

# SEYCHELLES NATIONAL PARTY

## REPORT ON PRESIDENTIAL ELECTIONS 2011

### INTRODUCTION

The 2011 presidential elections have revealed themselves to be meaningless as an exercise in democracy. Owing to prevailing deficiencies in the law and the office of the Electoral Commissioner, the process is open to abuse and the result of any election does not fairly reflect the freely expressed wishes of the majority of the electorate. In the final analysis the outcome is dictated by considerations other than a free choice of leadership for the country. The president invested is chosen not by a majority of free-thinking electors but by persons who are influenced principally by money.

The election results showed, once again, that each of the ruling party and opposition can rely on a core block of about 20-25000 votes. This figure has not varied over the past decade and a half. The 2011 election showed clearly what had always been suspected, namely that the use of money and favours by the ruling party influences about 5000 persons (who would almost certainly otherwise vote differently) to vote for the ruling party. This group is easily identified and comprises the old and infirm who are accompanied to vote by activists of the ruling party, drug addicts influenced by money, and indifferent – but generally poor and vulnerable individuals – paid either to cast their vote for the ruling party or not to vote at all. Unless steps are taken to prevent the repeat of these abuses, no party other than the current ruling party can aspire ever to win an election. Just as the justice game requires that everyone coming to court has a real chance of winning – even against the state – so too the election game requires that conditions must exist to allow every credible candidate to win – even against the incumbent. Sadly, this is not the case in Seychelles today.

The prevailing deficiencies are known to all political players and were made apparent during the 2011 elections. These are: abuse of the state-funded media and other state resources by the ruling party and its candidate, massive inequality in funds available for the campaign as between candidates, and the weakness of the Electoral Commissioner's office.

### ABUSE OF STATE RESOURCES

#### 1. Media

In its edition of 23 May 2011, the Seychelles Nation made the startling statement that: '*Parti Lepep*'s victory was not unexpected. During the campaign, the parties held rallies on Mahe, Praslin and La Digue, attracting huge crowds. In comparison, SNP only held indoor meetings with low turnouts.' As an indication of the partisanship of the state-funded written media, this statement is hard to beat. It is untrue and designed to favour the ruling party and denigrate the SNP. This has been the trend in the approach of the Seychelles Nation throughout the campaign. Its editorial board seems to believe that the paper exists to support initiatives of the ruling party and the government, even to the point of falsifying information. The truth in this instance is that the crowd at the *Parti Lepep* rally on La Digue was disappointingly small and panicked the party into bussing in

people for its other two rallies in Praslin and Mahe. Both rallies even then fell short of expectations and well short of previous crowds the party had drawn. The SNP, on the other hand, in accordance with a party decision not to hold rallies but to work directly with targeted individuals and groups, held indoor conferences in rooms designed for persons invited to the events. In each case the turnout overflowed the available space and surpassed expectations.

Bad as the Seychelles Nation is, the Seychelles Broadcasting Corporation (SBC) is worse. Its current Managing Director is an avowed supporter of the ruling party and was appointed to the post for that reason mainly. Without casting aspersions on the technical abilities of the management and staff of the SBC, which are manifest, it is clear that the sympathies of the organisation lie with the ruling party and the President. The result is that the organisation has been unable or unwilling to implement its mandate as required by article 168 of the constitution. The organisation remains essentially one promoting the government and giving no voice to the opposition. Among its main failings are:

- Never seeking the views of the opposition or other interested parties on any government initiative, but simply relying on press releases of the government
- Refusing to air press releases issued by the opposition on government action, even when these are only to criticise constructively and put a different view forward [Annex 1]
- Airing regular programmes in favour of the president and a monthly question-and-answer programme with the president to which no response from any quarter is allowed<sup>1</sup>
- Airing each speech or declaration of the president in full at the end of the main evening news bulletin
- Covering the party activities of the ruling party and its so-called Jj Spirit Foundation<sup>2</sup> either in full, or live, and not giving the same coverage to opposition activities

While there is more fairness during the election campaign when some control over the SBC is exercised by the Electoral Commissioner, there is still abuse around that period. Examples are:

- The airing, during the campaign period of nightly adverts for the recently-published autobiography of the president
- The airing, on 14 April, five weeks before polling, of a long documentary on the first seven years of the president being in power [Annex 2]
- Throughout the campaign, both SBC and Seychelles Nation continued to report on government initiatives designed to answer criticisms levelled by the opposition during the campaign itself. Subjects covered during the campaign period with the deliberate intention of supporting the *Parti Lepep* candidate were allocation of

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<sup>1</sup> *En Moman Avek Prezidan,*

<sup>2</sup> Jj Spirit Foundation : A not-for-profit foundation which has President Michel as patron. It is promoted as a foundation with no political affiliations engaging itself in youth and community work but has the same name and identical logo as that of the ruling party in the 2006 presidential elections, has the same colours – red and yellow – as the ruling party and promotes membership of the ruling party

state land to individuals, the completion of small district projects, a future project to improve the water supply and a statement by Seychelles ambassadors claiming praise for Seychelles from other countries. These were designed to rebut criticisms of government failings brought out during the campaign and to promote the government as one of continuity with a future agenda.

- Reports on public-funded projects and programmes deliberately associate their progress and completion in the future with the *Parti Lepep* Government to convey the impression that they will be in doubt with any possible change of Government. While political parties will always try to impress voters that they are the best ones to carry any programme forward, the deliberate use of state funded media to impress on the public that Government programmes depend on re-election of the incumbent amounts to brain-washing.

## 2. Other Resources

- The incumbent used State House as a venue for his Party Political Broadcasts, (PPB) including the Presidential Standard when indoor shots were used [Annex 3 para 3; Annex 4]
- The incumbent used government vehicles to travel in during the campaign, including travel between islands
- One PPB featured a staged shot of the incumbent on a coastguard patrol vessel [Annex 4]
- Public Utilities Corporation (PUC) vehicles transported *Parti Lepep* supporters to the rally on 15 May
- Some Seychelles Public Transport Corporation (SPTC) buses ferrying supporters to the rally were decorated in *Parti Lepep* colours and the incumbent's picture
- Army officers and civil servants – including the cabinet secretary – attended rallies of *Parti Lepep* in that party's colours
- Glacis clinic was used as a point for giving money to voters on polling day
- Ambulances ferried *Parti Lepep* voters on polling day
- The District Administrator in most constituencies was a *Parti Lepep* activist throughout the campaign and on polling day participated fully in the ferrying and coaching of voters

## WEAKNESS OF ELECTORAL COMMISSIONER

The replacing of the current sole Electoral Commissioner with an Electoral Commission has long been a request both of the opposition internally and external election observers. Almost 20 years since multi-party elections are being held in the country the failings of the current system are still glaring. At no time were these more apparent than in the 2011 presidential elections. The following shortcomings have been identified in the office of the Electoral Commissioner:

- The office is – except for periods during elections – obviously understaffed, and – even during elections – under-resourced

- The senior staff of the office are, without exception, serving or former civil servants who give the appearance of feeling obligated through loyalty to the government in the discharge of their duties
- The Electoral Commissioner is unwilling or incapable of taking action against the incumbent's party

By reason of the foregoing, the Electoral Commissioner's office has tended to play safe. As a result, it has tended to discharge non-contentious matters well. Elections are well-organised, the voters registers generally well-maintained, ballot papers are of a high standard and the actual organising of campaigns and polling excellent. On the other hand, it has failed singularly in ensuring fairness and lack of abuse during campaigning and polling. Because the office does not have the resources necessary it relies on external institutions – such as the police and Land Transport Authority – to assist it. The result is that because it cannot monitor campaigning and constituency activities during polling, abuses carry on with impunity. The following abuses by *Parti Lepep* went unchecked:

- Doubling of boards on electricity posts [Annex 3 para 2; Annex 5]
- The removal or defacing of billboards in numerous locations, including the total loss in Anse Royale (In fairness, it must be recognised that numerous *Parti Lepep* billboards were similarly defaced) [Annex 3 para 1]
- Checkpoints in breach of the Code of Conduct<sup>3</sup> were set up by *Parti Lepep* in numerous locations in every constituency on polling day. These were reported and none were broken up [Annex 6 provides a sample of these]
- Complaints of open bribery of voters for cash were not followed up [Annex 7]
- The abuse of the right to a free vote of aged and infirm voters by *Parti Lepep* activists on polling day was not checked and, in some cases, including Les Mamelles, allowed to continue by the electoral officer despite the clear provisions of the law and Code of Conduct<sup>4</sup>
- Violations of the 200-metre zone around polling stations, comprehensively abused by *Parti Lepep* activists throughout polling. In Les Mamelles one activist sat for 12 straight hours less than 50 metres from the line of voters clearly monitoring those who had come to vote. The excuse for his non-removal was provided by the police officer asked by the electoral officer to remove him, namely that he was waiting for the bus.

In addition, the Electoral Commissioner was shown to be acting restrictively rather than proactively in granting and upholding constitutional rights as revealed in two instances:

- His refusal of the candidate Dhanjee on spurious and clearly illegal grounds
- His refusal to allow local observers to monitor the elections

Without exception, all the failings and wrong decisions of the Electoral Commissioner favoured the ruling party's candidate. With a more open mind and appropriate resources, the Electoral Commissioner would have been in a position to prevent – or at any rate reduce – the

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<sup>3</sup> 2011 Code of Conduct, para 1.21: 'No election camps, check points and refreshment stalls shall be set up by political parties, candidates, their members and supporters...'

<sup>4</sup> Elections Act, section 25 (3) and 2011 Code of Conduct, para 1.22: 'The Electoral Officer shall satisfy himself or herself that: (a) the voter is truly incapacitated...(b) that the person who is to witness the vote has been freely and genuinely chosen by the voter...'

abuses visited on these elections. Local observers would have without any doubt applied the necessary pressure, based on knowledge on the ground, to put a stop to polling day checkpoints and wholesale bribery in a manner which external observers could not.

## FUNDS AND VOTE BUYING

The Presidential elections were bought on polling day by *Parti Lepep*.

*Parti Lepep* massively out-funded the other candidates in the 2011 poll. As had occurred in every previous election, the event was seen by the population as an opportunity to cash in and obtain money, materials and favours for a vote. With its superior resources, and government machinery, *Parti Lepep* was better placed than the other candidates to use funds to obtain support. This started before the period of official campaigning and continued throughout the campaign itself, the cooling-off period and on polling day.

- Prior to and during the official campaign period money was paid by *Parti Lepep* agents to voters as an inducement and building materials as well as other goods were openly distributed for the same reason. In most constituencies lots of 25 corrugated iron sheets were openly distributed by the incumbent's agents. Washing machines, gas cookers and other appliances were among the popular gifts made. Paint and construction timber was equally made available. Documents in the possession of the SNP contain receipts for money amounting to R39,600 given to voters in one zone of Bel Air on one day. A list of 66 voters in the area has a sum against each name, the whole amounting to R232,000.
- In the early afternoon of May 20, 2011 voters from La Misere in Grand Anse district affected by the February 2010 water pollution incident were called by the district administrator to collect an **unsolicited** payment. Some 50 residents, mostly youths, were paid cheques of R25,000 to R44,000 each and asked by the district administrator to vote for President Michel
- The cooling-off period has always been the signal for *Parti Lepep* to intensify its campaign on the ground. Party agents – often under the cover of the District Administrator – spent the five days visiting vulnerable voters and ensuring their support. Cash was handed out openly and identity cards taken to ensure that the voter will be accompanied to the polling station or, in the case of the elderly and infirm, to the polling booth
- On polling day, numerous checkpoints – in clear contravention of paragraph 1.21 of the Code of Conduct – were set up by *Parti Lepep* in all constituencies. These were manned by party activists and numerous instances of money being paid to voters have been documented

## CONCLUSION

There is no doubt that there were widespread irregularities and there was widespread breach of both the law and the Code of Conduct by *Parti Lepep* agents and activists during the elections. Some, such as the doubling of candidates' boards on electricity posts, are simply regrettable and cannot be held to have affected the outcome. Others, such as the giving of materials, gifts and money as inducements to vote are illegal practices and can lead to voiding

of the election results by the Constitutional Court if proved.<sup>5</sup> In any event, the irregularities and breaches ensured that both the election and its result cannot be said to represent the fair and unbiased desire of the people of Seychelles in the choice of President.

