

# Referendum on the Draft Constitution in Seychelles

12 – 15 NOVEMBER 1992

The Report of the  
Commonwealth Observer Group

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## Letter of Transmittal



Seychelles Referendum on Draft Constitution

### Commonwealth Observer Group

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18 November 1992

*Dear Secretary General,*

You had appointed us in response to a request from the Government of Seychelles to observe the Referendum on the draft Constitution from 12-15 November 1992.

Our interim statement, a copy of which was forwarded to you in Kampala, was issued on 16 November following the announcement of the result of the Referendum. We now have pleasure in forwarding to you our full Report.

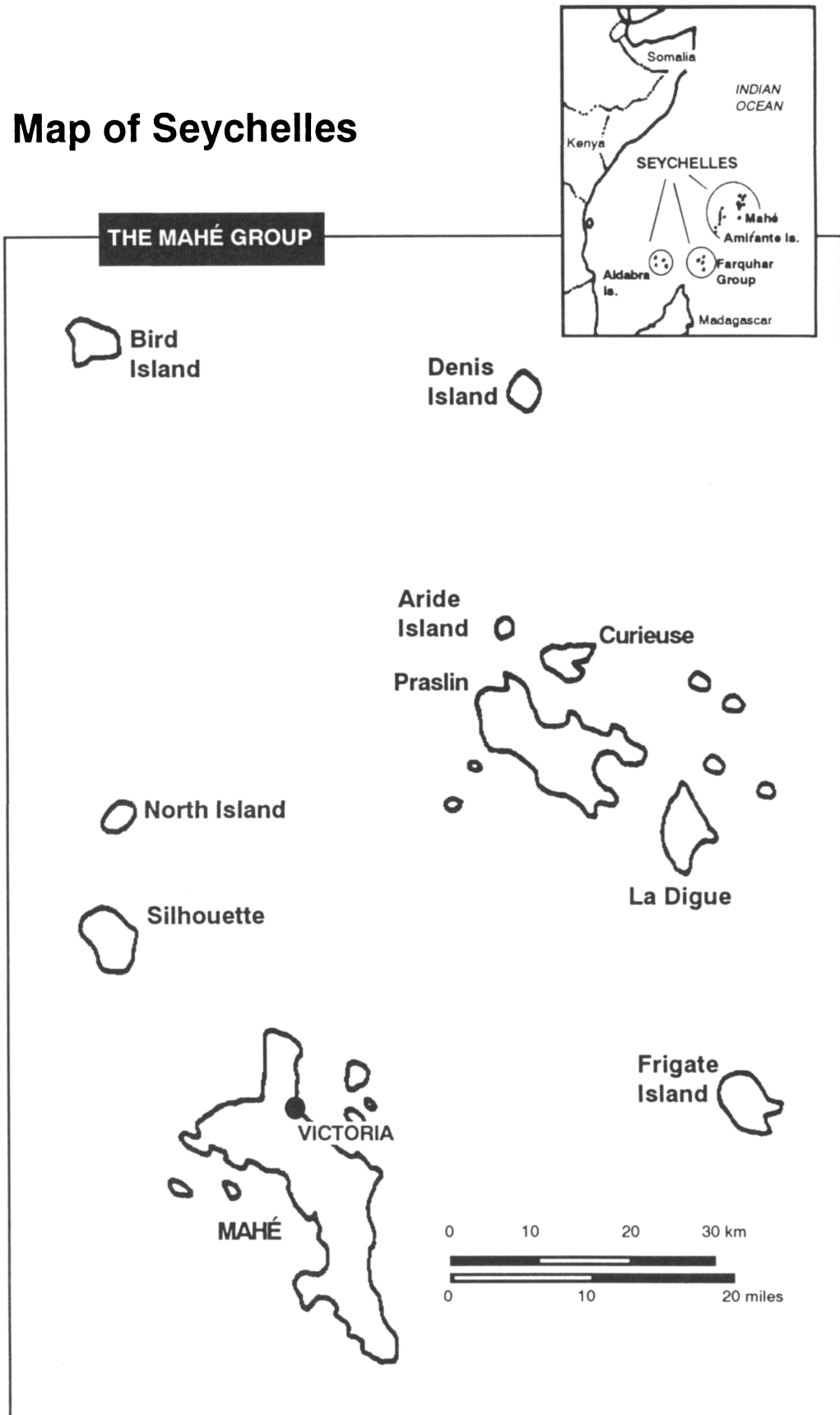
It was a privilege for us to serve on this mission at a critical stage in Seychelles' return to democracy. We would like to thank you for giving us this opportunity.

