

Elections to the Constitutional Commission in Seychelles

23 – 26 JULY, 1992

The Report of the
Commonwealth Observer Group

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Letter of Transmittal



Seychelles Elections

Commonwealth Observer Group

c/o Beau Vallon Bay Hotel
PO Box 550
Beau Vallon
MAHE, Seychelles

29 July 1992

Dear Secretary General,

Our Commonwealth Observer Group was constituted by you in response to a request from the Government of Seychelles, to observe national elections to a Constitutional Commission which will formulate the draft of a new Constitution for Seychelles.

Our Interim Statement of 26 July 1992, a copy of which was forwarded to you, was released shortly after the four-day poll closed on 26 July, and before the result was announced in the early hours of the following day. We now have pleasure in forwarding our full Report.

We would like to take this opportunity to thank you most sincerely for inviting us to participate in this exercise which is so critical to the future of this beautiful country, and for allowing us to contribute to the promotion of democracy and democratic processes throughout our Commonwealth association.

Yours sincerely,
H. de B. Forde

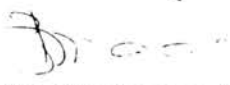
Hon. H. de B. Forde, Q.C., M.P.
Chairman



Hon. Jean-Jacques Blais



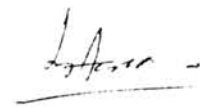
Mr Etienne Kombe



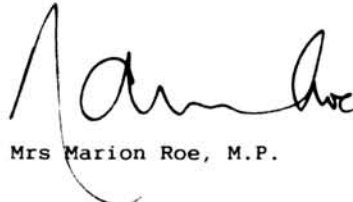
Mrs Barulaganye Machacha



Mr Ioannis Matsis, M.P.



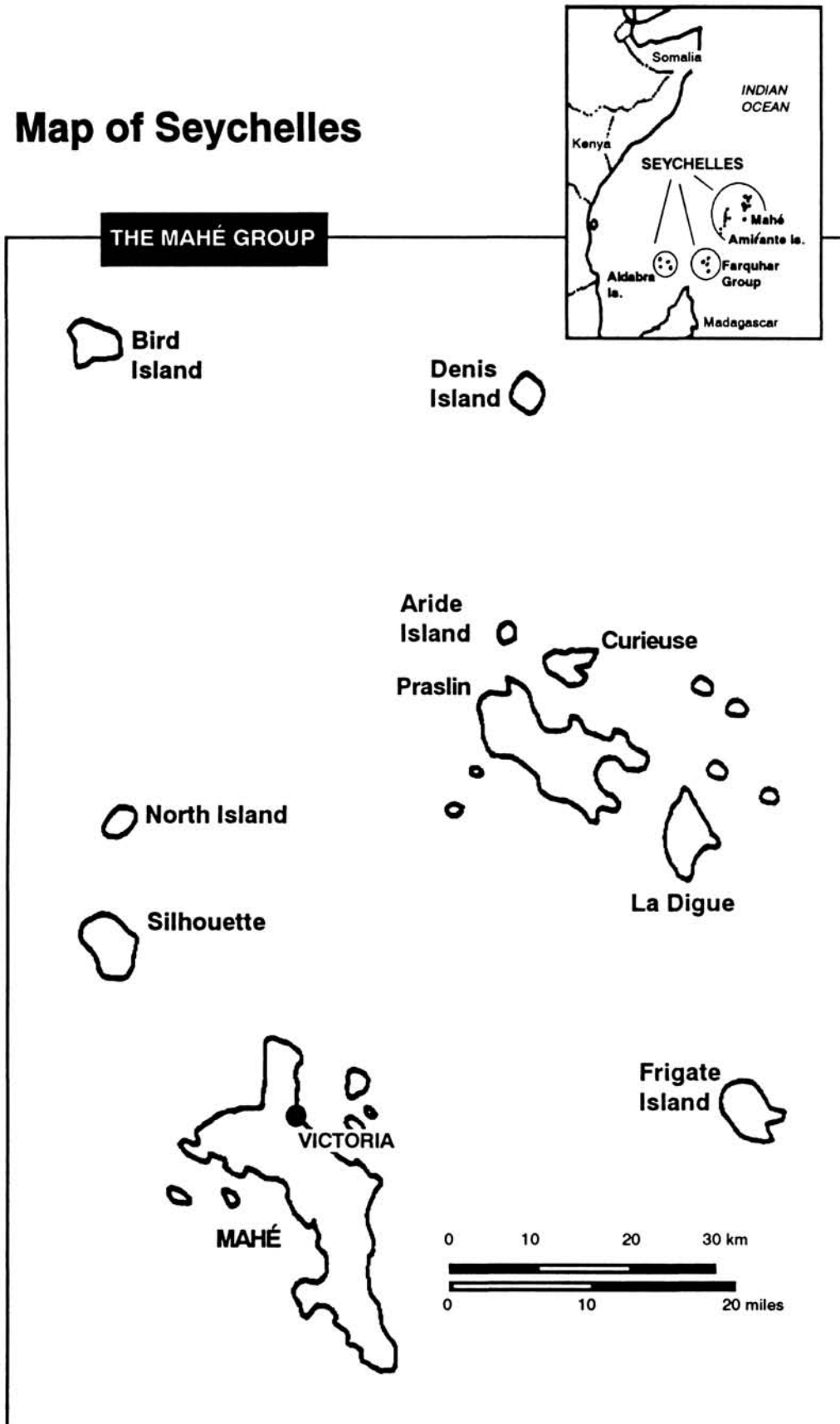
Mr Ejaz Naik



Mrs Marion Roe, M.P.

H.E. Chief Emeka Anyaoku
Commonwealth Secretary-General
London SW1

Map of Seychelles



Introduction

Commitment to Democracy

The decision by Heads of Government at their Harare Meeting in October 1991 to place the Commonwealth firmly behind the democratisation process in member states was an important catalyst for change in Seychelles. Within six weeks of his return from Harare, President Albert René made the dramatic announcement on 4 December 1991 that after 15 years of one-party rule, Seychelles would be transformed from a "single-party popular democracy to a pluralistic democratic system".

The Commonwealth commitment to democracy is a long enshrined ethic. At their 1989 Meeting in Kuala Lumpur, Commonwealth Heads of Government took a major step forward to strengthen this commitment by providing a facility to mount observer missions at the request of member governments. Two years later in Harare, Commonwealth Heads of Government confirmed this mandate, and in the Harare Declaration pledged to work with renewed vigour to protect and promote the fundamental political values of the Commonwealth, including democracy and democratic processes. Commonwealth missions to observe the organisation and conduct of elections in member countries are seen as a major contribution to that objective.

Since 1989, the Commonwealth has mounted such missions to Malaysia, Bangladesh and Zambia and advanced preparations are in hand to observe national elections in Guyana, Kenya, and Lesotho. Under the Special Commonwealth Fund for Mozambique, the Commonwealth has been deeply involved in the step-by-step preparations for multi-party democracy in that country.

The Commonwealth is also contributing in different ways with the development of the democratic processes in Guyana, Seychelles, Kenya and Lesotho. This has included the provision of constitutional experts, legal drafters and electoral advisers to provide technical aid to governments in the transition to multi-party democracy. Such assistance and observer missions contribute greatly to the development of democracy in member countries. The wealth of experience among the eminent political leaders, jurists and senior electoral and government officials who make up a typical observer group can provide much appreciated guidance and reassurance on the ground in the run-up to polling day when local election officials are inundated with complaints and when political parties turn to the observers to help redress perceived injustices and foul play.

Involvement in Seychelles

Commonwealth involvement in the transition to multi-party democracy in

Seychelles was formally initiated with a request early this year from the Government of Seychelles for assistance with the process. President René had set out a three-stage transition process: elections to the Constitutional Commission in July, a referendum on the new constitution and a general election by the end of the year.

In accordance with usual practice, a Planning Mission comprising the Director of the International Affairs Division of the Commonwealth Secretariat, Mr Max Gaylard and an Assistant Director, Dr Moses Anafu, visited Seychelles in March 1992 to ascertain whether the presence of a Commonwealth Observer Group would be welcomed by the major political parties taking part in the elections. The Planning Mission reported to the Secretary-General that a Commonwealth presence would not only be welcomed by all, but would be seen as both an insurance and an assurance against anything that would mar the credibility of the elections and the stability of the country.

Before our flight to Seychelles, the seven of us assembled in London to be briefed by the Secretary-General, Chief Emeka Anyaoku. He emphasised to us the significance of our work not only in fulfilling a new and important mandate for the Commonwealth, but also in contributing to the promotion of democracy and democratic practice. He saw our role as an important contribution towards the strengthening of the democratic process through the holding of free and fair elections.

Composition of Observer Group and Terms of Reference

Our Group of seven Observers was constituted by the Secretary-General, Chief Emeka Anyaoku, to observe the election to the Constitutional Commission which will formulate a new draft constitution for Seychelles. The composition of the Group and our support staff from the Commonwealth Secretariat are set out 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 elections in accordance with the law of Seychelles relating to elections. Its function is to ascertain whether, in its impartial judgment and in the context of that law, the elections have 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 elections.

Method of Work

Unlike past Commonwealth Observer Groups, our mission was not to observe an election for a new government, but an election to a Constitutional Commission. The candidates for each of the 23 electoral areas in Seychelles were not individuals contesting particular constituencies, but political parties. The total

number of votes each party received from all electoral areas would be added together to determine representation on the Constitutional Commission.

By the time of our arrival in Seychelles on 18 July, four full days of meetings had been arranged for us by the Secretariat advance team. We issued a press statement setting out our task (*Annex II*), stressing to all our impartiality and independence and that we were there not to supervise the election but to observe the whole process and form a judgment accordingly. We met with President René, leaders of all 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 consultations, is at *Annex III*.

Our task of observing the election was defined in physical terms by the archipelagic nature of Seychelles, which is an island-nation of about 454 sq km in total land area covering more than 100 islands spread out over 1,000,000 sq km of the Western Indian Ocean. Of a total 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 sometimes remote tiny islands in the far off boundaries of Seychelles. Of the 23 electoral areas, 19 are on Mahé, two are 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 therefore staggered over four days – 23, 24 and 25 July for the Inner and Outer Islands and 26 July for Mahé, Praslin and La Digue.