It is manifest that the Electoral Commissioner's Office had neither the resources – in material and manpower – to deal effectively with complaints and to ensure compliance with the law and Code of Conduct. Agents which it relied on, such as the Seychelles Land Transport Authority (SLTA) for boards and the police for stopping illegal practices were equally unable or unwilling to act. The SLTA took the whole period of the official campaign to attend to some, but by no means all, irregularities with boards, and the police clearly saw it as their duty to protect agents of the ruling party rather than to attend to enforcing compliance with the law. It is possible that the Force had no knowledge of these specific election offences and acted out of ignorance that anything illegal was actually being committed. It is clear too that in many cases they were unwilling to act against the ruling party. As a result the law and Code of Conduct were allowed to be broken with impunity.

Yet, all this could have been prevented and a fair election held. Primary responsibility must rest with the office of the Electoral Commissioner. This office has been holding elections for almost two decades and all irregularities and breaches signalled above had been present in previous elections and been brought to the attention of the office. Stakeholders had demanded and been promised revision of the law since the 2007 elections. There is no excuse for the Electoral Commissioner's office not to have attended to these matters and ensure that they were not repeated. For the sake of future elections, we give below what steps we consider to be essential to be taken in order that elections can be freely and fairly held in future:

1. That the country's electoral authority be changed from a single Electoral Commissioner to an independent Electoral Commission so structured, and appointments to it so coordinated, that the commission becomes fully representative of all political and civil society forces in the country. This will ensure that grievances are seen to be addressed by a wider section of responsible individuals rather than by a single person and will promote greater acceptance of decisions made by the electoral authority
2. That the Electoral Commission be given the necessary financial, material and manpower resources to ensure that it is able itself to deal with irregularities and breaches of the law and agreed Codes of Conduct. This will put an end to impunity in breaches of the law
3. That the Elections Act be amended to provide for a greater tightening of the law – to include a cap on election expenditure by political parties and candidates – so as to ensure that money doesn't become an overwhelming factor in the success of one candidate over another, and to ensure that electoral irregularities and breaches can be swiftly and effectively dealt with

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<sup>5</sup> See, in particular, section 51 (3) (a) of the Elections Act: '...a person commits an illegal practice where the person...directly or indirectly...gives...any money or valuable consideration...in order to induce the voter to vote or refrain from voting...' read with section 44 (7) (b): 'The Constitutional Court may declare that an election...is void if the Court is satisfied...that an illegal practice was committed in connection with an election...by or with the knowledge or approval of any of the agents of the candidate...'

4. That the Code of Ethics for the Public Service contain more specific rules on the use of official positions and state resources for political purposes, with the means to deal with breaches of these rules
5. That the long-delayed introduction of policies for the SBC to ensure more balanced reporting and access by all relevant political forces be implemented - more specifically in our case to prevent the exploitation of the state funded media for the overwhelming advantage of the incumbent
6. That civil society groups be encouraged to participate in the electoral process and that local observer groups be encouraged to come forward and to be accredited. This will ensure better compliance with rules and regulations, greater participation of non-political sectors in a highly-charged political environment, and contribute to a more ready acceptance by stakeholders of results
7. That all stakeholders – especially the police - and the public be educated on the process of elections, especially with regard to election offences, illegal practices and their consequences. This has been totally lacking and has allowed the population to come to believe that elections are a moment for the giving and receiving of favours and gifts
8. That procedures for a peaceful and orderly transfer of power in the event of a change of Government are agreed, codified and publicised.

The country cannot allow a repetition of these last elections. The opposition will always be justified in seeing that it has been cheated insofar as breaches by the winning candidate's party were so widespread and were allowed to occur with such impunity. On the other hand, the winning candidate's victory will continue to be tarnished. The democratic future of the country and the unity of its people – aspired to by everyone, the leaders and the led alike – cannot be allowed to be compromised by unfair polls.

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