Barulaganye Machacha  
Chairperson

Anthony Dingle

Ejaz Naik

# Map of Seychelles



# Introduction

On 4 December 1991, President Albert René announced that after 15 years of one-party rule Seychelles was to be transformed into a 'pluralistic democratic system'. He set out a three-stage transition process: the election of a Constitutional Commission in July 1992; a referendum on a draft of a new constitution to be produced by the Commission; and a general election by the end of 1992. The process has since engaged the country in intense political activity. The intervening months have been eventful and testing in many ways.

A seven-member Commonwealth Observer Group was invited to Seychelles to monitor the July election which took place from 23 to 26 July. In its report, the Group declared that, notwithstanding some shortcomings, the election was free and fair. It enabled the people of Seychelles to fulfil their right to vote in a peaceful and orderly manner without hindrance.

The election of July, which was won by President René's ruling Seychelles People's Progressive Front (SPPF), was not of individuals to take part in the Constitutional Commission, but of political parties. The result of the election enabled only the SPPF and the Democratic Party (DP) to be represented on the Commission: 14 members from the SPPF and eight from the DP.

The Commission commenced its work on 27 August. On 16 October, after a walk-out by the DP delegates, the Commission comprising only SPPF members adopted a draft constitution for approval in a Referendum by the people of Seychelles.

## The Second Stage

The Referendum was an integral and crucial stage of the transition process. It took place over a four-day period from 12 to 15 November 1992. Voters were asked to vote in the affirmative if they approved the draft constitution, and in the negative if they did not. The law required the draft to be approved by not less than 60 per cent of the votes cast.

The result of the poll was announced just before midnight on Sunday, 15 November. Of 40,904 total votes cast, 21,965 valid votes (53.7 per cent) were in the affirmative, and 18,255 (44.63 per cent) in the negative. This meant that the draft constitution was rejected by the people of Seychelles.

Our task was to monitor the Referendum. Two of our group of three had been observers to the July election. Our report is thus on a key stage in the evolution of democracy in the country. Other relevant background on Seychelles is contained in the report of the July Group.

## **Composition of Observer Group and Terms of Reference**

This second Observer Group was constituted by the Commonwealth Secretary-General, Chief Emeka Anyaoku, to observe the Referendum. The composition of the Group and our support staff from the Commonwealth Secretariat appears in **Annex I**.

We had as our terms of reference the following:

The Group is established by the Commonwealth Secretary-General at the request of the Government of Seychelles supported by the political parties. It is to observe every relevant aspect of the organisation and conduct of the Referendum in accordance with the law of Seychelles relating to elections and the Referendum. Its function is to ascertain whether, in its impartial judgment and in the context of that law, the Referendum has been free and fair. The Group has no executive role; its 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 accordingly. It is to submit its report initially to the Secretary-General and to the Government of Seychelles, and thereafter to the leadership of the political parties taking part in the Referendum.

## **Method of Work**

The Secretariat advance team had arranged our work programme by the time of our arrival in Seychelles on 7 November 1992. As in July, we moved straight into a series of meetings, briefings and monitoring activities. Our observations of the two major rallies by SPPF and the opposition on Sunday, 8 November are referred to elsewhere in this report. At the start of the week we met with the media to issue a press statement explaining our task (**Annex II**) and underlining our impartiality and independence. We also made clear that we were there not to supervise the Referendum but to observe the whole process and form a judgment accordingly. We met with President René, leaders of political parties, the Director of Elections, the police and church leaders. A full list of our appointments, together with a press release reporting progress on our consultations, is at **Annex III**.