Before polling day, we divided into groups of two, comprising two Observers, or one Observer and one Secretariat staff, to cover the main islands of Mahé, Praslin and La Digue, and the Inner Island of Silhouette. We visited all 22 electoral areas on these islands and a matching number of polling stations, and met with the District Council chairmen who were also chairmen of the ruling Seychelles People's Progressive Front (SPPF) and members of the People's Assembly, local opposition leaders and party supporters, electoral officials, and people in the street.

In our visits to the electoral areas and polling stations both before and on polling days, we focused our attention on various aspects of the election process guided by the Checklist and Polling Station Report at *Annex IV*. In spite of allegations that people were afraid to express themselves, many were open in telling us their views on the political changes and which party they supported. They were excited about the new openness and were more than happy to chat with us. There were, however, some difficulties in communicating with everyone, especially in the Inner and Outer Islands, where many spoke only Creole.

The first three days of polling from 23 to 25 July saw us traversing thousands of kilometres of open sea to tiny islands, some with as few as five voters, to observe the polling process. Small seven-seater aircraft, each with one of us on board, flew from island to island with electoral officials who would set up facilities for voting that lasted from 30 minutes to 3½ hours. Once the last vote had been cast, the polling booth was dismantled, and the ballot box and voting material were collected and flown to the next destination. On 25 July, two

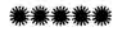
members of our Group went to the Inner Island of Silhouette, this time by boat, to observe the voters exercise their right.

The main polling day was 26 July covering Mahé, Praslin and La Digue. By 6 a.m. we were on the road visiting polling stations to monitor the arrangements in place before commencement of polling and to determine whether the procedures laid down in the election regulations had been followed. We then travelled freely between polling stations to observe the voting process.

Our distinct blue and yellow Commonwealth emblems were displayed on our cars. We all wore armbands on our visits. The voters waiting patiently in line and polling agents particularly welcomed our presence. We received the fullest co-operation from electoral officials and policemen on duty at the various stations.

We observed the count at 15 selected polling stations on Mahé and Praslin and on the basis of what we considered to be an acceptable sample of count reports, we were able to form a preliminary view and issue a statement (*Annex V*). We finalised our report before leaving Seychelles.

CHAPTER 1



Recent Political Developments

Background

Seychelles became independent in June 1976 with Sir James Mancham as its first President and Mr France Albert René as Prime Minister. This arrangement, however, was shortlived. In June 1977 a coup d'état took place when Sir James was in London to attend a Commonwealth Heads of Government Meeting. Mr René was sworn in as President and formed a new government. The 1976 Constitution was suspended and the National Assembly dissolved. In March 1979, a new Constitution was promulgated and Seychelles officially became a one-party state. Only members of the ruling SPPF could stand for elections to the newly-constituted People's Assembly and President René became the sole candidate for elections to the Presidency with a limit of three five-year terms prescribed under the Constitution. Sir James and other opposition figures went into exile.

On 3 December 1991, after almost 15 years of one-party rule, the SPPF decided in an extraordinary congress that Seychelles "should move from a single-party popular democracy to a pluralistic democratic system". President René acknowledged that significant changes in the international environment in the past two years and the emergence of "groups of people who are no longer prepared to participate in the national political debate within the existing political structure" had created "new internal divisions which threaten the social cohesion essential in an economy dependent on tourism and services. Pluralism is now the most appropriate means to re-establish national unity."

The President outlined a plan of action to effect transition to a multi-party system of democracy:

- the Constitution to be amended to allow the registration of political parties;
- a national election in July for a Constitutional Commission to draft a new constitution;
- a referendum on the new constitution; and,
- a general election later in the year.

Political Parties

On 27 December 1991, the Constitution of Seychelles was amended to allow the registration of political parties. President René's appointment of a well respected former judge, Mr André Sauzier, as Registrar of Political Parties was a popular choice among all sections of the community. By the end of April, the

following eight political parties had registered to contest the election to the Constitutional Commission:

- **Democratic Party (DP)** led by Sir James Mancham;
- **Movement Seychellois Pour La Democratie (MSD)** led by Jacques Houdoul, who until 2 December 1991 was Minister of Tourism and Transport in the Government;
- **National Alliance Party (NAP)** led by Philippe Boulle, a lawyer in private practice in Victoria;
- **Parti Seselwa** led by the Reverend Wavel Ramkalawan, an Anglican priest;
- **Seychelles Christian Democrats (SCD)** led by André Euzice, a former Minister in the Mancham government who recently returned after many years in exile;
- **Seychelles Liberal Party (SLP)** led by Ogilvy Berlouis, who was Minister of Defence in the Government until 1986;
- **Seychelles National Movement (SNM)** led by Gabriel Hoarau, a former preacher who had spent many years in exile; and
- **Seychelles People's Progressive Front (SPPF)** led by President René.

By the time of our arrival in Seychelles, the campaign had come to be dominated by the old rivalry between the SPPF (previously known as the Seychelles People's United Party) and the DP. The Parti Seselwa, which had initially emerged as the focus of opposition activity, appeared to have slipped into the role of a third force with the return to Seychelles of Sir James Mancham on 12 April 1992 to take up the reins of the DP. The remaining five parties were obviously having to work hard to maintain a challenge for the forthcoming election.

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.

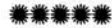
The Constitutional Commission

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.

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".

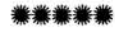
It is therefore ironic that in the immediate aftermath of an SPPF victory in a free and fair election, those fears of disorder should have been borne out.

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.

CHAPTER 4



The Campaign

The arrival of our Group in Seychelles within one week of the commencement of the four-day poll on 23 July, meant that an immediate objective of our wide-ranging consultations was to assess the campaign and its conduct. We approached this with a sense of urgency, not least because of a ban by the police on public meetings from 12 July. This early ban imposed without the knowledge and authority of the Director of Elections in contravention of the electoral law which had allowed for campaigning up to three days before the beginning of the poll, was unfortunate.

In our own case it deprived us of one of the ways to assess an important aspect of the campaign. However, in the limited time at our disposal, we were able to derive some sense of the anticipation about the return to multi-party democracy, and of the fears and uncertainties of the consequences of change – so graphically captured by a church leader in the phrase “it is like after a long drought and rain falls and everyone goes dancing in the rain”.

The dramatic move last December by President René to return to multi-party democracy had clearly caught not only his SPPF colleagues by surprise, but perhaps even more significantly his opponents. Nonetheless a new political landscape began to take immediate form with the re-emergence of the DP, the formation of new political parties, the return of exiles, and the gradual development of a climate more conducive to unfettered political activity.

The campaign had begun in earnest after the registration in April of all eight political parties. Unlike the ruling SPPF, the seven opposition parties faced a formidable task of establishing party machinery, identifying their bases of support and sources of funding. All parties faced the task of promoting a culture for multi-party democracy, including freedom of speech and assembly and respect for the rule of law.

All of the parties were faced with the urgent necessity of deciding on the issues to take to the electorate. Given that this was an election for a Constitutional Commission, the principal matter of substance to command attention was whether the country should have a presidential or parliamentary system of government. The apparent commitment of both the SPPF and the DP to a form of executive presidency tended to confuse the choice for those voters wanting to differentiate between the two major parties on matters of substance.

But it would appear that a great majority of voters saw the election in terms of a contest between two traditional political parties and the long established rivalry between their leaders. The campaign thus narrowed in effect to one between the two personalities involved, and President René in particular became the focus of much of the campaign’s rhetoric. Rumours abounded and

comments by government tended to be interpreted by the opposition in the worst possible light. Fears, real or imagined, were widely expressed about the present and future activities of the security forces, particularly the army, the militia and the PMU.

Concerns were also often expressed about the capacity of the SPPF Government and its organs to disperse or withhold favours, including jobs, housing and pensions. There was also residual controversy about the three-stage, six-month scenario for transition to multi-party democracy put in place by the Government although some opposition parties fully supported the calendar. All parties eventually confirmed to us their commitment to this process.

In any case it became clear that people were keen to vote and seemed willing to go along with the calendar which might explain why those political parties opposed to the process generally avoided taking positions which would derail it. Even the threatened boycott of the Seychelles Broadcasting Corporation (SBC) over the appointment of a controversial Board did not materialise.

Notwithstanding the ban on public meetings from 12 July, we were able to attend privately arranged meetings, for which no permit was required. At one such meeting on a hillside under a large mango tree, two opposition leaders who had spent many years in exile were addressing a group of about 50 people on the new opportunities which the elections would bring. The attentive and good humoured crowd barely noticed the arrival of a police car and that one of the politicians had scampered down the hillside to reassure the police that it was a private meeting on private property.

The last fortnight prior to the poll was relatively peaceful although in the last few days incidents began to occur with increasing frequency. A small but vicious poster war broke out with groups of party activists and members of the militia and the PMU touring the city and countryside and tearing down posters of opposing parties. Events had begun to degenerate and the election itself came none too soon. We expressed our concern about the situation in correspondence with the Director of Elections and leaders of political parties, suggesting the adherence to a Code of Conduct. Copies of this correspondence and of our press release on the issue are at *Annex VI*.

Even so, on the eve of the main poll on Mahé a fracas erupted in Victoria when elements of the PMU fired tear gas at lunchtime crowds who had gathered to watch the parading of a cow to call attention to a alleged remark by President René likening Seychelles to a sickly cow which he had nurtured; he would share the milk but not the cow.

The Role of the Media

President René's announcement of the return to multi-party democracy gave the green light for the inauguration of an independent media. Many may have thought that this could have been achieved overnight. But it was over-optimistic to expect that an independent media could emerge in Seychelles in the short period between December 1991 and July 1992. There are other reasons for this state of affairs which are peculiar to Seychelles.

Seychelles is a small and still relatively cohesive society. People tend to share news and information through 'Radio Bamboo', the local grapevine. This helps them to discern the truth behind the rumours and to distinguish smoke from fire.

