

ELECTION OBSERVER MISSION REPORT



SEYCHELLES

ANSE AUX PINS DISTRICT BY-ELECTION

08th and 10th August, 2012



Citizens Democracy Watch
SEYCHELLES

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1.0 INTRODUCTION

1.1 EXECUTIVE SUMMARY

The Anse Aux Pins District by-election was called after the former elected member of the National Assembly; Dr. Jhowla Manoo resigned on the 11th July, 2012.

Upon invitation extended by the Electoral Commission, CDWS sought accreditation and deployed its observer mission. Unlike in the 2011, National Assembly Elections CDWS deployed an eleven-member mission to observe the elections on 8th and 10th August, 2012.

CDWS Observer mission is guided to uphold the principles of Integrity, Credibility, Transparency, Impartial Election Management, Free political activity and level playing field, Fair treatment of all stakeholders and Legitimacy of the election outcome. As is standard EISA practice in election observation, the mission used the Principles for Election Management, Monitoring and Observation in the SADC region (PEMMO) as the basis for its election assessment. This document was developed under the auspices of the Electoral Institute of Southern Africa (EISA) and the Electoral commissions Forum of SADC Countries (ECF). It outlines standards and best practices for the conduct and assessment of elections in the SADC region.

The mission also reviewed media reports on developments concerning the electoral process. Through a meeting with representatives of the Electoral Commission, the team gained a better understanding of the environment within which the elections were taking place. On polling days, observers were to be present in all polling stations.

The Anse Aux Pins by-election was no different from previous elections in terms of peaceful environment in during the campaign, during and after polling. The mission concluded that, based on PEMMO, the Anse Aux Pins by-election was free, credible and peaceful as it was conducted in an environment which did not prohibit the electorates from exercising their rights to vote.

This report sums up the main observations regarding pre-election, election and post-election phases. It also provides the conclusions of the CDWS mission and appropriate recommendations to the relevant stakeholders for further improvements.

1.1 APPROACH TO ELECTION OBSERVATION

In order to assess the 2011 National Assembly elections, CDWS deployed a team of 11 observers, all of whom each was individually accredited by the Electoral Commission. The mission composition was drawn from members of CDWS trained in election observation, in September 2011 by the Electoral Institute for Sustainability of Democracy in Africa (EISA).

The mission demarcated its scope to observing the campaigning, cooling off and polling days. A deployment strategy was formulated to ensure observation coverage at all designated polling stations as per the schedule provided by the Chief Electoral Officer. The observer mission was officially launched on July 25th in the presence of members of the electoral commission, Commonwealth consultant on electoral reform, contesting candidates, LUNGOS Board Members, the media as well as representatives of the diplomatic corps. During the launching, the deployment strategy was outlined.

It is to be noted that a request for financial assistance to support the mission's operational cost, was submitted and declined by the Electoral Commission. The situation forced CDWS to review its observation deployment strategy, as members volunteered and agreed to undertake the mission at their own personal cost and resources (e.g. funds, vehicle, etc...)

The mission organised a pre-deployment briefing workshop on August 04th. Two representatives of the Electoral Commission were also present to sensitise the observers about the code of conduct, the electoral framework and the need to uphold the principles enshrined in the Constitution, to be objective and impartial in their work, and through their activities not to express any bias or preference to any political party. During the same meeting, the eleven observers took the oath and received their accreditation badges.

On 24th July, CDWS petitioned the Electoral Commission to the following issues:

- to having two observers inside the polling station
- to the unequal air time allocated to candidates
- the right to vote for detainees

For the various reasons, the petition was dismissed by the Electoral Commission.

A hotline (4600612) was activated and advertised through in newspapers and Facebook. The observer mission responded to several telephone calls from the public concerning infringements of the code of conduct during the campaigning, cooling off period and polling days.

At the all polling stations, CDWS observers were present at the opening, throughout voting and closure of the stations. On the main polling day, the mission established its base at the Anse Aux Pins Primary School following non-approval by the Community Development Department for the use of the Anse Aux Pins Community Centre.

1.2 TERMS OF REFERENCE OF THE CDWS OBSERVER MISSION

CDWS adopted the following objectives for the observer mission;

- 1) Assess whether the conditions existed for the conduct of elections that allow the Seychellois citizens to freely express their will.
- 2) Assess whether the National Assembly election was conducted in accordance with the Constitution of Seychelles and the Election Act.
- 3) Determine whether the final results of the National Assembly election process as a whole reflect the wishes of the Citizens.
- 4) Assess whether the National Assembly elections met the recognised regional and international benchmarks.
- 5) Make recommendations to all stakeholders.

1.3 THE DEPLOYMENT STRATEGY:

CDWS did not limit itself to observing at the polling stations but deployed observers on the field during campaigning and cooling off periods. The mission also observed the approaches of the various political parties, all candidates, interaction of the electoral commission, behaviour of citizens in the communities and in the vicinity of the polling stations as well as the behaviour of citizens on facebook.

An eleven-member team comprising of one chief observer, one deputy chief observer and one team leader was deployed at the special polling stations on the islands of Bird Island, Silhouette, Farquhar, Desroches, Coetivy, Alphonse, D'Arros, Marie-Louise, Praslin. Due to logistical and financial constraints, only one election observer was deployed to the polling stations located on these particular inner and outer islands. The transportation of observers to and from these special polling stations (with the exception of Baie Ste. Anne Praslin) was footed by the Office of the Electoral Commission.

On the main polling day, mission members operated from a special base setup at the Anse Aux Pins Primary School.

