

International Foundation for Electoral Systems

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PRE-ELECTION ASSESSMENT

SEYCHELLES

by

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and
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I. INTRODUCTION

In December 1991, Seychelles began a transformation from a single-party state to a multi-party democracy with the announcement by President Albert René of a year-long transition process. This transition was to include the registration of opposition political parties for the first time since 1979 beginning in January 1992, the election of a Constitution Commission in July, and a referendum to ratify the new constitution by November. A general election for a new government would then take place under the 1992 constitution.

In April 1992, IFES received a request for election assistance from the Seychelles Ministry of Planning and External Relations. This request included an invitation to send a pre-election assessment team to carry out a survey of the status of election preparations in that country. This request was also forwarded to the Department of State and the Agency for International Development in Washington by the U.S. Embassy in Seychelles. Approval to carry out such an assessment was given by the Department of State, and funding was provided to IFES by U.S.A.I.D.

IFES responded to the Government of Seychelles invitation and the request from the U.S. Embassy by assembling a team of election experts to carry out a pre-election assessment. The IFES team arrived in Seychelles on June 21, 1992 for a two-week stay. It was comprised of Charles Lasham, Chief Electoral Officer for the City of Liverpool, United Kingdom, and former chairman of the Association of Election Administrators, UK; and Keith Klein, Director of Africa Programs at the International Foundation for Electoral Systems, in Washington, D.C.

The purpose of the pre-election assessment was to analyze the preparations for the July Constitutional Commission election and the political climate in Seychelles in general with the objective of assessing strengths and weaknesses in the electoral system, and the prospects for the July election and the subsequent referendum to result in a true reflection of the political will of the people of Seychelles. The elements in the process to be examined included:

- The role of the Director of Elections;
- The contents of the Electoral Law (the Constitution Preparation and Promulgation Act of 1992);
- Establishment and maintenance of the voter registry;
- Ballot design and security;

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- Role, duties and training of poll workers;
- Mechanics of the voting process and procedures at designated polling places;
- Distribution, collection and security of ballots;
- Identification, procurement and shipment of election commodities and equipment;
- Vote counting and certification of election results;
- Civic education and motivation;
- Component groups of the electorate, including women, the churches, the military, and opposition parties;
- Election observers.

The findings and recommendations of the IFES team are contained in this assessment report, and reflect the meetings and discussions that the team held while in Seychelles during the period of June 21 - July 5, 1992. The team's preparations for carrying out this assessment included the reading of the extensive briefing materials prepared by IFES prior to the team's departure. One member of the team was also briefed in Washington by officials at the Department of State and U.S.A.I.D. Upon the team's arrival in Seychelles, the team first met with U.S. Ambassador Richard Carlson and U.S. Embassy Administrative Officer Steve Malott.

During its two weeks in Seychelles, the IFES team met with President Albert René, Minister of Planning and External Relations Danielle de Ste. Jorre, Minister of Finance and Information James Michel, Director of Elections André Sauzier, and many other officials of the Seychelles government. In addition, the team also met with leaders of the opposition political parties and church leaders. In all cases, people gave generously of their time and their knowledge of the political and electoral system in Seychelles. The hospitality the team was shown helped to make their stay both productive and, coupled with the islands' breathtaking beauty, pleasant as well.

This assessment report attempts to address itself to a variety of audiences. It summarizes the electoral system that is currently in place in Seychelles, and makes comments and recommendations on areas of

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concern or issues yet to be resolved at the time of the writing of the report. The audience addressed by these sections is primarily the officials who are administering the election process. The report analyzes and comments on the general political climate, focusing on areas that may or may not be conducive of a successful transition to multiparty democracy. Some recommendations are made, primarily to the government of Seychelles, regarding changes that might be made to improve that climate. Finally, the report addresses itself to the international election observers who may be coming to Seychelles to monitor the July 1992 election as well as the subsequent referendum and national elections. For these people, the IFES team hopes to clarify to some degree the complex political setting in which these elections are taking place and to highlight some issues that observers must monitor as they assess the degree to which the 1992 elections in Seychelles truly are free and fair.

II. HISTORICAL BACKGROUND

The Republic of Seychelles comprises an archipelago of approximately 115 islands in the western Indian Ocean. The scattered granitic and coralline islands, with a land area of only 453 square kilometers, may have been known to Arab traders and Portuguese explorers, but were uninhabited until being settled by the French in 1770. The French settlers, exploiting the islands' abundant tortoise and lumber resources, also established plantations and brought slaves from the African mainland. The French ceded control of Seychelles, along with Mauritius, under the Treaty of Paris in 1814. The British administered the two colonies together until 1903 when Seychelles became a crown colony.

A series of constitutional changes in the 1960s and 1970s brought increasing local control to the islands, with an expanding role for electors and an elected legislature. The Seychelles Democratic Party, led by James Mancham, was founded in 1964 with a platform advocating integration with the United Kingdom. The other main party, the Seychelles People's United Party (SPUP), led by France Albert René, advocated complete independence and socialist economic policies. The two parties fought a bitter election battle in 1974, with the SDP winning 52% of the vote but thirteen of the fifteen elected seats in the legislature. Members of the legislature and other appointed representatives met in London in 1975 for a Constitutional Conference to devise a post-independence constitution. By then, under pressure from the OAU and elsewhere, the SDP had swung to the pro-independence side. The delegation was led by James Mancham in his position as Chief Minister. Albert René led the SPUP representatives.

The resulting constitution was, according to some observers, tailor-made to accommodate both the political rivals Mancham and René in leadership positions in the independence government. When the new constitution came into effect on June 29, 1976, James Mancham assumed the post of president and Albert René became prime minister in a coalition government of the two major parties. The first elections under the new constitution were scheduled to be held in 1979.

In June 1977, while President Mancham was attending the Commonwealth Conference in London, supporters of the SPUP staged an armed coup d'état, reportedly with training and arms support from Tanzania. Several lives were lost in the brief fighting on the night of June 4-5. Albert René was sworn in as president on June 5.

In 1978, the SPUP was reconstituted as the Seychelles People's Progressive Front and declared to be the country's sole political party. The government ruled under the 1976 constitution, with major modifications made in 1977, until 1979 when a new constitution was promulgated. It officially made Seychelles a one-party state with a socialist orientation. Elections were held in June 1979 for the national assembly, with only SPPF members allowed to stand. René was the sole candidate in the presidential election.

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President René survived several coup attempts in the years following 1977. The most serious came in 1981 when a group of mainly South African mercenaries, led by Mike Hoare from Britain, failed in an attempt to overthrow the René government. The exile group, Mouvement pour la Résistance (MPR), led by Gérard Hoarau, is alleged to have initiated this coup attempt. In 1985, Mr. Hoarau was assassinated in London, with suspected involvement of the Seychelles government.

President René was elected for a third five year term in June 1989. In September, 1991, he announced a new system of local government, in which the local SPPF party branches would be transformed into district councils. The chair of the district council, and five councilors would be elected in a popular vote in each of the 22 districts, with District Chairpersons also having seats in the People's Assembly. The election was held on December 1, 1991. Out of 48,700 registered voters, only 29,000 votes were cast (59.5%). Most elections were competitive, with at least two candidates running, although all candidates were chosen by the SPPF. Campaigning was limited to public meetings organized by the party where the candidates presented themselves to the populace. Opposition groups and the Catholic Church led a boycott campaign, which partially explains the relatively low turn-out at the polls. On December 4, 1991, President René announced his plan for a return to multi-party democracy.

The population in Seychelles was estimated at 68,000 in 1991. It has experienced a growth rate of less than 1% since independence, a rate kept low because of high emigration. The literacy rate is 85%, with free and compulsory schooling for all children ages six through fifteen. Health care is also free. Life expectancy is high and infant mortality is low. The per capita GNP was \$5,590 in 1991, higher than any country on the African mainland. The cost of living is also relatively high, with many consumer products imported and heavily taxed.

The economy is centered around tourism and activities related to it, and is very import-dependent. The economy is thus very vulnerable to changes in the external environment. For example, the 1991 crisis in the Persian Gulf damaged the economy heavily as oil prices rose and tourism fell. The islands' traditional export commodities, copra and cinnamon, have both suffered from falling world prices in the past decade.

III. THE STRUCTURE OF THE TRANSITION

Prior to December 1991, Seychelles was a single-party state under the rule of the President with no tolerance of opposition party politics. While opposition to the René regime had been building in the recent years, both internally and from exile groups, and President René was under considerable diplomatic pressure to join the democracy movement that was sweeping the region, the President still managed to surprise many people on December 4, 1991 when he announced the transition towards a multi-party system.

The Timetable for Change

President René has set an ambitious timetable for the change from a single-party system to multi-party democracy. The legislative changes necessary to effect such change are described later in this chapter. It will be useful at this stage to detail the targets set, to give some assessment on the success thus far, and to assess whether all targets are achievable.

President René described to the IFES team his reasons for deciding that the time was right to return Seychelles to a multi-party democratic system of government. The President pointed out that there had been, in recent years, a global move towards full democracy. He had recognized this and he felt the Seychellois were ready to embrace and become part of this movement. Secondly, he said that there had been a number of events which had taken place on the islands which were of concern to him. He saw the growing strength of the internal opposition movement, and feared that continued resistance would only lead to a splintering of Seychelles society, and perhaps to increased incidences of violence. The President has also said in public statements that he felt that the people of Seychelles had reached sufficient "maturity" to handle multi-party politics.

Implicit in President René's statement to the IFES team is a recognition that Seychelles, as a country very dependant on the outside world, cannot remain out of step with the democratic changes happening elsewhere in the region. Foreign assistance and tourism will continue to flow only toward a democratic and stable Seychelles. This recognition, on the part of the President and all sectors of Seychelles society, bodes well for a willingness to stay the course on this transition.

The next section of this Chapter outlines the several legislative acts that are now guiding the transition.

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Generally, the transition is on schedule, and there is no evidence of the government having second thoughts or dragging its feet on meeting the deadlines that have been set. Indeed, the progress made so far is impressive. The Constitution has been amended to allow more than one political party to exist; there has been legislation to deal with the registration of political parties; and an independent Director of Elections has been appointed with facilities and staff made available to him for administering the registration and election process.

In May 1992 draft electoral registers were published and made available for all to inspect and make claims to amend where appropriate. A process has been established whereby the political parties meet on a regular basis with the Director of Elections to iron out problems and reach consensus decisions on areas of the electoral process where discretion exists.

On July 26 (earlier on the outer islands) elections to the Constitutional Commission will be held and results declared on that night. The legislation is in force to allow the Constitutional Commission to be established, meet and decide upon the future constitution of Seychelles.

All political parties which have developed a proposal regarding their desired constitutional system are able to freely express it. The intention is to go back to the electorate in October 1992 with a proposed constitution and ask for their approval in a referendum. Once approved, elections will be held under the new constitution for a legislature (and probably, president) before the end of 1992. The Seychellois transition process has gathered momentum and it is difficult to see how it can be stopped. This is an extremely ambitious program of events, and there is the possibility it may be delayed slightly due to procedural problems but the will to reach the final target, that of a durable constitution and a stable democratic government is there, in the opinion of the IFES team.

Legislative Overview

Since President René's announcement of the move from single party to multi-party elections there have been various enactments which have been significant for the democratic process. The four Acts described below are reprinted in the appendices of this report (see Appendices B - E).

(a) The Constitution of the Republic of Seychelles (4th Amendment) Act, 1991 amended the 1979 Constitution to permit the political system to be revised by legislative act in two significant areas. First, it essentially allowed for multiple political parties to exist by repealing section 5 and substituting "An

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Act may provide for the registration and regulation of the activities of political parties and for matters related thereto."

Secondly, it outlined the basic steps for the transition in stating that "An Act may provide for":

- the preparation of a new constitution;
- the establishment of a Constitutional Commission;
- elections of persons to serve on the Constitutional Commission;
- the preparation of a draft of a new Constitution;
- the submission of that draft to the people for their approval; and
- elections to be held under the new Constitution.

(b) The Political Parties (Registration and Regulation) Act was also passed in December 1991. This Act created the office of Registrar of Political Parties, appointed by the President. Any political party could register provided it was able to produce a registration document to the Registrar showing that it had no less than 100 members. There were certain restrictions on who could be classed as a member of a party and these included:

- being 18 years of age;
- being a Seychellois;
- being resident in the Seychelles.

The Registrar of Political Parties upon registration of a party, issued a certificate of registration. Electioneering was forbidden unless registration had been granted.

(c) The third step down the road to democracy was to establish the Seychelles Broadcasting Corporation. The Seychelles Broadcasting Corporation Act was introduced in April 1992. This Act and the SBC are discussed in more detail in Chapter VIII of this report.

(d) Finally, the enactment of the Constitution of the Republic of Seychelles (Preparation and Promulgation) Act, also in April 1992, pulled together the intentions set out in 1991. This major piece of legislation filled in the details of the framework of the transition that was outlined in the 4th Amendment Act.

The contents of the five Schedules to the Act are briefly described as follows:

Schedule 1: Election

This Schedule deals with electoral areas; the appointment of officers to assist the Director of Elections; election day; the registration of voters; qualifications for registration and voting; nomination; candidates; notices; polling and counting arrangements; the ballot paper; election result; secrecy; challenging the election and other related matters.

Schedule 2: Composition of the Constitutional Commission

This Schedule deals with the representation on the Commission by the political parties obtaining a certain percentage of the vote; the nomination of members to serve on the Commission by the parties; replacement of nominated persons and the qualification to be a member of the Commission.

Schedule 3: Proceedings of the Commission

This covers the convening of the first meeting of the Commission; the verification of credentials; the quorum of the Commission; regularity of meetings; voting rights; Presidency of the Commission; voting on the final draft and other matters.

Schedule 4: Referendum

This Schedule repeats most of the matters referred to in Schedule 1, but in this case with reference to the holding of a constitutional referendum.

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Schedule 5: Transitional Provisions

This schedule covers matters such as existing laws; legal proceedings; executive authority; the legislature and existing officers.

IV. POLITICAL PARTIES

Political parties other than the Seychelles People's Progressive Front (SPPF) were allowed to organize and register for the first time since 1978 at the beginning of 1992. Between the first day of party registration on January 27 and April 1992, the number of political parties in the Seychelles grew from one to eight. At the time of the IFES team's visit, it was not anticipated that additional parties would make their appearance on the political stage.

The eight parties are the following:

1. Seychelles People's Progressive Front (SPPF)

Predecessor Party: Seychelles People's United Party (SPUP). Formed in 1964 under leadership of Alfred René. Was joined by members and resources of the Seychelles Islanders United Party (SIUP), founded in 1963

Founded: June 1978

Leaders: President France Alfred René, Secretary General
James Michel, Deputy Secretary General

Platform: A limited presidential executive system, drawing on aspects of the 1976 and 1979 Seychelles constitutions.

The SPPF is the governing party, and had been the single legal party in the Seychelles from 1978 until January 1992. It has a strong central and district level organization. The district council chairperson also operates as the party chief in that district. An SPPF party congress, numbering 350 delegates, met in December 1991 to endorse the political transition proposed by President René, and in June to agree on the party's proposal for the new constitution.

2. Democratic Party (DP)

Predecessor Party: Seychelles Democratic Party (SDP), formed in 1964 by James Mancham. Also, The Crusade for the Restoration of Multiparty Democracy in Seychelles (Mancham's vehicle in exile). The SDP was reorganized in London in the mid-1980s, under the leadership of David Joubert, but James Mancham was not associated with the party at that time.

Founded: Registered in Seychelles on March 12, 1992

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Leaders: James Mancham
Paul Chow, Secretary General
David Joubert
Jean Dingwall, C. Chetty

Platform: Return to the 1976 Constitution, with amendments to update it for the conditions of 1992: A strong president with a prime minister.

The Democratic Party takes the position that the current government is illegal and illegitimate, having come to power fifteen years ago by military coup. It is implicit, and sometimes explicit, in many of the Democratic Party's statements that it is participating in the transition process only provisionally, because it is a process determined by a government they consider illegitimate, put forth unilaterally without consultation with opposition leaders. This underlying attitude toward the process determines, it seems to the IFES team, many of DP's tactics and strategies during the campaign period prior to the July 26 election, including its often strident complaints about the administration of the transition, its lack of emphasis on constitutional issues and the constitutional commission itself, and its unwillingness to state unequivocally its intention to carry on with the transition process whatever might be the result of the July 26 election.

3. *Parti Seselwa*

Founded: 1991. Registered as a party on Jan. 27, 1992

Leaders: Rev. Wavei Ramakalawan, Leader
Jean Francois Ferrari, Secretary

Platform: Non-Executive presidency, with strong prime minister

The *Parti Seselwa* (Creole for *Parti Seychellois*) was started in 1991 as an underground organization opposing the René regime. It brought together many of the regime's opponents who had not gone into exile, and for many months was the only Seychelles-based opposition group. Its leaders suffered harassment and arrest in 1991 for distributing anti-government *Parti Seselwa* literature. Since the legalization of political parties and the return of exiled political leaders, the *Parti Seselwa* may have lost some of its leadership and popular support to other parties, particularly to the Democratic Party. *Parti Seselwa* has not accepted the 200,000 rupee contribution from the government, and claims that all its

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resources are raised locally, primarily from the commercial and professional classes in Victoria, and from membership dues. Members, who number more than 1000 according to party leaders, pay monthly dues of 5 rupees.

A newsletter, Regar, is associated with the *Parti Seselwa*, although the editor states that it is not a party organ. Regar has been published fortnightly since January 1992, and beginning in July went to weekly publication.

Associated with the *Parti Seselwa*, but not an official member of its leadership, is Maxime Ferrari, father of Jean François Ferrari, who was Minister of Labor and Social Security, 1975-77, and Minister of Planning and External Relations, 1977-84.

4. **Seychelles National Movement (SNM)**

Predecessor Party: *Mouvement Pour la Resistance* (MPR, founded 1979 by Gerard Hoarau)

Founded: 1984 as nonclandestine affiliate of MPR; registered as political party in Seychelles on April 2, 1992

Leaders: Gabriel Hoarau, President
Robert Frichot, Barry Gendron, V. Presidents
Terry Sandapin, Assistant Sec'y General
Ralph Hoarau, Treasurer (London)
Ralph Volcere, Wilfrid Uranie, Carl Dyer

Platform: Parliamentary constitution, with limited executive and prime minister

SNM has been a London and Brussels-based party in exile since 1984. Its leader, Gerard Hoarau, was assassinated in London in 1985. It published a newspaper, The Herald, in London, but is currently not publishing a newspaper in Seychelles. The current leadership admits that SNM is at a disadvantage because so many of its supporters are still in exile and therefore not able to vote, and the leaders are somewhat unknown to the populace because they have been away so long. Party leaders hint that they are retaining a capacity to strike back at the government, presumably through the still-existent MPR, if the results of July 26 are not respected by René or the Army.

5. *Mouvement Seychellois pour la Democratie (MSD)*

Founded: Registered on Jan. 27, 1992

Leaders: Jacques Hodoul, (Minister of Tourism and Transport until December 1991),
Executive Committee: Patrick Mahoune, Paul Hodoul, Louis D'Offay, Marie
Theres Bibi

Platform: President with limited powers, prime minister from party controlling parliament.

MSD has strongly advocated greater international involvement in the transition process in Seychelles. It has called for the Commonwealth to not just monitor but to administer the election process, and according to Mr. Hodoul, is "greatly perturbed" that the Commonwealth's involvement in the process has been as limited as it is, despite the requests from the MSD and President René for Commonwealth "oversight" of the process, and the fact that the Commonwealth apparently agreed to take on such a role.

MSD has published a newsletter, *La Verite*, fortnightly since early April 1992, in English, French and Creole, sold for 5 rupees.

6. Seychelles Liberal Party

Founded: Registered on Jan. 27, 1992

Leaders: Ogilvy Berlouis (Defense Minister, 1977-1986; forced to resign after coup attempt in Sept. 1986)

Executive Council: Charles Lucas, Secretary; William Quilindo, Treasurer;
Philip Revera, Kenneth Pilay, Mrs. Renée Troian, Donald Aglae

Platform: Direct democracy, "recall" system, on model of Swiss Constitution

Mr. Berlouis has focussed much of his campaign on exposing the scandals and corruption of the René regime, on which he had an inside perspective until 1986. He has called for United Nations presence in Seychelles at the time of the election to ensure that the Army remains in its camps. The party's constitutional proposal places extreme limits on the power of the president and legislature, favoring a system of direct democracy whereby the populace as a whole is able to vote on issues through referendums, initiatives and recalls.

7. National Alliance Party (NAP)

Founded: Registered Feb. 15, 1992

Leaders: Phillipe Boulle
Kathleen Pillay, Secretary: Clive Contoret, Treasurer; Bernadette Quatre,
Frederic Savy

Platform: Non-Executive president, Prime minister with executive and administrative duties

The leader of NAP, Phillipe Boulle, is a lawyer who has gone into exile twice during the René period, under threat of detention orders. The last time, he was away for four years, and returned to Seychelles in 1990. NAP was started as a loose grouping of opponents to the René regime in Seychelles, but has developed a strong national and local structure, according to party leaders. Its campaign has focused since January on its constitutional proposal, and it has since been joined on its basic position of a non-executive president by the SNM and *Parti Seselwa*.

8. Seychelles Christian Democrats (SCD)

Founded: Registered on March 24, 1992

Leaders: Andre Uzice (minister in Mancham government)
Pierre Ferrari, Nicholas Prea

Platform: Return to 1976 constitution, with amendments (strong president with weak prime minister)

The SCD has based its campaign on a call to return to the 1976 constitution, on the grounds that it is the only legitimate constitution for the Seychelles. The Democratic Party, in late June 1992, seems to have joined the SCD in endorsing the 1976 constitution as the appropriate base from which to start all discussions for a 1992 constitution. The SCD also shares with the DP an emphasis on the illegality of the René regime. Mr. Uzice asserts that a return to the 1976 constitution will facilitate the prosecution of Mr. René and members of his government for illegal acts during the fifteen years following the coup that brought him to power. The SCD is nearly alone among the opposition parties in claiming a pattern of bias against the opposition and for the government on the part of Director of Elections André Sauzier.

V. ELECTION PROCESS AND PROCEDURES

A. Selection of the Director for Elections, the Chief Registration Officer and the Chief Electoral Officer

As mentioned in Chapter III, the Constitution (Preparation and Promulgation) Act of 1992 states that the President shall appoint a Director of Elections who is of high integrity and good repute. Section 4 (4) states that in the exercise of his functions under the Act, the Director of Elections shall not be subject to the direction or control of any person or authority.

The position of Director of Elections is an extremely powerful one. In a society where distrust is rife the postholder needs to be above reproach and trusted by all the players in the game. As the umpire or referee his decisions need to be sound, well reasoned and respected by all parties. The President, in reserving the appointment of Director of Elections and the Registrar of Political Parties to himself, was in a position to appoint an individual who would not necessarily command such respect from the politicians and the people generally.

Wisely, President Pené has chosen an individual of high integrity. Mr. André Sauzier, a former Supreme Court Judge, was appointed to both positions. Nearly all individuals and political parties expressed to the IFES team their complete trust in Mr. Sauzier. Leaders of two of the opposition political parties voiced dissenting votes on Mr. Sauzier, accusing him of being too closely aligned with the SPPF and clearing major decisions with President René before sharing them with the other parties. The IFES team observed no evidence of such a lack of independence in the actions of Mr. Sauzier. It is the perception of the team that he is carrying out the functions of his office fairly and independently throughout this difficult process.