Seychelles is an island-nation 454 sq km in total land area, covering more than 100 islands spread over 1,000,000 sq km of the Western Indian Ocean. Of a population estimated at 70,000, some 85 per cent live on the one relatively large island of Mahé (27 km long from north to south), a further 10 per cent on the much smaller nearby islands of Praslin and La Digue, and the remaining 5 per cent on scattered and remote tiny islands. Of the 23 electoral areas, 19 are on Mahé, two on Praslin and one on La Digue. The remaining electoral area covers the scattered Inner and Outer Islands. Because of the distances involved, polling was staggered over four days, from 12-14 November for the Inner and Outer Islands, and on 15 November for Mahé, Praslin and La Digue.

Although there were just three of us and the two support staff, we were able to visit all polling stations in the country except for one on the remote island of Assumption. For the first three polling days, we operated individually and travelled by boat or small aircraft to observe polling in 11 of the Inner and Outer Islands. As in July, we found the people open and willing to share with us their views on the Referendum and its politics. We were not surprised that the majority had little understanding of the provisions of the draft constitution. We were less surprised to be told, time and again, of the expectation that voting would be along party lines.

Sunday 15 November 1992 was the main polling day, covering Mahé, Praslin and La Digue. Polling stations opened at 7 a.m. by which time sizable crowds had already gathered. We were able to move about freely, and to observe all polling stations, visiting them several times during the day. We also observed the count at selected polling stations. We all wore distinctive armbands and the Commonwealth emblem was displayed on our vehicles. At every station we received the fullest co-operation from the electoral officials, police officers on duty, and party agents.

We were able to form a preliminary view based on our observations, and issued the statement at **Annex IV**. Our report was completed before we left Seychelles.

## 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.

## CHAPTER 2



# The Legislative Framework

Seychelles was proclaimed a one-party state under the Constitution of 1979. Basic changes had to be made in order to implement the move to multi-party democracy. The Constitutional Amendment which came into force on 27 December 1991 abolished the one-party doctrine and laid the foundation for change. The Political Parties (Registration and Regulation) Act 1991, also enacted in December 1991, established the machinery for the registration of political parties. A Registrar of Political Parties was appointed. By the end of April 1992, eight political parties (SPPF and the seven opposition parties), had been registered. They all contested the election in July.

The Constitution of the Republic of Seychelles (Preparation and Promulgation) Act 1991, which came into effect in April 1992, provided the detailed scheme for the implementation of the three-stage transitional process. It established the Constitutional Commission which had the task of preparing the draft constitution.

The Commission commenced its work on 27 August, sitting for a total of 19 sessions until 16 October. Meetings were not open to the public but the Commission was empowered to invite any person to attend a particular meeting in order to assist the Commission. Only the Director of Elections, acting in his private capacity, and one other person made submissions before the Commission. A technical secretariat was established to prepare the draft. It consisted, at least for a time, of representatives of both parties, as well as the Attorney-General and a legal drafter recruited, with assistance from the Commonwealth Secretariat, to assist with the drafting process. Under the Act, the Commission was required to submit a draft constitution to the President within three months from the date of its first meeting. An extension of time not exceeding 30 days was also provided for.

Within the times stipulated under the Act, the Director of Elections was required to set the dates for the holding of the Referendum. He was also to determine the question to be put to the voters at the Referendum. It was to be clear, precise and so framed that the voters were required to vote in the affirmative, if they approved the draft constitution, or in the negative, if they did not.

If the first draft was rejected, the Act required the President to re-convene the same Constitutional Commission to prepare a fresh draft constitution. It provided for the President to determine both the date for reconvening the Commission and the date by which it is to submit a fresh draft to him.

