



**SADC ELECTORAL OBSERVATION MISSION (SEOM) TO
THE REPUBLIC OF THE SEYCHELLES**

**PRELIMINARY
STATEMENT**

BY

THE

**HONORABLE DR. AUGUSTINE P. MAHIGA (MP)
MINISTER OF**

FOREIGN AFFAIRS AND EAST AFRICAN COOPERATION

OF THE UNITED REPUBLIC OF TANZANIA

AND HEAD OF THE SEOM

TO THE 2016 NATIONAL ASSEMBLY ELECTIONS

HELD IN THE

REPUBLIC OF THE SEYCHELLES

**Delivered on 12 September 2016
Victoria, Mahe**

The Chairperson and Commissioners of the Electoral Commission (EC) of the Republic of the Seychelles;

Your Excellency Ambassador Fatuma Ndagiza, Head of the African Union (AU) Election Observation Mission;

Mr Linford Andrews, Representative of the Commonwealth Observer Group;

The Reverend Bongani Finca, Head of the Electoral Commission Forum of SADC Countries (ECF-SADC);

Distinguished Members of the SADC Organ Troika and SADC Electoral Advisory Council;

Mr Jorge Cardoso, Director of the Organ on Politics, Defence and Security Affairs at the Southern African Development Community (SADC) Secretariat;

Your Excellencies, Heads and Representatives of Diplomatic Missions accredited to the Republic of the Seychelles;

Leaders and Representatives of Political Parties and Independent Candidates;

Religious Leaders and Representatives of Civil Society Organisations;

International and Local Election Observers;

Members of the Media;

Distinguished Guests;

Ladies and Gentlemen;

Good Afternoon.

I am honoured to present to you the Preliminary Statement of the Southern African Development Community Electoral Observation Mission to the National Assembly Elections in the Republic of the Seychelles, which took place from 8 to 10 September, 2016.

Allow me to reiterate that the *revised SADC Principles and Guidelines Governing Democratic Elections* adopted by SADC in July 2015 have introduced a comprehensive approach to the assessment of electoral processes in the region. This approach will enhance our ability to detect indications of possible electoral shortcomings and to render timely assistance where necessary to Member States holding elections.

In line with these *revised SADC Principles and Guidelines Governing Democratic Elections*; and following the declaration of the election dates, the Electoral Commission extended an invitation to SADC to observe the 2016 National Assembly Elections.

In this regard, the Chairperson of the SADC Organ on Politics Defence and Security Cooperation, His Excellency, Dr. John Pombe Joseph Magufuli, President of the United Republic of Tanzania, appointed me in my capacity as the Minister of Foreign Affairs and East African Cooperation of United Republic of Tanzania to lead the SADC Electoral Observation to the Republic of the Seychelles for the observation of the National Assembly Elections.

**Your Excellencies,
Ladies and Gentlemen,**

Once again, it gives me great pleasure to note that the SADC region continues to boldly take strides towards consolidating democracy and good governance through a process of peer learning and exchange which has, inter alia, resulted in the development of an enhanced set of Principles and Guidelines Governing Democratic Elections.

Considerable efforts were invested in the development of this revised framework which enables us to not only assess pre-election, election and post-election processes for much longer periods but also provides for timely post-election reviews with stakeholders to be conducted by the SADC Electoral Advisory Council.

The post-election reviews will ensure that the findings of the SADC Electoral Observation Mission are not only channelled to the Member State and the Electoral Commission but also disseminated and

discussed with all stakeholders to find solutions in addressing any challenges that might arise.

The post-election reviews will also enable the region to share good practice with the Member State holding elections.

**Your Excellencies,
Ladies and Gentlemen,**

While the SADC Electoral Observation Mission's role is to assess Member States performance in relation to the *revised SADC Principles and Guidelines Governing Democratic Elections*, the SADC Electoral Advisory Council's mandate is to ensure that the region adheres to this normative framework to the extent possible. Furthermore, the SADC Electoral Advisory Council's broader role is to provide advice to the Organ on the enhancement of elections, democracy and good governance in the region.

**Your Excellencies,
Ladies and Gentlemen,**

In this respect, the SADC Electoral Observation Mission's deployment was preceded by the SADC Electoral Advisory Council's Goodwill and Pre-election Assessment Mission from the 23rd to the 26th of August, 2016. The Advisory Council submitted its report to the SADC Organ Troika.

The purpose of the Mission was to evaluate the level of preparedness of the Republic of the Seychelles to hold these National Assembly Elections. In this regard, the Mission established that the political atmosphere and security environment were generally conducive for holding peaceful elections.

