

Chapter 1

The Transition Process

A Return to Multi-party Politics

Seychelles achieved independence on 29 June 1976, with Sir James Mancham as the first President of the new republic and Mr René as Prime Minister. This coalition Government between the two long-time political rivals was short-lived. A coup d'état took place on 5 June 1977 while Sir James Mancham was in London to attend a Commonwealth Heads of Government Meeting. Mr René was sworn in as President, the 1976 Independence Constitution was suspended, the National Assembly was dissolved and Sir James Mancham and some supporters were exiled.

In May 1978, President René's party, the Seychelles People's United Party was renamed the Seychelles People's Progressive Front (SPPF) and declared to be the country's sole political party. A new Constitution was promulgated in March 1979, turning Seychelles officially into a one-party state. Only members of the SPPF could stand for election to the newly-constituted People's Assembly and President René became the sole candidate for election to the Presidency.

After almost 15 years of one-party rule, President René announced a return to a multi-party system of government on 4 December 1991. Events since then have moved through a three-stage transition process:

- Election for a Constitutional Commission to draft a new constitution;
- Referenda on a new constitution;
- General elections.

Election to the Constitutional Commission

On 27 December 1991, the existing Constitution was amended to allow for the registration of political parties. Exiles were allowed to return to Seychelles, including Sir James Mancham who returned in April 1992 to revive his party, the Democratic Party. By the end of that month, eight political parties had registered to contest the first stage of the transition process: the election to the Constitutional Commission scheduled for 23–26 July 1992. The parties were:

- Democratic Party (DP) led by Sir James Mancham;
- Mouvement Seychellois Pour La Democratie (MSD) led by Jacques Hodoul;
- National Alliance Party (NAP) led by Philippe Boullé;
- Parti Seselwa led by Reverend Wavel Ramkalawan;
- Seychelles Christian Democrats (SCD) led by André Euzice;
- Seychelles Liberal Party (SLP) led by Ogilvy Berlouis;
- Seychelles National Movement (SNM) led by Gabriel Hoarau;
- Seychelles People's Progressive Front (SPPF) led by President René.

The election to select members of a Constitutional Commission to draft a new constitution was held on a party-wide basis. A party winning five per cent or more of the votes was entitled to nominate one member to the Commission for each four per cent of the votes cast in its favour. The Commission was to be made up of 20 to 25 members, with the election determining the precise number. In the event, only two parties, the SPPF with 58.4 per cent of the votes and the DP with 33.7 per cent, achieved the minimum five per cent required to qualify to sit on the Commission – 14 seats went to the SPPF and eight to the DP. The six other parties each won less than five per cent of the votes, with the Parti Seselwa making the best showing at 4.35 per cent.

The First Constitutional Commission and Referendum

The Constitutional Commission commenced work on 27 August 1992 with both President René and Sir James Mancham calling for national reconciliation and consensus on a new democratic constitution. However, any hopes of constructive engagement between the two rival parties soon faded when the DP walked out two weeks later, accusing the SPPF of limiting discussion on issues to be covered in the draft constitution. A compromise was reached whereby unfinished discussion of issues of substance was to be carried over to another sitting. The DP returned to the negotiating table, only to withdraw again on 24 September 1992. The Commission continued to meet with its 14 SPPF members, exceeding the legal quorum of 10, and in the continued absence of the DP a draft constitution was duly adopted on 16 October 1992. It was then submitted to the President, approved and gazetted on the same day.

The referendum was held from 12 to 15 November 1992. The DP together with the five smaller parties (by this time, the SCD which had received only 54 votes in the July election had faded from the scene) formed a united opposition to campaign against the draft constitution. The law required the draft to be approved by not less than 60 per cent of the votes cast. It failed to pass when only 53.7 per cent voted in favour and 44.6 per cent voted against.