Newspaper circulation is small. There is practically no advertising industry of any real size. The print media within the last two decades has been dominated by government and party-owned newspapers. There is also the difficulty of producing newspapers and radio and television broadcasts in three languages – Creole, which is the national language, English and French. The media is consequently under-developed.

The Print Media

The only daily newspaper, *The Nation*, was established prior to independence by the Government, which still owns and controls it. It is produced by the Ministry of Information and has a circulation of about 4,000-5,000 and very little advertising. Its coverage of local and international events is thin. Nevertheless, it is not without influence, having been for a long time the only major source of news and information.

For some years, the only source of alternative news was a fortnightly magazine, *L'Echo Des Isles*, published by the Roman Catholic Church. Its philosophy has been that anything which affects the life of the people is proper material for a Church paper. It continues to be a vigorous publication.

The unfettering of the print media has led to the launching by some political parties of their own weekly or fortnightly publications to match the SPPF 's official organ, *The People*, and to balance the significant advantage the Government has had in Radio Television Seychelles (RTS) which later became the SBC and the only daily newspaper. By January, two such publications had come off the presses: *La Verité*, the voice of the MSD, edited by a member of its National Committee and *Regar*, tied to the Parti Seselwa by financial subsidy and editorial commitment. Two other journals impacted on the campaign – a newsletter produced by the DP and *Liberté*, published by the Seychelles Institute for Democracy. All were priced and their weekly circulations range from 2,000 to 4,000 each. In theory at least, they enabled all political groups to have access to a print media outlet.

Broadcast Media

The sole broadcasting authority is the SBC. This is the successor to RTS, which was established by the Government as the radio arm of the Ministry of Information. Television was added in 1983.

Like its counterparts in the print media, the SBC appears to be inadequately funded and equipped. It is also desperately short of properly trained staff. It provides a limited service in Creole, English and French. Television is broadcast for five hours daily, on air just before 6 p.m. with the main TV evening news bulletin at 7 p.m. This is in Creole but there are some items in English and French. There

is a recess after the news from 7.30 to 8.30 p.m. and there is a measure of flexibility on weekends which sometimes provides additional broadcast time.

Radio also provides news bulletins in Creole, but has English and French versions as well. Its programming is more ambitious than television, but pressures on finance and staffing appear to contribute to an afternoon close-down on most week days. There are no current affairs programmes on radio, while TV subsumes this whole area of programming into its news broadcasts.

Coverage of the Election

Despite these shortcomings, newspapers did provide a reasonable mix of news and views and the most intense political coverage within recent memory. They also printed news stories which would probably not have seen the light of day prior to December 1991. One such incident concerned allegations in the alternative media about a supposed arms shipment on a North Korean ship. It was instructive for us to note that there was no comment from any Government source. In normal circumstances, such a serious allegation would have provoked an immediate on-the-record official statement.

Additionally, during the fortnight before the elections when we were able to monitor the print media, it was clear to us that at least in the immediate pre-election period, there were no overt restrictions in place. In fact, *The Nation* accepted paid advertising inserts from at least two of the parties. It has to be noted that the alternative media matched *The Nation* in partisanship, with the latter carrying the Government's response to accusations made by opposition parties, and the former printing as much criticism of the Government as could be mustered. In any case *The Nation* provided extremely weak political coverage, avoiding all but the most obvious news events. This may be self-censorship given the new dispensation.

A major effort was made by the SBC to provide even-handed coverage of the campaign. It co-operated fully with the Director of Elections in arranging an agreed programme of radio and television broadcasts which enabled all political parties to have equal time to explain their policies. Planning began in mid-March with Mr Sauzier convening a meeting of all political parties and the SBC. What was on offer was a plan to allow each party equal time for party political broadcasts (PPBs) on radio and television. The meeting was attended by all political parties and later when one of the parties complained that it had not been consulted about the arrangements, the attendance record was able to show that the party concerned had indeed sent a representative to the meeting where agreement was reached.

At that time, the parties declined to take up the offer of PPBs because they felt that people would be bored by prolonged over-exposure and according to some, the offer was a trick by Government to cause them to lose public support. Nevertheless, the first round of PPBs began in May and lasted for eight weeks until the beginning of July.

The arrangements were quite complicated. Beginning 1 May each party was allowed 15 minutes on either radio or television every fortnight – 15 minutes

on radio one week and 15 minutes on television the following week. This lasted until 1 July, when for the remaining three weeks before the elections, the parties had 5 minutes per broadcast on either radio or television, to add up to 15 minutes every fortnight. For the final week of the campaign, Mr Sauzier drew lots for 5 minutes radio and television time. Some parties unfortunately received lots for both services on the same day and were forced to make exchanges with more fortunate parties. From Monday 13 July the SBC scheduled a series of 40-minute television and radio interviews with party leaders. These interviews were relaxed affairs, giving each party leader the opportunity to highlight chosen events of the whole campaign. From these interviews a programme was made and broadcast on 25 July – the day before the final election on Mahé.

In making these arrangements with the parties, the SBC completely surrendered editorial control over the content of the broadcasts. It insisted, however, on certain safeguards including the right to put out a disclaimer before and after every programme stating that the views expressed did not necessarily reflect the views of the SBC. Each party was required to provide an indemnity to cover any damages and costs which might be awarded against the SBC.

The SBC also reserved the right to censor and ‘bleep’ any statements which it considered immoral, indecent or defamatory. This was invoked on three occasions. Apart from the PPBs, the SBC continued, throughout the campaign, with its normal news coverage on both radio and television of official activities and political rallies which some of the parties construed as giving the ruling party undue advantage.

Complaints

Surprisingly, we received no substantial complaints about the print media. This could be attributed to the fact that all the leading political parties had their own outlets and people accepted that *The Nation* and *The People* were indeed the voice of the party in office.

There was, however, one incident which has created the most sustained disagreement between the Government and the opposition parties. It occurred in April, over the composition of the Board of Directors of the newly established SBC.

The law establishing the SBC required the appointment of an independent Board of Directors. The President had appointed a Board and it was this which drew intense criticism. According to the opposition parties, there had been no proper consultation on the matter. But even more importantly, the Board as ultimately constituted, was staffed mostly with either civil servants or people alleged to be sympathisers of the SPPF. For all these reasons, the opposition parties demanded a reconstituted Board which would be the result of joint consultation.

The President stood by his decision and a row broke out, with the opposition parties threatening to boycott both the elections and the SBC’s schedule of

PPBs. The eventual boycott of the PPBs was shortlived. Even so, there were strong reverberations of this disagreement when we arrived in the country some months later.

In addition to the complaints about the composition of the Board, there was another complaint to the effect that the SBC's coverage of political rallies often included on-screen pictures of the faces of people who were present. We were told that an admittedly small number of people had been identified and had been dismissed from Government jobs. This was a complaint which we found impossible to verify, but we have to record that it was widely believed and might have accounted for the reluctance of ordinary people to speak to us when the SBC's cameras were in attendance. It was clear that there was a fear of being identified on TV as a supporter of an opposition party.

Two party leaders also complained that power cuts had affected a significant section of Mahé during their broadcasts. The Group was not able to ascertain the reasons for this; but the fact that it had occurred was in itself unfortunate since it deprived a significant number of voters of seeing the main TV broadcast of the alternative views of at least two leaders. This was however somewhat minimised by the fact that the normal practice was to broadcast the sound tape of TV interviews on radio.

We believe that complaints against the Board and the manner in which it had been appointed were legitimate. Even taking into account the fact that Seychelles is a small island country with a limited pool of qualified people who could be called upon to serve in an independent capacity and that 15 years of one-party rule would probably have reduced these numbers still further, we consider that renewed efforts must now be made to appoint people with the requisite knowledge and experience. For if the Board is to be effective, it must not only be independent; it must also be seen to be independent. In this context, the opposition parties must also be seen to be using the opportunity to participate in the appointment procedures.

We feel that this is a matter which requires immediate attention, and we urge that every effort should be made to reach an all-party agreement on it.

We also have to record an incident which affected us. After witnessing the aforementioned incident involving the cow, our Chairman wrote to the Director of Elections and issued a statement on Saturday, 25 July (*Annex VII*) describing the incident as ugly and as one which could have developed into a major fracas. While exhorting party leaders to adhere to a Code of Conduct, he particularly singled out the security forces, advising them to show wisdom, discipline and restraint in the exercise of their powers. Later that evening when the statement was reported on the SBC, there was no mention of the security forces. We received many telephone calls from listeners protesting at what appeared to be a one-sided view of the incident. When we checked on this, we discovered that due to time constraints, the SBC was unable to use the full statement, and unfortunately used the excerpt in such a way as to give the impression that all political leaders bore primary responsibility for the events which had occurred.

While we are fully aware of the difficult conditions under which the media has

had to operate, we believe that it is now imperative to understand that multi-party democracy requires a free and independent media and that the transition to it will bring its own special challenges. It will mean converting from a government-owned and dominated sector into a broad-based and independent body. It will entail the shedding of long ingrained habits of work formed over the years. It will not be easy.

Voter Education Programme

The media fully supported the voter education programme initiated by the Director of Elections which was designed to familiarise people with the complexities of voting in an election with eight candidates. Radio, television and the print media were involved. The large ballot paper, with photographs of the party leaders in colour, was displayed in advertisements in newspapers and on television and there were explanatory notes in the print media and voiced instructions on how to vote on radio and television.

We also observed the production of a video detailing what a voter should do on polling day. There was a mock-up of a polling station, complete with election official, ballot box and polling booth. A voter was shown entering the station, having the name checked, being handed the ballot paper, entering the booth and then putting the ballot paper first into the envelope and then into the ballot box.

Another programme instructed the voter on the actual voting procedure, with close-ups of the ballot paper and instructions on how to put the 'X'-mark against the chosen candidate. The advice was presented slowly and carefully, and any voter who had seen it would have had no difficulty in handling the situation with aplomb on polling day. This was borne out by our observations of events on polling day. There were posters of the ballot paper in the booths which also helped to familiarise voters with what to expect.

It was a well-run programme and we commend the Director of Elections and his staff for this effort.