In Schedule 1 to the Act, power is given to the Director of Elections to appoint a Chief Registration Officer and a Chief Electoral Officer.

For the position of the Chief Registration Officer, Mr. Sauzier selected a former Supreme Court Registrar, Mr. Derek Ah-Lock. Known to Mr. Sauzier for many years, Mr. Ah-Lock has come out of retirement to assist in the registration process. Mr. Ah-Lock met with the IFES team on more than one occasion to discuss the process of preparing a registration list, and the problems that he faced.

As Chief Electoral Officer, Mr. Sauzier appointed Mr. Bernard Renaud, a practicing attorney in Seychelles. Mr. Renaud has put aside his normal day to day court duties to assist in the organization of the election itself, beginning his full-time duties as Chief Electoral Officer on July 1, 1992. The IFES team spent some time with Mr. Renaud. His understanding of the election process and law was

complete, and his approach to the task systematic and thorough.

Mr. Renaud was keen to share ideas and problems with the team and advice was given on electoral procedures, form design, instructions to polling agents and election official. During the team's time in Seychelles, Charles Lasham arranged for some 200 plastic ballot box seals to be dispatched from the United Kingdom to the Chief Electoral Officer together with sample guidance notes for electoral officers and assistant electoral officers.

B. The Registration Process

(1) The History of the Franchise in Seychelles

In 1948 the Legislative Council of the Seychelles was reconstituted. At the time, there were approximately 2000 citizens eligible to vote. Eligibility was affirmed by a simple literacy test plus other means of qualification.

In the 1960s Great Britain's Secretary of State for the Colonies appointed a constitutional adviser for the Seychelles, Sir Colville Deverell. One of his recommendations was the introduction of universal adult suffrage. The "Deverell Recommendations" were then put to the people at the December 1967 General Election, which they accepted. This increased the electorate to some 17,900 citizens.

Under the 1979 Constitution of the Republic of Seychelles, every citizen who has attained the age of 18 years has the right to be registered as an elector and vote at elections. As in other legislation governing the franchise throughout the globe, there are certain restrictions to being registered such as infirmity of mind, criminality, and failure to prove citizenship.

The population of the Seychelles today is estimated at 68,000 and the electorate as of May 1992 is approximately 50,000 citizens. The only real contentious issue with regard to the franchise and the upcoming elections has been the issue of overseas voters. This issue is addressed more fully in Chapter VI of this report.

(2) The Establishment of a Registration List, 1992

Schedule 1 of the Preparation and Promulgation Act states that the Chief Electoral Officer shall prepare

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a register of voters for each electoral area. Following publication of the registers, individuals and parties are allowed to inspect the registers, make claims to remove those individuals who should not have been entered and add those who had been omitted. The claims procedure is clearly set out in the legislation.

Following the enactment of the Preparation and Promulgation Act and the appointment of the Director of Elections and the Chief Registration Officer, the first major task was the preparation of a register of voters. The government of Seychelles maintains a national identity database in which each individual has a unique National Identity Number (N.I.N.). Given the limited time available and the likely cost involved, it was not considered appropriate to undertake a door-to-door registration canvass, but rather to use the national database as the basis for the draft register.

Accordingly, the Chief Electoral Officer called for a print-out of that part of the national database which included those eligible to vote. This print-out was held centrally in the Office of the Director of Elections. The national list was then broken down into lists of voters by district. The lists were first made available to the political parties for their inspection on May 11 and then dispatched to the districts for the general public to inspect and, where appropriate, make claims.

When the draft lists were made public, there was considerable uproar because of the number of inaccuracies. There were cases of the deceased, underage, and non-citizens being included and of others being omitted. Political parties voiced their concern to Mr. Sauzier and to the media, wondering why so many people who were not eligible could have been included on the list. Mr. Sauzier and Mr. Ah-Loock explained that it is to be expected that a draft list would have its imperfections and that the purpose of the review period is to allow those imperfections to be discovered and removed.

(3) Appointment of Registration Officers

To facilitate the review of the draft list on the local level, registration officers were appointed for each district. The public were made aware as to when and where inspections could take place. District Community Centers were not used for the purpose of displaying and inspection of registers, but rather other conveniently located buildings such as schools or post offices.

Those chosen as registration officers were most often schoolteachers, postmasters, retired professionals and the like. There were some allegations that these officers were affiliated to the SPPF and were therefore unable to carry out their duties impartially. No convincing evidence of this was found by the

IFES team.

(4) Assessment of the Registration Process

The registration process can be considered a success. The high level of awareness and interest in the review process is evident from the fact that over 80% of the electorate checked the lists, either at the district level or at the Chief Registration Officer's office.

The law is unclear as to whether the same process will be followed prior to the constitutional referendum. The Director of Elections, through the Chief Registration Officer, needs to be able to carry out a similar update at that time for the purpose of removing from the register those who have died and adding those who have the opportunity to vote for the first time.

C. Nomination Day

Under the guidelines of the Constitution (Preparation and Promulgation) Act, the Director of Elections is required to set a date for the delivery of nomination papers for the Constitutional Commission election. Mr. Sauzier set the date for Nomination Day as June 24. On this day, the formal acceptance of the candidate (i.e., political party) nomination papers took place, with an opportunity for all political parties to inspect the nomination papers of other candidates. Representatives of all parties were present, along with print and television journalists and the IFES team.

After declaring that the papers were in order, Mr. Sauzier proceeded to draw lots to determine the order of appearance for each party on the ballot paper. As described in the daily newspaper the Seychelles Nation, "in what can only be described as rather a quaint ceremony, participants (the political party representatives) drew numbers from one cardboard box proffered by Mr. Sauzier and party names from Mr. Ah-Lock's box." The drawing, accepted by all present as a fair way to determine the question of order on the ballots, resulted in the following sequence:

1. *PARTI SESELWA*
2. NATIONAL ALLIANCE PARTY
3. *MOUVEMENT SEYCHELLOIS Pour la DEMOCRATIE*
4. THE DEMOCRATIC PARTY
5. SEYCHELLES CHRISTIAN DEMOCRATS

6. SEYCHELLES NATIONAL MOVEMENT
7. SEYCHELLES PEOPLE'S PROGRESSIVE FRONT
8. SEYCHELLES LIBERAL PARTY

D. Electoral Officers

(1) Selection and Appointment

The Chief Electoral Officer has the duty of appointing an Election Officer for each polling site. As of the first week in July, Mr. Renaud had drawn up a list of individuals he felt were suited and capable to carry out the important duty of conducting the poll in accordance with the law on the day of election. It was his intention to share this list with the political parties to see if they had any major objections to his choices. As there is no statutory requirement for him to do this, this is a good example of the Director of Elections' office going out of its way to be seen as fair. It was anticipated that the appointments would be formalized by the second week in July.

(2) Duties

Each Electoral Officer is required to:

- attend at least one training session;
- become familiar with the law relating to the conduct of the poll;
- brief Assistant Electoral Officers;
- collect ballot papers and other polling requisites;
- open the polling station;
- conduct the poll;
- close the polling station;
- conduct the verification and counting of the ballot papers;
- prepare a statement of the result;
- notify the Chief Electoral Officer of the result;
- seal and deliver all papers and other documents to the Chief Electoral Officer immediately after the result has been transmitted.

(3) Training

The Chief Electoral Officer had given some thought to the need for appropriate training for his Electoral Officers. He sought the advice of the IFES team on issues to be addressed and asked for assistance on the drawing up of a poll manual and the provision of suitable personnel for the conduct of the training sessions. The IFES team made several suggestions to the draft manual for poll workers prepared by Mr. Renaud.

The question of providing suitable personnel for the briefing sessions was more difficult. The IFES team visited the Seychelles Institute of Management, a continuing education establishment under the jurisdiction of the Ministry of Administration and Manpower. The team met with Mr. Colin Banks, the Institute's director, who agreed that the Institute would be a suitable location for the training of Electoral Officers. He also indicated that his training staff could assist in the design and implementation of the training sessions, should such assistance be desired.

E. Polling Agents (Party Monitors)

Each registered party contesting the election in July has the right to appoint a polling agent to be present at a particular polling station and a counting agent to attend the counting of the votes immediately following the close of polls. Under Schedule 1 of the Preparation and Promulgation Act 1992, notification must be given to the Chief Electoral officer of such agents. The CEO then issues a certificate which allows admission to the polling room.

At the time of the IFES team's visit, the issue of polling agents was causing a certain amount of controversy among the opposition parties. In meetings held with the political parties in May and June Mr. Sauzier, suggested that the opposition parties agree on one or two agents to represent their interests at each of the polling locations, rather than having eight polling monitors present. This suggestion was made in order to alleviate problems of space and transport. This is particularly an issue for voting on the Outer Islands, where a six-seater aeroplane will be used to transport the electoral officer and assistant, a security officer, an international observer and the agents.

The parties had tentatively agreed to Mr. Sauzier's suggestion, but on Nomination Day, the issue was raised again. Some parties' leaders objected to being represented by polling agents belonging to another party, especially if the SPPF was always guaranteed an agent in each poll. At the time of the IFES

team's departure, this issue had still not been resolved.

F. Ballot Design

The Schedule to the Preparation and Promulgation Act gives the Director of Elections some freedom in the design of the ballot paper. At Section 15 it states, " The ballot paper shall be in such form and in such color as the Director of Elections may prescribe." After consultation with the political parties, Mr. Sauzier has determined that the paper will be white, A4 in size and will be laid out with a color photograph of the party leader, the party's logo also in color, the name of the party, and a space for the voters' mark.

It will be seen that after the number on the paper, there follows a color photograph of the party leader, the party's logo also in color, the name of the party and a space of the voter's mark.

The IFES team was told that the plate for printing the ballots is to be made in Singapore, but the printing itself will be done in Seychelles. The ballot papers will not be numbered and there will be no counterfoil as some democracies choose. This is to allay the fears of some that a serial number and a counterfoil could be used to invade the secrecy of the voter's choice.

The papers will be bound by glue at the top end in books of 100. Upon delivery to the Chief Electoral Officer, the number of papers in each book will be counted to ensure that they do total 100 and they will then be securely kept by the Chief Electoral Officer until they are distributed on the morning of the election to each Electoral Officer. On election day the Electoral Officer will count the number of papers received, verify the correct amount and sign for the papers and other materials.

G. Election Day Procedures

(1) Polling Hours

Schedule 1 of the Preparation and Promulgation Act sets out the procedures to be adopted for polling day. In the Act, the polling hours are not stipulated. In past elections polling has been from 0600hrs to 1800hrs. The Chief Electoral Officer favors polling to be from 0700hrs to 1700hrs with the facility to extend polling hours should there be queues or other delays. In the opinion of the IFES team, a 10-

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hour working day is enough for poll workers and certainly sufficient time for electors to record their vote.

(2) Allocation of Voters and the Voting Process

There will be one polling station for each of the 22 districts on the three main islands of Seychelles. In each District the electoral register to be used on election day is in alphabetical order of surname and set out in the following way:

National Identity Number Surname Forenames Sex Date of Birth

The numbers of electors in each District varies widely. Where the number of registered voters exceeds 1000 in a single district, the register will split into sub-lists of approximately 1000 voters. Multiple work stations will be established within a single polling place with one sub-list of voters, comprised of part of the alphabet, per work station.

It is proposed that at each workstation there will usually be a staff of three working in three distinct areas as follows:

- Officer 1 - To check identity card and verify that the voter has not voted before in the election.
- Officer 2 - To check entry on register of electors and mark off voter's name to indicate that s/he has voted.
- Officer 3 - To ink the elector's right thumb at the base of the nail to cover the cuticle immediately prior to handing the voter the ballot paper and to stamp paper and envelope with the official mark.

In addition it is proposed to have at least one other member of staff available to assist with the smooth flow of voters in and out of the station.

All operations at a polling station will be under the supervision and control of the Electoral Officer. There will be an Electoral Officer in each of the 22 Districts and a total of over 200 Assistant Electoral Officers to perform the duties described above.

(3) Voting Compartments

The Chief Electoral Officer has designed wooden polling booths and commissioned their construction. These will be three sided screens, with a writing platform, dividers providing voting compartments for several voters, a ceiling, and no curtain on the fourth side. The CEO has proposed that each booth be equipped with a light bulb so that there will always be sufficient light. Each compartment will be provided with a felt pen for the voter to mark her/his paper. Upon marking the paper the elector will then fold and place the paper in the envelope provided and deposit in ballot box.

(4) Stamping Instruments and the Official Mark

The United Kingdom is providing stamping instruments with which to mark each ballot and envelope at the polling station. These instruments will be set to produce a mark that is unique to each of the polling stations. The official mark will be kept secret until the day of poll. There will be sufficient stamping instruments at each polling site in the event of malfunction.

(5) Ballot Boxes

There will be one ballot box for every 1000 voters. Only one ballot box will be in use at any one time; when approximately 1000 envelopes have been inserted that box will be sealed and another introduced. The ballot box will be stationed next to and under the control of the Electoral Officer.

(6) Instructions to Voters and Others

Inside each polling station there will be instructions to voters on the voting procedures. Poll workers will be able to assist in the event of difficulty. There is provision for assistance to be given to infirm or disabled voters. Polling staff will have been instructed on procedures in advance and the Electoral Officer will have a copy of the relevant Statute and Schedule together with a guide. Polling agents will also receive the guidelines for their role as monitors of the voting process.

(7) Close of Poll

At the close of poll the ballot box in use will be sealed and a comparison of the number of voters marked off the register with the number of ballots issued will be carried. In addition, a comparison will

be made with the "tally sheet" kept by the poll workers. Once satisfied that everything is in order, the Electoral Officer will advise any polling agents that he is satisfied with the figures and then proceed to the counting of the votes.

H. Vote Counting and Reporting

(1) The Staff

The procedure prior to the counting of the votes is described immediately above. Once satisfied, the Electoral Officer will then dismiss the day staff and start the counting of the votes with a new team of assistants specifically engaged for counting duties. These enumerators will report for duty at 1700hrs and will remain at the site until the completion of the counting process. This is a sensible arrangement as the day staff will be tired and in need of a break and prone to make errors if they were to count.

(2) The Count:

Stage 1: The staff will be placed into small counting teams of 2-3 people each. Each box will be opened and the envelopes counted. Once a full count of the envelopes is completed, the total number will be compared with the number of ballots issued. If the Electoral Officer is satisfied that this figure is accurate s/he will proceed to the next stage. If there is a discrepancy, the envelopes will be recounted to ensure the figure is correct. It is expected that at this stage any errors will be mathematical. Once satisfied that there has been an accurate count of the envelopes the Electoral Officer will then proceed to the second stage of the count.

Stage 2: There are certain conditions under the Schedule to the main Act which must be met before an envelope can be accepted as valid. Most importantly, each envelope must bear the official mark of the stamping instrument. If valid, the envelope will be opened and the ballot paper withdrawn. The envelope will be put to one side and the ballot papers will then be examined to ensure that the Schedule is complied with as it states:

"Where-

[c] a ballot paper-

[i] does not bear the official mark referred to

....{ earlier in the Schedule };

[ii] has anything written or marked on it by which the voter can be identified;

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[iii] is mutilated or torn;
[iv] has not been placed in the stamped envelope, the ballot paper,
shall not be counted etc."

If the ballot paper meets the necessary conditions laid down in the Schedule they progress to stage 3.

Stage 3: The ballot papers will then be collected and sorted separately into piles for each of the eight parties, and then divided into bundles of 50 and clipped in those bundles. At the end of the counting process any groups of papers not reaching the total of 50 will be marked with the appropriate total.

Stage 4: The votes for each of the parties will be totalled. Providing the total number of votes for all candidates, excluding those rejected, agrees with the number of votes expected, the Electoral Officer will be in a position to declare a result. All persons present are forbidden to transmit any information about the result of any particular District. The Chief Electoral Officer or the Electoral Officer as the case may be, if requested, proceed to recount the votes but the Schedule permits this only once.

Stage 5: The Electoral Officer will then send the result to the Chief Electoral Officer at election headquarters by means of facsimile transmission. Immediately after doing so a telephone call will be made to the CEO to establish that the fax has been received and is legible and to read the result to the CEO to make certain that no errors are made.

Stage 6: As soon as all the District results are received, the Director of Elections will immediately declare the final result for Seychelles Constitutional Commission elections.

At the conclusion of the count the enumerators will be required to seal up the ballot papers and other documents. The Electoral Officer will proceed to the election headquarter with the packages and the previously prepared verification statement. The Chief Electoral Officer will arrange for a policeman to travel with the Electoral Officer and any other staff. Agents will not be able to travel in the same vehicle as the Electoral Officer but they will be able to follow the vehicle to ensure safe delivery of papers, ballot boxes, etc.

The Chief Electoral Officer has given careful thought to all stages of the count and from the evidence reported and provided to the IFES team there is no reason to believe that the counting process will not be accurate and fair.

I. Security and The Role of the Police

The IFES team was advised that the polling stations usually have police on the precincts or outside. This will serve two purposes. First, it will reassure the voters that should there be any disturbances the police will be on hand to assist. Second, they will be able to assist the Electoral Officer with the smooth processing of the electorate. The morale of the police is at a low ebb in Seychelles but this will not, it is believed, prevent them from carrying out useful functions at the poll, at the count and immediately following the declaration of the results.

VI. THE POLITICAL CAMPAIGN: ISSUES AND PROBLEMS

Occurring parallel to the work of the Chief Registration Officer and the Chief Election Officer, the political parties have been waging their campaigns for the support and votes of the people of Seychelles. Their ability to campaign freely and to compete fairly with each other is as crucial to the ultimate legitimacy of the July 26 election as is the thoroughness and even-handedness of the administrative preparations described in the previous chapter. This chapter presents the IFES team's assessment of the political parties' campaigns and their ability to present their message to the public without undemocratic interference. It begins with a brief chronology of the major political events in Seychelles from December 1991 to July 1992.

A. Significant Events in the Political Campaign, December 1991 - July 1992

December

On December 1, 1991 local government elections were held. On December 3, President René announced the government's decision to reintroduce multiparty politics. An Amendment Act was passed by the People's Assembly on December 27 and signed by President René on December 30 laying out the general framework for the transition. Also on December 30, the Political Parties (Registration and Regulation) Act was signed by the President and published in the Official Gazette. This Act outlined the requirements for the registration of political parties.

January

Former Supreme Court Judge Andre Sauzier was appointed as Registrar of Political Parties. The *Parti Seselwa* was the first political association to announce its intention of registering as a party, on January 10. On the same day, the first issue of its newsletter, Regar, went on sale. Three political parties officially registered with Mr. Sauzier on January 27, the day that the Political Parties Act went into effect. These parties were the *Parti Seselwa*, the *Mouvement Seychellois Pour la Democratie*, and the Seychelles Liberal Party. MSD held its first public meeting on January 28. The government issued a statement on January 28 that civil servants may take active part in politics, as party members or office bearers, as long as this does not affect the discharge of their duties.

February

The Seychelles Institute for Democracy was inaugurated on February 14, under the leadership of Dr. Maximo Ferrari. The National Alliance Party was launched on February 18. Parties began to hold

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outdoor rallies. The first, held by *Parti Seselwa*, attracted 4000 people in Victoria. The Commonwealth provided an advisor to assist the government with the drafting of the electoral law. A coup attempt was alleged by the government on February 25. Various parties subsequently issued statements denouncing the coup attempt story as a setup by the government to discredit some opposition politicians.

March

The *Parti Seselwa* attempted to hold a rally at Anse Aux Pins on March 1. The rally was attacked by about 50 people throwing stones, some of them wearing SPPF t-shirts. The police at the scene used tear gas. A videotape of the disorder was shown on national television that evening. Opposition parties later alleged that the mob was acting under orders from leaders of the SPPF, and that the police were ordered not to arrest or prosecute those responsible for the attack on the rally. On March 5, the Official Gazette published the government's proposed election legislation entitled Constitution (Preparation and Promulgation) Bill, 1992. The Bill outlined in detail the procedures for administering the transition's three elections: a party-based election to choose representatives to a Constitutional Commission, a referendum to ratify the new constitution, and the elections for the new government. A two-person delegation from the Commonwealth arrived on March 7 to discuss the transition process with the government and all registered political parties. Discussions focussed on the allocation of government funds to opposition parties and the allocation of airtime to all parties on the radio and television. The ruling party, SPPF, and the Democratic Party both were registered on March 12. On March 13, representatives of the six registered parties met with Mr. Sauzier and radio and television (RTS) officials to decide on airtime for political broadcasts.

On March 24, the Seychelles Christian Democrats became the seventh registered political party. A second inter-party meeting was held on March 26 with Mr. Sauzier. The parties discussed the government's proposal to provide 200,000 rupees to each of the registered opposition parties. Amendments to the Preparation and Promulgation Bill were also discussed.

April

Mr. Derrick Ah-Lock was appointed as assistant to Mr. Sauzier on April 1. On April 2, the eighth political party registered, the Seychelles National Movement. Mr. James Mancham, leader of the Democratic Party, returned to Seychelles for the first time since the coup in 1977 on April 12, attracting 10,000 to the airport to welcome him, and 20,000-30,000 to an outdoor rally the same day. The Constitution (Preparation and Promulgation) Act was passed by the People's Assembly on April 16, and

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signed by President René on April 18. The Assembly had rejected an amendment which would have allowed exiled Seychellois to vote without a two-month residency requirement. Andre Sauzier was appointed as the Director of Elections, and Mr. Ah-Lock as Chief Registering Officer. July 26 was set by Mr. Sauzier as the election day. On April 16, the Assembly also passed the Seychelles Broadcasting Corporation Act, signed into law by the President on April 20. The Act established the SBC as an independent corporation to replace the government-controlled Radio/Television Seychelles (RTS). Mr. Mancham and President René met at State House on April 20 for several hours in their first face-to-face meeting in 15 years. On April 28, President René announced the appointment of the members of the SBC Board and the Managing Director of the SBC. Opposition parties protested the naming of the board without sufficient input from them, and noted that the majority of the board was drawn from the government and were members of the SPPF. Four parties threatened to boycott the planned party political broadcasts (PPBs) in protest.

May

The May 1 rally held by the SPPF drew 12,000-20,000 from all districts in the Seychelles. About 25 people were injured in clashes between SPPF and opposition supporters at the end of the day. The party political broadcasts began at the beginning of May, giving 15 minutes of television time every two weeks to each party for the next eight weeks. The preliminary list of voters was published and made available for public inspection on May 11, with the closing date for revision to the list set for May 26. Registration officers were appointed for each of the 22 districts. On May 25, after hearing requests from the opposition parties, Mr. Sauzier announced that the period for revising the voters list would be extended to June 8. An inter-party meeting was held on May 29, chaired by Mr. Sauzier, and attended by members of the SBC board. Opposition parties' continued objections to the make-up of the SBC board were discussed, along with several questions regarding election procedures. Among other matters, the design of the July 26 ballot was discussed and agreed upon.

