



**SADC ELECTORAL OBSERVER MISSION
TO THE REPUBLIC OF SEYCHELLES**

STATEMENT

BY

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AFFAIRS OF THE REPUBLIC OF ZAMBIA**

AND

HEAD OF SADC ELECTORAL OBSERVER MISSION

ON

PRESIDENTIAL ELECTIONS IN SEYCHELLES, HELD

ON 19-21 MAY 2011

- § The Electoral Commissioner of the Republic of Seychelles, Mr. Hendrick Gappy ;
- § Your Excellencies High Commissioners and Ambassadors accredited to the Republic of Seychelles;
- § Members of the Diplomatic Corps;
- § Esteemed Leaders of the Political Parties;
- § Esteemed Members of the various Observer Missions;
- § Esteemed Members of the Media;
- § Members of Civil Society;
- § Distinguished Guests;
- § Ladies and Gentlemen.

It is indeed an honour and pleasure to welcome you all to this important event, the presentation of the SADC Electoral Observation Mission (SEOM) statement on the election process in the Republic of Seychelles.

1. INTRODUCTION

In line with the Southern African Development Community (SADC) *Principles and Guidelines Governing Democratic Elections*, the Electoral Commissioner of the Republic of Seychelles invited SADC to observe its Presidential Elections which were held on 19-21 May 2011.

Following the invitation, the Chairperson of the SADC Organ on Politics, Defence and Security Cooperation, His Excellency Rupiah Bwezani Banda, President of the Republic of Zambia, officially constituted the SADC Electoral Observer Mission (SEOM) to the Republic of Seychelles and mandated the

SADC Executive Secretary, Dr Tomáz Salomão to facilitate the administrative and logistical support for the Mission.

The Chairperson of the SADC Organ on Politics, Defence and Security Cooperation appointed me, Mkhondo D. Lungu (MP), Minister of Home Affairs of the Republic of Zambia to head the Mission.

The SADC Electoral Observer Mission was officially launched on the 09th of May 2011, by myself the Head of the Mission, in the presence of the Director of SADC Organ on Politics, Defence and Security Cooperation, SADC Observers as well as other stakeholders in Seychelles.

After days of intensive work, the SADC Electoral Observer Mission has the honour to announce its preliminary views on the outcome of its observation. A detailed report in line with the *Principles and Guidelines Governing Democratic Elections*, shall be released within thirty (30) days after the announcement of the election results.

2. THE ROLE OF THE SADC ELECTION OBSERVER MISSION

The Mission derives its mandate from the *SADC Principles and Guidelines Governing Democratic Elections*, which in turn emanates from the *OAU/AU Declaration on the Principles Governing Democratic Elections in Africa* and the *AU Guidelines for African Union Electoral Observation and Monitoring Missions*. Furthermore, the Mission worked within the legal framework of the Republic of Seychelles.

In coming up with the nature and scope of our observation, the Mission sought to determine the existence of the following pre-conditions for free and fair elections;

- (i) Constitutional and legal guarantees of freedoms and rights of citizens;
- (ii) Conducive environment for free and fair and peaceful elections;

- (iii) Non-discrimination in voter registration;
- (iv) Existence of an updated and accessible voters' roll;
- (v) Timely announcement of the election date;
- (vi) Where applicable, transparent funding of political parties based on the agreed threshold in accordance with the laws of the land;
- (vii) Neutral location of polling stations ;
- (viii) Establishment of the mechanism for assisting the planning and deployment of electoral observation missions; and
- (ix) Counting of the votes at polling stations;

Before the launch of SEOM, SADC Observers underwent a two day refresher training session conducted by the Electoral Institute for the Sustainability of Democracy in Africa (EISA) from 08-09 May 2011. The training, among other things, focused on the following:

- (i) SADC Role in Election Observation;
- (ii) Election Observation Methodology;
- (iii) Code of Conduct for Election Observers
- (iv) International and Regional Election Observation Benchmarks

During the launch of the SEOM on 09 May 2011, Observers were urged to adhere to the *SADC Principles and Guidelines Governing Democratic Elections* in the performance of their duties. Emphasis was put on the following:

- § That the observers must comply with the laws and regulations of the Republic of Seychelles;
- § That they should maintain strict impartiality in the conduct of their duties, and shall at no time express any bias or preference in relation to national authorities, parties and candidates in contention in the election process. Furthermore they will not display or wear any partisan symbols, colours or banners;

§ That they will base all reports and conclusions on well documented, factual and verifiable evidence from multiple number of credible sources as well as their own eye witness accounts;

§ That they should work harmoniously with each other and other observer missions/organisations in their areas of deployment.