CHAPTER 5



The Conduct of the Poll

Polling began on 23 July and was spread over four days. The first three days covered the Inner and Outer Islands and the last day, 26 July, covered the main islands of Mahé, Praslin and La Digue. A copy of a statement issued by our Chairman on the eve of the poll is at *Annex VIII*. In considering whether the poll was properly conducted we focused 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 23 to 25 July, we accompanied electoral officials by aircraft and by boat to witness the people of the scattered Inner and Outer Islands cast their vote for the 23rd electoral area. We were impressed by the efficient and comprehensive arrangements made by the Office of the Director of Elections to enable the comparatively small number of voters from 17 inhabited islands to exercise this right. For these isolated islanders, it was a special occasion as this was the first time that they had been given the opportunity to do so. In the past their representative to the People's Assembly was appointed by the President. Enfranchising them was an expensive operation and took up the bulk of the election budget. But this was the price of democracy.

The polling booth, boxes, papers, envelopes and other voting material were flown from island to island. By the time the aircraft landed on each island, most of the voters were already waiting in line. The polling booth was put up quickly and the procedure for opening the poll was followed. Two polling agents representing all eight parties were supposed to witness the process on each island station. But on a few islands, only one turned up and on the Inner Island of Silhouette, neither polling agent arrived for duty. We were thus especially vigilant in ensuring that the process was beyond reproach.

The voters were processed quickly and efficiently. However, voters from four islands – Providence, Desroches, Aldabra and North – were unable to cast their votes because stormy seas prevented them from taking a boat to the bigger islands where the polling station had been set up.

We received no complaints from agents or voters about the proceedings of the day. As we moved from island to island and broke for lunch, the Electoral

Officers took special care to keep the ballot boxes and papers within close sight at all times. At the end of the day, the boxes were taken to National House in Victoria where they were once again sealed and stored in a strong-room under 24-hour guard.

Events on Main Polling Day

By 5 a.m. on the main polling day of 26 July, all Electoral Officers were at the office of the Director of Elections to collect ballot boxes, ballot papers and envelopes, perforating stamps, indelible ink and other material for the day. A charter aircraft transferred electoral staff for the three polling stations in the islands of Praslin and La Digue. By 6 a.m. we had begun to make our rounds of the 22 polling stations. Each station was headed by an Electoral Officer and a staff of at least eight assistants. We found the Electoral Officers competent and efficient in following the procedures laid down to open the poll. Party polling agents verified that the ballot boxes were empty and witnessed them being sealed and padlocked. While most polling stations opened on time at 7 a.m., a few were delayed because of transport problems.

By 6.30 a.m., long lines had already formed outside polling stations. At the bigger stations, voters waited for over two hours to vote. But they stood in line patiently, quietly and did not complain about the long wait. Many of them stayed behind in the vicinity of the polling stations just to observe the historic event. Those we spoke to told us they were happy with the process and were confident that their vote would remain secret. Following our intervention with the President and the Director of Elections, we noticed no army personnel being transported in military vehicles or voting in uniform except in one case when the soldier on duty at State House was seen casting his vote near closing time. His presence was not seen as intimidating to the few voters still waiting in line. Copies of correspondence and our press release on this matter are at *Annex IX*.

The procedure required the voter to produce an Identity Card and this was checked against name and National Identity Number in the Registration List. Once the voter had been correctly identified, a ballot paper and envelope, both perforated with the station's special marking, were issued and purple indelible ink was dabbed on the cuticle and nail of the left thumb. The voter then entered a booth, marked the ballot paper, folded it into four and placed it in the envelope, and then deposited the envelope into the ballot box in full view of electoral officials and party polling agents. A few party agents complained that because the polling booth was not curtained off, it was possible to tell how a voter had marked the ballot. But this was proven rather far-fetched. At some polling stations, a few enthusiastic party supporters had marked an 'X' against their party name on the sample ballot paper with instructions on how to vote which was pinned up in each polling booth. Electoral assistants who were ushering voters into the booths quickly noticed and replaced the display.

Electoral Officers were kept busy throughout the day. The telephone and fax machines installed in each station were put to constant use to check with headquarters on problems with voters' registration. While there were isolated

problems of voters with the same name and Identity Card number, most of the cases needing clarification were those of voters registered in one electoral area and seeking to vote at a different one.

Electoral Officers were also particularly busy with the many elderly and infirm who turned up to vote. Earlier in the day this slowed down the lines considerably as it took time to get them identified and help them cast their votes. In accordance with procedure, the Electoral Officer assisted, witnessed by the accompanying relative or friend. Several opposition polling agents complained that many such people were there not out of choice, but had been brought in by the SPPF and pressured to vote for the party.

The great majority of voters, however, were able to mark the ballot papers without difficulty. The voter education campaign run by the Director of Elections on television and radio, and in the print media, would have helped considerably. The ballot paper was printed in colour with the pictures of the eight party leaders, their logos and party name. A sample is at *Annex X*. A thick felt pen was provided in the ballot booth for the voter to mark a cross in the box against the party of his choice. Many voters had problems folding the thick ballot paper into four and fitting it into the envelope. As a result, the envelopes were bulky and the ballot boxes, which were supposed to take 1,000 envelopes, quickly filled up. Extra wooden ballot boxes used in past elections had to be delivered to some stations.

Our access to all polling stations was unhindered. We received the full cooperation of Electoral Officers and were impressed by their overall efficiency in running their stations and dealing with all the problems that cropped up. Electoral Officers managed their stations differently. At some, the voters' list was divided into alphabetical groups, each under the supervision of one assistant. This system, however, did not work consistently. At some stations the long lines of voters moved smoothly and swiftly. At others where the system held up the lines, officials effected quick adjustments and voters were channelled to the checking desk with the shortest line. The lack of adequate space and the high turnout of the elderly who needed much more time to be processed, all contributed to the delay. At some stations, voting had to be extended up to two hours beyond the official closing time of 5 p.m. to enable everyone to vote. For the future, some improvement could be made to the organisation of polling stations so that voters could be processed quickly.

Wherever we went, our presence was appreciated. Party polling agents and supporters found our presence particularly reassuring and readily consulted on any problems they had. While all parties were entitled to a polling agent at each station, not all exercised this right. Most of the agents were well-briefed and kept a watchful eye on proceedings. They had their own Registration Lists and carefully ruled out the names of those who had voted. They sat in full view of the ballot box and polling booths. Electoral Officers were scrupulous in informing the agents of the steps they had taken to deal with each problem on the Registration List.

We received complaints in the course of the day that the indelible ink used could be removed immediately by soap and water, particularly if it was dabbed only on the nail. We brought this matter to the attention of the Office

of the Director of Elections. At a polling station in Praslin, a man who had voted earlier had washed off the ink and attempted to vote again, this time using his brother's identity card. The policeman on duty recognised him and chased him away.

The police force was represented at all polling stations and were helpful, but unobtrusive. They facilitated the flow of voters through the stations and were a reassuring presence. We were generally impressed with the manner and confidence in which they exercised their authority and their apparent rapport with the public. Personnel from the PMU were seen at a few polling stations, some standing inside and some outside. At one station where the PMU presence seemed obtrusive, this was brought to the attention of the Electoral Officer and the PMU man left the premises.

The apparent canvassing of voters outside polling stations caused some agitation. The ruling party and at some stations, the DP too, had opened up check-point tables where their supporters could first check their names on the Registration List. Each accused the other of canvassing voters too close to the polling stations. At some stations, SPPF supporters were accused of handing voting cards to all voters just as they entered the compound of the polling station. Where the SPPF was the only party canvassing, agents of the DP and Parti Seselwa were particularly upset as they felt strongly that this last minute canvassing gave the SPPF an unfair advantage. They also suggested that this constituted a form of intimidation particularly when Cabinet Ministers were involved. We were not aware of instances of such activity inside the 50-metre zone prescribed under the legislation. At one station, the Electoral Officer had to intervene on behalf of agitated party agents to ask noisy SPPF supporters to stop canvassing. It appeared that police officers in charge were wary of taking any action.

While in some Commonwealth countries such canvassing is disallowed, in others such party check-point tables and last minute cajoling of voters just outside the precincts of polling stations are very much a part of electioneering. There is need to clarify this matter for future elections so that it will not be a source of aggravation.

Another area that needs more consideration is the special provision made to allow voters to vote at stations other than their place of registration. This last-minute relaxation of procedures was appreciated but at the same time was a time-consuming and cumbersome process for Electoral Officers. Telephones and telefaxes installed at each polling station enabled the Electoral Officer to certify with the Election Office in Victoria that such voters had not voted at their original polling station. Their names on that list had to be cancelled and the authority to vote at the new station faxed back. This took much time and delayed the voting process. In one case, a man who had voted at one station tried to vote at another, claiming that his original station was too far away. When his name was faxed to that station to be cancelled, it was discovered that he had already voted. He was reported to the police and arrested.

Given the context of this election and the geographical features of Seychelles, this special effort to enable as many Seychellois as possible to vote was commendable. But the system, which proved cumbersome and is fraught with

the possibility of misuse, needs to be reviewed, perhaps with access limited to cases of real necessity and not merely of convenience.

Performance of Electoral Officials

We were most impressed by the competence of the electoral officials. They went out of their way to alleviate suspicions by keeping polling agents informed of actions they had taken to deal with particular problems.

The old and infirm and others who did not understand the procedures were patiently assisted. The procedures were explained to them fully, openly and impartially. To maintain the flow, electoral assistants were on hand to usher the voters into empty polling booths, direct them to the ballot box and out of the station.

The agents we talked to all expressed satisfaction with the procedures followed and the system set in place for each polling station.

Adequacy of the Registration List

Given the background of complaints from some party leaders about the Registration List, the adequacy of the list on polling day was a welcome outcome. We did not meet a single party agent at the 22 polling stations who expressed unhappiness with the list. The high turnout, which at some stations went beyond 90 per cent, suggested that people who had registered were able to vote. By the end of the day 42,025 had voted, an impressive turnout of 84 per cent.