June

In early June, Mr. Sauzier announced the appointment of Mr. Bernadin Renaud as Chief Elections Officer, after consultations with the political parties. The 15th anniversary of the 1977 coup d'état was celebrated on June 5 with the traditional rally and military parade. The turnout of 4,000 was significantly smaller than in previous years. On June 14, after protests by opposition parties and leaders of the Anglican and Catholic Churches, the SPPF announced that it would not hold a planned party rally on Independence Day, June 29, but also stated that no other party would be allowed to organize a public

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activity that day. Mr. Mancham returned to Seychelles after a seven-week absence on June 21 and held a rally attracting 5-10,000 at Anse Royale. On the same day, President René spoke at an SPPF meeting in Bel Air. According to Regar, Mr. René justified the use of force and detention against opponents of the regime in the past and said that he would be ready to put people in jail again after the July elections if it was necessary. On June 24, the first labor strike in Seychelles in years occurred at the Public Utilities Corporation. Electricity was cut off all over the island of Mahe as workers walked off the job in protest over poor working conditions. Also on June 24, the official nomination of candidates (i.e., political parties) was presided over at National House by Mr. Sauzier, with representatives of all political parties present. The order that the parties would appear on the July 26 ballot was determined by lot. The SPPF held a fair and political rally in Mont Fleuri on June 28. President René addressed the assembled crowd, estimated at 5-10,000, at 11:00 a.m. That afternoon, the Democratic Party held an outdoor rally at Anse Boileau. There were no significant incidences of violence between the supporters of the two parties that evening.

July

The final list of voters for the July 26 election was published by Mr. Ah-Lock on July 1, and made available for two weeks of public inspection. The July 3 issue of the Nation published the list of Commonwealth representatives who would observe the July 26 election. On July 4, the Nation published a statement from President René saying that he and his party would respect the results of the July elections, calling on the other political parties to give the same assurances to the Seychelles people.

B. The Political Campaign: Problems and Issues

(1) Overview

President Albert René has ruled Seychelles for fifteen years as a one-party state with a socialist economic policy. Power has remained firmly in his hands as President and Secretary General of the SPPF through astute political maneuvering and through the utilization of all the mechanisms available to a leader in a one-party socialist state. The press and other media have been virtually limited to those few outlets controlled by the government. The armed forces have been built up and generously funded to ensure their loyalty to the government and to the president. The army, the militia and the police have been used as tools of intimidation and repression. Murder, disappearance, detention, forced exile and torture have been used to control any incipient opposition to the René regime. Surveillance of the populace has

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been widely practiced, through phone tapping, spies and other means, so that open dissent has been effectively snuffed out. Membership in the SPPF and loyalty to the government have been used as preconditions for employment and advancement in government and parastatal positions. The SPPF has operated in parallel with the government, and over the years the roles and resources of the two entities have become so entwined as to be virtually indistinguishable.

President René's statement of December 4, 1991 on the return to multiparty politics was explicit about the legalization of opposition political parties and about a process of elections to choose a new constitution and a new government. Implicit in this return to multi-party democracy was also the need to end all of the above-described practices of the single-party socialist state. The legalization of political parties and the putting into place of electoral procedures has proceeded on schedule and with few problems. It is in the area of the other ingrained practices of state control in a single-party system, particularly in their impact on the ability of political parties to conduct their pre-election campaigns, that significant problems and concerns still lie.

The primary areas of concern for the opposition political parties, and for the IFES team, arise from an incomplete transition from the old single-party system with its many well-established mechanisms for controlling dissent to an open, democratic system where dissent from government policies can be practiced freely and without fear. All those who were interviewed by the IFES team spoke of the enormous changes in the area of free speech and political dissent that have taken place since December 1991. Many, however, point to continuing restraints on the free competition of political parties during the period preceding the July 26 election. Even the Government admits that the transition away from the former era's ways and means of control is still incomplete.

The concerns and complaints that were expressed most often to the IFES team fell into three major areas, all of which are at least partly caused, it seems to the team, by this incomplete transition to an open democratic system. These areas are 1) control of the media, 2) use of government resources for the political advantage of the SPPF, and 3) the government control of the transition process itself.

The question of access to the media is addressed in Chapter VII of this report. The remainder of this chapter will focus on the other two areas, beginning with the question of government control of the transition to a new, democratic system.

(2) Government Control of the Transition Process

The complaints heard by the IFES team regarding excessive and undemocratic control of the transition process focused on the following issues:

(a) The electoral sequence and timing

Some parties expressed the complaint that the process of registration and elections was too short for new parties to organize themselves. Others feel that the process is too cumbersome and a Constitutional Commission is not necessary. Instead, the transition should have proceeded directly to general elections for a new government, and the constitution amended by that government.

Opposition leaders complain that the process is too expensive, draining of limited state resources, such that a new government will have to pay the price. Some parties have stated that the process leaves the René government in control for too long—during the meeting of the Constitutional Commission and even after ratification of the new constitution. René's government will be administering the elections for the new government. René should have stepped down during this period, and introduced a transitional government, they say. It is further felt that the process gives the René government too many opportunities to bring the transition process to a halt, particularly if the SPPF does poorly in July.

In response to these complaints regarding the electoral sequence and timing, the IFES team would make the following points:

- The Constitution of 1979 is the law of the land, no matter what some opposition politicians say about its illegality. There are advantages to proceeding constitutionally.
- The July 26 election is a legitimate way of testing the strengths of the political parties and allowing the parties to participate in the drafting of a new constitution on the basis of their strength with the electorate.
- The July 26 election also is not a winner-take-all election, and therefore is less threatening to all participants.
- A constitutional referendum is an additional expense, and increases the time period of the transition, but insofar as it increases the credibility of the constitution (and general

public awareness of the new constitution) it is an exercise that has value outweighing the inconveniences.

(b) The Electoral Law

Opposition party leaders note that the electoral law (Constitution Preparation and Promulgation Act) was drafted without sufficient consultation with the political parties. Its drafting and ratification was under the sole control of the President and the SPPF-controlled People's Assembly.

Opposition leaders also complain that the law does not allow Seychellois to vote from overseas, and the two-month residency requirement effectively disfranchises the many Seychellois who are in exile and can't afford to return to Seychelles for two months before the elections. This disenfranchisement of 5,000 - 10,000 Seychellois is to the disadvantage of the opposition parties, particularly the DP and SNM.

In addressing these complaints about the electoral law, the IFES team notes that the law was drafted quickly and competently by the government with the assistance of a Commonwealth advisor. The government had no obligation to bring opposition parties to the table for the drafting of the law. As a gesture of openness on René's part, it might have been positive, but it undoubtedly would have prolonged the drafting process. The opposition parties were allowed (one month) to review and comment on the draft law, and many significant changes were made to the bill following the recommendations of the parties. Many parties expressed general satisfaction with the law as it was passed by the Assembly, except for the issue of the voting by overseas Seychellois.

It is clear to the IFES team that President René manipulated the issue of overseas voting to his own political advantage. The team feels that the government's arguments against allowing overseas Seychellois to vote from their country of current residence are weak and disingenuous, and that the decision was clearly made knowing that it would disenfranchise thousands of opposition supporters. That being said, the opposition parties were out-manuevered on this issue, and there is little point in revisiting this question at this time. The IFES team does not feel that the exclusion of overseas Seychellois from participating in the July election significantly reduces the legitimacy and credibility of the election and its results, whatever they might be. The issue of absentee voting will properly be taken up by the Constitutional Commission with reference to subsequent elections.

(c) The Electoral Administration

There were complaints that Sauzier checks in with René before taking major decisions, or that Sauzier is excessively concerned with displeasing the President or the SPPF. Some party leaders complained that registrars were aligned with SPPF and therefore were not unbiased in their registration duties.

The IFES team found no evidence of significant interference in the registration or election process on the part of the president or the SPPF.

(3) Abuse of Government Resources by the SPPF

The second general area of concerns and complaints of opposition parties and other observers of the transition process has to do with the use of government resources to the political advantage of the SPPF. These concerns focused on the following types of issues: a) use of government vehicles to transport SPPF supporters; b) use of government buildings, particularly district community centers, in ways unfair to the opposition; c) putting SPPF insignia on government vehicles, flying of SPPF colors at Community centers, wearing of SPPF t-shirts by soldiers on active duty; d) use of government funds for SPPF campaign activities; e) use of resources under government control, such as jobs, loans, and pensions to discourage activism in opposition parties; and f) government interference in the work of the police to intimidate opposition party activists.

(a) Government vehicles

The opposition parties all cite instances where government civilian or military vehicles were used to transport SPPF supporters to political rallies and meetings. Parties are also worried that the SPPF will use government vehicles to transport their supporters to the polls on July 26, a use of state resources that the opposition parties feel disadvantages them unfairly.

The IFES team witnessed no incidences of this abuse of government resources, but the complaint was heard often enough to have credibility. It is obviously improper to use government vehicles to swell attendance at SPPF rallies. The more critical potential for abuse is on election day. International observers should be alert for government or military vehicle being used exclusively for the benefit of SPPF supporters.

(b) Government Buildings

Opposition party leaders complain that they have been unable to use district community centers to hold meetings, often being falsely told that the center was already booked for the time when they wanted it. They also complain that when they do use the community centers, they have to pay 800 rupees in rent and a 500 rupee deposit, while the SPPF pays nothing for its gatherings in the center. The SPPF also effectively uses the centers as their rent-free district campaign headquarters. If other parties wish to establish an office at the district level, they have to pay rent for office space.

The IFES team addressed these complaints to President René. He admitted that sometimes the district chairpersons have been overzealous in their role as leaders of the SPPF at the district level, and may have indeed denied the use of the community centers to opposition parties. He stated that they have now received clear instructions from him that they are to give free and equal access to other political parties for their meetings. He also stated firmly that the SPPF pays rent when they use the community centers for political activities. Finally, he admitted that the SPPF uses the centers as campaign headquarters, but only temporarily. The SPPF is in the process of finding campaign office space away from the center, he stated, but this process is not yet complete.

The IFES team was aware of instances where opposition parties were able to rent the community centers for party gatherings. It is likely that their access to the centers varies from district to district, depending on the zealotness of the district chairperson. The team could not verify that the SPPF was paying rent, as President René claimed, but presumably this could be checked by others, perhaps by the Commonwealth observers. The use of the centers as SPPF office space is an obvious problem, and an obvious hold-over from the time when the centers were party branch offices, only seven months ago. This is another example of the incompleteness of the separation process between SPPF and government. If President René is sincere about SPPF moving its offices out of the district centers, some movement in that direction should be visible to the election observers by mid-July.

(c) Party Insignia on Government Buildings and Vehicles

Many government buildings are festooned with flags and banners in the three colors of the Seychelles flag: white, red and green. In a large number of cases there is a fourth color, yellow, which does not appear in the national flag, but comes from the representation of the sun in the SPPF flag. In effect, therefore, many government buildings are flying the SPPF flag. In a single-party state, this practice would not be questioned. In this transition to multi-party democracy in Seychelles, such continued and

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obvious connection between government buildings and the SPPF provokes complaints from many opposition leaders. They are particularly concerned about the flying of party colors outside of the district community centers.

The IFES team also observed party colors or pro-SPPF bumper stickers affixed to government vehicles, including military vehicles.

The IFES team addressed this issue with President René. He admitted that there had been a problem with party insignia being affixed to government vehicles in the past, particularly on the occasions of SPPF rallies, but that all government workers and military personnel had been instructed by the President to cease that practice. He expressed surprise that party colors were still being flown at district community centers, and assured the team that he would take steps to end that practice as well.

This association of government vehicles and buildings with the SPPF is a problem, to be sure. The symbolism of the ubiquity of the SPPF yellow among the national red, white and green can be very powerful in conveying the power and predominance of the ruling party. The removal of the party color, particularly from the community centers, would also be a powerful symbol of President René's willingness to forego the privileges of one-party rule during this transition period.

(d) Government Funding of SPPF Campaign Activities

The Seychelles government budget for 1992 shows a line item for funding of the SPPF in the amount of 9.6 million Seychelles rupees (approximately \$2 million). Opposition parties compare this amount to the funding that is provided to them by the government: 200,000 rupees. The government insists that the 9.6 million rupees are used only to finance the various public sector tasks that have been taken on by the ruling party over the years, and that none of that amount goes to funding activities that are explicitly related to the campaign. They also state that SPPF campaign activities are totally funded through contributions of their members and other "private" means.

Opposition party leaders are skeptical of these claims, and are convinced that government funds (whether the 9.6 million rupees or other) are used for SPPF explicit campaign activities, such as the large rallies that the party has been holding in the past months. They further point out that the SPPF use of government funds for its "public" activities can be perceived as "campaigning by other means" if the funds are used to dispense favors or increase community services during this sensitive time.

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It is nearly impossible to resolve the disagreement about where the SPPF is using government funds for campaign activities. While the suspicions of the opposition parties are probably at least partly justified, in the absence of campaign financing laws and strict auditing procedures it will not be possible to sort out the SPPF use of government funds for "public" purposes from their use for "private" campaign purposes. It would be helpful if the SPPF would open its financial books to public inspection, so that everyone could see where money is coming from and where it is going, but it is just as unlikely that the SPPF will be willing to do that as it is that the opposition parties would be willing to do the same.

(e) Threat of withdrawal of government benefits to opposition activists.

Because of the centralized, government-dominated nature of the Seychelles economy, the government of Seychelles exercises a large degree of control over the economic lives of many of its citizens. Many people are employed by the government, or by its parastatals. Many depend on the government for loans, and for their pensions. The government is in the position, therefore, to reward people for political loyalty, and to use economic leverage to punish opposition party activists.

Opposition party leaders were able to cite instances where this economic power has indeed been used to coerce loyalty or to punish disloyalty. Individuals who have lost their government jobs, were transferred, or felt harassed because of their activism in opposition parties also spoke to the IFES team.

The government issued a statement in January 1992 saying that civil servants could be opposition party activists with no penalty, as long as their activities did not interfere with their work duties. It is the government's position that they have not tried to hinder anyone's participation in opposition politics by carrying out or threatening to carry out economic retribution.

There is no doubt that there have been instances where people have been made to suffer because of their political choices. It is appropriate that the opposition parties should continue to protest such behavior on the part of the SPPF, especially as the government has pledged not to use its economic leverage against opponents of the René regime. It is only through the publicizing of this kind of abuse of government power by the SPPF, or by overzealous SPPF partisans, that such abuse can be brought to an end.

At the same time, the radical change in the Seychelles peoples' right to free expression and association over the past six months was commented on by everyone the IFES team spoke to. That significant progress toward the granting of the rights of a free society should not be overlooked. It should be

hoped that progress will continue under the present government and under the government to be elected in December.

(f) Government interference with police work

Opposition party leaders made the IFES team aware of the fact that "break-ins with violence" are on the increase in Seychelles, and that many people point their fingers at army personnel as being responsible for such instances. They also made note of several incidences where opposition party activists have had their homes or businesses broken in to. In both these types of crime, opposition leaders claim that the police have been prevented from being able to fully investigate or prosecute the wrongdoers. The police's handling (or mishandling) of rock throwing incidences between SPPF and opposition party supporters has also been blamed more on government interference in police instructions than on police incompetence.

From information gathered by the IFES team, there seems to be no doubt that some units of the police take their instructions directly from government ministers (or the President), without regard to police hierarchy and chain of command. It is also clear that police authority has been encroached on during the René period, with certain prerogatives going to the army, the militia and the presidential guard at the expense of the police. The police are poorly paid and do not receive many of the perquisites that go to members of the armed forces. They are also not adequately trained for crowd control duties, something they have been called on to do many times in the past month.

These concerns about the police do have relevance to the political campaign and the electoral system. The police have the duty to protect people from crime, including politically motivated crime, and to keep order at large public gatherings. Because, for a number of reasons, the police have not been performing those duties as well as they should, the political process has been marred. The police also will be the symbols of order and authority, as well as political neutrality, at the polling places on July 26. Because the police do not have the respect that they should, their credibility in their role on election day is lessened.

Reversing these problems of fact and perception should be a task of the present government and any future government. While little can be done in the short run to make the necessary changes, it is the opinion of the IFES team that concerns regarding police behavior and capabilities are not sufficiently great as to cast doubt on the credibility or legitimacy of the process as a whole.

(4) Summary

It is denied by no one in Seychelles that President René is an agile politician and an adept administrator. These skills have helped him to remain firmly in power since 1977. His hold on power has also been dependent on the undemocratic and sometimes repressive mechanisms of a one-party, authoritarian state. During this precarious transition period, no one is or should be asking President René to give up his skills as a politician or administrator. The transition that the President has himself initiated, however, requires that he, and the government generally, shed the undemocratic practices and institutions upon which they have relied in the past. The difficulties of accomplishing this during the brief transition period are obvious, and are both psychological and institutional.

Radical changes in both the institutions and psychology of governance in Seychelles will only come with time. The best that can be expected in the short term are changes that are relatively minor and mostly symbolic. In the hothouse atmosphere of a multi-party political campaign, however, the significance of symbolic gestures should not be belittled.

VII. MEDIA ACCESS AND CIVIC EDUCATION

A. The Media Law

Until recently, Radio-Television Seychelles (RTS) was controlled by the government, through the Ministry of Information. The government of Seychelles took a significant step in bringing the government-controlled mass media into line with the new pluralism with the passage of the Seychelles Broadcasting Corporations Act by the People's Assembly on April 16, 1992. The Act was signed into law by President René on April 20, 1992 (see Appendix E).

The Act established the Seychelles Broadcasting Corporation as a corporate body consisting of not more than ten board members appointed by the President. Board members serve a two-year term, and may not be office holders of a political party. The Board establishes general policies for radio and television programming, ensuring that the programs are presented "with due regard to the public interest." The President also appoints the Managing Director, who acts as the chief executive officer of the SBC, from among the members of the Board.

President René announced the appointment of the members of the Board on April 28, 1992. The Board members are:

Patrick Pillay, Chairman (Principal Secretary of the Ministry of Education)

Maurice Lousteau-Lalanne, Vice Chairman (Principal Secretary of the Ministry of Tourism and Transport)

Ibrahim Afif, Managing Director (formerly Chief Editor of RTS)

Hughes Payet (Chairman of Seychelles Hotels and Managing Director of National Travel Agency)

Gilbert Pool (Communications Advisor to the President)

Antonio Beaudoin (Personal Assistant to the Minister of Finance and Information)

Alain Butler-Payette (Personal Assistant to the Minister of Environment, External Relations and Planning)

Andre Rassool

Susie Chang-Him

Christine Harter

On April 29, four of the opposition parties issued a statement protesting the composition of the board and the lack of sufficient consultation with the opposition before naming the board. The statement demanded that the board be disbanded immediately and reconstituted after a consensus was reached with members of all parties on its composition. The parties would consider boycotting the Party Political

Following these opposition demands, the President was unbending in his commitment to the board as constituted. The board remained unchanged, and there were no notable boycotts of the PPBs.

B. The SBC

Since the beginning of May, the SBC Board has been meeting weekly. As of the end of June 1992, the Board was in the process of educating itself about the broadcasting business, and compiling a list of issues that need addressing. According to both the Chairman, Patrick Pillay, and to Managing Director Mr. Ibrahim Afif and his staff, the Board has given very little policy directions or guidelines to the SBC staff in its first two months of existence. According to the SBC staff interviewed by the IFES team, the Board has been "bending over backwards to appear impartial" in their actions regarding the running of the SBC.

In a meeting held in March 1992, before the SBC was created, the opposition parties and the SPPF, together with Mr. Sauzier and the RTS staff, reached an agreement on political parties' access to radio and television. All parties registered at that time were present at that meeting. It was agreed that each party would be allowed fifteen minutes of television time every two weeks for eight weeks starting at the beginning of May. The time would be reduced to five minutes from the end of June until mid-July. Similar access to radio time would be given. The party broadcasts would not be edited or censored by the government or the RTS. The SBC accepted this agreement when it came into existence, but retained the prerogative of editing party broadcasts if it felt it was exposing itself to possible prosecution for defamation. RTS/SBC offered its facilities and assistance in the making of the "party political broadcasts", an offer accepted by all parties except the SPPF.

For the first two months of PPBs, the Board and staff of SBC exercised their prerogative to edit a broadcast only once, when one word was "bleeped" from a National Alliance Party PPB for its second television showing.

At the time of the IFES team's visit to Seychelles, the SBC remained a focus of complaints from both the SPPF and the opposition parties. The opposition parties were still keeping alive their objection to the make-up of the Board, and the method of its selection. None had significant complaints about the PPBs, though SPPF leaders expressed the belief that some of the PPBs had been unnecessarily negative and bordering on the defamatory. Some parties, particularly the Democratic Party, were regretting the

decision to limit the PPBs in July to five minutes rather than fifteen.

The more substantial complaints, coming from all parties including the SPPF, had to do with SBC news coverage. The SPPF leaders interviewed by the IFES team felt that the radio and television news directors were no longer giving sufficient coverage to the government or to SPPF in their efforts to appear independent of government influence. On the other hand, most opposition parties were convinced that news coverage still favored the SPPF by giving excessive time to the pronouncements of the President and his ministers.

According to the management staff at SBC, news decisions are made at editorial meetings held each morning. No government officials, including the President, attends or has input into those meetings. Some opposition party leaders, however, remain convinced that the government or the SBC Board continues to control daily decisions about what stories to cover, and how much time to devote to each story.

The IFES team was unable to conduct an extensive survey of radio and television news coverage during its two weeks in the Seychelles. In a sampling too small to be truly reliable, it was the assessment of the team that the news on both media was quite even-handed. The team was also convinced that the SBC editorial staff showed no undue loyalty to the government or the SPPF in their news coverage decisions. The team would agree with one opposition leader's explanation for any apparent over-emphasis on government-generated news: during the many years as an organ of the one-party state, the RTS became habituated to the notion that news was defined as the actions and communiques of the President and government ministers. The SBC staff, which remains essentially the same as the RTS, is still learning how to break those habits of the past and find news outside of the government sphere.

If anyone has legitimate complaints about news coverage, it may be the smaller opposition parties. News of opposition activities seemed to be weighted toward the activities of the Democratic Party, and to a lesser extent, the *Parti Seselwa*. The small parties' meetings might very well be overlooked. This, however, could also be seen as the result of reasonable decisions by the SBC staff about what is news, with the logic being that "bigger" events deserved a bigger share of news time.

C. The Press

There is a growing number of regularly published newspapers and newsletters in Seychelles. The most

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prominent among them are:

- The Nation, published by the government, daily, Monday-Saturday
- The People, published by the SPPF, monthly
- L'Echo des Isles, published by the Catholic Church, monthly
- Regar, published in association with the Parti Seselwa, since January. bi-weekly. Since the beginning of July, weekly.
- La Verité, published by the MSD, bi-weekly, since April 1992
- Liberté, published by the Seychelles Institute for Democracy, monthly

Seychelles' only daily newspaper, The Nation, with a circulation of 3,500, is published by the government under the Ministry of Information. It has never explicitly been an organ of the ruling party, but as the government newspaper, it obviously is perceived as having close ties to the SPPF. During the IFES team's visit to the country, The Nation covered events such as the Nomination Day and the Democratic Party rally on June 21 with an objective and even-handed tone. At this point in Seychelles' transition to pluralism, however, The Nation cannot be considered an independent and objective source of news.

The other existing press outlets cannot claim non-partisan independence either. La Verité is explicitly the organ of the *Mouvement Seychellois Pour la Democratie*. Regar claims to be an "independent newspaper" but editorial staff is closely associated with the *Parti Seychellois*. Liberté is published by Maxime Ferrari's Seychelles Institute for Democracy, and thus is not the organ of a political party, but still is clearly a voice of the opposition to the René regime. All three of these newspapers impressed the IFES team with the breadth of their news stories and comments, and with their generally responsible tone, despite their partisan agendas.

L'Echo des Isles is the monthly newsletter of the Seychelles Catholic Church. Observers credit this newsletter with being one of the early and effective voices against the repression of the René regime and for the restoration of multi-party democracy. The June 1992 issue, published while the IFES team was in Seychelles, continued to editorialize against the political and economic policies of the current

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government, and called on its readers to use their votes responsibly.