3. DEPLOYMENT OF SEOM OBSERVERS

Guided by the *SADC Principles and Guidelines Governing Democratic Elections*, the Mission deployed six teams of observers in the three main islands of Mahe, Prasline and La Digue. Field teams were constituted and given the responsibility to cover their areas of deployment so that the Mission could have a full picture of the electoral process in the country and be in a position to provide an informed assessment.

SEOM deployed fifty seven (57) observers drawn from SADC Member States. They comprised Members of Parliament and Civil Servants, among others. The activities of the Mission across the country were coordinated at the Operations Centre based at Berjaya Hotel in Beau Vallon in Mahe Island. The Operations Centre was staffed with officials from the Troika of the Organ and SADC Secretariat.

4. CONSULTATIONS WITH STAKEHOLDERS

In the discharge of its duties, the SADC Electoral Observer Mission interacted with various stakeholders in order to gather information on various aspects of the electoral process. The stakeholders included *inter alia*;

- Hon. James Michel, President of the Republic of Seychelles;
- Hon. Jean-Paul Adams, Minister of Foreign Affairs;
- Hon. Jo•I Morgan, Minister of Home Affairs, Environment, Transport and Energy;

- High Commissioners and Ambassadors accredited to the Republic of Seychelles;
- Seychelles Electoral Commissioner, Mr. H. P Gappy;
- Commissioner of Police of the Republic of Seychelles
- Religious leaders;
- Non-Governmental Organisations;
- Other observer groups- the SADC Electoral Commissions Forum, the Commonwealth Observer Mission, the joint Indian Ocean Commission, and Organisation Internationale de la Francophonie (OIF);
- The Media Commission; and
- Most Political Party leaders contesting the 19-21 May 2011 elections.

These interactions assisted the SADC Electoral Observer Mission to understand the prevailing political environment in the country.

a) Major issues raised by the stakeholders

The SADC Electoral Observer Mission wishes to highlight issues of concern expressed by some stakeholders on the electoral process. These include, *inter alia*, the following:

- i. The disqualification of Mr Viral Dhanjee, an independent candidate by the Electoral Commissioner;
- ii. Non-accreditation of local observer groups.
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- iv. Defacement and destruction of electoral paraphernalia;
- v. Lack of impartiality by the state media;
- vi. The need for an Independent Electoral Commission instead of a sole Electoral Commissioner;
- vii. Physical violence between different political groups;

- viii. Abuse of government resources by the incumbent party in furthering political party objectives;
- ix. Politicization of the civil service, especially District Administrators;
- x. Lack of impartiality by State security services;
- xi. Non-availability of electronic district and master copies of the voters' register; and
- xii. The need to have voting for all the areas done in a single day.

The SADC Electoral Observer Mission pursued some of these concerns in a systematic manner by conducting further investigations and at times sought clarification from relevant parties. Some of the responses provided were as follows:

b) Disqualification of an independent candidate

On the issue of the disqualification of the independent candidate, the Electoral Commissioner's response was that they followed the usual practice of processing nomination papers. The Electoral Commissioner advised that on subsequent scrutiny, they realized that the candidate's papers were not in order since some of the names of those nominating him did not have national identity numbers (NIN) as required by law while some of the names were of people not qualified to vote. Having been aggrieved by the decision of the Electoral Commissioner, the candidate took the matter to the High Court which issued a declaration that his rights had been violated. However, there was no order entitling him to have his name included on the ballot paper. The matter is now before the Court of Appeal which is likely to determine the issue following the dissatisfaction with the Court's decision. The Court of Appeal is likely to determine the matter after the election.

c) Non- accreditation of local observers

Liason Unit of Non Governmental Organisation of Seychelles (LUNGOS), an umbrella body of local NGOs applied to the Electoral Commissioner to be accredited to observe the elections but their request was turned down. The

Electoral Commissioner, among other reasons, informed the Mission that LUNGOS' application was turned down because its objectives were not clear and that some of the LUNGOS leaders are politically active and thus the organisation was likely to be biased.

d) Defacement and illegal erection of electoral paraphernalia

Several billboards carrying pictures of some candidates and posters were defaced and destroyed. There were also cases of illegal erection of billboards. The Electoral Commissioner indicated that, although it was a criminal offence to deface or destroy campaign paraphernalia it was difficult to apprehend and deal with the actual perpetrators in terms of the law. On the illegal erection of billboards, the Electoral Commissioner indicated that the culprits were identified and fined.