There were however isolated cases of voters with the same name and Identity Card number appearing at the same station. The second voter was not allowed to vote until the confusion was cleared up at the Electoral Office. At most stations the numbers of those who could not vote because they were not on the register were insignificant. At one station, a foreigner who was registered to vote was recognised by party agents as a Mauritian. She admitted to the Electoral Officer that while she was married to a Seychellois, she had not adopted Seychelles citizenship. She agreed to refrain from insisting on voting.

Conduct of the Count

Counting was conducted at the polling stations soon after the close of the poll. At some stations where voting time had to be extended beyond 5 p.m. to cope with the high turnout, the counting was much delayed. At other stations, the counting was very slow with the last not finishing until the early hours of the following day. But this provided us with ample opportunity to observe the count in most of the polling stations.

The counting of ballots from the Inner and Outer Islands was conducted on 26 July at National House in Victoria, the headquarters of the Office of the Director of Elections. The boxes had been stored in a strong-room there until then.

The correct procedures were carried out at all counting stations and we received no complaints about this phase of the process. The procedure required that at the close of poll, the ballot box in use was sealed and the Electoral Officer and his staff, witnessed by party agents, should begin the process of reconciling the number of people who voted with the number of ballots issued. Once this was settled to the satisfaction of all, the day staff were dismissed, and a new team took over the count. At some stations though, a shortage of staff meant that the electoral assistants had to do the counting in the evening.

The ballot boxes had been kept in view with seals in place. They were taken to the counting table, the seals broken and the ballots poured out with all present scrutinising the process keenly. The envelopes were counted and again the total compared with the number of ballots issued. The ballots were then counted and a final reckoning of the ballot papers and the votes for each of the parties totalled. Once the total number for all candidates, excluding those rejected, agreed with the number expected, the Electoral Officer declared the result. This was faxed to the Chief Electoral Officer at National House where the total number of votes each party received from the 23 electoral areas were to be tabulated.

The final results were announced live on television and radio by the Director of Elections at 2.30 a.m. The SPPF had received 58.4 per cent (24,538) of the vote; DP 33.7 per cent (14,150); Parti Seselwa 4.4 per cent (1,829); NAP 1.6 per cent (672); MSD 0.8 per cent (322); SNM 0.6 per cent (259); SLP 0.5 per cent (201); and SCD 0.1 per cent (54) making a total of 42,025.

The successful conclusion of the first stage in the transition to multi-party democracy in Seychelles is an achievement of which Seychellois should be proud. We observed all relevant aspects of the arrangements for and the conduct of the election in accordance with the laws of Seychelles. We were satisfied that events on the four days of polling were free from significant defects which could in any way mar the credibility of the outcome. The people were able to exercise their right to vote freely and in secrecy. We were impressed not only with the peace and orderliness of polling day, but with the quiet dignity and patience of the great majority of the people of Seychelles. That the poll had been free and fair is a verdict that we and other international observer groups had no difficulty in reaching.

A copy of our final press release, issued on the eve of departure from Seychelles, is at *Annex XI*.

CHAPTER 6



Summary of Conclusions

The main conclusions emerging from the body of our Report are as follows:

- The election to the Constitutional Commission was free and fair on the day, notwithstanding some shortcomings. The secrecy of the ballot was assured.
- The work of the Director of Elections and his staff was particularly critical to the success of the day. Rarely in an election has so much hung on the credibility, the good judgement and the organisational ability of one man.
- The Voters' Registration List used for the election was, in our view, a credible one; but having regard to the controversy it has generated we suggest a fresh look at the List over the coming months to allay these suspicions. All efforts should be made to ensure that such issues of a technical and administrative nature are removed from contention.
- The voter education campaign run by the office of the Director of Elections was very effective, so much so that 84 per cent of persons on the Voters' Registration List cast their ballots.
- All the parties should consider the adoption of a voluntary Code of Conduct to govern relations among them especially at election time. We believe that such a code would go a long way to create a peaceful atmosphere, and help ensure a free and fair poll.
- While the election was free and fair in the context of the laws of Seychelles, the existing link between the state and the SPPF gave the latter a significant advantage over its rivals. Accordingly, we urge that the process of separating the institutions of the state from the ruling party be accelerated.
- A free press has a particularly critical role to play in fostering the democratic ethic and promoting fundamental human rights. We therefore see the establishment of a free and independent media as integral to the consolidation of democracy in Seychelles.
- There is a continuing need for the law enforcement and security agencies to show discipline and exercise restraint, particularly in the fragile period of transition.
- All political leaders confirmed their commitment to adhere to the transition process and the final election of a government under the new constitution. For a multi-party democracy to endure, the national interest must override partisan interests.
- The Commonwealth presence was widely appreciated and seen as the guarantor of a peaceful and credible election.
- The Commonwealth should continue to provide assistance to the transition process.

Acknowledgements

Many people have contributed to the success of our mission. In particular we wish to record our appreciation to the Director of Elections and his staff, to all the political leaders, church leaders, the Ministry of Foreign Affairs, the police force and others, for their assistance and co-operation. In a special way, we also wish to thank the Commonwealth Secretary-General, Chief Emeka Anyaoku, for giving us the opportunity to serve the Commonwealth in its efforts to promote democracy and democratic practices in its member states.

But our deepest gratitude goes to the people of Seychelles, for the warm welcome they extended to us as we moved around their beautiful country. We wish them well as they prepare to face a testing period, and to meet the undoubted challenges of consolidating democracy and achieving national reconciliation in the period ahead.

Finally we wish to thank the Secretariat team led by Mr Max Gaylard, Director of the International Affairs Division. He brought out the best in the team and we are greatly indebted to them.

ANNEXES

ANNEX I

Composition of the Commonwealth Observer Group

Mr Henry de B Forde (Barbados, Chairman)

Mr Forde, 59, a distinguished lawyer and politician, is the Leader of the Opposition in the Barbados Parliament. He is a former Minister of External Affairs and Attorney-General. A member of the International Commission of Jurists and of the Privy Council, he has led Barbados delegations to various international organisations, including the United Nations and the Organisation of American States. He also served on a Commonwealth group of experts that examined the vulnerability of small states such as Seychelles. Mr Forde was educated at Cambridge University before being called to the Bar at the Middle Temple, London.

Mrs Barulaganye Machacha (Botswana)

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 US.

Mrs Marion Roe, MP (Britain)

Mrs Roe, a Member of the House of Commons, has had experience in both national and local politics in Britain. Under former Prime Minister Margaret Thatcher, she held a ministerial post as Parliamentary Under-Secretary of State at the Department of the Environment from 1987-1988. Before that, she was Parliamentary Private Secretary to the Secretary of State for Transport. Mrs Roe has chaired a number of Conservative and all-party Parliamentary committees, and also served on many public and voluntary bodies.

The Hon Jean-Jacques Blais (Canada)

Mr Blais, a former National Defence Minister of Canada under the Liberal Government, was a member of the Commonwealth Observer Group for the Presidential and National Assembly Elections in Zambia in 1991. He has also held the posts of Canada's Minister of Supply and Services, Solicitor-General, and Postmaster-General. He was elected to the House of Commons in 1972, 1974, 1979 and 1980; and has also been a Privy Councillor. He was educated at the University of Ottawa and Osgoode Hall Law School, Toronto.

Mr Ionnis Matsis, MP (Cyprus)

Mr Matsis has been a member of the Cyprus delegation to the Inter-Parliamentary Union since 1981 and substitute delegate to the Council of Europe Assembly since April 1986. He was elected to the House of Representatives in 1981, and re-elected in 1985 and 1990. He is the current Chairman of the House Standing Committee on Development Plans and Public Expenditure Control and member of the Foreign Affairs Committee. He is a barrister who was educated in Cyprus and at Gray's Inn, London.

Mr Ejaz Naik (Pakistan)

Mr Naik observed 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.

Mr Etienne Kombe (Vanuatu)

Mr Kombe was reappointed principal electoral officer of Vanuatu in 1992, a position he also occupied in the South Pacific island republic from 1982-1983. Earlier, he served as Private Secretary to the President and as Controller of Prices. He has also held senior positions in the Development Bank of Vanuatu and in the Municipality of Port Vila, Vanuatu's capital. Mr Kombe was educated in Fiji, France, New Caledonia and New Zealand.

SECRETARIAT SUPPORT STAFF

Mr Max Gaylard (Australia – Team Leader)

Mrs Patsy Robertson (Jamaica – Press Officer)

Dr Moses Anafu (Ghana)

Ms Zainah Anwar (Malaysia)

Ms Yvonne Dravie-Dixon (Sierra Leone)

ANNEX II

Press Statement Issued on Arrival in Seychelles



Seychelles Elections

Commonwealth Observer Group

PRESS RELEASE

SEYCHELLES OBSERVER GROUP: STATEMENT

We have been sent to Seychelles by the Commonwealth Secretary-General Chief Emeka Anyaoku following a request for a Commonwealth Observer Group from the Government of Seychelles.

Our broad task will be to observe every relevant aspect of the organisation and conduct of the elections to the Constitutional Commission in accordance with the law of Seychelles. A Commonwealth Secretariat Planning Mission has confirmed to us that the parties involved in the elections welcome our presence here.

We have no executive role. Our function is neither to supervise nor act as a commission of enquiry 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 election day. We are delighted to be here in Seychelles and are privileged to be present at this historic time.

Beau Vallon Bay Hotel
18 July 1992

ANNEX III

List of Significant Engagements and Press Release

Saturday, 18 July

- 0615 Arrival of Commonwealth Observer Group (COG)
- 1330 COG Briefing
- 1430 Meeting with Seychelles National Movement
- 1600 Meeting with Parti Seselwa
- 1715 Meeting with Seychelles People's Progressive Front

Sunday, 19 July

- 0900 Two Observers to St Louis to observe Parti Seselwa door to door campaign
- 1130 Meeting with Movement Seychellois Pour La Democratie
- 1400 Meeting with National Alliance Party
- 1730 Meeting with Democratic Party

Monday, 20 July

- 0930 Meeting with Seychelles Christian Democrats
- 1045 Meeting with Mr André Sauzier, Director of Elections
- 1400 Meeting with President Albert René
- 1500 Meeting with Bishop French Chang-Him, Anglican Church
- 1700 Meeting with Seychelles Liberal Party

Tuesday, 21 July

- 1000 Meeting with Father Edwin Mathiot, Vicar-General, Roman Catholic Church
- 1115 Meeting with Mr Tite Morin, Deputy Police Commissioner
- 1530 Meeting with British and Indian High Commissioners

Wednesday, 22 July

- 0830 Three Observers and two Secretariat staff visit Inner Island of Silhouette
- 1000 Visits to Electoral Areas: meet with District Council, Police, local party leaders and supporters, and general public.