In a country such as Seychelles where the literacy rate is high and where the newspapers can be distributed to most of the population centers, the print media can be an effective means of educating the public about the political issues of the day, as well as about the various steps of the political transition. There are still significant constraints, however, to the press reaching its highest potential as an effective source of news, information and opinion in Seychelles, some of which can diminish over time.

- Because of the habits formed during many years of control of the press by the government and the single party, there is a lack of trained journalists in Seychelles, and more importantly, a lack of investigative journalists.
- Because of the size of the Seychelles, it is unlikely that it will ever be able to support more than one daily newspaper, and even that paper may not be able to exist without support from the government.
- The Nation is not an independent newspaper. The government should consider lessening its control on the country's sole daily newspaper by placing it under an independent board of directors, on the model of the SBC.
- Even though Seychelles is small with a literate population, it follows the model of many other developing countries where the radio remains the primary medium for news, information and opinion.

D. Civic Education

At the time of the IFES team's visit, there was some confusion about where the responsibility for implementing a voter education program rested. The Minister of Information did not think that his ministry had a role to play, and pointed to the SBC. The management staff of the SBC was waiting for instructions and information from the Director of Elections. The Director of Elections was waiting to be approached by the SBC.

Despite this slight confusion, it appeared to the IFES team that there was the potential for implementing a very effective voter education program through the media of radio and television. The SBC planned

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to continue to give heavy coverage to political and election news, and also to "saturate" both media with spots on the voting process. The SBC also planned programming where each of the party leaders would be interviewed by a panel of journalists for an hour or more about their constitutional proposals and other issues. They were considering a televised round-table debate between party leaders as well.

The Seychellois appeared to the IFES team to be very well informed about the electoral process, and the team is confident that the various new voting procedures will be well explained to the electorate via radio and television before July 26. The SBC and the government should also begin to plan for the longer-term task of educating the populace about the nature of a pluralist, democratic society and political system, lessons that need to be reviewed after fifteen years of one-party socialist rule.

The task of raising awareness of the new challenges and opportunities of a democratic society should be shared by non-governmental and civic organizations as well as the government. One organization that was recently founded explicitly to take on such a task is the Seychelles Institute for Democracy. The Institute's founder is Mr. Maxime Ferrari, who was Minister of External Affairs in René's government until 1984. The Institute includes objectives in its strategy statement such as "promote and pursue the ideals of democracy in Seychelles" and "promote and cultivate political tolerance in Seychelles."

Some people in Seychelles are suspicious of Mr. Ferrari, thinking that his Institute is merely a platform from which he will launch a presidential campaign. He also has family ties to the *Parti Seselwa*. Others point to Mr. Ferrari's close connection to the 1977 coup and the early years of the René regime as reasons to doubt the sincerity of his promotion of democracy. Overcoming these doubts will take some time, but it is not inconceivable that the Institute could grow to be a valuable resource for civic education in Seychelles in the months and years to come.

VIII. CONSTITUENT GROUPS

A. Women

Seychelles has many characteristics of a matriarchal society, with women playing the leading role in domestic life, and in some economic activities. There is no significant difference between the education level of men and women in Seychelles, and no legal barriers to full participation in political activities, including voting. Women take a strong interest in politics and political issues. They often outnumber men at political rallies.

The membership of the People's Assembly is 44% female, giving it one of the highest proportion of women of any national legislature in the world. There are currently three women ministers in the government.

The presence of women in the leadership of the political parties remains low, however. All of the eight parties are led by men, although some have women members on their executive committees. The IFES team was told that the role of women in politics is changing in parallel to the changes in the role of women in other areas of social life traditionally reserved for men. It was therefore anticipated that the number of women actively involved in politics, and in the leadership of political parties, would continue to grow.

B. The Armed Forces

The Seychelles armed forces number around 2000, including the Army (1000), the Navy (200), the Air Force (100) and the militia (800). There is also a presidential guard of 50-100 members. This gives Seychelles one of the highest ratios of military to civilian populations in the world. There was not, however, an overwhelming presence of members of the military in public places, although they are seen as guards outside many government buildings.

The police force is distinct from the army, and has a separate hierarchy and command structure. The police, like the military, is ultimately under the jurisdiction of the Ministry of Defense, however. The police Paramilitary Unit (PMU) is the armed unit of the police force which receives a more military-like training and is intended to be used for riot-control situations.

The armed forces (but not the police) have grown and prospered under the René government. They receive many perquisites that are not available to the police or to the general populace. Advantages of this sort, having come directly from the René regime, along with their rather isolated position from the

social and political life of the country, causes many observers to worry about how the military will react following the July 26 election, or subsequent elections, if the SPPF loses. None of the opposition parties have called for drastic reductions in the size of the military, but they do talk about needing to "professionalize" the armed forces and to bring their size more into line with the actual defense needs of the country.

C. The Church

The people of Seychelles are predominantly Christian, and the churches play a strong role in the social life of the country. The Catholic church numbers 90% of the population among its members. Approximately 5000 Seychellois belong to the Anglican Church. There are Pentecostal and Seventh Day Adventist congregations as well.

Both the Anglican and Catholic leadership have been vocal in the past two years in calling for reform and an end to political repression. One of the early and most outspoken activists in the internal opposition was Rev. Ramkalawan, an Anglican priest and now the leader of the *Parti Seselwa*. His sermons broadcast on the national radio gave some of the first public voicing of the growing mood of opposition to the René regime in 1990 and 1991. The Catholic monthly newsletter, *L'Echo des Isles*, followed his lead with increasingly strong anti-René editorializing.

At the initiative of President René, a State-Church Coordinating Committee was formed in recent years. This committee brought together the Catholic Bishop, the Anglican Archbishop, the Minister of Administration, and President René in regular meetings. Human rights issues, such as prison conditions and the prisoners' visitation rights, were discussed. This was also a forum where the church leaders could continue to press the President for political reform.

Opposition leaders and other observers credit the church leaders with playing a significant role in catalyzing the opposition movement. Both the Catholic and Anglican Churches now seem to have given up their leadership role, on the grounds that statements made at this point in the transition process risk having the churches accused of playing in politics. The State-Church Coordinating Committee is no longer meeting regularly. The church leaders, however, can still bring considerable pressure to bear on the government when they choose. An example of their continuing influence is the joint Catholic-Anglican statement calling on the President to cancel the planned SPPF rally on Independence Day (June 29, 1992). The President yielded to their appeal to not politicize the national holiday, and moved the SPPF rally to June 28.

IX. INTERNATIONAL ELECTION OBSERVERS

The Director of Elections and several of the political parties have invited foreign countries, multi-lateral organizations, and non-governmental organizations to send international observers to the Seychelles for the July 26 election. At the time of the IFES team's visit, plans for several observer delegations were being completed. In the opinion of the IFES team, *ideally*, enough observers would be sent to have a presence in each of the 22 polling places on election day. Since this presence need not be for the entire day, and because the distance between polling stations is not great, teams of two observers could easily travel between 2-4 polling stations. At least one team should be based with Mr. Sauzier and Mr. Renaud in Victoria. Therefore, approximately twenty observers are needed for sufficient coverage.

If necessary, it would be possible for international observer delegations to be supplemented with local embassy personnel in order to form a sufficient number of teams.

A. Observer Delegations

At the time of the IFES team's visit, the following plans had been made for international observer delegations:

- The Commonwealth planned to send a twelve member delegation: 7 official observers, and five support staff from the Commonwealth secretariat. It was unclear if any or all of the five would also act as observers. The arrival date for a two person advance team was July 14, with the rest of the delegation arriving on July 17.
- Two observers sent by the National Democratic Institute (U.S.), arriving July 23 and departing July 30.
- Two French parliamentarians, arrival and departure schedule unknown.
- Possibly, a delegation of German observers
- Possibly, 2-3 American observers sent by International Republican Institute (U.S.)

B. Concerns and Issues

(1) Financing

The Director of Elections was not, as of July 3, planning to include funding for the support of international election observers in the budget that he was preparing at that time. It was not clear where the necessary funding would come from. The President and the Minister of Finance seemed to assume that the cost for supporting any observers invited by Mr. Sauzier would come from Mr. Sauzier's budget. The assumption of the Commonwealth seemed to be that all local costs for the Commonwealth observers (lodging, transportation, per diem) would be covered by the government of Seychelles. Mr. Sauzier and the government agreed that all other observer delegations would have to be fully funded by the sponsoring country or organization.

(2) Coordination

It was not clear, as of July 3, who would take the responsibility of coordinating the activities of the various observer delegations. The task of coordination will be made more crucial and more difficult if five separate observer delegations eventually are sent for the July 26 election.

It seems likely that the various delegations will be arriving at different times in Seychelles, with the Commonwealth observers preceding the other observers by several days. The task of assigning observers to certain polling stations, and providing them with local transportation, was one that the Chief Elections Officer did not plan to take on, as of July 3. The CEO was willing to take charge of providing credentials for the international observers, and to play a facilitating role in any pre-election activities of the observers.

A final and most important coordinating task that was still unassigned at the time of the IFES team's departure was the way in which the observers would report their observations on the night of July 26 or on July 27. The IFES team assumes that the government and people of Seychelles will expect some kind of public statement from the observers as soon as possible after the polling and counting is completed.

Neither the Director of Elections nor the Ministry of External Relations are the ideal coordinators for the international observers. There is an issue of conflict of interest with the Director of Elections: the observers have come in part to assess his work and the work of his staff, and therefore, it should not be the Director who is determining the observers' agenda. Even more obviously, the Ministry is too

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closely associated with the SPPF to be seen as a neutral coordinating body for the observers, particularly in the eyes of the opposition parties.

(3) Training

A brief training session on the Seychelles election law and polling procedures should be held for all international observers. This could be a condensed version of the training received by the electoral officers and the polling agents.

In addition, the observers should meet with representatives of all the political parties, so as to learn of their concerns regarding the electoral process.

(4) Roles

It is likely that the observer delegations, coming on different schedules, are also coming with different expectations regarding their roles in Seychelles. The Commonwealth has accepted an election oversight role in Seychelles, and is presumably sending its delegation with a mandate to observe and comment on the pre-election process as well as the election day activities. The NDI and French observers, arriving closer to the day of the election, presumably will have a narrower brief. These differences in expectations and roles have the possibility of creating confusion both among the Seychellois and among the observers.

C. IFES Team Recommendations

- The Director of Elections and the Government must resolve the question of the source of funding for the local costs of the Commonwealth observers. The sponsors of other observers must be made aware of the need to fully cover the expenses of those observers.
- An agreement should be reached between the Director of Elections, the government and the opposition parties regarding the planning and coordination of the observers' visits, and the carrying out of their orientation and training. The IFES team recommends that a small coordinating committee with representatives from each of those three interests be formed and charged with all planning and training responsibilities for the international observers.

- The coordinating committee should work with the sponsoring countries and organizations to plan a post-election assessment reporting mechanism that is acceptable to all the parties involved. Preferably, this reporting would be in the form of a press conference as well as, perhaps, private meetings with the President, the opposition party leaders, and the Director of Elections.
- The role of the observers must be defined and understood to the satisfaction of the political parties, the government, the Director of Elections, the sponsoring countries or organizations and the observers themselves. Included in this understanding should be the forum through which the observers will report their findings, the types of questions that the observers will be expected to address in the pre-election, election, and post-election periods, and whether the observers will be asked to certify the legitimacy of the election immediately following the announcement of the results.
- Several of the opposition parties have requested United Nations presence at the time of the July 26 vote to ensure that the armed forces do not take any extra-constitutional action in the wake of the vote. At the time of the IFES team's departure from Seychelles, this kind of UN presence was very unlikely. It remained the hope of the opposition parties that the presence of the international observers would help to ensure that the result of the July 26 vote would be respected by everyone in Seychelles, including the Army. The IFES team would recommend any deployment of the international observers, particularly the Commonwealth observers, that would help to achieve that purpose.

D. Points for International Observers to Focus On

The IFES team, based on its assessment in late June-early July 1992, offers the following suggestions for areas that the international observers should include on their list of tasks:

- Has the SPPF used government vehicles, including military vehicles, to transport their voters to the polls? Has the SPPF, or any other party, monopolized the renting of vehicles for this purpose on election day? Are the SPTC buses running their regular routes on election day, and picking up everybody regardless of their political loyalties?

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- Has the government/SPPF abused its access to the media in the days preceding the July 26 election? Has television and radio news been even-handed and reasonable during the period preceding the election?
- Has the Army remained unobtrusive during the period before the election, and on election day itself, or has it presented itself publicly in what could be seen as an intimidating manner?
- 4) Is the indelible ink effective (i.e., is it truly indelible for at least 24 hours)?
- Have all election procedures been respected? Particularly:
 - a) Did the polling stations open on time, and were all required personnel (and the political party agents) present at the time of the opening?
 - b) Are the polling stations equipped at the opening with all the proper equipment and supplies?
 - c) Has the indelible ink been mixed and applied properly?
 - d) Were people able to vote without undue delays? Were all those who were registered properly and wanted to vote allowed to vote?
 - e) Was there any evidence of partisanship on the part of the Electoral Officers and their assistants?
- Have the police fulfilled their role as neutral keepers of the peace, at the polling stations and elsewhere, on election day?

X. THE ELECTION BUDGET AND INTERNATIONAL ASSISTANCE

A. The Election Budget

The Office of the President had asked that a budget for expenses associated with holding the July 26 election be drawn up by the Director of Elections. As of July 3, 1992, this budget had not yet been completed and submitted to the President. The Chief Electoral Officer expected that a comprehensive elections budget (for the July 26 election) would be completed and submitted to the President by July 8. Up until that time, all expenses incurred by the Director of Elections were paid by the Office of the President.

The President and his economic advisor indicated to the IFES team that they were prepared to pay all reasonable election-related costs incurred by the Director of Elections, even if they did not agree with the particular line items. They recognized that they would come under considerable pressure from opposition parties if they were seen as subverting the process by not providing sufficient funds. The President expressed particular concern that the Director of Elections was committing the government to excessive expenditures by inviting international observers who would require funding for their local expenses.

The draft budget shown to the IFES team by the CEO was not yet comprehensive, but all items included at that time were necessary and not excessively elaborate or costly. Based on the team's discussions with the CEO, it does not anticipate that the President's office will have any serious questions with the complete budget when it is submitted.

The IFES team recommends that the Director of Elections draw up a comprehensive budget for the referendum and the December elections as soon as possible after the July 26 election for submission to the Office of the President.

B. Requests for External Assistance

IFES received a request for election assistance from the Government of Seychelles (Ministry of Planning and External Relations) in April 1992. The specific items included in this request were:

- Computer equipment for maintaining the electorate register, to connect the Director of Elections' office with the office where the national database is housed;

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- One stenotypist to assist the secretariat of the Constitutional Commission in the drafting of the Constitution;
- 6 cars for the transportation of the members of the international observer team;
- 3 specialized high security vans for the transportation of the ballot boxes;
- 1 mobile electric generator in case of a power failure at the central counting station on election day.

The IFES team is in agreement with the Ministry in foreseeing that computer and transport capabilities will be essential ingredients in the successful administering of the July elections, the constitutional referendum, and any subsequent elections. In the opinion of the IFES team, however, there currently exists in the Seychelles sufficient capacity in both the areas of computer hardware and transport to carry out all foreseeable election-related tasks. Therefore, the team does not recommend donor assistance in this form at this time.

The IFES team was unable to fully assess the need for a stenotypist for assisting the Constitutional Commission in the drafting of the new constitution. If the desire is to produce verbatim notes of the proceedings of the Commission, the team believes that whatever practice is in place for recording the proceedings of the Seychelles Supreme Court would be adequate for the needs of the Commission.

The IFES team did identify a need in the form of an elections specialist to assist in the training of the Elections Officers and the Assistant Elections Officers. There was not sufficient time to bring in an outside specialist to assist with the training of election workers prior to the July 26 election. External donors might consider this type of assistance if training of election workers was still felt to be a need prior to the Constitutional Referendum or the December elections.

The IFES team did not identify any further material or technical needs of the Seychelles electoral system for which external assistance would be required. In the opinion of the team, the future needs of the democratization process in Seychelles will be more in the area of strengthening the institutions and attitudes that will support and make durable pluralist democracy. Assistance from external sources will be valuable in helping the Seychelles to move in a coordinated and deliberate manner down the complementary paths of economic and political liberalization. Many of the institutions at the political and economic center of the nation will need to be reviewed and reformed, and, just as importantly, both local government and individual economic initiative will need to be supported and strengthened.

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Technical advice and educational programs in this area should be a priority for international friends of Seychelles who wish to support the process of democratization in that country.

XI. SUMMARY: FINDINGS AND RECOMMENDATIONS

A. Elections and the Individual Voter

While there are no guarantees against voting and counting irregularities in any electoral system, there are administrative procedures that can be put into place that will provide sufficient safeguards against fraud and cheating on a scale that can effect the results of an election. For such administrative safeguards to be effectively implemented, several conditions are required: 1) a government that is truly committed to free and fair elections so that it does not use its de facto control of the electoral system to rig the process from the start; 2) an administrative body, such as an electoral commission or director of elections, with sufficient budget, trained personnel and administrative capacity to implement the policies and procedures of the electoral system that the government has chosen; 3) political parties and/or other associations of civil society with sufficient institutional means to play the necessary educational and monitoring role to provide adequate checks and safeguards; and 4) a voting population sufficiently educated so that it knows its rights and responsibilities, and its role as participant and watchdog.

It is the assessment of the IFES team that these conditions have been or will be met in Seychelles, and that therefore all administrative guarantees of a fair election that can reasonably be expected are in place. The team is optimistic that the vote of the individual members of the Seychelles electorate will be freely cast and credibly counted and that the result will reflect the will of the people on July 26.

It must be noted, however, that not all Seychellois have been given the right to vote. Those citizens who are living overseas and are unable to spend two months in Seychelles prior to the election have been disfranchised. While it is true that some established democracies do not allow for overseas, absentee, or proxy voting, and that establishing the means for non-residents to vote is a difficult administrative task, the very high percentage of Seychellois who are currently living overseas is sufficient reason for finding the means to allow them to vote. While this constraint on the full participation of all the Seychellois people to participate in the July election blemishes the democratic nature of this transition process, it is the opinion of the IFES team that this constraint does not call into question the legitimacy of the process or the result of the upcoming election.

B. Elections and the Political Parties.

Elections can be deemed unfair and their results not legitimate for reasons other than irregularities in the casting and counting of votes. Primary among the other conditions for a free and fair election is the

ability of the political parties to compete fairly for the votes of the electorate. If there are institutional or legal impediments to some political parties carrying out their tasks of organizing internally, mobilizing resources, and addressing the electorate with their candidates and positions, then the electoral process and the results of the election cannot be considered legitimate.

It is in this area of the political parties' ability to compete fairly that the IFES team has some concerns about the multi-party transition process in Seychelles. As described in Chapter VI, Seychelles faces a challenge for electoral politics that confronts many countries in transition from single-party rule to multi-party democracy. The former single party, still the ruling party during the transition period, enjoys many advantages that it could exploit unfairly during the campaign period prior to the election. These advantages mostly relate to the resources that the ruling party controls by virtue of its near identity to the government. In Seychelles, the process of defining and strengthening the distinction between the SPPF and the government has begun but it is by no means completed. Therefore, the SPPF still shares with the government control of certain essential ingredients to a political campaign, including financial resources, transportation, infrastructure such as buildings, access to the media, and "rewards" for loyalty such as jobs, pensions and loans.

Until the transition is completed, some intermingling of government and SPPF resources is inevitable. President René has assured the IFES team that such intermingling will not be used to benefit the SPPF unfairly in its competition with the other parties for votes on July 26. If the President is sincere in this regard, then the burden is on him to show positive signs of this intent.

C. Respecting the Result of the July 26 Election

While there are some legitimate concerns about the fairness of the electoral process that will culminate in the July 26 election, particularly in regard to possible SPPF abuse of government resources, it is the opinion of the IFES team that any shortcomings in fairness will not be sufficient to significantly affect the outcome of the vote. Therefore, it will be incumbent on all political parties, the government, and all other sectors of Seychellois society including the military, to respect the results of the vote. The IFES team heard fears expressed by many people that some group would resort to violent or unconstitutional means to reverse the result of the vote in the period immediately after July 26. However, the team saw no real evidence that any group was actually preparing to take such action. The team is hopeful that no parties or groups will be sufficiently threatened by the results of the election to choose a constitutional commission to want to overthrow the process, especially when such action would inevitably be greeted with universal condemnation internally and externally, and do untold harm to

Seychelles' economy that it so dependent on the outside world for tourism and assistance.

The IFES team heard calls from some representatives of the opposition for sufficient United Nations or Commonwealth presence in Seychelles at the time of the July election so that any attempt to reverse the result would not be possible. The presence of international observers may in some part be a disincentive against such action, but the role of guaranteeing respect for the results lies first and foremost with the people of Seychelles themselves. Public assurances made prior to the election by leaders of the political parties, the government, and the armed forces would contribute to a lowering of the level of anxiety about force or violence being used to subvert the will of the people as expressed at the polls on July 26.

In early July, President René released a statement which as carried on radio, television and The Nation stating that "he and his party will respect the results of the July elections as an absolute wish of what the majority of the people of Seychelles want for this country." The President called on all other political parties to "give the same undertaking to the Seychellois people publicly." The IFES team is of the opinion that this statement was a significant step in reducing the level of concern about this issue. It is hoped that the other parties are also willing to make such a public statement.

D. The Transition Process

If one of the political parties wins a strong majority in the July 26 election, there is a possibility that party will declare that it has a mandate from the people of Seychelles not only to determine the new constitution, but to form a new government. Such a victorious party might bring an end to the transition process, and attempt to come to power without going through the formality of a constitutional referendum and subsequent elections. Mr. Mancham of the Democratic Party has hinted at this possibility both publicly and privately to the IFES team. Mr. Mancham has asserted that a strong victory for the Democratic Party on July 26 will, in effect, end the legitimacy of the René government and the necessity for any further elections as currently specified by the transition law. It is possible that other political parties, including the SPPF, might take the same position if they receive a decisive majority of votes on July 26.

It is the opinion of the IFES team that the transition process that has been put into place by the current government should be allowed to proceed through all the steps currently specified by the transition law. While it is true that the process of holding two elections, a referendum, and a constitutional convention is cumbersome, expensive, and demanding of patience and political maturity on the part of the Seychellois, the team is of the opinion that it is a legitimate process, and conducive of the desired result:

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a durable constitution and a legitimate democratic government. Furthermore, both the people of Seychelles and the international community are expecting the political leaders of the country who have chosen to participate and compete in this transition process to allow the process to continue along its predetermined course. The IFES team has no doubt that any action to unilaterally abbreviate the process will cast doubt on the legitimacy of the new government in the eyes of both the Seychelles people and the international community.

APPENDICES

Appendix A:
Schedule of Meetings

SCHEDULE OF MEETINGS

JUNE 21
0830 MET AT MAHE AIRPORT BY U.S.EMBASSY OFFICIAL AND REPRESENTATIVES OF SEYCHELLES MINISTRY OF ENVIRONMENT, ECONOMIC PLANNING AND EXTERNAL RELATIONS { E.E.P.& E.R. }. REVIEWED PROGRAM.