A five-member Commonwealth Observer Group sent to monitor this referendum was inundated by complaints from the opposition parties that the Government had not done enough to create a climate in which multi-party politics could prosper. In a meeting with the President, the Group relayed these various concerns, including the conduct of the Constitutional Commission itself, and urged the President to take steps to restore confidence in the transition process. The Group suggested that an independent person with no political connections might be appointed to chair the Constitutional Commission, that the Commission be opened to representations from the public, and that its proceedings be reported by the press.

One important step taken by the political parties at the time of this referendum was the adoption of a Code of Conduct (*Annex VIII*), as had been previously recommended by the Commonwealth. The Observer Group welcomed the adoption of the Code which helped to reduce tensions and prevent abuse during the campaign period and on polling day. The Group also noted that the security forces had, in the intervening period since the July 1992 election, exercised discipline and restraint. It welcomed the peace and calm which prevailed on the day after the referendum when there were no reports of disorder, violence or intimidation as had occurred earlier in July.

The Second Constitutional Commission and Referendum

The Constitutional Commission was reconvened on 11 January 1993 to prepare a fresh draft. A new spirit of co-operation and compromise quickly became evident. President René appointed Mr Bernardin Renaud, former Chief Electoral Officer and now the Director of Elections, to chair the Commission in place of a Government Minister. The proceedings of the Commission were opened up to the public, with live broadcasts over radio and daily transmission on television. The smaller political parties, the churches and members of the public were able to make representations to the Commission.

Both President René and Sir James Mancham called for an end to confrontational politics, and reiterated their earlier calls for national reconciliation. Both expressed a determination to formulate a constitution acceptable to all. Decisions, even on contentious issues, were eventually made by consensus.

A consensus draft constitution was finally agreed on 7 May 1993 and a referendum called for 15–18 June. As expected, the DP and the SPPF called for the draft to be approved, while Parti Seselwa, the NAP and the SNM campaigned against the draft. The draft was approved with 73.9 per cent of the electorate in favour and 24.1 per cent against.

The Commonwealth Secretary-General sent two Secretariat staff as his emissaries to observe this referendum. They noted a marked change in mood among the people of

Seychelles. Much of the tension of July and November 1992 had dissipated. After 18 months of political activity, the people and their political leaders seemed better able to deal with the cut and thrust of multi-party politics.

Issues in the Transition Process

The introduction of multi-party politics had brought with it tension and hostility between the supporters of the ruling party and the opposition parties. In meetings with the July 1992 Commonwealth Observer Group, opposition leaders raised several matters that were of fundamental concern to them as the transition process unfolded. Two issues assumed particular importance, the close linkage between party and state in a one-party system, and the structure and conduct of the security forces.

The opposition held particular concerns about the local government structure of 22 District Councils introduced just days prior to the announcement in late 1991 of the reintroduction of multi-party politics. Under the structure, the Councils are based on the 22 electoral areas. The chairpersons of the parallel SPPF branches who were also members of the People's Assembly won election as chairpersons of the District Councils. The opposition maintained that this structure was designed to install SPPF party stalwarts in key positions at local government level, and that it was inappropriate for a multi-party system of government.

The structure and conduct of the security forces was also a major source of concern. The opposition complained to the Observers in July 1992 that the army, the Police Mobile Unit (PMU) and the Militia remained closely linked to the SPPF and therefore had a stake in its continuation in office. In the week before the July 1992 election, the Observers received many complaints of harassment and intimidation of the opposition parties by security force personnel. A command structure which had fused civilian and military responsibility also gave rise to concern. Under this structure, a Minister who was the second most senior member of the Cabinet concurrently held the post of Chief of Staff of the Defence Forces. There was thus a direct operational link between the Cabinet and Defence Forces.

Other issues of concern to the opposition parties included the independence of the media, the funding of political parties and the voters' registration list. These issues were fully explored in the Report of the July 1992 Commonwealth Observer Group. As reflected in the Report, the Group made several recommendations to facilitate the move towards the second phase of the transition process.