Thursday, 23 July

- 0700 Mr Blais to Farquhar and Desroches (polling day)
- 0800 Mrs Roe to Bird, Denis and Fregate (polling day)
- 0925 Chairman, Mr Kombe and Mr Gaylard to Praslin and La Digue to visit three electoral areas
- 1000 Other Observers visit electoral areas in Mahé

Friday, 24 July

- 0730 Mrs Machacha to Alphonse, Marie Louise and Darros (polling day)
- 0800 Mr Naik to Coetivy (polling day)
- 1000 Other Observers visit electoral areas in Mahé
- 1630 Mr Blais to attend Parti Seselwa meeting with polling agents

Saturday, 25 July

- 0730 Mr Kombe to Assumption (polling day)
- 0800 Mr Matsis to Platte (polling day)
- 0800 Mr Blais and Mrs Roe to Silhouette (polling day)
- 0930 Visits to polling stations to check preparations for the poll. Meet with Electoral Officers and assistants.

Sunday, 26 July

POLLING DAY

- 0600 Observer Teams visit selected polling stations to observe opening and compliance, or otherwise, with regulations
Observe polling throughout morning
- 1300 Return to Hotel for interim consultation
Mr Kombe to report by telephone from Praslin
- p.m. Observe polling and procedures at close of poll at selected

polling stations. Observe counting to ensure compliance,
or otherwise, with regulations

1800 Telephone office to report on counting progress

1900 Interim Statement issued

Tuesday, 28 July

1100 Chairman and Mr Gaylard meet with President René

Wednesday, 29 July

1600 Chairman, Mrs Roe, Mr Blais and Mr Gaylard meet with
Sir James Mancham

2330 Departure from Seychelles



Seychelles Elections

Commonwealth Observer Group

COMMONWEALTH OBSERVERS BEGIN CONSULTATIONS

Soon after arriving in Seychelles yesterday morning, members of the Commonwealth Observer Group began a round of intensive consultations with representatives of political parties. And this morning, they left their hotel to drive around and meet the people and to see what was happening in the elections campaign.

Shortly after arriving at their hotel yesterday morning, the Chairman Mr Henry Forde issued a statement setting out the terms of their appointment and of the task which they were to undertake. He said that all members of the Group were privileged to be present in Seychelles at this historic time.

The Group spent Saturday afternoon meeting with representatives of three political parties. The first representatives were Mr Gabriel Hoarau and Mr Robert Frichot of the Seychelles National Movement. Then the Group drove to Victoria where they had meetings with Mr Wavel Rankalawan and Mr Roger Mancienne of the Parti Seselwa and with Mr Danny Faure of the SPPF.

This morning, three Observers led by Mr Forde drove to St Louis to see some canvassing by the Parti Seselwa and they then drove to Plaisance and Anse aux Pins where they spent time talking with people and listening to their views. In both places, their presence attracted a small crowd of men, women and children who were keen to discuss the current political situation with them.

In the afternoon, the Group met Mr Jacques Hodoul and Miss Marie-Therese Bibi of the Movement Seychellois pour la Democratie and Mr Phillippe Boule, Mr Frederic Savy and Mrs Kathleen Pillay of the National Alliance Party before calling on Sir James Mancham and members of the executive of the Democratic Party at his residence.

The Group will continue to hold meetings with political leaders during the next two days and will meet with President Albert Rene tomorrow (Monday) afternoon at 2 pm. In the morning, they will be calling on Mr Andre Sauzier, Director of Elections.

Beau Vallon Bay Hotel
19 July 1992

ANNEX IV

Observer Group Checklist and Polling Station Report

PART A

The Observers may focus particular attention on the following aspects of the conduct of the election:

REGISTRATION

1. Unqualified voters on the list.
2. Procedures to challenge by voters of their exclusion from the rolls.

POLITICAL CAMPAIGN

1. The nature of access to the electronic media available to the opposition parties.
2. The procedure (if any) for the allocation of time for political broadcasts and advertisements on radio and television.
3. The nature of access enjoyed by the political parties to the print media.
4. The tone and content of political broadcasts, advertisement and posters put out by the political parties.
5. The conduct of political meetings.
6. The conduct of house-to-house canvassing of voters.
7. The voter-education programme on radio and television conducted by the Director of Elections.
8. Permits for public meetings.
9. Access to funds and sources of funds.
10. Access to state services.

CONDUCT OF THE POLL

1. The siting of polling stations.
2. The accuracy of the list of voters at the polling stations.
3. The length of time voters waited to cast their votes.
4. The steps (if any) taken to ensure that the secrecy of the ballot is assured.
5. The performance of the election officers at the polling station visited.

6. The procedure followed at the opening of the poll.
7. The adequacy or otherwise of polling stations' facilities.
8. The procedures in place to ensure the proper security of ballot papers, ballot boxes and official seals.
9. The general electoral environment that prevailed at the polling stations visited.
10. The state of readiness of polling stations.
11. Availability of adequate supplies, e.g. ballot papers, sealing wax, etc.

THE COUNT

1. The process of reconciling the number of people who voted with the number of ballots cast.
2. Inspection of seals
3. The determination of invalid ballots.
4. The conduct of the electoral officers and their assistants.
5. The facilities for candidates and their representatives to witness and verify the count.

PART B

Questions that may be put:

Before Polling Day

1. Is electoral register full and correct? People missed off? Are there names of dead people/ people who have moved away included?
2. Are election officials confident about arrangements? Are political parties and local notables (priests, lawyers, etc) satisfied?
3. Is the man in the street satisfied with arrangements? Will he vote? If not, is he afraid to do so?
4. Has the campaign been free of intimidation, etc? Have all parties had full access to media?
5. Is advertising (posters, leaflets, etc) free?
6. How will voters' ID be checked? Will it be possible to vote twice?

7. How will those away from home or ill in bed be able to vote?

On the day

1. Before polling starts, are the ballot boxes empty? Are they properly sealed?
2. Are all procedures agreed beforehand being adhered to?
3. Are all parties represented at polling stations? Are they satisfied with process?
4. Are IDs being properly checked?
5. Are voters apparently voting freely? Are they enthusiastic? Do they talk freely? Do they exhibit signs of fear or intimidation?
6. Do voters understand procedures properly? If not, are they being explained fully and impartially? Are attempts being made to suggest how they should vote?
7. Is only one person at a time allowed into the voting booth? Do their ballot papers go straight into the sealed box?
8. How long are voters waiting to vote? If a long time, are some being put off?
9. Who will run the procedures on the day? Will they be ex-Party People? How were they chosen?
10. Will all parties be present at polling stations throughout voting and count?
11. Will foreign observers have free access to all stages of process?
12. Are voters being asked suspicious questions after leaving the ballot box?

After Voting

1. Are the boxes kept safe until opened? Are all parties/observers present at opening?
2. Does the number of used ballot papers tally with the record of those who have voted?
3. Are the papers counted properly? Are any valid ones being spoiled during counting, intentionally or not?

Polling Station Report

Name/Team:

Polling Station Visited:

Time:

ACCESS

Comments

(if necessary)

Were you allowed full access to the polling station?	Yes	[]	
	No	[]	

OFFICIALS

Were you received well by officials?	Yes	[]	
	No	[]	
Did they have any comments or complaints?	Yes	[]	
	No	[]	

MOOD

Was the mood	Orderly?	[]	
	Tense?	[]	
	Violent?	[]	
	Excited?	[]	
	Happy?	[]	

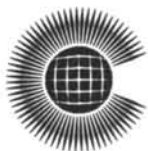
IF YOU SPOKE TO VOTERS

- were they happy to talk?		[]	
- generally satisfied?		[]	
- did they have any complaints?		[]	
were any of these:	intimidation?	[]	
	harassment?	[]	
	unfairness?	[]	
	confusion?	[]	

GENERAL COMMENTS ON APPARENT FAIRNESS:

ANNEX V

Interim Statement of 26 July, 1992



Seychelles Elections

Commonwealth Observer Group

INTERIM STATEMENT

The successful conclusion of the first stage in the transition to multi-party democracy has been achieved by the people of Seychelles. The election held over the past four days throughout the islands, has enabled all the people to exercise their right to select the representatives who will guide their country back to constitutional democracy and multi-party Government.

This election has been for a Constitutional Commission and our independent Group was invited on behalf of the Commonwealth to observe all relevant aspects of the arrangements for and the conduct of the election in accordance with the laws of Seychelles. We were also mandated to form a judgement on whether the election was free and fair. Our judgement up to this point is that it was free and fair. Despite some shortcomings, this election allowed the people of Seychelles to fulfill their right to vote in a peaceful and orderly manner and without hindrance.

This judgement was based on our detailed observation of the entire electoral process during the past week. It was an open process. We were able to obtain as much information as we required for all of its stages. We remained in close and continuous contact with the Director of Elections and his staff, and we were fully briefed by them on all aspects of their work. We scrutinised the method by which the Voters Registration List has been compiled and satisfied ourselves that it was credible.

We consulted as widely as possible. We had frank discussions with President Albert Rene and the leaders of all the other political parties contesting the election and we also met with the Police, church leaders and a cross-section of voters. We have expressed to them our concern that violence could mar the start to an orderly transition process. In this context, we have urged political leaders in particular to encourage restraint by their supporters and to prevent clashes with law enforcement and security agencies. We have suggested that the adoption of a Code of Conduct would greatly facilitate this.

Where the agencies are concerned, we strongly emphasise the need for them to demonstrate discipline and restraint in the responsible exercise of their powers, particularly in this fragile process of transition to multi-party democracy.