JUNE 22
0745 U.S. AMBASSADOR RICHARD CARLSON: BRIEFING

0830 MR FRANCE ALBERT RENE, PRESIDENT OF THE REPUBLIC OF SEYCHELLES; SECRETARY GENERAL OF S.P.P.F.

0915 MR ALLAN PAYETTE & MR BARRY FAURE, MINISTRY OF THE E.E.P.& E.R.

1000 MR ANDRE SAUZIER, DIRECTOR OF ELECTIONS

1200 MR JOHN SHARLAND, BRITISH HIGH COMMISSIONER

1400 MRS DANIELLE DE ST JORRE, MINISTER FOR E.E.P.& E.R.

JUNE 23
0800 MR ABOO AUMEERUDDY, ADVISER TO THE PRESIDENT

1000 MR. FRANCIS MACGREGOR, CHAIRMAN {SPEAKER} OF THE NATIONAL ASSEMBLY

1100 MR PATRICK PILLAY, CHAIRMAN OF THE SEYCHELLES BROADCASTING CORPORATION

1330 MR JAMES MICHEL, MINISTER OF FINANCE & INFORMATION; CHIEF OF STAFF OF THE DEFENCE FORCES; DEPUTY SECRETARY GENERAL OF S.P.P.F.

1430 MR De SILVA, DEPUTY TO THE ACTING ATTORNEY GENERAL

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JUNE 24

- 0800 MR PAUL CHOW, GENERAL SECRETARY; MR DOUGLAS SMITH, ADVISER;
MR RUSSELL WALTERS, ADVISER, DEMOCRATIC PARTY
- 1000 MR SAUZIER & FORMAL RECEIPT OF NOMINATION PAPERS
- 1100 MR DEREK AH-ALOK, REGISTRATION OFFICER AT DIRECTORATE OF
ELECTIONS
- 1600 MR MORIN, ASSISTANT COMMISSIONER OF POLICE

JUNE 25

- 1000 MR CARL TAMATAVE, DISTRICT CHAIRMAN, GRAND ANSE & MR FRANKIE
LEON, DISTRICT CHAIRMAN BAIE ST ANNE - PRASLIN
- 1105 MR HARRY HOCKADAY PAYET, *PARTI SESELWA* PARTY REPRESENTATIVE,
PRASLIN
- 1135 ELEANOR COLLIE, OFFICER OF DEMOCRATIC PARTY AND SERGE LA
BLANCHE, EXECUTIVE COMMITTEE MEMBER, DEMOCRATIC PARTY
- 1430 MEETING WITH REGISTRATION OFFICIALS AT BAIE ST ANNE

JUNE 26

- 1000 MR JULIAN SIMON MONDON, DEMOCRATIC PARTY REPRESENTATIVE, LA
DIGUE
- 1200 MR MASTON ST ANGE, *PARTI SESELWA* REPRESENTATIVE
- 1400 MR ALAN ROBERT JEANNEVOL, DISTRICT CHAIRMAN LA DIGUE

JUNE 27

- 0730 MR PAUL CHOW, GENERAL SECRETARY & MR DOUGLAS SMITH, ADVISER,

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DEMOCRATIC PARTY

JUNE 29

0830 MR GABY HOARAU, PRESIDENT & MR TERRY SANAPIN, EXECUTIVE
COMMITTEE MEMBER SEYCHELLES NATIONAL MOVEMENT

1800 MEETING OF SEYCHELLES INSTITUTE FOR DEMOCRACY

JUNE 30

0800 ARCHBISHOP FRENCH CHANGHIM, ANGLICAN CHURCH

0900 FATHER MATHIOT, ROMAN CATHOLIC CHURCH

1030 IBRAHIM AFIF, MANAGING DIRECTOR, PATRICK MATHIOT, CHIEF EDITOR
& BRYANT MARRIOT, HEAD OF BROADCASTING, SEYCHELLES
BROADCASTING CORPORATION

1400 MR RAMNIKLAL SHAH, LAWYER

1500 HON. JUSTICE I. K. ABBAN, CHIEF JUSTICE,
HON. JUSTICE A. R. PERERA, PUISNE JUDGE
HON. JUSTICE V. ALLEEAR, PUISNE JUDGE
C.R. JEAN-LOUIS, REGISTRAR, SEYCHELLES SUPREME COURT

1600 ROGER MANCIENNE, EDITOR, MARGARET MANCIENNE & DENISE
JOHNSTONE, REGAR NEWSPAPER

JULY 1

0900 JEAN-CLAUDE BROCHENIN, AMBASSADEUR DE FRANCE

1000 MR BERNADIN RENAUD, CHIEF ELECTORAL OFFICER

1100 JACQUES HODOUL, LEADER, P. MAHOUNE, P. HODOUL, L. D'OFFAY &

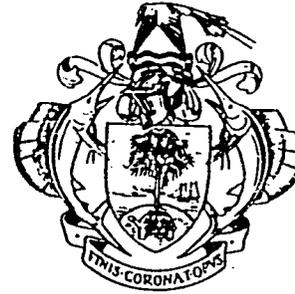
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- MARIE THERES BIBI, EXECUTIVE COMM TTEE MEMBERS OF THE M.S.D.
- 1400 PIERRE BOULLE, LEADER; KATHLEEN PILLAY, FREDERIC SAVY, N.A.P.
REPRESENTATIVES
- 1600 OGILVY BERLOUIS, LEADER; KENNETH PILLAY, P. REVERA, S.L.P. COUNCIL
MEMBERS
- 1700 FATHER RAVEL RAMKALAWAN, LEADER, *PARTI SESELWA*
- JULY 2
- 0745 COLIN BANKS, PRINCIPAL, SEYCHELLES INSTITUTE OF MANAGEMENT
- 0930 PRESIDENT RENE
- 1100 DR MAXIME FERRARI, PRESIDENT, SEYCHELLES INSTITUTE FOR
DEMOCRACY
- 1200 AMBASSADOR CARLSON, DE-BRIEFING
- 1800 MR ANDRE UZICE, PIERRE FERRARI, NICHOLAS PREA, S.C.D.
- JULY 3
- 0800 MR JOHN SHARLAND, BRITISH HIGH COMMISSIONER
- 0845 MR SAUZIER AND MR RENAUD, ELECTIONS OFFICE
- 1330 INTERVIEW S.B.C.
- 1500 MEETING; MR JAMES MANCHAM, K.B.E., LEADER DEMOCRATIC PARTY &
MR D. BELLE, ADVISER
- 1650 MR RENAUD, CHIEF ELECTORAL OFFICER

Appendix B:

**Constitution of the Republic of Seychelles
(4th Amendment) Act, 1991
(Act 13 of 1991)**



CONSTITUTION OF THE REPUBLIC OF SEYCHELLES
(4TH AMENDMENT) ACT, 1991
(Act 18 of 1991)

I assent,



*F.A. René
President*

30th December, 1991.

AN act to amend the the Constitution.

ENACTED by the President and the People's Assembly.

1. This Act may be cited as the Constitution of the Republic of Seychelles (4th Amendment) Act, 1991 and shall come into operation on such date as the President may, by notice in the Gazette, appoint.

Short title

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Interpretation

2. In this Act, "Constitution" means the Constitution of the Republic of Seychelles set out in the Schedule to the Constitution of the Republic of Seychelles Decree, 1978.

Amendment of Constitution set out in Decree 4 of 1979

3. The Constitution is amended as follows:

(a) by repealing section 5 and substituting the following section:

5. An Act may provide for the registration and regulation of the activities of political parties and for matters incidental thereto.;

(b) in section 60(2), by repealing the words "and to section 6(2)" and substituting the words", section 6(2) and section 60A";

(c) by inserting after section 60 the following section:

60A(1) An Act may —
"New Constitution

- (a) provide for the preparation of a new Constitution for the Republic;
- (b) for the purposes of paragraph (a), provide for the establishment of a body which shall be responsible for the preparation of the draft of the new Constitution, hereafter referred to as the "Constitutional Commission";
- (c) provide for the election or otherwise of the persons who shall serve on the Constitutional Commission;
- (d) provide for matters relating to the proceedings of the Constitutional Commission;

- (e) specify a time-limit within which the draft of the new Constitution must be ready for submission to the people of Seychelles;
- (f) provide for the manner by which the draft of the new Constitution shall be submitted to the people of Seychelles for approval or otherwise;
- (g) if the draft of the new Constitution is approved by the people of Seychelles, provide for the manner for giving legal effect to the new Constitution and the abrogation of this Constitution;
- (h) if the draft of the new Constitution is not approved by the people of Seychelles, provide for the reconvening of the Constitutional Commission for the preparation of another draft Constitution and for resubmission of the draft to the people of Seychelles;
- (i) so far as is consistent with the new Constitution, provide for the holding of the first election for the purposes of the new Constitution;
- (j) provide for any other matter necessary for the smooth transition from the present Constitution to the new Constitution;

- (k) empower the President to make regulations for the purposes of giving effect to the provisions of the Act.
- (2) Subject to section 58(3), a provision of an Act referred to in subsection (1) shall have effect notwithstanding sections 7 and 60(3) and any other provision of this Constitution."
-

I certify that 24 members of the People's Assembly voted for this Bill at the sitting of the Assembly on the 27th December, 1991.

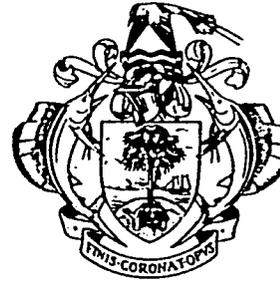
F. MacGregor
Chairman of the People's Assembly

I certify that this is a correct copy of the Bill which was passed by the People's Assembly on the 27th December, 1991.

F. Shroff
Clerk to the People's Assembly

Appendix C:

**Political Parties (Registration and Regulation) Act, 1991
(Act 19 of 1991)**



POLITICAL PARTIES (REGISTRATION AND
REGULATION) ACT, 1991

(Act 19 of 1991)

I assent,



*F.A. René
President*

30th December, 1991.

AN ACT to provide for the registration and regulation of the activities of political parties.

ENACTED by the President and the People's Assembly.

1. This Act may be cited as the Political Parties (Registration and Regulation) Act, 1991 and shall come into operation on such date as the President may, by notice in the Gazette, appoint.

Short title and commencement

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Interpretation

2. In this Act —

"office bearer" includes the leader of a political party;

"political party" means a combination of persons who have constituted themselves for a political purpose;

"registered" means registered under this Act;

"Registrar" means the Registrar of Political Parties appointed under section 3.

Registration of political parties

3.(1) There shall be a Registrar of Political Parties who shall be appointed by the President.

(2) Subject to subsection (3), the salary payable to and the term of office of the Registrar shall not be altered to his disadvantage after his appointment.

(3) Where the President appoints a public officer to be Registrar, subsection (2) shall not apply but the public officer shall not be subject to any disciplinary or similar proceeding, or threatened with such proceeding, or be dismissed, in connection with a decision taken in the exercise of his functions under this Act.

(4) The President may appoint such officers as may appear to him necessary for carrying out the purposes of this Act.

(5) The President may delegate the power of appointment under subsection (4) to the Registrar.

Register

4.(1) The Registrar shall keep a register in which shall be recorded such particulars relating to a registered political party as may be prescribed.

(2) A copy of an entry in the register certified under the hand of the Registrar or a person authorised by the Registrar shall, for the purposes of any written law, be prima facie evidence of the facts stated in the certificate.

5.(1) A political party consisting of not less than 100 registered members may apply in the prescribed form to the Registrar for registration under this Act.

Application for Registration

(2) An application for registration shall be signed by the office bearers of the political party and shall be accompanied by —

(a) two copies of the constitution, rules and political programme or manifesto of the party duly certified by the leader of the party,

(b) the particulars of the registered office of the party;

(c) a list giving the name, address and national identity number of not less than 100 registered members of the party;

(d) a list giving the name, address and national identity number of the leader and other office bearers of the party;

(e) such further information or document as the Registrar may require for the purpose of satisfying himself that the application complies with this Act or that the party is entitled to be registered under this Act.

(3) A list referred to in paragraph (c) and paragraph (d) shall be signed by each of the person named therein.

(4) A person shall not be considered to be a member of a political party for the purposes of this Act unless —

(a) he has attained the age 18 years;

(b) he is a Seychellois; and

(c) he is resident in Seychelles.

6.(1) Where the Registrar registers a political party, he shall issue the party with a certificate of registration and shall register and stamp the copies of the constitution and rules of the party submitted with the application and return a copy thereof to the party.

Registration

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(2) A registered political party shall display its certificate of registration at its registered office.

(3) The Registrar shall, as soon as practicable, give notice of the registration of a political party in the Gazette.

Refusal to register

7.(1) The Registrar may refuse to register a political party if he is satisfied that —

(a) the application is not in conformity with this Act;

(b) the name of the party —

(i) is identical to the name of a registered political party or a political party which has been cancelled under this Act or a political party whose application precedes the present application;

(ii) so nearly resembles the name of a registered political party or a political party which has been cancelled under this Act or a political party whose application precedes the present application as to be likely to deceive the members of the party or the public; or

(iii) is provocative or offends against public decency or contrary to any other written law as to be undesirable;

(c) any purpose or object of the party is unlawful.

(2) A political party shall be deemed to have a purpose or object which is unlawful for the purposes of this Act if —

(a) it seeks, directly or indirectly, to further ethnical, racial or religious discrimination or discrimination on the ground of colour;

(b) it advocates or seeks to effect political changes in the Republic through violence or unlawful means;

(c) it seeks to secede any part of the Republic from the Republic.

(3) For the purposes of determining whether a political party has an unlawful purpose or object the Registrar may consider any document, statement or matter made by or on behalf of the political party or by an office bearer of the party.

(4) Where the Registrar refuses to register a political party, he shall forthwith serve upon the party a notice in writing to this effect and shall specify the ground for his refusal.

8.(1) Where the Registrar refuses to register a political party, an office bearer of the party may, within 21 days after receiving the notice of refusal, appeal to the Supreme Court and the Supreme Court may make such order as it thinks fit and, notwithstanding any other written law, no appeal shall lie against the decision of the Supreme Court.

Appeal against refusal to register

(2) The Registrar shall be entitled to be heard on an appeal.

9.(1) The Registrar may cancel the registration of a political party —

Cancellation of registration

(a) at the request of the party made and signed by the office bearers of the party;

(b) on proof to the satisfaction of the Registrar that the registration of the party has been obtained by fraud or mistake;

(c) on proof to the satisfaction of the Registrar that the party has a purpose or object which is unlawful;

(d) on proof to the satisfaction of the Registrar that the number of registered members of the party has fallen below 100;

(e) if the party, after notice of the Registrar, fails to comply with this Act;

(f) the Registrar is satisfied that the party has ceased to exist.

(2) The Registrar shall, 21 days before proposing to cancel the registration of a political party, give notice in writing

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to the party of its intention to cancel its registration and of the ground on which he intends to do so but no notice shall be required where subsection 1(a) or (c) applies.

(3) The Registrar shall, as soon as practicable after cancelling a political party, give notice of the cancellation of the political party in the Gazette.

10.(1) An office bearer of a political party in respect of which the Registrar has issued a notice under section 9(2) may, upon receipt of the notice and before the 21 days referred to in section 9(2) has elapsed, appeal to the Supreme Court against the finding of the Registrar contained in the notice of intended cancellation and the Supreme Court may make such order as it thinks fit and, notwithstanding any other written law, no appeal shall lie against the decision of the Supreme Court.

(2) Where the registration of a political party has been cancelled as a result of a request of the party or because the party has ceased to exist, a person who was a member of the party at the time of its cancellation may, within 14 days after the publication of the notice of cancellation in the Gazette, appeal to the Supreme Court against the cancellation and the Supreme Court may make such order as it thinks fit and, notwithstanding any other written law, no appeal shall lie against the decision of the Supreme Court.

(3) The Registrar shall be entitled to be heard on an appeal.

11. A registered political party shall, within 7 days of any change —

- (a) occurring in the address of its registered office;
- (b) among its office bearers or in the particulars of its office bearers,

notify the Registrar of such change.

12.(1) A registered political party shall, within 7 days of making an amendment to its constitution or rules, submit two copies of the amendment to the Registrar and the amendment

Appeal to
Supreme
Court

Notice of
change in
registered par-
ticulars

Notice of
change in the
constitution
and rules

shall not have effect until it has been registered by the Registrar.

(2) Where the Registrar registers an amendment he shall stamp the two copies of the amendment and return a copy to the political party.

(3) The Registrar may refuse to register an amendment if it appears to the Registrar that by reason of the amendment the purpose or one of the objects of the party would be unlawful or the amendment contravenes this Act and the Registrar shall give notice in writing of the refusal to the party and shall specify the ground for the refusal.

(4) Where the Registrar refuses to register an amendment an office bearer of the political party may, within 14 days of the date of the notice of refusal, appeal to the Supreme Court and the Supreme Court may make such order as it thinks fit and, notwithstanding any other written law, no appeal shall lie against the decision of the Supreme Court.

(5) The Registrar shall be entitled to be heard on an appeal.

13.(1) The Registrar may, at any time after the registration of a political party, require the political party to submit to him any political programme, manifesto or other document issued or produced by it or in its name for any purpose.

(2) The Registrar or a person authorised in writing by the Registrar may at any reasonable time inspect and take extract from or copies of, or require an office bearer or employee of a registered political party to produce in readable form and provide him with a copy of or extract from, the record of a registered political party.

14.(1) The Registrar, a person authorised by the Registrar or an officer appointed under section 3(4) shall not disclose any information, other than —

- (i) the name of a registered political party;
- (ii) the address of the registered office of a registered political party;

Further infor-
mation and In-
spection

Confiden-
tiality

NS

(iii) the particulars of the office bearers of a registered political party,

obtained in connection with or the course of the exercise of his functions under this Act except for the purposes of, or in connection with an offence under this Act or where required to do so under any other written law or the Court.

(2) The Registrar, a person authorised by the Registrar or an officer appointed under section 3(4) who fails to comply with subsection (1) commits an offence and is liable to a fine of R10,000 and 2 years imprisonment.

Onus of proof

15.(1) Where a written law —

(a) prohibits the doing of anything except by, or

(b) restricts the doing of anything to,

a registered political party, the onus of proving —

(c) that a political party is registered under this Act shall be on the person who claims that it is so registered;

(d) that he is an office bearer or member of or has been authorised by the registered political party in respect of which he claims to be acting shall be on the person who claims to be an office bearer or member of or to be authorised by the party.

Electioneering

16.(1) A political party or any other combination of persons shall not represent itself as a registered political party unless it is so registered.

(2) A political party or any other combination of persons shall not electioneer, or authorise a person to act on its behalf, in connection with or take part in a specified election unless it is a registered political party.

(3) A person shall not act on behalf of or represent himself as acting on behalf of a political party or any other combination of persons in connection with or for the purpose of a specified election unless —

(a) the political party or combination of persons is a registered political party; and

(b) the person is a member of or has been authorised in writing to act on behalf of the registered political party.

(4) A political party or any other combination of persons or any person who contravenes this section is guilty of an offence and liable to a fine of R30,000.

17.(1) A person who —

(a) for the purpose of obtaining the registration of a political party, wilfully -

(i) furnishes any false or misleading information;

(ii) makes any false declaration, or

(iii) forges or otherwise submits any document which he knows is false or misleading,

to the Registrar or any person authorised by the Registrar;

(b) fails to furnish the Registrar or any person authorised by the Registrar with any information, document or extract when required or within the time required;

(c) obstructs the Registrar or any person authorised by the Registrar in the performance of his functions under this Act;

is guilty of an offence and liable to a fine of R10,000 and imprisonment for 2 years.

18.(1) An office bearer of a registered political party shall not distribute to any person, other than the Registrar or a person authorised by the Registrar in connection with the performance of his functions under this Act or a police officer in connection with an offence under this Act or any other written law, a document which purports to be a copy of or a copy

False information, obstruction etc of Registrar

Copy of constitution

of a part of or an extract from the constitution or rules of the political party unless the document is an exact copy of or an exact copy of the part of or exact extract from the latest registered copy of the constitution or rules of the political party.

(2) An office bearer who contravenes subsection (1) is guilty of an offence and is liable to a fine of R5000 and to imprisonment for 6 months.

**Failure to
notify changes**

19. A registered political party which fails to comply with section 11 or section 12 is guilty of an offence and liable to a fine of R10,000 and to a further fine of R100 for each day the offence continues after conviction.

**Offences by a
political party**

20. Where a political party, whether registered or not, or any other combination of person commits an offence under this Act every office bearer of the political party or combination of persons shall be deemed to commit the offence unless it is proved —

(a) that the office bearer did not know of the act or omission constituting the offence; or

(b) that the offence is not attributable to the negligence of the office bearer.

Regulations

21. The President may make regulations for carrying into effect the provisions of this Act and for matters necessary or required to be prescribed or specified under this Act.

Rules

22. The Chief Justice may make rules of the Supreme Court for the purposes of an appeal unless this Act.

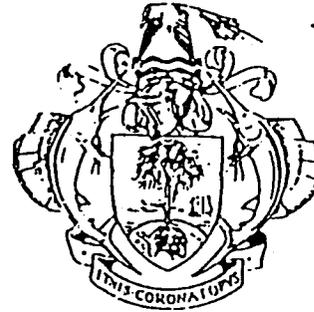
I certify that this is a correct copy of the Bill which was passed by the People's Assembly on the 27th December, 1991.

F. Shroff
Clerk to the People's Assembly

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Appendix D:

**Constitution of the Republic of Seychelles
(Preparation and Promulgation) Act, 1992
(Act 2 of 1992)**



CONSTITUTION OF THE REPUBLIC OF SEYCHELLES
(PREPARATION AND PROMULGATION) ACT, 1992
(Act 2 of 1992)



I assent,

*F.A. René
President*

18th April, 1992

AN ACT to provide for the establishment of a Constitutional Commission for the purpose of preparing the draft of a new Constitution for the Republic; for matters relating to the composition, and regulation of the proceedings, of the Commission; for the submission of the draft Constitution to the people of Seychelles for its approval or otherwise by a referendum; for the manner of giving legal effect to the draft Constitution after its approval by the people; and for connected purposes.

ENACTED by the President and the People's Assembly.

1. This Act may be cited as the Constitution of the Republic of Seychelles (Preparation and Promulgation) Act, 1992.

Short title

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Interpretation

2. In this Act —

"candidate" in relation to the election, means a registered political party which is a candidate to the election;

"Commission" means the Constitutional Commission established under section 3;

"court" means the Supreme Court of Seychelles;

"Director of Elections" means the Director of Elections appointed under section 4;

"district" means a district in terms of the Local Government Act, 1991;

"draft Constitution" means the draft of the new Constitution;

"election" means the election referred to in section 3;

"electoral area" means an electoral area in terms of paragraph 2 of Schedule 1;

"existing Constitution" means the Constitution contained in the Schedule to the Constitution of the Republic of Seychelles Decree, 1979;

"new Constitution" means the new Constitution of the Republic which is the subject of this Act;

"referendum" means the referendum referred to in section 6;

"registered political party" means a political party which is registered as such under the Political Parties (Registration and Regulation) Act, 1991;

"stamped envelope" means a stamped envelope referred to in paragraph 17 of Schedule 1.

(4) An election shall be held under this Act for the purpose of determining —

(a) the number of members of the Commission; and

(b) the number of members of the Commission which a registered political party which participates in the election is entitled to nominate.

(5) Schedule 1 shall have effect with regard to the election.

(6) Schedule 2 shall have effect with regard to the composition of the Commission.

(7) Schedule 3 shall have effect with regard to the proceedings of the Commission.

4.(1) There shall be a Director of Elections who shall be appointed by the President.