The procedures prescribed for the workings of the Commission had

incurred strong criticism from opposition groups, the churches as well as members of the public and the media. The primary attack had been aimed at the chairmanship of the Commission, occupied by a senior SPPF member. A view now widely held, admittedly with the benefit of experience, is that it would have greatly enhanced the impartiality and integrity of the Commission and its proceedings if the chairperson had been an independent person acceptable to all parties. We ourselves are firmly of this view. Given the divisiveness and distrust so pervasive in Seychelles today, we believe that an independent chairperson would have helped promote more consensual decision making and bridge the gulf between the two sides. We urge that this matter be given the highest consideration in the plans to reconvene the Constitutional Commission next year.

We note, too, that the existing legislation does not prescribe a specific time frame for the reconvened Commission. Nevertheless, the transition process is now well established and the clear commitment exists to move the country forward to multi-party democracy. We can therefore be hopeful that the new-found democratic goals of Seychelles can be reached without undue delay.

The provision for the meetings of the Commission to be closed to the public was also severely criticised. It was explained to us that closed-door hearings ensured that the Commission was a place for working out a difficult and technical document, not a platform for political grandstanding. On the other hand, the fact remains that the work of the Commission is a legitimate subject of public interest and an obvious focus of media attention. Our observation of the Referendum leads us to believe that there exists a genuine public desire to play a part and to be kept informed in the formulation of such an important document, one which affects not only the lives of all Seychellois but also the lives of future generations. We would therefore urge that due consideration be given to this matter to ensure that these important public concerns are given the serious attention they deserve, by formal and informal consultations, so that the next round of discussions can be brought to a successful conclusion.

## CHAPTER 3



### The Campaign

We arrived in Seychelles in time to observe three rallies, two held by the United Opposition and one by the SPPF in the last weekend before polling. The United Opposition rally at Beau Vallon and the SPPF one at Victoria held on Sunday, 8 November were both major events with full party trappings and colour, and thousands of cheering party supporters. The rallies followed much the same format: political speeches and exhortations by the party leadership to a chanting, highly enthusiastic crowd. Both camps in their speeches sought either to explain and stress the benefits of the draft constitution, or to demolish the merits claimed for the draft. The charges and counter-charges were vintage stuff. At the SPPF rally, a full line-up of party officials was led by the President and Government Ministers who addressed the crowd. The party faithful were reminded of the economic benefits to the country and citizens under SPPF rule, of the rights and freedoms guaranteed under the draft constitution and the importance of voting in favour of the draft.

Speaking with many in the crowd at these rallies, we gained the clear impression that the ordinary citizen was not well informed about the details and real significance of the draft constitution. It was clear, too, that they seemed resolved to vote along party lines.

The establishment of the United Opposition brought about a certain measure of cohesion and strategy in the stand against the draft constitution, and this was evident in political rallies and in joint publications setting out the their viewpoint in the 'Vote No' campaign. Nonetheless, the grouping was riven by the natural instability of competing interests. A television debate between President René and Sir James Mancham, which was eventually cancelled, was opposed by several opposition parties who did not wish to broaden the debate issues beyond the Referendum question. Party interests also affected the division of political funds and the air-time issue, the DP claiming a proportionately larger share because of the far greater size in its political following.

The campaign was pitched at the purely political level. In that sense, any attempt by the political parties themselves to explain the draft in strictly legal or constitutional terms was bound to be taken as party propaganda. A significant feature of the campaign was the range and volume of published material put out by all political parties, from newsletters to communiqués. All parties made use of the television, radio and print media for their campaign. There was no report to us of any unfair restrictions on campaign activity. Inevitably, there were many complaints against the Seychelles Broadcasting Corporation (SBC) for its alleged favouritism towards the SPPF in the campaign coverage.

## Media coverage

The role of the media was particularly crucial in the second stage, even more so than in the July election. The combined coverage by radio, television and print media meant that there was no lack of opportunity to present argument and counter argument on the draft. Much of the news reporting was issue-related or politically motivated. Media coverage, therefore, on the whole, was committed to party political positions. There was no neutral educational media programme. In the circumstances prevailing during the campaign period, it was virtually impossible to project any position that was likely to be taken as neutral and independent.