Before the poll, members of our Group visited all 22 electoral areas on Mahe, Praslin and La Digue as well as the Inner Island of Silhouette. In our meetings and consultations leading to today's poll, we paid particular attention to the arrangements to ensure that the ballot was secret and to those factors which could mar the election.

Over the first three days of polling, we accompanied electoral officers by aircraft and by boat to witness the people of the scattered Inner and Outer Islands casting their votes for the 23rd electoral area.

On polling day in Mahe, we were on the scene in polling stations before the scheduled time for opening, to check whether all the procedures as laid down by law were carried out. We spent the day visiting stations, observing the conduct of the poll, examining the registers, making contact with other observers and party agents and speaking with voters as they waited to cast their ballots. We considered it our duty to be as visible as possible, so as to minimise any risks of intimidation or of voters being prevented from exercising their rights. We trust that our presence and advice have contributed to the promotion of multi-party democracy in Seychelles.

The poll itself was carried out efficiently and courteously by electoral officials who were scrupulous in undertaking their duties in a proper manner according to the correct procedures. The counting which is now taking place is still being observed by members of our Group. While initial reports indicate that it is progressing according to the rules and without incident, we will reserve final comment on this for our full report to the Commonwealth Secretary-General Chief Emeka Anyaoku later this week.

In that report we will be expressing our concern about certain aspects of the transition process to multi-party democracy. While all political parties have confirmed to us their commitment to this process we consider it our duty to spell out the formidable challenges which lie ahead. These will include for example, the separation of the institutions of State from any particular political party, changing the role of the Government-owned news media, and the fashioning of a new role for the law enforcement and security agencies.

Finally, we would like to record our deep gratitude to the Government and all the people of Seychelles for inviting us to play a role in the historic process now unfolding in their country. As we moved around this past week, we have become aware of their fears and hopes and we offer our continued support and that of the Commonwealth to them in their courageous efforts to restore democracy to these beautiful islands.

Beau Vallon Bay Hotel
26 July 1992

ANNEX VI

Correspondence on Code of Conduct and Press Release of 24 July, 1992



Seychelles Elections

Commonwealth Observer Group

24 July 1992

Dear Mr. Sauzier,

You are probably aware by now of an incident last night involving members of two of the political parties and the Militia, and intervention by the Police. This was brought to our attention late in the evening by the leader of one of the parties involved, after which I spoke by telephone to Deputy Police Commissioner Tite Morin. I thought you should be aware of this.

Since these incidents have the potential for violence and can impact adversely on the remainder of the campaign, everything should be done to diffuse them. It occurs to us that the potential for further incidents in the short time remaining until the poll on Mahe on Sunday, might be minimised through voluntary adherence to a code of conduct which would encourage restraint on the part of the political parties and law enforcement authorities.

There is clearly no time now to develop and agree such a code specific to Seychelles for this election. However, if you see merit in the idea, we are attaching copies of a code of conduct for the February 1991 elections in Bangladesh, which could be distributed quickly to all those involved. This might help to achieve our shared objective of ensuring that the election is conducted in the most peaceful and orderly manner possible.

I should welcome your early response.

Yours Sincerely,
H. de B. Forde

H. de B. Forde
Chairman
Commonwealth Observer Group

Mr Andre Sauzier
Director of Elections
Victoria



Seychelles Elections

Commonwealth Observer Group

24 July 1992

Dear Mr. Berlouis.

Following reported incidents over the past few weeks and more recently an incident on the evening of 23 July 1992 involving members of some political parties and of the Militia, and subsequent intervention by the Police, I wrote earlier today to the Director of Elections, Mr Andre Sauzier.

I noted to Mr Sauzier that such incidents can impact adversely on the election process. I suggested to him that the potential for further incidents in the short time remaining until the poll in Mahe on Sunday might be minimised through voluntary adherence to a Code of Conduct encouraging restraint on the part of the political parties and law enforcement authorities. Such Codes can be of particular assistance to the latter in undertaking their tasks in a non-partisan and impartial manner.

Given that there is no time now to develop and agree such a code specific to Seychelles for this particular election, I further suggested that a Code of Conduct applicable to the February 1991 general election in Bangladesh be distributed here to all concerned. Mr Sauzier agreed that there was merit in this and has asked me to forward copies to the leaders of all eight political parties contesting the election. I am therefore forwarding under cover of this letter a copy of the document in question to you and your seven colleagues.

It is hoped that the foregoing proposal will be put into effect as soon as possible.

Yours sincerely,
H. de B. Forde

H. de B. Forde
Chairman
Commonwealth Observer Group

Mr Ogilvy Berlouis
Seychelles Liberal Party
VICTORIA

Similar letter sent to:

1. Mr Gabriel Hoarau
Seychelles National Movement
2. Fr Ravel Rankalawan
Parti Seselwa
3. Mr Jacques Hodoul
Movement Seychellois Pour La Democratie
4. Mr Philippe Boule
National Alliance Party
5. Sir James Mancham
Democratic Party
6. Mr André Euzice
Seychelles Christian Democrats
7. President France Albert René
Seychelles People's Progressive Front



Seychelles Elections

Commonwealth Observer Group

PRESS RELEASE

COMMONWEALTH OBSERVERS PROPOSE CODE OF CONDUCT

During the past week, information about a number of incidents, which have the potential for violence and can impact adversely on the remainder of the campaign, has been drawn to the attention of the Commonwealth Observer Group.

The Group has written to the political parties suggesting to them that they should voluntarily adopt a Code of Conduct in order to ensure that between now and election day incidents of a confrontational nature will be avoided. The Group has also written to the Director of Elections Mr Andre Sauzier on this matter.

Similar Codes have been voluntarily agreed by political parties in many Commonwealth countries and there is evidence that adherence to them has helped to minimise incidents, encourage restraint on the part of supporters of political parties and prevent clashes with the law enforcement authorities.

The recommended Code would cover such matters as the organisation of the campaign to ensure a congenial and peaceful atmosphere, the exercise of restraint in speeches or comments, the condemnation of violence, appeals for cooperation with law enforcement agencies and respect for campaign literature. Such Codes also assist in guiding the law enforcement agencies in undertaking their tasks in a non-partisan and impartial manner.

Speaking today, the Chairman Mr Henry Forde said that he hoped the suggestion would be taken seriously by the parties and the law enforcement agencies.

Beau Vallon Bay Hotel
24 July 1992

Code of Conduct Adhered to by Political Parties in Bangladesh Presidential Elections, February 1992

Jatiya Sangsad (Parliament) Election, 1991 Code of Conduct to be Adhered to by Political Parties

The code of conduct, finalised after discussions with the representatives of 67 political parties including major ones, is aimed at maintaining a peaceful atmosphere during the election campaign and on polling day.

The Election Commission hoped that if all political parties faithfully abide by the code, they would greatly contribute to the holding of a credible election in the country. Legitimacy of a representative government elected through such an election will not be questioned.

Code of Conduct

- (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 of not only 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 the election officials and ensure their safety and security until the polls are over.
- (v) Election campaigns should be so organised that a congenial and peaceful atmosphere prevails during polling.
- (vi) Nothing should be done that will create tension and disrupt the congenial atmosphere of the election. All parties should exercise restraint in speech and show respect to the opinions of others so that electioneering does not turn into war of words.
- (vii) It is expected that criticism of opponents will occur during electioneering. However, indecorous and provocative speeches/statements, taunting, ridiculing and innuendos should be avoided. Parties should be careful so that statements or comments do not cause unnecessary tension. In case a situation for the possibility of a clash arises because of a misunderstanding between contesting parties, then an Election Co-ordination Committee composed of representatives from the concerned parties shall allay tension and settle the dispute.

- (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 election campaign or in the polling centre during voting or in the vicinity of the polling centre 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.
- (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 allurement and to hire or use any kind of transport to carry voters other than for self and family are election offences. Everyone should be aware of these offences.
- (xii) Political parties will reach an understanding to resist attempts to procure votes by forcible occupation of polling centres or through illegal activities in the polling centres. Votes thus obtained illegally will be of no use as the Election Commission will cancel polling in such centres.
- (xiii) No candidate can commit covertly or overtly any contribution or grant to any institution in his constituency until election day for the purpose of election campaigning and obtaining votes.
- (xiv) The congenial and peaceful atmosphere for election cannot be disturbed by spreading untrue and motivated rumour or by taking recourse to conspiracy.
- (xv) Election camps cannot be set up within the prohibited area or close to the polling centres and no campaign shall be allowed inside the polling centres.
- (xvi) In addition to the election officials, only the voters are entitled to enter the polling centres: the political parties should make sure that their workers do not enter the polling centres and loiter therein. Only the polling agents will remain seated at their designated seats in the polling centre and discharge their responsibility from there.

ANNEX VII

Letter to Director of Elections and Chairman's Press Statement of July 25, 1992



Seychelles Elections

Commonwealth Observer Group

25 July 1992

Dear Mr. Sauzier,

Thank you very much for your note received earlier this afternoon concerning the incident in the town centre of Victoria around midday.

You should know that I was in the vicinity at the time accompanied by Mr Gaylard from the Commonwealth Secretariat, in the process of visiting the four polling stations within the precincts of Victoria. As we were proceeding towards the town from the Mount Buxton polling station en route to the English River station, we heard the sound of gun fire and quickly found ourselves on the fringes of a melee, with the Police Mobile Unit clearly in evidence and taking the offensive against the crowd. A tear-gas canister was fired by a PMU member within feet of us and similar actions were taking place down the street.

I note and agree with your observation that the symbolic display of the cow could have been construed as provocative by some citizens, in the context of the strained atmosphere. In some countries, it would merely merit a passing and humorous response.

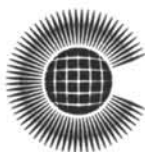
At the same time I must say that from what we saw the PMU intervention was unnecessarily heavy handed and probably aggravated the situation. From all we have seen and heard during our visit to Seychelles, there is clearly an urgent need for better training, discipline and control for the Police Force including the PMU, if it is to play the responsible and critical role expected of a law enforcement agency in the delicate process of transition to multi-party democracy. Sensitive treatment of these confrontational situations is so important if the fragile democratic plant is to be properly nourished.