Director of Elections

(2) A person is not qualified for appointment as Director of Elections unless he is, in the opinion of the President, a person of high integrity and good repute.

(3) The Director of Elections shall, in addition to any other functions he may have under this Act, have general supervision of all matters relating to the registration of voters and the holding of the election and referendum and may give direction not inconsistent with this Act to an officer appointed under Schedule 1 or Schedule 4 in connection with the election or referendum.

(4) In the exercise of his functions under this Act, the Director of Elections shall not be subject to the direction or control of any person or authority.

5.(1) Subject to this section, the Commission shall, within 3 months from the date of its first meeting, submit to the President a draft Constitution accompanied by a certificate showing —

Time limit for preparation of draft Constitution

(a) the date of the meeting of the Commission held for the purpose of approving the draft Constitution;

Act 11 of 1991

Decree 14 of 1979

Act 18 of 1991

Constitutional Commission

3.(1) There is established a Constitutional Commission.

(2) The object of the Commission shall be to prepare the draft Constitution.

(3) The Commission shall consist of not less than 20 nor more than 25 members.

- (b) the number of members of the Commission present at the meeting;
- (c) the number of members of the Commission who voted for or against the draft Constitution or who abstained from voting on the draft, and

the President shall, within 7 days after receiving the draft Constitution, by notice in the Gazette, publish the draft Constitution.

(2) Where 15 days before the period of 3 months referred to in subsection (1) the Commission resolves that it is unable to meet the dead-line of 3 months, the Commission shall, through its Chairman, request the President for such extension of time, not exceeding 30 days, as the Commission considers necessary, and the President shall, by notice in the Gazette, grant the extension.

(3) Where the Commission, notwithstanding subsection (2), requests for an extension of more than 30 days, the President shall treat the request as a request for an extension of 30 days and shall by notice in the Gazette grant the extension.

Referendum

6.(1) The Director of Elections shall, within 7 days after the publication of the draft Constitution under section 5(1), by notice in the Gazette, appoint the date, which shall not be less than 21 days nor more than 30 days of the date of the notice, for the holding of a referendum for the purpose of consulting the people of Seychelles in respect of the draft Constitution.

(2) Subject to subsection (3), the Director of Elections may appoint different dates for the holding of the referendum in different electoral areas.

(3) Where the Director of Elections appoints different dates for the holding of the referendum in different electoral areas, the dates shall be consecutive dates and the period, starting with the earliest date and ending with the last date for the holding of the referendum, shall not exceed 4 days.

(4) The question put to the voters at the referendum shall be determined by the Director of Elections but shall be clear, precise and so framed that the voters are required to vote in the affirmative, if they approve the draft Constitution, or in the negative, if they do not.

(5) The draft Constitution submitted to the people of Seychelles by referendum shall be treated as having been approved by the people if not less than 60 per cent of the votes cast are in the affirmative.

(6) Subject to this section, Schedule 4 shall have effect with regard to the referendum.

7.(1) Where the people of Seychelles do not approve the first draft of the Constitution submitted to it under section 6, the President shall, by notice in the Gazette, re-convene the Commission for the purpose of preparing a fresh draft Constitution.

Reconvening
of Commission

(2) The notice under subsection (1) shall specify the time, which shall not be less than 15 days from the date of the notice, and place for the holding of the first meeting of the re-convened Commission and the date by which the Commission shall submit the draft Constitution to the President.

(3) Section 5(1) shall have effect with regard to the submission of the draft constitution to the President by the re-convened Commission under this section except for the time by which the draft Constitution is to be submitted.

(4) Subject to subsection (2), Schedule 3 shall have effect with regard to the proceedings of the re-convened Commission.

(5) Section 5(2) shall have effect for the purpose of extending the date fixed by the President under subsection (1) for the submission of the draft Constitution.

(6) Section 6 shall apply in connection with the holding of the referendum in respect of the draft Constitution submitted under this section.

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Coming into
effect of new
Constitution

8.(1) Where the people of Seychelles have approved the draft Constitution, the President shall, within 7 days after the date of the declaration of the result of the referendum, by notice in the Gazette, publish the Constitution.

(2) Subject to Schedule 5, on the date of the publication of the notice under subsection (1) —

- (a) the existing Constitution shall cease to have effect;
- (b) the Constitution set out in the notice shall have effect as the Constitution of the Republic;
- (c) the People's Assembly shall stand dissolved;
- (d) Schedule 5 shall come into operation.

Offences

9.(1) A person who —

- (a) for the purposes of procuring the registration of himself or any other person as a voter, knowingly makes, to any person having the duty of preparing the register of voters under Schedule 1 a false or misleading statement or representation;
- (b) applies to be registered as a voter in respect of an electoral area when he resides in another electoral area and is already registered as a voter in respect of that other electoral area;
- (c) forges or fraudulently defaces or fraudulently destroys a register of voters or any part thereof;
- (d) forges, counterfeits or fraudulently destroys any official mark relating to the election or referendum;
- (e) forges or counterfeits or fraudulently destroys a ballot paper or a stamped envelope;
- (f) without due authority, supplies a ballot paper or a stamped envelope to any person;
- (g) fraudulently puts into any ballot box any paper other than a stamped envelope containing a ballot paper which he is authorised by law to put in;

- (h) without due authority, takes out of any polling station a ballot paper or a stamped envelope or has in his possession a ballot paper or a stamped envelope outside a polling station;
- (i) without due authority, destroys, takes, opens or otherwise interferes with a ballot box or packet of ballot papers or envelopes then in use for the purpose of the election or referendum;
- (j) wilfully furnishes false evidence or makes a false declaration under paragraph 17, paragraph 18 or paragraph 19 of Schedule 1 or paragraph 12, paragraph 13 or paragraph 14 of Schedule 4;
- (k) contravenes paragraph 39(2) of Schedule 1 or paragraph 34 of Schedule 4;
- (l) commits an illegal practice in connection with the election or referendum;
- (m) contravenes paragraph 42 of Schedule 1 or paragraph 37 of Schedule 4;
- (n) without lawful authority, destroys, mutilates, defaces or removes a notice which is exhibited or any document which is made available for inspection, under this Act in connection with the election or referendum;
- (o) after a lawful demand to him has been made under paragraph 3(6) of Schedule 1 or paragraph 2(5) of Schedule 4, fails to give such information as he possesses or unreasonably delays in giving the information;
- (p) causes any disturbance or fails to comply with a lawful order of the Chief Registration Officer or a Registration Officer at any place where a list or a register of voters is kept for inspection under paragraph 5 of Schedule 2, or of the Chief Electoral Officer or an Electoral Officer at a polling station or place where the counting of votes is being carried out;

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- (q) obstructs the Director of Elections or an officer appointed under Schedule 1, Schedule 3 or Schedule 4 in the performance of his functions under this Act or fails to obey a lawful order of the Director of Elections or the officer;
- (r) annoys, molests or in any way interferes with a voter within the precincts of a polling station or a radius of 200 metres of a polling station;
- (s) electioneers in connection with the election contrary to paragraph 41 of Schedule 1 or in connection with the referendum contrary to paragraph 36 of Schedule 4,

is guilty of an offence.

(2) A bill, placard, poster, pamphlet or circular containing any matter intended or calculated or likely to affect the result of the election or referendum shall bear upon its face the name and address of the person who issues it and a person who issues, publishes, posts or distributes a bill, placard, pamphlet or circular to which this subsection applies but which does not comply with this subsection is guilty of an offence.

(3) For the purposes of this section, section 10 and Schedules 1 and 4, a person commits an illegal practice where he —

- (a) directly or indirectly, by himself or by any other person on his behalf, gives, lends or agrees to give or lend, offers or promises to procure or to endeavour to procure, any money or valuable consideration to or for any voter or to or for any other person, on behalf of a voter or to or for any other person, in order to induce the voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at the election or referendum;
- (b) directly or indirectly, by himself or by any other

person on his behalf, gives or procures or agrees to give or procure or to endeavour to procure, any office, place or employment to or for a voter, or to or for any person, in order to induce the voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of a voter having voted or refrained from voting at the election or referendum;

- (c) directly or indirectly, by himself or by any other person on his behalf, makes any gift, loan, offer, promise, procurement, or agreement referred to in paragraph (a) or paragraph (b) to or for any person in order to induce such person to procure or to endeavour to procure the vote of a voter at the election or referendum;
- (d) upon or in consequence of any gift, loan, offer, promise, procurement or agreement referred to in paragraph (a), (b) or (c), procures or engages or promises or endeavors to procure the vote of a voter at the election or referendum;
- (e) directly or indirectly, by himself or by any other person on his behalf, advances or pays, or causes to be paid, any money to or for the use of any other person, with the intention that the money, or any part thereof, shall be expended in bribery at the election or referendum or who knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at the election or referendum;
- (f) before or during the election or referendum, directly or indirectly, by himself or by any other person on his behalf, receives, agrees to receive or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at the election or referendum;

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- (g) after the election or referendum, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at the election or referendum;
- (h) corruptly, directly or indirectly, by himself or by any other person, either before, during or after the election or referendum, gives, or provides, or pays, wholly or in part, the expense of giving or providing food, drink, entertainment or provision to or for any person for the purpose of influencing that person, or any other person, to vote or refrain from voting at the election or referendum;
- (i) corruptly accepts or takes any food, drink, entertainment or provision referred to in paragraph (h);
- (j) directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of, any force, violence or restraint, or inflicts or threatens to inflict by himself or by any other person, any temporal or spiritual injury, damage, harm or loss, upon or against a voter, in order to induce or compel the voter to vote or refrain from voting, or on account of the voter having voted or refrained from voting, at the election or referendum or who, by abduction, duress or any fraudulent contrivance, impedes or prevents the free use of the vote by a voter either to give or refrain from giving his vote at the election or referendum;
- (k) impersonates any other person in connection with the election or referendum;
- (l) votes or attempts to vote, or induces or procures some other person to vote, at the election or referendum if he, or if to his knowledge the other

person, has already voted at the election or referendum;

- (m) at a lawful public meeting held in connection with the election or referendum, acts or incites others to act in a disorderly manner for the purpose of preventing the holding of the meeting or the transaction of the business for which the meeting was called.

10.(1) A person who is guilty of an offence under section 9(1) (a) to (s) or section 9(2) is liable to imprisonment for 3 years and a fine of R20,000.

Penalties

(2) Where a person is convicted of committing an illegal practice, the person shall, in addition to any penalty under subsection (1), be disqualified for a period of 5 years from the date of his conviction from being registered as a voter and from voting at the referendum under this Act or an election or referendum under any other written law and the Chief Electoral Officer shall forthwith cause the name of the person to be deleted from the register of voters of the electoral area where the person is registered as a voter, and a note of the disqualification to be entered in all the registers of voters prepared under this Act or any other written law.

11. A police officer may, without a warrant, arrest a person whom he suspects upon reasonable ground of having committed an offence under this Act.

Arrest without warrant

12.(1) Subject to the new Constitution, the Director of Elections may make regulations with respect to the holding and conduct of the first election under the new Constitution.

First Elections

(2) Regulations made under subsection (1) may provide for offences and for penalties for the offences by way of a fine of R 20,000 and imprisonment for 3 years.

13. The Chief Justice may make rules of court in relation to an appeal or petition under this Act.

Rules of Court

14. The President may make regulations for the carrying into effect of the purposes and provisions of this Act.

Regulations

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SCHEDULE I
ELECTION

(Section 3(5))

Interpretation

1. In this Schedule —
"election day" means the day of the election specified under paragraph 4(1);
"voter" means a person who is qualified to vote at a polling station.

Electoral areas
Act 11 of 1991

2. For the purposes of the election, Seychelles is divided into 23 electoral areas made up of 22 electoral areas which correspond to the 22 districts established under the Local Government Act, 1991 and one electoral area consisting of the Inner and Outer Islands.

Chief Registration Officer and Chief Electoral Officer

3.(1) The Director of Elections shall, for the purposes of conducting the election, appoint a Chief Registration Officer, Chief Electoral Officer and, subject to paragraph (2), such number of Registration Officers, Electoral Officers, assistant Registration Officers and assistant Electoral Officers as the Director of Elections thinks fit.

(2) There shall be at least one Registration Officer and one Electoral Officer for each electoral area but the Director of Elections may appoint a Registration Officer or Electoral Officer for more than one electoral area.

(3) Subject to section 4(3), the Chief Registration Officer shall be responsible for the registration of voters for the purposes of the election and may give direction not inconsistent with this Act to any person exercising a function in connection with the registration of voters and the person shall comply with the direction.

(4) Subject to section 4(3), the Chief Electoral Officer shall be responsible for the supervision of the election and may give direction not inconsistent with this Act to any person exercising a function in connection with the conduct of the election and the person shall comply with the direction.

(5) Subject to this Act and to any direction under sub-paragraph (3) or subparagraph (4), as the case maybe, a Registration Officer or Electoral Officer shall have supervision over all matters relating to, in the case of a Registration Officer, the registration of voters and, in the case of an Electoral Officer, the conduct of the election, for the electoral area for which he has been appointed.

(6) A person appointed under this paragraph may at any time demand from any person any information necessary to ascertain whether a person is qualified to be registered in an electoral area or vote at the electoral area.

(7) The Chief Registration Officer or Chief Electoral Officer or a Registration Officer or Electoral Officer may, for the purposes of this Act, administer oaths and may require that any declaration, information or

explanation given by any person for the purposes of this Schedule be verified on oath.

(8) An appointment made under subparagraph (1) shall be published in the Gazette.

(9) A person appointed under subparagraph (1) shall take and subscribe an oath of secrecy in the form provided for this purpose before taking office.

4.(1) The Director of Elections shall, at least 3 months before the date of election, appoint, by notice in the Gazette, the date for the holding of the election and, subject to subparagraph (2), the Director of Elections may appoint different dates of election for different electoral areas.

Election day

(2) Where the Director of Elections appoints different dates of election for different electoral areas, the dates shall be consecutive dates and the period starting from the earliest and ending on the last date of election shall not exceed 4 days.

5.(1) The Chief Registration Officer shall prepare a register of voters for each electoral area.

Register of voters

(2) The Chief Registration Officer shall, within 21 days of the date of the publication of the election date for an electoral area, publish in such form and manner as he deems fit, a list of persons who, he believes, are entitled to vote at the election in the electoral area.

(3) The Chief Registration Officer shall, as soon as possible after the publication of the list of voters, publish a notice in the Gazette and a local newspaper inviting a person who claims to be entitled to be registered as a voter in the electoral area to inspect the list at the place and time and within the period, which shall not be more than 7 days from the date of notice, specified in the notice.

(4) A person who —

(a) claims to be entitled to be registered as a voter in an electoral area but whose name does not appear on the list of voters for the area;

(b) claims to be incorrectly entered on the list;

(c) objects to his name or, being a person whose name appears on the list, objects to the name of any other person appearing on the list,

may, within 7 days after the last day on which the list may be inspected, submit his claim or objection in such form as may be specified by the Chief Registration Officer to the Registration Officer for the electoral area.

(5) A Registration Officer shall, after giving 7 days prior written notice to the person who made the claim or objection under subparagraph (4) which notice shall be given within 3 days after receiving the claim or

objection, hear the person and, after considering such other evidence as he thinks relevant and necessary, may amend or otherwise the list and the Registration Officer shall immediately notify the person of his decision in writing and, where he has refused to amend the list, shall give his reasons for the refusal.

(6) A Registration Officer may, on being satisfied on the evidence before him, on his own motion, amend the list for the electoral area for which he has been appointed.

(7) A person whose claim or objection has been refused under subparagraph (5) may, within 7 days of being notified of the decision of the Registration Officer under subparagraph 5, appeal against the decision to the Chief Registration Officer.

(8) The Chief Registration Officer shall, after giving 7 days notice in writing to the person who made the appeal under subparagraph (7) which notice shall be given within 3 days after receiving the appeal, hear the person and, where after considering such other evidence as he thinks relevant, he may accept or reject the appeal and amend or otherwise the list and his decision shall be final.

(9) Where he rejects the appeal, the Chief Registration Officer shall give reason in writing for the rejection.

(10) The Chief Registration Officer shall, at least 21 days before the election day in an electoral area, sign, date and publish in such form and manner as he thinks fit, the register of voters for the electoral area and shall, as soon as practicable after the publication, publish a notice to this effect in the Gazette and in a local newspaper.

(11) The notice referred to in subparagraph (10) shall also specify the place and time where the register may be inspected.

(12) For the purpose of preparing the list of voters under this paragraph, the Chief Registration Officer may, subject to any other written law, use information collected in the course of any national census and any preceding registers of voters prepared under any other written law.

(13) A claim or objection under subparagraph (4) or an appeal under subparagraph (7) shall be accompanied by a deposit of R100 and where the Registration Officer or Chief Registration Officer, as the case may be, refuses the claim or objection or appeal, the deposit shall be forfeited to the Republic.

Qualification

6.(1) A person who.—

- (a) is a citizen of Seychelles;
- (b) is 18 years or over;
- (c) resides in an electoral area;
- (d) is not registered as a voter in another electoral area;

(e) is not disqualified from registering as a voter at any election under any other written law;

(f) is not serving a sentence of imprisonment of or exceeding 6 months imposed by a court in Seychelles;

(g) is not, under any other written law, adjudged or otherwise declared to be of unsound mind or detained as a criminal lunatic or at the pleasure of the President,

is, subject to this Schedule, entitled to be registered as a voter in the electoral area where he resides.

(2) A person who is detained in legal custody at any place shall not by reason thereof be treated as residing at the place.

7. A person who is registered as a voter in an electoral area is entitled to vote at the election in the electoral area unless -

(a) any circumstances, other than the fact that he no longer resides in the electoral area, have arisen which if he were not registered as a voter would cause him to be disqualified for registration as a voter under paragraph 6;

(b) he is serving a sentence of imprisonment or being detained under any other written law.

8. The Director of Elections shall, at least 30 days before the earliest election date, by notice in the Gazette, appoint the date, place and time for the nomination of candidates to the election.

9.(1) Any registered political party may be nominated as candidate for the election.

(2) A registered political party which has been nominated as a candidate, shall, for the purposes of the election, be represented by its leader, as registered with the Registrar of Political Parties under the Political Parties (Registration and Regulation) Act, 1991.

(3) The nomination of a candidate shall be in the form provided by the Director of Elections.

(4) There shall be submitted with the nomination paper such number of photographs of such size as the Director of Elections may specify in the nomination form of the leader of the registered political party nominated as candidate.

(5) The nomination form for a candidate shall be submitted to the Director of Elections between the hours 9 a.m. and 12 noon on the day preceding the day, and at the place, appointed for the nomination of candidates under paragraph 8.

(6) On nomination day the Director of Elections shall, in the presence of the party leader, or his representative, and two other representatives, of each registered political party nominated as a candidate, determine whether to accept or otherwise the nomination of a candidate.

Qualification to vote

Nomination day

Candidate to election

Act 18 of 1991

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(7) The Director of Elections shall permit the leader or a representative of a registered political party which has been nominated as candidate to examine the nomination form of other candidates.

(8) The leader or representative of a registered political party which has submitted its candidature to the election may object to the nomination of any other candidate on the ground that the nomination form is incomplete or that the candidate is not a registered political party or the name of its leader given for the purposes of the nomination is not the name of its leader registered with the Registrar of Political Parties.

(9) Where a nomination form is incomplete or needs to be amended, the Director of Elections shall notify the leader of the registered political party nominated of this fact and specify a time for the completion or amendment of the form.

(10) Where a registered political party fails to complete or amend the nomination form in respect of its candidature to the election within the time specified by the Director of Elections under subparagraph (9) or the political party nominated is not a registered political party or the name of the leader of a registered political party which has been given for the purposes of the nomination of the party as a candidate is not the same as that registered with the Registrar of Political Parties, the Director of Elections shall hold the nomination of the registered political party as invalid and the decision shall be final.

10.(1) The Chief Electoral Officer shall, at least 15 days before election day, by notice in the Gazette and a local newspaper —

- (a) specify the address of the polling station for each electoral area;
- (b) the time when voting may commence and the time of close of poll;
- (c) the name of each registered political party which is a candidate together with the name of its leader.

(2) Notwithstanding subparagraph (1)(b), an Electoral Officer shall allow a voter who at the time of closing —

- (a) is inside the polling station, or
- (b) in his opinion was in the immediate precincts of the polling station before the time of close of poll and was prevented from entering the station because of congestion therein, to vote before the close the poll.

11.(1) Where proceedings at a polling station are interrupted or obstructed by riot or violence, the Electoral Officer may adjourn the proceedings until the following day and shall forthwith notify the Chief Electoral Officer.

(2) Where proceedings are adjourned at a polling station under subparagraph (1), the hours of polling on the following day shall be the

Notice of candidate and polling station

Power to postpone or adjourn voting

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same as those specified for the day on which election was originally scheduled to take place.

12.(1) Each registered political party which is a candidate may appoint a person, to be known as a polling agent, to attend at the polling station during voting and a person, to be known as a counting agent, to attend at the polling station, or, in the case of the electoral area consisting of the Inner and Outer Islands, at the place designated by the Director of Elections at the counting of votes.

Polling agent and counting agent

(2) A candidate shall not later than 7 days before the election notify in writing to the Chief Electoral Officer the name, national identity number and address of his polling agent and counting agent.

(3) The Chief Electoral Officer shall as soon as practicable before election day issue a polling agent and a counting agent with a certificate and —

- (a) an Electoral Officer shall not allow a person to attend at a polling station as a polling agent unless the person holds a valid certificate issued by the Chief Electoral Officer;
- (b) the Chief Electoral Officer shall not allow a person to attend at the counting of votes as a counting agent unless the person holds a valid certificate issued by the Chief Electoral Officer.

(4) Where the polling agent or counting agent of a candidate dies or becomes incapable of performing his function before election day, the candidate shall forthwith appoint another person as polling agent or counting agent, as the case may be, and shall notify the Chief Electoral Officer in writing of the change and the reasons therefor and the Chief Electoral Officer shall issue a certificate to the person so appointed.

(5) A certificate issued by the Chief Electoral Officer under this paragraph to a person who has been replaced as a polling agent or counting agent under subparagraph (4) shall cease to be a valid certificate for the purposes of this paragraph.

(6) A polling agent shall, so far as practicable, be so posted at a polling station as to be able to see each person who presents himself as a voter, hear the name of the person being called, see the ballot paper being handed to the person and see the entrance of the compartments used by the voters for the purpose of recording their votes but so that he cannot see how the voter votes.

(7) A registered political party may appoint the same person as its polling agent and counting agent.

13.(1) A polling station shall be furnished with —

- (a) such number of compartments as the Electoral Officer responsible for the station thinks necessary for the purpose of allowing voters to record their votes screened from observation;

Arrangement at polling stations

- (b) such sufficient ballot boxes;
- (c) notices, both inside and outside the station, containing instructions relating to the voting procedures to be followed;
- (d) a notice showing the name of each candidate together with the name and photograph of the leader of each candidate;
- (e) sufficient copies of the register of voters for the electoral area;
- (f) such other things which the Chief Electoral Officer may direct must be present at the station.

(2) A ballot box shall be so constructed that a voter can put his ballot paper inside, but cannot withdraw the ballot paper from the box without breaking the seal of the box referred to in paragraph 16.

Admission

14.(1) An Electoral Officer shall —

- (a) regulate the admission of persons wishing to vote at the polling station in the electoral area in respect of which he has been appointed;
- (b) exclude all other persons other than the leader of a candidate, the polling agent as provided in paragraph 12, assistant Electoral Officers, police officers on duty, the Director of Elections, or any person authorised by the Director of Elections or Chief Electoral Officer.