The Group recommended, *inter alia*, that:

- De-linking between the SPPF and state be accelerated;
- Law enforcement and security agencies be reorganised;
- The voters' registration list be reviewed;
- A free and independent media be established;
- Funding of political parties be examined;
- A Code of Conduct governing political parties be adopted.

By the time of our arrival in Seychelles to observe the Presidential and National Assembly elections, some of these issues remained contentious but most had been resolved. The voters' registration list had been accepted by all parties as being credible and as accurate as possible. The Code of Conduct for political parties adopted at the time of the November 1992 referendum had contributed significantly to a reduction of tension on polling day. The Government had re-examined the question of funding of political parties and had decided to allocate a fixed amount for this purpose to be divided among all parties taking part in the elections, proportionate to the support each received in the July 1992 election. In addition, the three parties contesting the Presidential and National Assembly elections were each given SR76,000. We were informed that future funding will be proportionate to votes gained by each party in these elections.

While some in the opposition said that coverage by state radio and television and the government-owned daily newspaper, the *Nation*, had improved, others maintained that they remained biased in favour of the ruling party. It was generally acknowledged, however, that Seychelles Broadcasting Corporation (SBC) radio and television did cover opposition

activities, sometimes generously, and had also been generous in their allocation of time for party political broadcasts at all four polling events. The problem, some said, was due not so much to government control, but more with managers and journalists reluctant or not experienced enough to meet the challenges of their new-found freedom. The role of the media is covered in more detail in Chapter 3.

We learned that in the period since the July 1992 election the security forces had been restructured. The Militia, which had been involved in street patrols, had been transformed into the National Guard to undertake static and escort duties only. The PMU was being reorganised and retrained for its original duties of riot and crowd control. It was now answerable to the Commissioner of Police. The most welcome change had been in the conduct of the security forces, which have exercised discipline and restraint following the incidents of July 1992. All opposition parties reported that the army, the PMU and the National Guard had all kept a low profile and there had been very few incidents of harassment or intimidation.

On the controversial issue of the position of Chief of Staff of the Defence Forces, the Government at the end of 1992 had appointed a professional soldier to the position. The smaller opposition parties, however, complained that a newly appointed Minister of Defence was still Chief of the Armed Forces under the terms of the present Defence Forces Act. They thus questioned whether the operational link between the Cabinet and the military had in fact been severed.

On the question of the District Councils, the Government had by the time of our arrival taken steps to break the state-party linkage. Some measures had been taken at the time of the November 1992 referendum when SPPF flags were removed from the 22 District Council buildings, and the process of relocating SPPF offices out of these premises had begun. All parties were also to have equal access, with the SPPF, to the community centres located in the District Council buildings. By the time of our arrival, the SPPF maintained that further changes had been made. The party had appointed new SPPF branch chairpersons and new



At the November 1992 Referendum on the draft Constitution, electoral officials (right) arrive on the island of Fregate to set up a mobile polling station. The policeman (left) is carrying sealed ballot boxes for Bird and Denis islands

party branch offices had been opened. However, the United Opposition continued to assert that not enough had been done. In particular, they pointed out that the SPPF District Council chairpersons had remained in place and therefore were still in positions of influence as the country entered a general election under a multi-party system. Of the 22 SPPF candidates for the National Assembly elections, seven were district chairpersons and three were district councillors. The United Opposition maintained that this gave the SPPF candidates significant advantages in resources and influence over others.

In various meetings with the President and other SPPF leaders, previous Commonwealth Observers had consistently passed on these concerns about the structure and function of the District Councils. Our Group was therefore interested to note that the party would look again at the existing District Council structure should it form the next government. Like the DP, the SPPF now appears to favour District Councils which would be part of government administration and staffed in effect by civil servants. The newly approved Constitution has provided for the National Assembly to deal with the system of local government by legislation as it sees fit.

In the final analysis, the adoption of an acceptable democratic Constitution should safeguard the rights of Seychellois. It is now up to them to defend it and to ensure that it is respected.