We welcome your renewed call for restraint.

Yours sincerely,
H. de B. Forde

H. de B. Forde
Chairman
Commonwealth Observer Group

Mr Andre Sauzier
Director of Elections
VICTORIA



Seychelles Elections

Commonwealth Observer Group

PRESS RELEASE

Statement by Hon Henry Forde, Chairman of the
Commonwealth Observer Group

At around midday today, in the course of a visit to polling stations in Victoria, I witnessed at first hand an incident in Victoria in which tear gas was fired into the crowd by the Police Mobile Unit.

This incident was an ugly one and could have developed into a major fracas. Political campaigns call for restraint on the part of party supporters and sensitivity and restraint on the part of law enforcement officers. Mistakes made at such times can damage well-intentioned political goals and delay the achievement of genuine multi-party democracy.

Yesterday I had publicly encouraged political parties to adhere to a Code of Conduct which would help minimise incidents of a confrontational nature. I take this opportunity to reiterate that suggestion and join the Director of Elections, Mr Sauzier in calling for a climate of peace and order on polling day tomorrow.

I would like to add that it is particularly important for law enforcement agencies to show wisdom, discipline and restraint in the exercise of their powers, particularly in this transition to multi-party democracy that is so critical to the future well-being of all the people of Seychelles.

The Commonwealth Observer Group hopes that all well intentioned Seychellois will work to ensure that the process is free of these incidents and that tomorrow's voting will be a peaceful affair.

Beau Vallon Bay Hotel
25 July 1992

ANNEX VIII

Chairman's Statement on Eve of Polling Day, 22 July 1992



Seychelles Elections

Commonwealth Observer Group

**EMBARGO: NOT TO BE USED
BEFORE 7 PM -
WEDNESDAY JULY 22, 1992**

**STATEMENT ON THE EVE OF THE ELECTION
BY THE HONOURABLE HENRY FORDE
CHAIRMAN OF THE OBSERVER GROUP**

On the eve of the first multi-party election in Seychelles in 15 years, I would like, on behalf of the Commonwealth Observer Group and the Commonwealth at large, to express the hope that the process which begins tomorrow will be peaceful and successful. My colleagues and I have spent a great deal of time during the past few days, talking and listening to the leaders and representatives of all political parties, the leaders of the Churches, to Government officials including the police and to members of the public.

The view has been expressed that our Group's presence will help to ensure that the election will be conducted in a free and fair manner and in particular, that the secrecy of the ballot will be preserved.

We are pleased to report that such concerns on these matters as have been expressed to us, have been conveyed to all eight political leaders. We have had their assurances and the assurances of all officials in charge of the electoral process that everything will be done to ensure a peaceful, and secret voting and a free and fair election.

Mr Sauzier, the Director of Elections, has also confirmed to us that it has been impressed on every official involved in the process that the law requires absolute secrecy and all arrangements to achieve this have been made and will be fully honoured.

I am also happy to report that in our discussions with the President and the other seven leaders of the political parties, we have sought and obtained their firm assurances and commitments to

accepting the outcome of the free expression of the people. Your leaders have also re-confirmed to us their undertaking to honour the process leading to multi-party democracy and the final election of a Government under the new Constitution. The Commonwealth accepts and takes these assurances seriously.

Voting begins on the outer islands tomorrow and will be completed by the main elections in Mahe, Praslin and La Digue on Sunday. The Commonwealth Observers will, as part of their role, be observing every aspect of the election -- on the streets, at the polling station and at the count. We pledge to discharge our duties in an impartial manner in the best interests of all the people of Seychelles.

We are happy to assure you that as you enter this momentous, challenging and exciting phase of your national life, the prayers and support of the entire Commonwealth family are with you.

Beau Vallon Bay Hotel
22 July, 1992

ANNEX IX

Correspondence of 21 July, 1992, and Press Release
of 22 July, 1992 on Security Consultations

Republic of Seychelles
Office of the Registrar of Political Parties
And of the DIRECTOR OF ELECTIONS
National House
Victoria
Tel: 24041 / 25476. Fax 25476 / 25063

Please address all correspondence to the Registrar of Political Parties

21st July 1992

Mr James Michel
Chief of Staff SPDF

Dear Mr Michel,

At the meeting I had with the Commonwealth Observer Group yesterday morning they expressed concern about the arrangements we had made to allow army personnel to vote on polling day. They suggested that it should be arranged that army personnel on duty should vote at a polling station near their camp but it would not be right to see military vehicles moving across the country on polling day.

I have given that problem some thought and I believe the following arrangements would be made to satisfy everyone.

- (a) Polling stations for SPDF personnel on duty would be as follows: Grand Anse (Mahe), Takawaka, Pointe Laune and National House.
- (b) Every effort should be made for them to be in civilian clothes (I am issuing a directive about ordinary citizens not to wear distinctive clothes showing affiliation to a political party. Military uniform may be a provocative factor).
- (c) If that is possible, the use of military transport should be avoided.

3. I would be grateful if you will give this office a list of those members of SPDF who would vote at the respective stations mentioned in 2(a) above. The NIN number and (if possible) the district in which the soldier is registered, should be included. Thank you.

Yours sincerely,
A. Scrimgeour



Republic of Seychelles
Office of the Registrar of Political Parties
And of the DIRECTOR OF ELECTIONS
National House
Victoria
Tel: 24041 / 25476. Fax 25063

Please address all correspondence to the Registrar of Political Parties

21.7.92

The Commonwealth Observer Group.

You may be interested to know that after receipt of my letter of to-day's date Mr Michel, the Chief of Staff of SDF has decided to send army personnel to vote in civilian clothes in their respective electoral districts without using army vehicles.

I told him this was acceptable.

A. Saucier
Director of Elections.



Seychelles Elections

Commonwealth Observer Group

PRESS RELEASE

COMMONWEALTH OBSERVERS COMPLETE CONSULTATIONS

The Commonwealth Observer Group has now completed its round of formal consultations with leaders of the eight political parties contesting the election, Government officials including the police and representatives of the Churches. These were completed yesterday (Tuesday), when they met with the Vicar-General of the Roman Catholic Church, Father Edwin Mathiot and with the Deputy Commissioner of Police, Tite Morin. They had earlier met with the Bishop of the Anglican Church, Bishop French Chang-Him. Informal consultations have also been held with members of the public and other important individuals in the community.

These consultations were arranged on the clear understanding that the Group's mandate was to look into all aspects of the conduct of the forthcoming election. It enabled them to bring to the notice of the Government and relevant authorities issues which they considered to be crucial to the conduct of free and fair elections. One such concern was the voting arrangements for army personnel. This was taken up with both President Albert Rene and Mr Andre Sauzier, Director of Elections at the Group's meetings with them on Monday 20 July. The Group was informed late yesterday (Tuesday) afternoon that the Chief of Staff had decided that army personnel would vote in civilian clothes in their respective electoral districts without using army vehicles.

On receipt of this news, the Chairman, Henry Forde expressed his satisfaction that this action had been taken, as it would substantially ease one of the major concerns expressed to the Group. Mr Forde also said that this prompt response was indicative of the level of cooperation which had been established between the Group and the relevant authorities. He added that he and his colleagues were deeply moved by the expressions of welcome and appreciation of their role which had been extended to them. He said "We have been heartened by the genuine welcome we have received and we pledge to discharge our duties in an impartial manner in the best interests of all the people of Seychelles".

















The Group now moves on to the next phase of its activities, with a full schedule of visits to the Inner and Outer islands. These visits will begin this morning when the Chairman and two members of the Group visit Silhouette Island. During the following days, members of the Group will be flying and sailing throughout the outlying islands, accompanying election officials as they carry out their duties and observing and monitoring the balloting on these islands. Tomorrow (Thursday) they will be in Farquhar and Desroches Islands, as well as Bird, Denis and Fregate Islands. On Friday, visits will be paid to Alphonse, Marie Louise and Darros as well as Ceotivy. Finally on Saturday, one observer will take the long trip to Assumption while others will visit Silhouette and Platte.

All observers will be back in Mahe, Praslin and La Digue for Sunday's poll which will bring to an end this momentous, challenging and exciting phase in the national life of this country.

Beau Vallon Bay Hotel
22 July 1992

ANNEX X

Sample Ballot Paper

		<p>PS Parti Seselwa</p>
		<p>NAP The National Alliance Party</p>
		<p>MSD Mouvement Seychellois pour la Democratie</p>
		<p>DP The Democratic Party</p>
		<p>SCD The Seychelles Christian Democrats</p>
		<p>SNM Seychellois National Movement</p>
		<p>SPPF Seychelles People's Progressive Front</p>
		<p>SLP Seychelles Liberal Party</p>

ANNEX XI

Press Release Before Departure of Group, 29 July 1992



Seychelles Elections

Commonwealth Observer Group

PRESS RELEASE

MAKE DEMOCRACY PERMANENT SAY COMMONWEALTH OBSERVERS

As he and his colleagues prepare to leave the Seychelles tonight, Mr Henry Forde, Chairman issued the following statement on behalf of the Commonwealth Observer Group:

On election night, I said that there were no losers in this election, and that democracy has triumphed. But this is only the first stage, not only in terms of this process, but in terms of making democracy a permanent reality in the life of the country.

Achieving that calls for all the virtues. In particular, it means putting the national interest above partisan pursuits; it requires an independent and impartial judiciary and the safeguarding of fundamental human rights; it entails a spirit of give and take in which people can disagree without thereby considering themselves as enemies; it involves the nurturing of a free and independent media; it means ensuring a place for dissent in which all contending views are given opportunity to be heard. But none of this will be possible without national reconciliation.

These are considerable challenges for any society; but we have no doubt that the people of this country and their leaders are equal to these challenges. And as you face them, you can count on the support of the Commonwealth of which Seychelles is an honoured and valued member.

Note for Editors

Mr Forde, Mrs Roe and Mr Blais depart for London at 2230 hrs by Flight HM 440. They will be accompanied by Mrs Robertson, Dr Anafu and Ms Dravie-Dixon.

Beau Vallon Bay Hotel
29 July 1992

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