The responses to some of the issues raised above are not carried in this preliminary statement. The mission will vigorously pursue the issues and will endeavour to have all of them covered in the final report. I need to mention that it is imperative that serious attention is paid to all of these issues if we are to enhance democracy in the Republic of Seychelles and in the SADC region.

e) Lack of impartiality by the state media;

The Mission noted that most media, especially print and broadcast, is State owned. This has given rise to accusations and perceptions of lack of impartiality on the coverage of the opposition parties by the State media. During the consultations with the stakeholders, the SEOM was informed of transgressions that date as far back as November 2010. These include;

- Denial of broadcast airtime for opposition views on Seychelles Broadcasting Corporation (SBC)
- News coverage being heavily in favour of the Parti Lepep being the ruling party

However, the SEOM is of the view that in terms of the Elections Act, an effort was made to afford all candidates the opportunity to engage the general population through the available media broadcasts.

5. PRE – ELECTION PHASE

Since the deployment of the SEOM, the political atmosphere was generally characterised by tolerance and peace. Political parties were generally free to do their campaigning without any hindrance.

6. POLLING PROCESS

It is SADC's overall view that the elections were conducted in an open and transparent manner. SADC was impressed by the patience of voters who were able to express their franchise peacefully, freely and unhindered. In all polling stations there were party agents, security and the expected electoral management personnel.

Most polling stations opened and closed on time. The electoral officials explained the procedures, assisted the voters who did not understand the voting process.

There was cooperation between election authorities and other institutions in providing explanations on election related matters. The presence of party agents, observers and law enforcement officials in the polling stations assured all stakeholders of the integrity of the process.

Although the Mission noted instances where some people's names did not appear on the voters roll and were subsequently allowed to vote subject to further verification, the voting process was generally transparent and peaceful.

7. COUNTING PROCESS

The SADC Electoral Observer Mission observed that the vote counting process began immediately after closing of the polling stations. The vote counting process was conducted procedurally. In some polling stations, party agents, Electoral Officers, international observers witnessed and followed closely the counting of votes together with the electoral officials without any hindrance.

The Mission noted that all stakeholders from party agents, Electoral Officers, international observers performed their duty as expected.

After the counting, the SADC Electoral Observer Mission observed that the Electoral officers as well as party agents signed for the results in the presence of everybody and the agents for each candidate received a copy of the results.

8. SADC ELECTORAL OBSERVER MISSION RECOMMENDATIONS

Upon completion of the observation exercise, the SEOM is pleased to share the following recommendations with the people of Seychelles:

- Inclusion and encouragement of participation of local observers;
- Establishment of a national electoral commission as opposed to an Electoral Commissioner in line with Article 7.3 of the *SADC Principles and Guidelines Governing Democratic Elections*;
- Strengthening and broadening the mandate of a Media Commission that is independent and will, among other things, expedite the participatory formulation of the Code of Conduct and access of all political parties to State media as provided in Article 2.2.5 of the *SADC Principles and Guidelines Governing Democratic Elections*; and
- Use of translucent ballot boxes to enhance transparency;

9. BEST DEMOCRATIC PRACTICES AND LESSONS LEARNT

In the course of observing elections, our Mission noted that over and above, general adherence to some of the *SADC Principles and Guidelines Governing*

Democratic Elections, the following best democratic practices and lessons in the Seychelles electoral process were observed;

- The high state of logistical preparedness of the Office of the Electoral Commissioner;
- An impressive voter turn out across the population spectrum which signifies civic commitment of the citizens;
- Provision of special voting for the elderly and persons with disabilities as well as those providing essential services prior to the main voting day;
- Use of both indelible and invisible ink to guarantee against double voting;
- Existence of an integrated voter registration system that periodically updates the voter registration through use of related civil registration data;
- The existence of a three day “cooling off period” that *inter alia* allows for easing of political tensions;

10. CONCLUSION

The Mission is pleased to share its observations with the people of Seychelles and hope that the relevant stakeholders benefit from these observations.

The SADC Electoral Observer Mission has come to the conclusion that although some of the concerns raised are pertinent, they are nevertheless not of such magnitude as to affect the credibility of the overall electoral process.

Therefore, on behalf of the Chairperson of the Organ on Politics, Defence and Security Cooperation, His Excellency Mr. Rupiah Bwezani Banda, President of the Republic of Zambia and on behalf of the entire SADC family, I wish to heartily congratulate the people of Seychelles for holding a credible and peaceful Presidential election on 19-21 May 2011.

Indeed, the Mission is impressed with the way that the people of Seychelles have been able to express their democratic right to vote. This is a valuable

contribution for the consolidation of democracy and political stability, not only in Seychelles but in the SADC region as a whole.

In line with *SADC Principles and Guidelines Governing Democratic Elections* and the Electoral laws of Seychelles, the Mission would like to urge all political parties and candidates to respect the will of the people. In the event of any grievances, the SEOM would urge all to seek redress in line with the relevant laws of the country.

The SEOM would like to express gratitude to the people of Seychelles for their hospitality and cooperation during the deployment of the Mission.

I thank you all.

Mahé, 22 May 2011