The *Nation*, the only daily newspaper, provided prominent coverage of events. During the campaign period, it carried an item on the draft constitution in almost every issue. On 23 October it published a 16-page 'presentation' on the draft by way of a special supplement to its issue of that day. It offered a fairly detailed commentary, but one that was seen as a serious misrepresentation of the draft provisions. The fact that it was owned and operated by the Government made the *Nation* a natural target of accusations of bias. We would note, however, that the opposition were able to present their viewpoints through their own party newspapers, the DP through the *Seychelles Weekly* and Parti Seselwa through the *Regar*.

Almost the first complaint laid before us concerned the claimed inequality of air-time on television. Of all media forms, television was considered the most popular and offered the best exposure nationally. For purposes of the political campaign, the SBC had split the available broadcast time, allocating 110 minutes to the 'Yes' vote (SPPF) and 110 minutes to the 'No' vote. The time allotted to the latter had to be shared among the seven parties comprising the United Opposition, allowing barely 15 minutes of television time per party. This was naturally seen by the opposition as totally inadequate and inequitable. The opposition claimed that either equal time should have been allowed for all opposition groups (a claim generally seen as excessive in view of the vast differences in electoral support among the opposition parties), or an agreed minimum time allowed to each party. On behalf of the opposition parties, the Director of Elections proposed that the air-time be divided on a 60/40 basis, leaving it to the United Opposition to share the longer of the time-slots. But this was rejected by SBC. For the opposition, this was yet another example of SBC's linkage and bias towards SPPF which seriously compromised the independence the Corporation was supposed to maintain or at least be seen to be maintaining.

Accusations of bugging were also made against the SBC during the taping of the final party political broadcast by the opposition. It was alleged that the taped programme was being secretly recorded, and discovered only when part of the soundtrack was accidentally broadcast live nationally. This was taken as a sinister attempt to record an opposition speech ahead of transmission time, presumably to be passed on for the use and advantage of SPPF before it recorded its own final party broadcast. The SBC denied these allegations in the

strongest terms. But the incident further demonstrated the apparent and unfortunate lack of trust and confidence in a media organisation which has the potential to do much good work in these critical times.

## CHAPTER 4



# The Transition Process

The Report of the Observer Group to the July election made recommendations on five issues which have assumed particular importance for the opposition in the transition period:

- de-linking between SPPF and state be accelerated
- law enforcement and security agencies be reorganised
- the Voters' Registration List be reviewed
- a free and independent media be established
- funding of political parties be examined.

The Referendum was the second stage in the continuing process of returning Seychelles to multi-party democracy. The areas of concern which affected the first stage of the process, the July election, continued to have a direct bearing on the second stage. We therefore consider that in moving forward towards a democratic system, substantive progress needs to be made on those issues which had given the ruling party an unfair advantage over the opposition parties in July. This was especially so in the web of linkages developed over 15 years of one-party rule which have both fused and confused the party and the state. While the Group recognises that these links cannot be disentangled overnight, it is felt that greater attention by the Government to all of these issues of concern could have helped to instil more confidence in the transition process.

### **De-linking Between Party and State**

The principal concern is about the existing District Council structure and powers which have remained unchanged. The chairpersons of District Councils are also members of the National Assembly for those Districts as well as chairpersons of the SPPF at the local level. In Seychelles, the District Councils are close to the people and are involved in the distribution of loans, grants, social security, housing, development projects and other socio-economic benefits and recreational facilities. The effect is that necessary governmental services are seen by the people as party services, if not party largesse.

This system of local government which was introduced in December 1991, just days before the announcement of a multi-party system, was provided for and would have been entrenched in the draft constitution. Thus, a major

concern was the continued concentration of power in the District Councils and the SPPF as the current ruling party, and ultimately, the President.

We raised these concerns with President René. He said signs of SPPF affiliation at the District Councils had been removed. The party flag no longer flies in front of the offices and party work is no longer done from there. The party is in the process of looking for new accommodation. All political parties now have the same access to the community centres as the SPPF.