Pursuant to this, the SADC Electoral Observation Mission was officially launched on 2 September, 2016 at the Avani Hotel, Mahe, followed by its deployment on 3 September. The SADC Electoral Observation Mission comprised 19 observers from 9 SADC Countries deployed to Mahe, La Digue, Praslin and Silhouette islands.

These were the second elections observed by SADC in the Republic of the Seychelles in the last 10 months. The Mission was here last November and December 2015 to observe the Presidential elections, including the second round of voting.

**Your Excellencies,
Ladies and Gentlemen,**

Before its launch, the SADC Electoral Observation Mission paid courtesy calls on His Excellency the President of the Republic of the Seychelles James Michel at the State House in Victoria; and the Hon. Minister of Foreign Affairs and Transport Mr Joel Morgan.

The SADC Electoral Observation Mission also had a number of engagements with the Chairperson and Commissioners of the Electoral Commission to assess electoral management and administrative issues and generally gauge the level of preparedness. The SADC Electoral Observation Mission further engaged a wide range of stakeholders on various aspects of the electoral processes, including taking note of the challenges and concerns raised during these interactions. In this regard, the stakeholders that the SADC Electoral Observation Mission met were as follows:

1. The Electoral Commission;
2. Leaders and Representatives of the contesting Political Parties and independent candidates;
3. The Commissioner of Police;
4. Other International Election Observation Missions;
5. Local Observer Groups;
6. Representatives of the Media;
7. The Media Commission;
8. Non-Governmental Organisations; and
9. Faith Based Organisations.

**Your Excellencies,
Ladies and Gentlemen,**

Based on these engagements with electoral stakeholders; and following the assessment of the electoral process by the SADC Electoral Advisory Council and the SADC Electoral Observation Mission, the following key areas were seen to be significant to the electoral process:

- The Legal and Constitutional Framework;
- The role of the Judiciary in resolving electoral disputes;
- The model and composition of the Electoral Commission;
- Electoral management and administration;
- The state of the voters register;
- The need for voter's registration cards;
- Access to the state media;

- Civic and Voter Education; and
- Gender parity;

**Your Excellencies,
Ladies and Gentlemen,**

I now wish to share the following preliminary findings on the 2016 National Assembly Elections in the Republic of the Seychelles:

1. The Legal and Constitutional Framework

We note that the National Assembly Elections in the Republic of the Seychelles are regulated by the Constitution, the Elections Act (as amended), Public Assembly Act (2015), the Political Parties Act (2012) and the Political Parties (Registration and Regulation) (Amendment) Act (2014). There is also an Electoral Code of Conduct to which all political parties have subscribed.

We have particularly taken note of the following specific provisions:

- (1) *Regarding the Constitution;*
 - (a) Article 115 which provides for appointment of Commissioners of the Electoral Commission in consultation with the Constitutional Appointments Authority;
 - (b) Article 112 which provides for the demarcation of electoral districts for the purpose of National Assembly Elections; and
 - (c) Article 79 which provides for the timing of National Assembly Elections as well as Articles 106, 110 and 111 which provide for the dissolution of the National Assembly.
- (2) *Regarding the Elections Act;*
 - (a) Provisions related to the registration of voters, and the revisions of the voters' register in accordance with section 7(4) which caters for the removal of obsolete entries; and
 - (b) Section 97 which provides for the allocation of free broadcasting time to political parties and candidates with respect to the Seychelles Broadcasting Corporation.

In the above context the SADC Electoral Observation Mission acknowledges that the Republic of the Seychelles has, to an extent,

through various amendments to the Elections Act, paid attention to addressing the legal provisions governing elections.

2. The Role of the Judiciary in Dispute Resolution

We note that political contestants and stakeholders in general have confidence in the Judiciary, which has played a key role in resolving significant electoral disputes. This culture is commendable as it reaffirms the effectiveness, reliability and credibility of the judicial mechanisms in conflict resolution.

The SADC Electoral Observation Mission notes however that there is a need to strengthen the conflict resolution mechanisms with multi-level conflict management structures which may serve to minimise pressure on the Courts of law as well as expedite the resolution of disputes.

3. Preparedness of the Electoral Commission

The SADC Electoral Observation Mission was informed by the Electoral Commission and a number of stakeholders that the Republic of the Seychelles was prepared for the elections. The Mission acknowledges the well-organised logistical arrangements for the elections. These include the procurement process of the printing of the ballot papers, and their delivery from South Africa which process was witnessed by electoral stakeholders.

However, the SADC Electoral Observation Mission finds that there is general lack of confidence in the Electoral Commission by a range of stakeholders, particularly the opposition and civil society in general. This can undermine the credibility of the Electoral Commission. These perceptions, the Mission notes, are based upon a number of factors, namely:

- (a) The manner in which the Commissioners are appointed;
- (b) The perceived political affiliations of some or all of the Commissioners; and
- (c) The lack of communication on key strategic issues between the Electoral Commission, political parties and the public at large.