(2) An Electoral Officer may order a police officer or any person authorised in writing by the Electoral Officer to remove a person who misconducts himself or fails to obey lawful orders of the Electoral Officer at a polling station and the person so removed shall not, unless authorised by the Electoral Officer, again be allowed to enter the polling station.

(3) A person removed from a polling station under this paragraph may be charged with the commission of an offence.

Form of ballot paper

15. The ballot paper shall be in such form and of such colour as the Director of Elections may approve.

Procedure before commencement of voting

16. The Electoral Officer shall, immediately before the beginning of voting at a polling station, show to persons lawfully present at the station that the ballot boxes are empty and then shall close and seal the boxes in such a manner as to prevent the boxes from being opened without the seals being broken.

Procedure for voting

17.(1) Voting shall be conducted in substance and as nearly as possible in the following manner —

- (a) a person wishing to vote at an electoral area shall —
 - (i) present himself at the polling station in the electoral area;
 - (ii) satisfy the Electoral Officer of his identity and that he has not voted at the station or elsewhere at the election;

(b) subject to paragraphs 18 and 19, the Electoral Officer, on being satisfied as provided in subparagraph (1) (a), shall —

- (i) call out the number and particulars of the person as stated in the copy of the register of voters at the station;
- (ii) stamp a ballot paper and the envelope into which the voter shall place the ballot paper with an official mark and deliver them to the person;
- (iii) place a mark against the name of the person in the copy of the register to denote that a ballot paper has been delivered to the person;

(iv) explain to the person how to record his vote;

(c) subject to subparagraph (2), the person shall go immediately into one of the screened compartments at the station and, without delay, record his vote in the manner explained in the notices referred to in paragraph 12(1)(c) and by the Electoral Officer, place the ballot paper inside the stamped envelope and place the envelope in the ballot box provided for this purpose.

(2) Where a voter is incapacitated by blindness or other physical cause or otherwise, he shall, after receiving the ballot paper and stamped envelope, enter the screened compartment accompanied by the Electoral Officer and a person selected by the voter and in the presence of the person he has selected direct the Electoral Officer how his vote is to be cast and the Electoral Officer shall mark the ballot paper of the voter accordingly, place the ballot paper in the stamped envelope and, after leaving the screened compartment with the voter and the other person, place the stamped envelope in the ballot box provided for this purpose and the voter shall, for the purposes of this Act, be deemed to have voted.

(3) A voter shall not place on the ballot paper or the stamped envelope any writing or mark by which he may be identified.

18.(1) Where an Electoral Officer at the polling station in the electoral area in respect of which he was appointed has reason to believe or the polling agent at the station alleges that a person wishing to vote at the station is not a person entitled to vote at the station, the Electoral Officer shall —

- (a) advise the person accordingly, giving reasons for his belief, where the polling agent has made an allegation referred to in this paragraph, require the polling agent to state in the presence of the person wishing to vote the reason for the allegation;
- (b) warn the person wishing to vote that he may commit an offence under this Act by voting.

(2) Where a polling agent refuses to state the reason for his allegation as provided in subparagraph (1), the Electoral Officer shall disregard the allegation.

Allegation of irregularities

(3) Where the Electoral Officer has warned a person wishing to vote as provided in this paragraph and notwithstanding the warning the person -

- (a) persists in voting;
- (b) produces evidence to show that he is the person entitled to vote at the polling station;
- (c) makes and subscribes to the declaration referred to in paragraph 19,

the Electoral Officer shall record in writing the full name and address which the person gives as his name and address, and comply with paragraph 17(1) (b)(ii), (iii) and (iv) and, where the person votes, state that fact in the record.

Declaration of voters

19.(1) An Electoral Officer at a polling station may, but shall on the request of the polling agent, require a person who wishes to vote at the station, before the person is given a ballot paper, to furnish evidence of his identity to the satisfaction of the Electoral Officer and to make and subscribe to a declaration in the form provided by the Chief Electoral Officer.

(2) Where a person who wishes to vote fails to furnish evidence of his identity to the satisfaction of the Electoral Officer or make and subscribe to the declaration referred to in subparagraph (1), the Electoral Officer may refuse to give him a ballot paper.

No communication with a voter who is within polling station

20. No person, other than the Chief Electoral Officer or the Electoral Officer or assistant Electoral Officer appointed in respect of a polling station, shall communicate with a voter while the voter is in the polling station for the purpose of voting and the Electoral Officer may require any person who contravenes this paragraph to leave the station.

Procedure on the close of poll

21. The Electoral Officer shall, as soon as practicable after the close of poll, in the presence of the polling agents who wish to attend —

- (a) close and seal the aperture of each ballot box and place his seal thereto and allow the polling agents who are present to place their seals thereto;
- (b) make up in a separate packet the unused ballot papers and envelopes;
- (c) mark the copy of the register of voters;
- (d) complete a statement, to be known as the ballot paper account, in the form provided by the Director of Elections;
- (e) place the packet of unused ballot papers and envelopes and

register of voters referred to in this paragraph together with any record made under paragraph 18 in a bag and seal the bag with his seal,

and shall, as soon as is practicable, make arrangement for the counting of the votes and give notice of the time of the counting to the counting agent of each candidate or, where the counting agent is not present, the leader of each candidate who shall notify the counting agent of the candidate and commence the counting of votes at the time specified in the notice and in the manner specified in paragraphs 25 and 26.

22. In the case of the election at the electoral area consisting of the Inner and Outlying Islands, the Electoral Officer shall, after complying with paragraph 21(a) to (c), transmit the sealed ballot boxes and bag and ballot papers account to the Chief Electoral Officer for transmission to the Director of Elections and the Chief Electoral Officer shall, as soon as is practicable thereafter —

Inner and Outlying Islands

- (a) make arrangements for counting the votes in respect of the electoral area;
- (b) give notice of the place and time, which shall be not earlier than the earliest time notified under paragraph 19(1) (b) for the close of poll, of the counting to the counting agent of each candidate or, where the counting agent is absent, the leader of each candidate who shall notify the counting agent of the candidate; and,
- (c) commence the counting of votes at the time and place specified in the notice and in the manner specified in paragraphs 25 and 26.

23. The Chief Electoral Officer may appoint such assistants, to be known as enumerators, as he thinks necessary for the purpose of assisting him in the counting of votes.

Enumerators

24. Except with the consent of the Director of Elections or the Chief Electoral Officer or the Electoral Officer no person, other than the enumerators and the leader of each candidate or the counting agent of each candidate may be present at the counting of votes.

Persons who may be present when votes are counted

25. The Chief Electoral Officer or Electoral Officer, as the case may be, shall, at the time and place notified for the counting of votes and in the presence of the leader of each candidate or the counting agent of each candidate, examine, and offer the leaders of the candidates or the counting agents of the candidates present the opportunity to also examine, the seals on all ballot boxes and sealed bags referred to under paragraph 21.

Procedure before counting of votes

26.(1) The Chief Electoral Officer or Electoral Officer, as the case may be, shall, in the presence of the leader of each candidate or the counting agent of each candidate who may be present, with the help of the enumerators examine, count and record the number of the ballot papers contained in each ballot box.

Counting

(2) Ballot papers shall be kept with their faces upwards while being counted and recorded.

(3) Where—

- (a) a stamped envelope contains more than one ballot paper, the ballot papers in the envelope;
- (b) a stamped envelope —
 - (i) does not bear the official mark referred to in paragraph 17(1)(b);
 - (ii) has anything written or marked by which a voter can be identified;
 - (iii) is mutilated or torn,
 the ballot paper in the envelope,
- (c) a ballot paper —
 - (i) does not bear the official mark referred to in paragraph 17(1)(b);
 - (ii) has anything written or marked by which a voter can be identified;
 - (iii) is mutilated or torn;
 - (iv) has not been placed in a stamped envelope,
 the ballot paper,

shall not be counted and shall be endorsed with the word "rejected" by the Chief Electoral Officer or Electoral Officer, as the case may be, or if the leader of a candidate or the counting agent of a candidate who may be present objects to the decision of the Chief Electoral Officer or Electoral Officer, as the case may be, not to count the ballot paper or ballot papers, the words "rejection objected to".

(4) Subject to the decision of the court on an election petition, the decision of the Chief Electoral Officer or Electoral Officer, as the case may be, as to the question arising in respect of a ballot paper is final.

(5) The Chief Electoral Officer or Electoral Officer, as the case may be, shall prepare a statement showing the number of ballot papers rejected under the following heads -

- (a) want of official stamp;
- (b) writing or mark by which a voter could be identified; and
- (c) mutilated or torn,
- (d) a stamped envelope containing more than one ballot paper;
- (e) a ballot paper not placed in a stamped envelope,

and shall, on request, allow the leader of each candidate to or the counting agent of each candidate as may be present to copy the statement.

(6) For the purpose of permitting the verification of the records of the election, counting shall be done according to electoral areas but the result of the election shall be declared without reference to the electoral areas and as the total number of votes obtained by a candidate.

27.(1) The leader of a candidate or the counting agent of a candidate may, if present at the counting of ballot papers, require the Chief Electoral Officer or Electoral Officer, as the case may be, to have the votes recounted once.

Re-count

(2) The Chief Electoral Officer or Electoral Officer, as the case may be, may, on his own motion, recount the ballot papers.

28.(1) Upon the conclusion of the counting of votes, the Chief Electoral Officer or Electoral Officer, as the case may be, shall, with the assistance of the enumerators —

Conclusion of counting

- (a) in the presence of the leader of each candidate or the counting agent of each candidate, as may be present, proceed to verify the ballot paper account referred to in paragraph 21 (d) by comparing the number of ballot papers received with the number of ballot papers counted, rejected and unused;
- (b) shall seal up in separate packets the counted, rejected and unused ballot papers;
- (c) prepare a statement as to the result of the verification carried out under this paragraph and, on request, allow a leader of a candidate or the counting agent of a candidate to copy the statement.

(2) The Chief Electoral Officer or Electoral officer, as the case may be, shall, as soon as practicable after the result of the election has been ascertained, transmit —

- (a) a statement of the result;
 - (b) the ballot boxes, bags and other documents used in connection with election,
- to the Director of Elections.

29.(1) The Director of Elections shall, as soon as practicable after receiving the statement of the result of the election of all 23 electoral areas, declare the result of the election.

Notice of result of election

(2) The result of the election shall be in terms of the total number of votes obtained by a candidate at the election without reference to the number of votes received by the candidate in each electoral area.

(3) As soon as practicable after announcing the result of the election, the Director of Elections shall, by notice in the Gazette -

- (a) publish —
 - (i) the result of the election;
 - (ii) in accordance with Schedule 2, the number of members (if

any) each registered political party which was a candidate is entitled to nominate on the Constitutional Commission;

- (b) call upon a registered political party which is entitled to nominate a member on the Constitutional Commission to submit to the Director of Elections, within 7 days of the notice, the name and other particulars specified in the notice of the person so nominated.

Disposal of ballot papers etc

30. The Director of Elections shall retain and ensure the safe custody of the counted, rejected and unused ballot papers and other documents prepared under this Schedule in connection with the election for a period of 3 months from the date of the election and on the expiration of the 3 months period shall destroy the ballot papers and other documents unless otherwise directed by the Court or any of the ballot papers or documents are required for investigation or trial of an election petition or offence.

Delegation

31.(1) A Registration Officer may, unless otherwise directed by the Chief Registration Officer, authorise an assistant Registration Officer of the electoral area in respect of which the Registration Officer has been appointed to do any act or thing which a Registration Officer may do under this Act and a reference, other than in this paragraph, in this Act to a Registration Officer shall be deemed to include a reference to an assistant Registration Officer.

(2) An Electoral Officer may, unless otherwise directed by the Chief Electoral Officer, authorise an assistant Electoral Officer at the polling station in respect of which the Electoral Officer has been appointed to do any act or thing which an Electoral Officer may do under this Act and a reference, other than in this paragraph, in this Act to an Electoral Officer shall be deemed to include a reference to an assistant Electoral Officer.

(3) Where a person who has been appointed Registration Officer is unable to exercise his functions under this Act, the Chief Registration Officer may authorise an assistant Registration Officer of the electoral area in respect of which the Registration Officer was appointed to do any act or thing which a Registration Officer may do under this Act and a reference in this Act, including subparagraph (1), to an Electoral Officer shall be deemed to include a reference to an assistant Electoral Officer authorised under this subparagraph.

(4) Where a person who has been appointed Electoral Officer is unable to exercise his functions under this Act on the day of the election, the Chief Electoral Officer may authorise an assistant Electoral Officer at the polling station in respect of which the Electoral Officer was appointed to do any act or thing which an Electoral Officer may do under this Act and a reference, in this Act, including subparagraph (2), to an Electoral Officer shall be deemed to include a reference to an assistant Electoral Officer authorised under this subparagraph.

32. Where, under this Schedule, an act or thing is required or authorised to be done in the presence of the leader of a candidate or the polling agent or counting agent of a candidate, the non-attendance of the leader of a candidate or the polling agent or counting agent of a candidate at the time and place appointed for the purpose shall not invalidate the act or thing.

Non-attendance of agent or leader of a candidate

33. A person who has voted at the election shall not, in any legal proceedings or otherwise, be required to state for whom he voted.

Right to refuse disclosure

34. The result of the election shall not be questioned or subject to review in any court whatsoever except on an election petition presented to the court under this Act.

Avoidance of election

35.(1) An election petition may be presented by —

Election petition

- (a) the leader of a candidate acting on behalf of the candidate; or
(b) the Attorney-General.

(2) An election petition may claim —

- (a) a declaration that the election is void; or
(b) a recount of the ballot papers.

(3) An election petition shall be presented within 10 days after the date of the publication of the result of the election in the Gazette under paragraph 29 and, where an election petition is so presented the political party on whose behalf the petition is presented, shall notify the Chief Electoral Officer of the presentation within 7 days of the date of petition.

(4) The court shall, before hearing an election petition presented by the leader of a candidate, require the petitioner to furnish security of such nature and in such amount as the court may direct for the payment of costs, charges and expenses that may become payable by the petitioner.

36.(1) The trial of an election petition shall, subject to this Schedule, be held in the same manner as a trial before the court in its original civil jurisdiction.

Trial of election petition

(2) The court may —

- (a) by an order, compel any person who appears to the court to be concerned in the election to attend as a witness at the trial;
(b) examine a witness referred to in subparagraph (a) or any person in court, although the person has not been called as a witness.

(3) A witness or person referred to in subparagraph (2) may be cross-examined by the petitioner, respondent and Attorney-General, or his representative, if present at the trial.

(4) Where it appears to the court on an election petition —

- (a) that an act or omission of the leader of a candidate or the agent of the candidate or any other person, which but for this subparagraph would be an illegal practice under this Act, has been done or made in good faith through inadvertence or accidental miscalculation or some other reasonable cause of a like nature; or
- (b) that upon taking into account all the relevant circumstances it would be just that the leader of a candidate or the agent of the candidate or any other person should not be subject to any of the consequences under this Act for such act or omission,

the court may make an order allowing the act or omission, which would otherwise be an illegal practice under this Act, to be an exception to this Act and the leader of the candidate, the agent of the candidate or the other person shall not be subject to the consequences under this Act in respect of the act or omission and the result obtained by the candidate shall not, by reason only of the act or omission, be declared to be void.

37.(1) At the conclusion of the trial of an election petition the court shall determine —

- (a) whether the election was void; or
- (b) whether the result of the election is correct and consequently no recount of the ballot paper is required,

and shall certify such determination to the Chief Electoral Officer who shall as soon as practicable thereafter advise the Director of Elections accordingly.

(2) A determination referred to in subparagraph (1) shall, notwithstanding any other written law, be final.

(3) Where the court determines that the election is void, all the proceedings with regard to the election shall be re-commenced.

(4) Where the court orders a recount of the ballot papers, the Chief Electoral Officer shall —

- (a) with the help of the counting officers, recount the ballot papers in the presence of the leader of each candidate or the counting agent of each candidate and any other person whom the court may specify;
- (b) comply with paragraphs 28 and 29.

38.(1) At the conclusion of the trial of an election petition the court shall report in writing to the Chief Electoral Officer -

- (a) whether an illegal practice has been proved to have been committed by or with the knowledge and consent or approval of any office bearer of a candidate and the nature of the practice; and
- (b) the names and descriptions of all persons who have been proved at the trial to have been guilty of illegal practice.

(2) Before making a report under subparagraph (1) in respect of a person who is not a party to an election petition the court shall give the person an opportunity to be heard and to call evidence to show why he should not be so reported.

(3) Where the court reports that an illegal practice has been committed by a person, the person shall be disqualified for a period of 5 years from the date of the report from being registered as a voter and from voting at an election or referendum under this Act or any other written law and the Chief Registration Officer shall forthwith cause the name of the person to be deleted from the register of voters and a note of the disqualification to be entered into any other register of voters prepared under any other written law.

(4) The Chief Electoral Officer shall, as soon as practicable after receiving a report under subsection (1), transmit a copy of the report to the Director of Elections.

39.(1) A polling agent, counting agent or such other person authorised under this Schedule by the Director of Elections or the Chief Electoral Officer to attend at a polling station or at the counting of votes shall, unless he has taken an oath of secrecy under this Schedule, take an oath of secrecy in the form provided by the Chief Electoral Officer before attending at the polling station or counting of votes.

Secrecy

(2) The Director of Elections or Chief Electoral Officer or, an Electoral Officer, assistant Electoral Officer, counting officer or any other person referred to in subparagraph (1) shall not, except for a purpose authorised under this Act or any other written law -

- (a) seek to obtain any information as to the candidate for whom a person is about to vote or has voted at a polling station;
- (b) communicate to any person any information concerning for whom a person has voted;
- (c) communicate to any person as to the name or number of voter who has or has not applied for a ballot paper or voted at a polling station or as to the official mark used for stamping ballot paper;
- (d) communicate or seek to communicate with any person after that person has received a ballot paper and before that person has placed the paper in the ballot box;
- (e) communicate to any person any information regarding the number of votes a candidate has received in respect of a particular electoral area.

40. A misname or inaccurate description of a person or place named or described in a notice or other document prepared or issued under this Schedule shall not affect the operation of the Schedule as respect the person or place if the person or place is so designated in the notice or document as to be identified.

Inaccurate description

41. Electioneering for the purposes of the election shall end at midnight on the 3rd day before the date of the election.

Electoral campaign

Certificate of court as to validity of election

Report of court as to illegal practice

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SCHEDULE 2

Section 3(6)

COMPOSITION OF CONSTITUTIONAL COMMISSION

Representation
on Commission

1.(1) A registered political party which at the election obtains 5% or more of the votes cast at the election shall, subject to this Schedule, be entitled to nominate one member of the Commission for each 4% of the votes cast in its favour.

(2) Subject to this Schedule, where as a result of the application of subparagraph (1) there would be less than 20 members of the Commission, the registered political parties which at the election have obtained less than 5% of the votes cast shall, in the manner provided in subparagraph (3), be entitled to nominate such number of members of the Commission as is necessary to bring the number of members of the Commission to 20.

(3) For the purposes of subparagraph (2), the registered political party which has obtained the next highest per centage of votes below 5% shall first be entitled to nominate a member of the Commission and if thereafter there would still be less than 20 members of the Commission the registered political party with the next following highest per centage of votes below 5% shall next be entitled to nominate a member and so on in that order until there would be a minimum of 20 members on the Commission.

(4) Where under subparagraph (3) there are two or more registered political parties with the same per centage of votes and the number of members of the Commission which remains to be nominated in order that there may be the minimum of 20 members of the Commission is less than the number of registered political parties which would be entitled under subparagraph (3) to nominate a member of the Commission, the question as to which registered political party would be entitled to nominate a member shall be settled by lot by the Director of Elections.

Nomination of
members of
Commission

2.(1) A registered political party which is entitled to nominate a member of the Commission shall, within 7 days after the publication of the notice under paragraph 29 of Schedule 1, submit to the Director of Elections the name and other specified particulars of the person so nominated.

(2) The Director of Elections shall, within 7 days after the date by which the nomination is required to be notified to him, after being satisfied that the persons nominated qualify to be so nominated, submit the names and other particulars of the persons nominated to the President.

(3) Where a registered political party which is entitled to nominate a member of the Commission intends to make or has made an election petition under Schedule 1, the political party may, instead of nominating a person, notify the Director of Elections of its intention or the making of the petition and the Director of Elections shall in his submission under subparagraph (2) advise the President accordingly.

[18th April]

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(4) Where the Director of Elections refuses to accept the nomination of a person on the ground that the person is not qualified under paragraph 4, he shall forthwith notify the registered political party of this fact and shall specify the reason therefor.

(5) An office bearer of a registered political party may, within 7 days after being notified under subparagraph (4), appeal on behalf of the party to the court against the decision and a decision of the court on the matter is, notwithstanding any other written law, final.

(6) Where there is an appeal under subparagraph (5), the registered political party on whose behalf the appeal was made shall -

(a) if the court holds that the person nominated was qualified to be so nominated, resubmit its nomination under subparagraph (1) within 7 days of the decision of the court and the Director of Elections shall within 7 days after the date by which the nomination is required to be re-submitted to him submit the names and other particulars of the persons nominated to the President, if the first meeting of the Commission has not been convened, or, in any other case, the Chairman of the Commission;

(b) if the court holds that the person nominated was not qualified to be so nominated, submit a fresh nomination within 7 days of the decision of the court and the Director of Elections shall, within 7 days after the date by which the nomination is required to be submitted to him, if he is satisfied that the person nominated qualifies to be so nominated, submit the name and other particulars of the person nominated to the President, if the first meeting of the Commission has not been convened, or, in any other case, to the Chairman of the Commission.

(7) Subparagraphs (4), (5) and (6) shall, subject to this Act, apply so long as the Director of Elections refuses to accept the nomination of a person under this Schedule.

(8) The fact that -

(a) the Director of Elections has refused to accept a nomination under this paragraph; or

(b) any proceedings relating to the qualification of a person nominated to serve on the Commission is pending under this paragraph;

shall not prevent the Commission from being convened and transacting business.

3.(1) A registered political party may, subject to this paragraph, at any time replace a person it has nominated to serve on the Commission.

Replacement of
nominee on
Commission

(2) A registered political party shall forthwith notify -

- (a) in the case where the Commission has not yet met and elected a Chairman, the Director of Elections,
- (b) in any other case, the Chairman of the Commission,

of the name and other specified particulars of the person it has nominated to replace a person it nominated to serve on the Commission.

(3) Until the Director of Elections or Chairman of the Commission, as the case may be, has received the notification under subparagraph (2) the person whose nomination a political party last notified to the Director of Elections or Chairman shall for all purposes of this Act continue to a member of the Commission nominated by the party.

4. A person is qualified to be nominated to serve on the Commission if he is registered or qualified to be registered as a voter under this Act.

Qualification for nomination

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SCHEDULE 3

Section 3(7)

PROCEEDINGS OF COMMISSION

1.(1) Subject to subparagraph (3) and subparagraph (4), the Director of Elections shall, within 7 days after submitting the names and other particular of the persons nominated to serve on the Commission to the President under paragraph 2(2) of Schedule 2, by notice in the Gazette, summon the persons nominated to the first meeting of the Commission.

Convening
first meeting

(2) The notice under subparagraph (1) shall specify the date, which shall be not less than 7 days after the date of the publication of the notice, time and place of the meeting.