The opposition, however, regarded these changes as merely cosmetic and demanded that more fundamental de-linking and reorganisation of the structures of party and state be made. Now that the Constitutional Commission is to meet again, there is a new opportunity for compromise to resolve this fundamental area of disagreement on the structure and function of local government.

### **Role of the Security Forces**

It is generally acknowledged that the security forces have exercised discipline and restraint in the intervening period since the July election. But concern remains that the Militia, seen as the most partisan of all the security agencies, has not been disbanded nor has the structure of the security forces been reorganised to delink them from the party. The Minister of Finance, who is the Deputy Secretary-General of SPPF, remains the Chief of Staff of the Defence Forces.

However, we noted signs of progress on the second day of polling, when the President's Office issued a press release, stating that the Militia will be restructured. Those permanently employed will be regrouped into a newly formed National Guard which will undertake static and escort duties. There will also be a part-time section manned by volunteers to help the police on patrol duties. The National Guard will have its own Commander who will answer directly to the Commissioner of Police. It will have police powers and be subjected to police rules and regulations. The Police Mobile Unit (PMU) which has been involved in static duty will be reorganised and retrained for its original duties of riot and crowd control.

We welcome these plans to restructure and see the continued need for the security forces to exercise discipline and show restraint. They fulfil an important role during the transition period and their proper conduct will go a long way to help engender confidence during these times of change. We take particular note of the peace and calm that prevailed on the day after the Referendum. There was no reported incident of disorder, violence, or intimidation as had occurred in July.

### **Voters' Registration List**

The Director of Elections assured us that all possible steps had been taken to make the Voters' Registration List as accurate as possible for the Referendum. The list was opened again to allow those who had moved to have their names

transferred to their new district of residence, those who had turned 18 by 25 September 1992 to be registered and those ineligible to have their names removed. But the overseas voters on the list, numbering approximately 4,000, had not been removed as it was not known whether they were permanently or only temporarily overseas.

We are satisfied with the efforts made and the process undertaken by the Director of Elections and his staff to update the list and make it as accurate as possible.

### **Free and Independent Media**

The July report had strongly urged that the Board of Directors of the Seychelles Broadcasting Corporation (SBC), which is dominated by civil servants or people alleged to be SPPF sympathisers, should be reconstituted to reflect its independent status as required by law. In noting the vital role of the SBC in the transition process, and in the light of the complaints raised in the previous chapter, we once again draw the attention of the Government to this important matter.

### **Funding of Political Parties**

The funding of political parties, which was a controversy in July, remains a contentious issue. While the Group in principle recognises the exigency of funding the parties during the transition period, we feel its details are a local political matter for the Government and the parties to resolve. Since the matter remains one of deep concern to the opposition, we would suggest that in the context of the de-linking process, there at least be clear separation of the funding arrangements for government function and for party activities.

One important recommendation of the July Group that has been adopted by all political parties was a Code of Conduct which would govern the parties during the Referendum and future elections. We are pleased to note that all eight parties, through the mediation of the Director of Elections, were able to reach consensus on the details of the Code which dealt with several specific issues that were a source of contention in the July election. As evidenced in our next chapter, this Code, officially implemented on 10 November, has done much to reduce tension and prevent abuse especially on polling day.

## CHAPTER 5



# Conduct of the Referendum

In considering whether the Referendum was properly conducted, we made our judgment based on the following issues:

- (a) Voting Procedures in the Inner and Outer Islands
- (b) Events on Main Polling Day
- (c) Performance of Electoral Officials
- (d) Adequacy of the Registration List
- (e) Conduct of the Count

### **Voting Procedures in the Inner and Outer Islands**

From 12 to 14 November, travelling by boat and small aircraft, we accompanied the electoral officials to observe the voting in the Inner and Outer Islands. The polling booth, boxes, papers, envelopes and other voting material were transported and re-assembled from island to island. Many of these islands have migrant worker populations which move regularly between the main island of Mahé and the far-off islands. There was, therefore, an expected mobility in numbers. In one island, for instance, only 39 out of a list of 89 registered voters turned out to vote. There were three instances of voters who were not permitted to vote because of inadequate identification.

