many people were detained at the Central Police Station in Victoria and also at other district police stations. The army had intervened in controlling what appeared to be a routine law and order situation which could have been dealt with by the civilian police.

In a meeting with President René on 28 July, the Chairman stressed the Group's disappointment that these civil disturbances should have occurred after a peaceful and successful polling day, and that it should not have been necessary for the army to become involved. The President took note of our representations and undertook to enquire into the matter further. His initial information was that the police (through the PMU) had requested the army's assistance to control civil disturbance which, if left unattended, could have become much worse. We were later informed that all those detained had been released.

In the light of these events, we again strongly urge restraint by the law enforcement and security agencies, particularly during the fragile transition period, and the strengthening of the civilian police.