4. Voter Registration and Identification

Whilst the SADC Mission acknowledges that the Elections Act provides for continuous registration of voters and regular revisions of the voters

register, it also notes that there are concerns from a number of stakeholders regarding the actual implementation of the legal provisions.

Various stakeholders raised concerns that there has not been any comprehensive exercise by the Electoral Commission to clean the voters' register, for example, by removing any obsolete entries as provided for by the law. As such the Mission notes that a number of stakeholders that we met have expressed their concerns about the veracity of the voters' register.

According to the Electoral Commission, a total of 71932 out of an estimated population of 93000 people were registered to vote. Of these 36471 were female and 35461 were male. However, because there has been no apparent systematic removal of deceased voters, there is a general consensus amongst most of the stakeholders that the voters' register may be populated with a relatively high number of obsolete entries. This has the potential to fuel post-election disputes.

5. Voter Identification

In terms of the Elections Act (25) (1) (a) (ii), several forms of identification are acceptable to verify the identity of a voter, and there is no requirement for voter registration cards. We observe that this system, in its current form, is at risk to multiple voting.

6. Gender Parity

The Mission further observes that neither the Constitution nor the Elections Act stipulates gender equality for the National Assembly. Despite this, the SADC Electoral Observation Mission notes that some political parties have attempted to establish gender quotas with respect to the number of candidates standing for the National Assembly elections whilst others have not done so. Gender parity as such remains a matter at the discretion of the political parties. The Mission however notes that overall, the participation of women in the election process remains low, and some stakeholders attributed this to the political environment which discourages women from standing for elected positions.

7. Civic and Voter Education

The SADC Electoral Observation Mission acknowledges the efforts of the Electoral Commission and local observer groups in the provision of voter and civic education for the purposes of an enlightened electorate. The Mission also acknowledges that due to a number of court cases

concerning these National Assembly Elections, the Electoral Commission officials were for the most part engaged in preparing for, and appearing in, these court matters. However, the Mission observes that there has been limited voter and civic education provided for the electorate, particularly in regard to the implications of several judicial rulings which have impacted upon delimitation of districts and voter re-allocation. This has led to a number of misconceptions about the electoral laws and processes, particularly with respect to voter registration and the demarcation of electoral districts.

8. Access to the State Media and General Media Coverage

Section 97 of the Elections Act requires the Seychelles Broadcasting Corporation (SBC), in consultation with the Electoral Commission to allocate free broadcasting time to each registered political party and each candidate.

Political parties generally acknowledged that Party Political Broadcasts were well conducted and were handled in compliance with the Elections Act. The Mission acknowledges the positive efforts of both the Electoral Commission and the Seychelles Broadcasting Corporation in this regard. Some independent candidates were however concerned with how the Electoral Commission interprets the provision for allocation of broadcasting time to individuals. Some private media entities complained that the Electoral Commission only published advertisements related to the election in the state owned media. The opposition also raised concerns about the general coverage of the elections by the State Media which they accused of favouring events related to the ruling party.

The Mission noted the existence of vibrant print and electronic media which also include private entities. However the print media reporting of the elections was polarized and featured few instances of impartial news coverage. In this respect, a number of stakeholders raised concerns that the Media Commission's mandate was limited and had no specific bearing on the conduct of the media during elections. Further the Mission noted that there is limited cohesion and communication between the Electoral Commission and the Media Commission. This has a negative effect on the collaboration between both Commissions for the effective oversight of the media during elections.

**Your Excellencies,
Ladies and Gentlemen,**

The SADC Electoral Observation Mission noted that campaigns ended 24 hours before polling commenced on the 8th of September 2016. Further, the Mission therefore noted that no campaigning took place during the Elections.

On the Election Days, the SADC Electoral Observation Mission observed the following:

1. In general, polling stations opened on time at 0700hrs hours, and the opening procedures were followed in accordance with the provisions of the Elections Act;
2. Party agents, other observers, election monitors and police officers were present during the opening of polling stations. However at some polling stations political party officials wore clothing resembling their party colours.
3. The processing of voters in alphabetical order assisted in enhancing the movement of voters. However alphabetical streams in some areas were reported to be slowing the voting process as they were not many voters assigned to specific letters of the alphabet. As a result this rendered some queues to be much longer than others.
4. Most polling stations closed at 19:00 hours as provided for in the Elections Act. Voters who were still in queues at the close of the polling stations were allowed to cast their votes;
5. There were no incidents of violence reported;
6. The ballot boxes were not translucent;
7. Counting at polling stations started immediately after voting was completed;
8. The prescribed counting procedures were adhered to by the Electoral Officers; and
9. Electoral Officers announced the results after counting, as provided for in the Elections Act.