Voting in the Inner and Outer Islands went smoothly. All polling stations were well located and Electoral Officers courteous and efficient. We had some difficulty communicating with the voters because many on these islands spoke only Creole. But we found the voters generally at ease and happy to talk about the Referendum. In one polling station, a voter proclaimed loudly his inability to exercise his vote because he did not understand anything about the draft constitution. His appeal to the presiding electoral officer for help in casting his vote was politely declined. When spoken to later, he claimed that he lived on an island where there was no television and where radio reception was poor, and apparently he had not been told anything or shown any written material on the draft constitution.

### **Events on Main Polling Day**

By 6.30 a.m. on the main polling day, we were at selected polling stations to

observe the opening of the poll. Long orderly lines had already formed outside all of the stations as the Electoral Officers and their assistants methodically went through the procedures to open the poll. They were closely watched by ever vigilant polling agents. Most of the 22 polling stations in Mahé, Praslin and La Digue were headed by the same Electoral Officers as for the July election. That experience was evident in the improvement shown in the organisation of their stations to ensure a smooth flow of voters in and out of the premises. Stations that were severely congested in July were a scene of order. This, even with the introduction of the extra precaution of using invisible ink and ultra violet lamps to prevent double voting.

All Electoral Officers were also given extra help. This meant three or four assistants could be deployed to verify voters' names on the list and more ushers were available to help direct voters from one step to the next in the procedure. At Plaisance, the biggest polling station, the Electoral Officer had 19 polling and 12 counting assistants assigned to him. Unlike July when he had to extend his closing time by two hours, this time the lines were cleared by 6 p.m. when the poll closed.

Other changes were also made to the July procedures to improve the system. The special provision that had allowed voters registered in one electoral area to vote in another was scrapped this time. It had proved most cumbersome and caused much delay in July, putting an extra burden on already busy electoral officials. For the Referendum, such voters were told to go to their district of registration to cast their vote. Only those from the Inner and Outer Islands were allowed to do otherwise, and even then, only at National House where a special station was set up for them. The change was particularly welcomed by the political parties as the earlier system was open to abuse. They feared that in any future constituency-based election, a party that was strong in one electoral area could easily send its surplus voters to vote in areas where it was weak.

Another change was the absence of party checkpoints outside polling stations. This had been a major source of tension in July as the parties without checkpoints accused the SPPF of canvassing and intimidating voters. However, the newly adopted Code of Conduct banned political parties from setting up any checkpoints, election camps or refreshment stalls. Notwithstanding this, rumours were rife that the SPPF had set up checkpoints in private homes closest to the polling stations. The SPPF denied this. But the allegations persisted on polling day and the police were sent on several occasions to check out the complaints. Only in La Digue was the violation obvious. SPPF supporters had stood outside a polling station in what the opposition regarded as a 'checkpoint' to get voters to stop by to check their names on the register.

The opposition also complained that Government ministers who had received accreditation to visit polling stations abused this pass by making more than just a fleeting visit to ensure that everything was in order. They alleged that the prolonged presence of a minister could be intimidating to the voters in line. This was brought to the attention of the Director of Elections who immediately reminded the SPPF that those passes were only meant for their

ministers to visit, but not to stay for any length of time in polling stations.

As in July, the old, the handicapped and the sick living in government institutions were brought to polling stations, allegedly by SPPF agents. While this had outraged opposition polling agents in July, the Code of Conduct provided electoral officials at the Referendum guidance and discretion to prevent abuse. Witnesses accompanying incapacitated voters were not allowed to speak while electoral officials ascertained how the votes were to be cast. At several polling stations, electoral officials prevented the same party agent from bringing in more than two incapacitated voters. In one incident, we witnessed an agent crying out "yes" when the handicapped voter she had brought in said he wanted to vote "no". The Electoral Officer duly escorted her out of the station and allowed the voter to express his choice freely.

Electoral officials and polling agents alike commented that the experience of July, the changes made in some procedures and especially the adoption of the Code of Conduct had gone a long way to make this polling day far more efficient and smooth and far less tense.