(3) Where the Director of Elections has been advised, or becomes aware of the making of an election petition, the Director of Elections shall await the determination of the petition by the court and -

(a) where the court determines the election to be void, subparagraph (1) shall not apply until fresh election has been held and the steps under this Act leading up to the application of subparagraph (1) has been complied with;

(b) where the court determines that a recount is required, subparagraph (1) shall not apply until the steps under this Act leading up to the application of subparagraph (1) has been complied with.

2.(1) The Director of Elections shall be responsible to ensure that only a person who he is satisfied is entitled or authorised under this Act to attend a meeting of the Commission is admitted to the first meeting of the Commission.

Verification
credential
meeting of
mission

(2) The decision of the Director of Elections under subparagraph (1) is final.

(3) The Director of Elections may, when performing his functions under subsection (1), require a police officer to remove a person who misconducts himself or fails to obey his lawful order.

3.(1) Subject to subparagraph (2), 10 members shall constitute a quorum for a meeting of the Commission.

Quorum

(2) Where there is not enough members present for the purpose of holding a meeting of the Commission, the meeting shall not be held and the Director of Elections shall, by a notice in the Gazette, convene another meeting of the Commission and a meeting of the Commission held following the notice shall be deemed to have been lawfully held notwithstanding that there was no quorum for the meeting.

(3) The Chairman of the Commission shall, as soon as practicable after the occurrence of the event specified of subparagraph (2), notify the Director of Elections of its occurrence.

(4) A notice under subparagraph (2) shall specify the date, time and place of the meeting.

First meeting

4.(1) Subject to subparagraph (2), the Commission shall, at its first meeting, elect among themselves a person to be Chairman and a person to be Vice-Chairman of the Commission.

(2) The Chairman and Vice-Chairman of the Commission shall not belong to the same political party.

(3) The Director of Elections shall, until the election of the Chairman of the Commission, preside at the first meeting of the Commission.

Voting

5.(1) Each member, including the Chairman and Vice-Chairman, of the Commission shall have one vote.

(2) The members of the Commission shall endeavour to decide on any issue before them by consensus but, where they cannot do so, the members shall vote on the issue by a show of hand and a decision shall be by a majority of votes of those present and voting.

Frequency of meeting

6. The Commission shall meet as frequently as the members may decide but not less than twice a week.

Presidency of meeting

7.(1) Subject to paragraph 4(3), the Chairman or, in his absence the Vice-Chairman, shall preside at the meetings of the Commission.

(2) Where both the Chairman and the Vice-Chairman are absent at a meeting, the members shall elect another member to preside at the meeting.

(3) Where the Chairman or Vice-Chairman of the Commission has been replaced as a member of the Commission by the political party which nominated him, the Commission shall elect a new Chairman or Vice-Chairman, as the case may be.

Meeting to be in private

8. Meetings of the Commission shall not be open to the public but the Commission may invite any person to attend a particular meeting in order to assist the Commission in its deliberation or for any other purpose.

Vacancy not to affect decision of Commission

9. An act or decision of the Commission is not invalid by reason only of a vacancy in the membership of the Commission or a defect in connection with the nomination or qualification of a member of the Commission.

Assistance to members

10. Each political party represented on the Commission may, for any meeting of the Commission, be assisted by up to 5 persons acting as advisers to the nominees of the party.

Technical Secretariat

11.(1) The Commission shall be assisted by a technical secretariat consisting of such persons as the President may, after consultation with the leader of a registered political party which is entitled to nominate a member on the Commission, appoint.

(2) The function of the technical secretariat shall be to assist the Commission in the drafting of the draft Constitution and, when requested by the Commission, assist the Commission in its deliberation on any matter before the Commission.

Vote on final draft constitution

12. When the Commission has completed the preparation of the draft Constitution the Commission shall hold a final vote on the draft.

SCHEDULE 4
REFERENDUM

Section 6

1. In this Schedule -

"voter" means a person who is qualified to vote at a polling station.

2.(1) A person appointed as Chief Electoral Officer, Electoral Officer or assistant Electoral Officer under Schedule 1 shall, unless the Director of Elections, by notice in the Gazette, revokes his appointment and appoints another person in his place, continue to exercise the functions of his office in respect of the referendum.

(2) A person appointed under subparagraph (1) shall comply with paragraph 3(9) of Schedule 1.

(3) Paragraph 3(2) of Schedule 1, in its application in relation to an Electoral Officer, shall apply in respect of the referendum as it applies in respect of an election.

(4) Paragraph 3(4) and (5) of Schedule 1 shall apply in respect of the Chief Electoral Officer or an Electoral Officer, as the case may be, in connection with the referendum as they apply to the Chief Electoral Officer or an Electoral Officer in connection with the election.

(5) Paragraph 3(6) and (7) of Schedule 1 shall apply in respect a person appointed under paragraph 2(1) in respect of the referendum as it applies in respect of the election.

3. Subject to any amendment made thereto pursuant to this Act or any other written law, the registers of voters for the purposes of the referendum shall be the registers of voters published under paragraph 5 of Schedule 1.

4. A person is qualified to vote in the referendum if he qualifies in terms of paragraph 7 of Schedule 1.

5.(1) The Chief Electoral Officer shall, at least 15 days before the date of the referendum, by notice in the Gazette and a local newspaper -

(a) specify the address of the polling station for each electoral area; and

(b) the time when voting may commence and the time of close of poll.

(2) Notwithstanding subparagraph (1) (b), an Electoral Officer shall allow a voter who at the time of closing -

(a) is inside the polling station, or

(b) in his opinion was in the immediate precincts of the polling station before the time of close of poll and was prevented from entering the station because of congestion therein,

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Chief
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Quali
vote

Pollin
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voting

	to vote before the close of poll.		
Power to postpone or adjourn voting	6. Paragraph 11 of Schedule 1 shall apply in connection with the referendum as it applies in connection with the election.	19. Paragraph 24 of Schedule 1 shall apply in connection with the referendum as it applies in connection with the election as if the words "registered political party" were substituted for the word "candidate".	Persons who may be pre-when vote counted
Polling agent and counting agent	7.(1) Each registered political party may appoint a person, to be known as a polling agent, to attend at the polling station during voting and a person, to be known as a counting agent, to attend at the counting of votes. (2) Paragraph 12(2) to (6) shall apply in connection with a referendum as it applies in connection with the election as if the words "registered political party" were substituted for the word "candidate".	20. Paragraph 25 of Schedule 1 shall apply in connection with the referendum as it applies in connection with the election as if the words "registered political party" were substituted for the word "candidate".	Procedure of counting of
Arrangement at polling station	8. Paragraph 13, other than paragraph 13(d), of Schedule 1 shall apply in connection with the referendum as it applies in connection with the election.	21. Paragraph 26 of Schedule 1 shall apply in connection with the referendum as it applies in connection with the election as if - (a) in subparagraphs (1), (3) and (5), the words "registered political party" were substituted for the word "candidate"; (b) in subparagraph (6), the words "for and against the draft Constitution" were substituted for the words "obtained by a candidate".	Counting
Admission to polling station	9. Paragraph 14 of Schedule 1 shall apply in connection with the referendum as it applies in connection with the election as if the words "registered political party" were substituted for the word "candidate".	22. Paragraph 27 of Schedule 1 shall apply to the referendum as it applies to the election as if the words "registered political party" were substituted for the word "candidate".	Re-count
Form of ballot paper	10. Paragraph 15 of Schedule 1 shall apply in connection with the referendum as it applies in connection with the election.	23. Paragraph 28 of Schedule 1 shall apply to the referendum as it applies to the election as if the words "registered political party" were substituted for the word "candidate".	Conclusion of counting
Procedure before commencement of voting	11. Paragraph 16 of Schedule 1 shall apply in connection with the referendum as it applies in connection with the election.	24. As soon as practicable after announcing the result of the referendum, the Chief Electoral Officer shall, by notice in the Gazette, publish the result.	Notice of result of referendum
Procedure for voting	12. Paragraph 17 of Schedule 1 shall apply in connection with the referendum as it applies in connection with the election.	25. Paragraph 30 of Schedule 1 shall apply to the referendum as it applies to the election.	Disposal of ballot paper etc.
Allegations of irregularities	13. Paragraph 18 of Schedule 1 shall apply in connection with the referendum as it applies in connection with the election.	26. Paragraph 31(2) and (4) of Schedule 1 shall apply to the referendum as it applies to the election.	Delegation
Declaration of voters	14. Paragraph 19 of Schedule 1 shall apply in connection with the referendum as it applies in connection with the election.	27. Paragraph 32 of Schedule 1 shall apply to the referendum as it applies to the election as if the words "registered political party" were substituted for the word "candidate".	Non-attendance of agent or leader of a candidate
No communication with a voter who is within polling station	15. Paragraph 20 of Schedule 1 shall apply in connection with the referendum as it applies in connection with the election.	28. Paragraph 33 of Schedule 1 shall apply to the referendum as it applies to the election.	Right to refuse disclosure of
Procedure on close of poll	16. Paragraph 21 of Schedule 1 shall apply in connection with the referendum as it applies in connection with the election as if the words "registered political party" were substituted for the word "candidate".	29. The result of the referendum shall not be questioned or subject to review in any court whatsoever except on a referendum petition presented to the court under this Act.	Avoidance of referendum
Notice of counting of votes	17. Paragraph 22 of Schedule 1 shall apply in connection with the referendum as it applies in connection with the election as if the words "registered political party" were substituted for the word "candidate".	30. Paragraph 35 of Schedule 1 shall apply to the referendum petition as it applies to the election petition as if the words "registered political party" were substituted for the word "candidate" and the words "paragraph 24" were substituted for the words "paragraph 29".	Referendum petition
Enumerators	18. Paragraph 23 of Schedule 1 shall apply in connection with the referendum as it applies in connection with the election.		

Trial of referendum petition	31. Paragraph 36 of Schedule 1 shall apply to the referendum petition as it applies to the election petition as if, in subparagraph (4), - (a) the words "registered political party" were substituted for the word "candidate"; and (b) the words "the result of the referendum" were substituted for the words "result obtained by the candidate".
Certificate of court as to validity of referendum	32. Paragraph 37 of Schedule 1 shall apply to the referendum petition as it applies to the election petition as if the words "registered political party" were substituted for the word "candidate" and the words "paragraphs 23 and 24" were substituted for the words "paragraphs 28 and 29".
Report of court as to illegal practice	33. Paragraph 38 of Schedule 1 shall apply to the referendum petition as it applies to the election petition.
Secrecy	34. Paragraph 39 of Schedule 1 shall apply to the referendum as it applies to the election as if - (a) in subparagraph (1), the words "or Schedule 1" were inserted after the words "this Schedule"; (b) in subparagraph (2) - (i) in subparagraph (a), the word "how" were substituted for the words "the candidate for whom"; (ii) in subparagraph (b), the word "how" were substituted for the words "for whom"; (iii) in subparagraph (c), the words "cast in favour of the draft Constitution" were substituted for the words "a candidate has received".
Inaccurate description	35. Paragraph 40 of Schedule 1 shall apply to the referendum as it applies to the election.
Electoral campaign	36. Paragraph 41 of Schedule 1 shall apply to the referendum as it applies to the election.

SCHEDULE 5
TRANSITIONAL PROVISION

Section 8

1. In this Schedule - "existing law" means a written law having effect as part of the laws of Seychelles immediately before the relevant date; "relevant date" means the date of the coming into effect of the new Constitution under this Act;	Interpretation
2.(1) Except where it is otherwise inconsistent with the new Constitution, an existing law shall continue in force on and after the relevant date. (2) Where any matter that falls to be prescribed or otherwise provided for under or for the purposes of the new Constitution by or under a written law is prescribed or provided for by or under an existing law, the prescription or provision has, as from the relevant date, effect as if it has been prescribed or provided for under or for the purposes of the new Constitution by or under a written law enacted pursuant to the new Constitution.	Existing laws
3.(1) A proceeding that immediately before the relevant date, is pending before any court or tribunal, may be continued and concluded on and after the relevant date before the corresponding court or tribunal established by or under the new Constitution or any written law made thereunder. (2) A decision given before the relevant date shall, for the purpose of an appeal from the decision, have effect on and after the relevant date as if it were a decision of the corresponding court or tribunal established by or under the new Constitution.	Legal Proceed
4.(1) With effect from the relevant date up to immediately before the assumption of office under the new Constitution of the person who is to perform the function corresponding to that of the President under the existing Constitution the President under the existing Constitution shall, so far as is consistent with the new Constitution, perform the function of that office as if he had been elected or appointed under or in accordance with the new Constitution and had taken the oath of allegiance and any other necessary oath under the new Constitution. (2) With effect from the relevant date up to immediately before the assumption of office under the new Constitution of a person who is to perform the function corresponding to that of a Minister under the existing Constitution the person who is performing the function of a Minister under the existing Constitution shall, so far as is consistent with the new Constitution, perform the function of that office as if he has been elected or appointed under or in accordance with the new Constitution and had taken the oath of allegiance and any other necessary oath under the new Constitution.	Executive Authority

Legislature

5. With effect from the relevant date up to immediately before the election or appointment under or in accordance with the new Constitution of the persons who are to perform the function corresponding to those of the members of the People's Assembly under the existing Constitution the persons appointed or elected as members of the People's Assembly under the existing Constitution shall, so far as consistent with the new Constitution, perform the functions of their office as if they had been elected or appointed under or in accordance with the new Constitution and had taken the oath of allegiance and any other necessary oath under the new Constitution.

Existing Officers

6.(1) Subject to this paragraph and so far as it is not inconsistent with the new Constitution, a person who immediately before the relevant date was performing the function of -

- (a) an office established by or under the existing Constitution, not being an office referred to in paragraph 4 or paragraph 5, and the new Constitution establishes a similar or equivalent office;
- (b) any other office, not being an office referred to in paragraph 4 or paragraph 5, by or under any written law or in the services of the Government;

shall continue to perform the function of the office after the relevant date under the new Constitution, existing law continued under paragraph 2 or the Government, as the case may be, and shall be deemed to have taken the oath of allegiance or any other necessary oath under the new Constitution or existing law continued under paragraph 2.

(2) A person who, under the existing Constitution or an existing law, would have been required to vacate his office at the expiration of a specified period or on the attainment of a special age shall vacate his office at the expiration of the specified period or upon attainment of the specified age.

I certify that this is a correct copy of the Bill which was passed by the People's Assembly on the 16th April, 1992.

F. SHROFF
CLERK TO THE PEOPLE'S ASSEMBLY

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Appendix E:

Seychelles Broadcasting Corporation Act
(Act 4 of 1992)



SEYCHELLES BROADCASTING CORPORATION ACT,
(Act 4 of 1992)

I assent,

*F.A. René
President*



20th April, 1992.

AN ACT to establish the Seychelles Broadcasting Corporation and specify its functions and provide for matters relating to its management and operation, and for connected purposes.

ENACTED by the President and the People's Assembly.

PART I - PRELIMINARY

1. This Act may be cited as the Seychelles Broadcasting Corporation Act and shall come into operation on such date as the Minister may, by Notice published in the Gazette, appoint.

Short title and commencement

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Interpretation

2. In this Act—

"broadcasting service" means a service whereby sounds or visual images are transmitted to listeners or viewers by means of electromagnetic waves, wire, cable or otherwise;

"Chairman" means the Chairman appointed under section 4;

"Corporation" means the Seychelles Broadcasting Corporation established by section 3;

"Managing Director" means the Managing Director referred to in section 9;

"member" means a member of the Corporation appointed under section 4;

"Vice-Chairman" means the Vice-Chairman appointed under section 4.

PART II - THE CORPORATION

Establishment of Corporation

3. There is established the Seychelles Broadcasting Corporation which shall be a body corporate.

Members of the Corporation

4.(1) The Corporation shall consist of not more than 10 members who shall be appointed by the President and the President shall appoint one of the members to be Chairman and another member to be Vice-Chairman of the Corporation.

(2) The appointment under subsection (1) shall be published in the Gazette.

(3) Subject to this Act, a member shall hold office for a period of 2 years and is eligible for re-appointment at the end of a term of office.

(4) A person is qualified to be a member of the Corporation if he is not an office holder or a member of the Executive Committee, by whatever name the Committee may be known, of a political party, whether registered or not.

(5) The members may be paid such fees or allowances as the Minister may determine.

5.(1) The functions of the Corporation shall be to provide broadcasting services for disseminating information, education and entertainment.

Functions of the Corporation

(2) In the performance of its functions the Corporation shall —

- (a) ensure that its programmes are of a general high standard; cover a wide range of subjects and appeal to the needs and tastes and serve the best interest of the general public;
- (b) ensure that its programmes —
 - (i) do not offend against decency, good taste and public morality;
 - (ii) generally do not outrage public feeling or create ill-will between different public groups;
- (c) ensure that news, news features, current affairs and its other programmes are presented impartially, accurately and with due regard to the public interest.

6. Subject to this Act, the Corporation shall have power to do all things necessary or convenient to be done for or in connection with, or incidental to the exercise of its functions and, without prejudice to the generality of the foregoing, the Corporation may —

Powers of the Corporation

- (a) accept advertising materials and programmes for broadcasting on radio and television upon payment of such charges as may be determined by the Corporation from time to time and may, in this connection, determine the conditions subject to which advertisement may be accepted for broadcast;
- (b) produce, manufacture, sell, rent or otherwise dispose of films, records and tapes and other devices from which visual images or sounds may be reproduced;

- (c) promote the arts, literature and music by organising, sponsoring or promoting exhibitions, shows, concerts or similar manifestations for broadcasting or otherwise;
- (d) promote or sponsor sporting events for broadcasting or otherwise;
- (e) operate distribution services;
- (f) hire or otherwise supply television and sound equipment.

Meeting of the Corporation

7.(1) The Corporation shall meet at such intervals as the Chairman may decide, but not less frequently than once a month.

(2) The Chairman may at anytime and shall at the written request of at least 3 members, which request shall state the reason for calling of the meeting, convene without delay a special meeting of the Corporation;

(3) A notice convening a special meeting of the Corporation shall state the reason for which the meeting is convened.

(4) Except for a special meeting convened by the Chairman not less than 7 days notice of a meeting shall be given to the members.

(5) The Chairman or, in his absence, the Vice-Chairman and 3 other members of the Corporation constitute a quorum for a meeting of the Corporation.

(6) Questions at a meeting of the members shall be decided by a majority of votes of the members present and voting and each member shall have one vote but in the event of an equality of votes the person presiding at the meeting shall have a casting vote.

(7) Subject to this Act, the Corporation shall regulate its own proceedings.

(8) A member who has a direct or indirect interest in any matter which falls to be decided by the Corporation —

(a) shall disclose the nature of his interest at a meeting of the Corporation; and

(b) shall not take part in any deliberation or decision in respect of that matter.

9.(1) The President shall appoint a Managing Director from amongst the members.

Managing Director

(2) The Managing Director shall be the chief executive officer of the Corporation and —

(a) shall be responsible for the execution of the policy of the Corporation and for the control and management of the day to day business of the Corporation;

(b) shall have power to sign documents on behalf of the Corporation;

(c) may delegate any of his power to any other employee of the Corporation.

10.(1) The Corporation may employ such persons as are necessary for the Corporation to perform its functions on such terms and conditions as it deems fit taking into account the procedures applicable to employees of public bodies.

Staff

(2) The Corporation may, in the exercise of its power under subsection (1), employ, with the approval of the President, a public officer on such terms and conditions as the President may determine.

(3) Sections 91 to 96 of the Penal Code shall apply to the members and all persons employed by the Corporation and, for this purpose, the members and all persons employed by the Corporation shall be deemed to be employed in the public service.

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PART III — FINANCE

11.(1) The funds of the Corporation shall consist of —

Funds of the Corporation

(a) moneys approved by an Appropriation Act and paid to the Corporation;

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- (b) moneys lawfully borrowed by the Corporation;
- (c) moneys lawfully charged by the Corporation;
- (d) moneys due on any investment made by the Corporation;
- (e) moneys lawfully received by the Corporation for the purposes of the Corporation.

(2) Funds of the Corporation may be applied by the Corporation -

- (a) in the payment or discharge of debts, expenses and other obligations of the Corporation; and
- (b) in the payment of emoluments, fees and allowances payable to the members and staff of the Corporation.

(3) Moneys of the Corporation not immediately required for the purposes of the Corporation may be invested by the Corporation in such manner as the Corporation thinks fit.

12.(1) The President may authorise the vesting in the Corporation of the whole or part of any asset or of any right, title or interest which belongs to the Republic or to which the Republic is entitled in any project, contract, venture, undertaking or property or of any obligation or liability which binds the Republic in connection with the asset, right, title, interest, project, contract, venture, undertaking or property.

(2) The objective, condition and manner of or any other matter relating to the vesting of the asset or of any right, title, interest, obligation or liability under subsection (1) shall be determined by agreement between the Minister and the Corporation.

(3) The Minister shall, after any agreement has been entered into under subsection (2), take steps to vest or transfer to the Corporation the asset or right, title, interest, obligation or liability in accordance with the agreement.

13.(1) For —

- (a) each financial year of the Corporation; and

Vesting of
Government
assets in the
Corporation

Estimates and
financial year

- (b) for any longer period which the Minister acting after consultation with the Minister responsible for Finance may from time to time require,

the Corporation shall prepare and submit to the Minister and the Minister responsible for Finance, not later than such date as the Minister may direct, estimates of the income and expenditure of the Corporation, including its capital budget for the financial year or any such longer period.

(2) The Minister may, acting after consultation with the Minister responsible for Finance, approve with or without modification the estimates submitted under subsection (1).

(3) The estimates approved by the Minister under subsection (2) shall be the estimates of the Corporation for the period for which it is prepared.

(4) The financial year of the Corporation shall be a period of 12 months ending on the 31st December of any year, but the first financial year of the Corporation shall end on the 31st December next following the date of commencement of this Act.

14.(1) The Corporation shall keep proper accounts and records in relation to the accounts and shall prepare, in respect of each financial year of the Corporation or for such longer period as the Minister acting after consultation with the Minister responsible for Finance directs, statement of accounts in such form as the Minister acting in consultation with the Minister, responsible for Finance, may direct.

(2) The accounts and statement of accounts of the Corporation shall be audited by an auditor appointed by the Minister acting after consultation with the Minister responsible for Finance.

(3) As soon as the accounts or statement of accounts of the Corporation in respect of any financial year or for such longer period specified in subsection (1) have been audited pursuant to subsection (2), the Corporation shall send to the Minister and the Minister responsible for Finance a copy of the statement of accounts, together with a copy of any report

Accounts and
Audits

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made by the auditor on the statement or on the accounts of the Corporation.

MISCELLANEOUS

Offences

15. Any person who —

- (a) enters any part of the Corporation establishment including studios and transmitting installations without permission of the Corporation;
- (b) enters a fenced enclosure, building, room or vehicle belonging to the Corporation in contravention of any notice prohibiting such entry;
- (c) refuses to leave the Corporation establishment, fenced enclosure, building, room or vehicle on being requested to do so by any employee of the Corporation in charge of such establishment, enclosure, building, room or vehicle or by any other person authorised by such employee;
- (d) hinders or obstructs any member or employee of the Corporation in the discharge of his functions under this Act,

is guilty of an offence and liable on conviction to a fine of R10,000.

Regulations

16. The Minister may make regulations for carrying into effect the purposes and provisions of the Act and for any other matter necessary or convenient to be prescribed by regulations.

I certify that this is a correct copy of the Bill which was passed by the People's Assembly on the 16th April, 1992.

F. SHROFF
CLERK TO THE PEOPLE'S ASSEMBLY

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