**Excellencies,
Ladies and Gentlemen,**

In order to enhance the holding of democratic elections in the Republic of the Seychelles, in accordance with the *revised SADC Principles and Guidelines Governing Democratic Elections*, the SADC Electoral Observation Mission makes the following recommendations for consideration by the Government of the Republic the Seychelles, the Electoral Commission and relevant stakeholders:

1. Consider and implement policy measures to improve the confidence in the Electoral Commission amongst key stakeholders. This may include, amongst others, reviewing the model of the Electoral Commission and the manner of appointing members of the Commission.
2. Conduct a comprehensive needs assessment of the Commission in order to identify the required interventions to enhance the efficiency of the Commission, particularly with respect to capacity, stakeholder and public communication;
3. Design and deliver comprehensive and regular civic and voter education programmes that should be delivered at intervals that are not necessarily linked to a specific election;
4. Effective implementation of the legal provisions mandating the Electoral Commission to regularly revise the voters' register, particularly with respect to removing obsolete entries. Consider establishing a completely new voters' register with the use of biometric technologies;
5. Improve transparency and accountability by making provision for the issuance of voter registration cards for all registered voters;
6. In addition, the use of translucent ballot boxes needs to be considered to further enhance transparency;
7. In consultation with women stakeholders and political parties, put in place measures to improve women representation and participation in decision making and governance mechanisms with a view to creating gender equality in line with the SADC Protocol on Gender and Development (2008);
8. Enhance the role and mandate of the Media Commission specifically, with respect to oversight of the media's conduct during elections;
9. Put in place policy and procedural measures to ensure regular and comprehensive collaboration between the Media Commission and the Electoral Commission on their respective mandates;
10. Consider setting up specialised tribunals and mediation bodies to adjudicate upon or mediate election-related disputes; and alleviate pressure on the regular Courts.

**Excellencies,
Ladies and Gentlemen,**

Some of the recommendations made by this Mission to the National Assembly Elections are a reiteration of the proposals made to the Government of the Republic of the Seychelles and the Electoral Commission after the December, 2015 Presidential Elections held in this country. We acknowledge that electoral reforms do take time and we shall therefore continue to engage with key stakeholders on these matters as necessary.

**Excellencies,
Ladies and Gentlemen,**

This is a Preliminary Statement. It therefore focuses on the pre-election and voting processes that we observed.

The Final Report will address broader aspects of the electoral process, including pre-election, election and post-election phases and will be released 30 days after the results of these elections have been officially announced.

**Excellencies,
Ladies and Gentlemen,**

Let me reiterate that, as stipulated in the revised *SADC Principles and Guidelines Governing Democratic Elections (2015)*, the Final Report shall primarily be sent to the Member State and the Electoral Commission – who are expected to disseminate it to all stakeholders.

I also wish to remind you that in terms of the *revised SADC Principles and Guidelines Governing Democratic Elections*, the SADC Electoral Advisory Council shall return after the elections, to co-host, with the Electoral Commission, a Post-Election Review forum involving all stakeholders; wherein, the Final Report shall be publicly tabled for discussion and for consideration of the recommendations contained in it.

To conclude *this* Preliminary Statement, therefore, the SADC Electoral Observation Mission notes that the country has generally remained ***peaceful*** during the pre-election and voting periods **that we observed**; and that, the voters ***freely*** exercised their civil and political rights. The voting and counting processes were ***generally transparent*** but could be further enhanced with the use of translucent ballot boxes.

**Your Excellencies,
Ladies and Gentlemen,**

The historical outcome of these National Assembly Elections in the Republic of the Seychelles is a testimony to the efficacy of multiparty democracy and yet another milestone in the SADC region's progress.

This new dispensation will require concerted efforts from all political stakeholders to work collaboratively in advancing the democratic and developmental aspirations of the Seychellois.

**Your Excellencies,
Ladies and Gentlemen,**

Finally, on behalf of the Chairperson of the SADC Organ on Politics, Defence and Security Cooperation, His Excellency John Pombe Joseph Magufuli, President of the United Republic of Tanzania, the SADC Electoral Observation Mission wishes to congratulate the people of the Republic of the Seychelles for the manner in which they conducted themselves during the electoral process.

And on behalf of all SADC Observers, I would like to express our gratitude to the people of the Seychelles for the heartfelt welcome and cooperation during the course of our duties as the SADC Electoral Observation Mission.

**Asanteni sana
Merci beaucoup
Muito obrigado**

**Avani Hotel
Mahe, 12 September 2016
Republic of the Seychelles**