### **Performance of Electoral Officials**

As in July, the electoral officials were outstanding in their performance. Procedures were followed scrupulously. They gave their full co-operation to polling agents. Names of each voter were called out clearly. In several stations, even the page and line number were given to enable the polling agents to locate the names faster. The agents were also kept informed of any action taken to deal with irregularities. Complaints and objections were duly recorded. The electoral assistants in particular were instrumental in keeping the long lines of voters moving smoothly and swiftly by directing voters from one step to the next. Except for a complaint of congestion at one polling station, the agents we talked to all expressed satisfaction with the procedures followed and the overall management of the stations.

### **Adequacy of the Registration List**

In spite of persistent opposition rumblings about the list, it once again proved to be credible and accurate on polling day. No polling agent at the 22 stations we visited had any complaints about the list. All those who had come to vote and found their names on the list were allowed to vote. The turnout of 82 per cent was almost as high as July, this in spite of worries that the electorate was suffering from voter fatigue and an overdose of politics.

Inevitably there were isolated problem cases, but this did not affect the outcome of the Referendum.

### **Conduct of the Count**

The extra counting assistants appointed at each station led to a much faster tallying of the ballots. Ballot papers and envelopes were put into bundles to

facilitate counting. In many stations, Electoral Officers allowed anxious polling agents to sit right by the counting tables to scrutinise the sorting into yes and no stacks. The results were faxed to the Chief Electoral Officer at National House. By 11 p.m., all results were known. The 'No' lobby won 44.63 per cent of the votes denying the 'Yes' lobby the 60 per cent needed for the Constitution to be considered approved.

In accordance with our mandate, we were able to observe every relevant aspect of the organisation and conduct of the Referendum in accordance with the law of Seychelles. It was clear to us that the lessons of July had been learnt and effective changes made to make the organisation of this Referendum more efficient and smooth. We have no doubt that the people of Seychelles have been able to exercise their right to vote freely and in secrecy. There were no significant shortcomings in the procedures, the system or the conduct of the Referendum that could make us reach any other judgement but that, in its conduct and its organisation, this Referendum has been free and fair.

## CHAPTER 6



# Summary of Conclusions

The main conclusions of our report are:

- As to its conduct and organisation, the Referendum was free and fair. Voters exercised their choice freely and in secrecy;
- We endorse, and commend, the critical role of the Director of Elections and his staff. The arrangements for the poll and the performance of the electoral officials were of high standard. They ensured a smooth and peaceful Referendum, and in doing so helped to further reinforce confidence in the electoral process;
- We welcome the adoption of the Code of Conduct and the guidance it provided to all political parties and electoral officials in the Referendum;
- The Constitutional Commission and its procedures deserve close and careful consideration. We believe an independent chairperson with no connection to party politics would greatly enhance its integrity;
- The Referendum has served to lay before the people of Seychelles the range of issues to be covered in a new Constitution. We believe the people, as well as the media, have legitimate interests in these matters. We suggest that opportunities be afforded for interested individuals and groups to express their viewpoints before the Constitutional Commission;
- With the commitment to the transition process and to multi-party democracy, we see the need to move forward with the work of the Commission so that the cause of democracy can be advanced without undue delay;
- We remain concerned about the issues recommended for attention by the Commonwealth Observer Group to the July election, especially in the linkages between party and state, the structure of the security agencies and the independence of the media. Such issues continue to cause dissension and dissatisfaction, and will require to be dealt with by all concerned – the Government, political parties and the Constitutional Commission.

## **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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Mahé

Telephone: 47532  
Fax: 47809

#### 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

## Commonwealth Observer Group

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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

<b>Political Parties</b>	<b>Votes</b>	<b>%</b>
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?**

<b>Wi/Yes/Oui</b>	
<b>Non/No/Non</b>	

## **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

COMMONWEALTH SECRETARIAT  
MARLBOROUGH HOUSE, PALL MALL, LONDON SW1Y 5HX