2.0 THE PRE- ELECTION PHASE

2.1 VOTER REGISTRATION

Voters register was made available for inspection at the Office of the Electoral Commission. Voters were informed how verify that their name appear of the Voters register through SMS. This was done through one of the media interviews by the Chief Registration Officer. However, no alterations were permitted to the Register, since it was officially closed and certified since March, 2012.

2.2 NOMINATION OF CANDIDATES

Nomination of candidates for the by-election took place on July 17th. As in previous elections, candidates were required to submit their respective documents

- a. Nomination papers supported by specified forms endorsed with the signature of 50 supporters registered as voters in their respective constituency;
- b. two passport size colour photographs and a digital copy;
- c. the candidate's party symbol or in case of an independent candidate the colour adopted by that candidate;
- d. a certificate from an officer of the respective political party authorizing a candidate to act on behalf of the party;
- e. a certificate from the Chairperson of the Electoral Commission to the effect that the candidate has satisfied the requirement to provide security for Rs1,500

Two out of the six registered political parties, namely Parti Lepep and Popular Democratic Movement (PDM) fielded candidates as well as an independent candidate submitted required documentation to contest for the vacant Parliamentary seat for the Anse Aux Pins constituency. Compared to previous elections, the presentation of documents confirming their candidature for the poll was carried out the next day following nomination.

All three nominations were accepted as election candidates as shown below:

Candidates		Gender
Lucas Georges	Independent	Male
Meggy Marie	Parti Lepep	Male
Jane Carpin	Popular Democratic Movement	Female

It is to be noted that CDWS observer mission was not present at the nomination process, because it had not yet, been officially accredited to observe this by-election. The nomination process went smoothly, from the CDWS Observer mission perspective.

2.3 ACCREDITATION OF OBSERVERS

The accreditation of observers was conducted by the Electoral Commission. The mission noted the procedure, which required accreditation of each individual observer by both the Electoral Commission and contesting candidates and/ or political parties. This posed some challenges to CDWS as observers could not be officially present at the nomination day, arrival of ballot papers in view that outcome of the individual accreditation known few days prior to the set election date.

The mission was provided with information on request by the Electoral Commission. It is to be noted that a request for financial assistance to support the Mission's operational cost, was submitted and declined by the Electoral Commission.

2.4 ELECTION MATERIALS

The same routine was followed for the printing of ballot papers, which was done in Singapore. Provision was made by the Electoral Commission for contesting candidates to witness the printing, the packing and the process of receiving the ballot papers as a way of promoting transparency.

The delegation arrived in the country on July 25th, comprised of the Chairperson of the Electoral Commission and one representative of each of the candidates. A total of 3.500 ballot papers were printed. All three representatives expressed satisfaction with the ballot paper printing process.

CDWS Observer mission was not included in this process despite efforts to get access so that the mission members could be present to observe the arrival of ballot papers. The mission received information regarding arrival dates, total ballot papers printed through the media as was given to the general public.

2.5 VOTER EDUCATION AND INFORMATION

The Electoral Commission utilised televised, the print and electronic media to inform the electorate about voting procedures. Electorates were also encouraged to verify that their names appeared on the voters register and also to carry their national identity cards when going to the polls.

2.6 MEDIA ACCESS AND COVERAGE

Free and fair access to the media is an important feature of elections. The mission observed that generally, the newspapers displayed varying degrees of partisanship in their coverage.

The allocation of airtime for party political broadcasts(PPBs) is determined by Section 97 of the Elections Act (Cap 68 A). Lots to decide the order of PPB's were drawn by the candidates themselves.

The party political broadcasts commenced on July 23rd with a 13-minute opening programme each by the two political parties. For the second PPB all three candidates were allocated 10 minutes each. The closing programme by the two political parties was aired on July 27th. The independent candidate brought the issue of unfair allocation of airtime to the Supreme Court, which upheld the law as it stands.

It came to the mission's attention that each candidate was allocated a total of five spots of 30 seconds each on television, AM and FM radio channels during the campaign period. Provision was also made for candidates to purchase a maximum of 5 extra spots on each of the broadcasting media, if they wished to do so. All candidates were also allowed to have one political party activity covered for 3minutes as an SBC news item.

2.7 THE CAMPAIGN PROCESS

The election campaign was carried out in a peaceful and orderly manner with a relative degree of tolerance, despite few attempts of intimidation by some parties.

The campaign took the form of posters, mini rallies, door to door visits and other forms of media outreach through newsletters, radio adverts and Party Political Broadcasts (PPBs). The party political broadcasts (PPBs) catered for by the Elections Act, was aired from 23rd to 27th July, 2012.

The mission received reports of vote buying, but had no evidence of that. The mission observed some infringements of the code of conduct, specifically related to the cooling off period namely:

- a. Political newspapers were published during the cooling off period, calling on voters to vote for a particular candidate
- b. Ongoing campaign on facebook in favour of or against candidates contesting the election

The CDWS mission was alerted about a political meeting taking place at the Anse Aux Pins Community Centre. Two CDWS observers were dispatched on the scene and observed a grouping of twelve people in the Community Centre. The mission reported the case to the Anse Aux Pins Police Station.

3. THE ELECTION PHASE

3.1 POLLING STATIONS AND VOTING PROCESS

All polling stations were situated in neutral venues, accessible to majority of voters and were further secured by police officers. The Police maintained a visible presence at the polling stations and carried out their duties in maintaining peace and protecting the rights of voters to cast their ballots.

All polling stations were staffed with adequate numbers of polling staff who demonstrated good knowledge of the required voting procedures. There was a long queue when the Anse Aux Pins Polling station opened at 7am, which remained, with quiet intervals at lunch time and just after 3pm. But then polling resumed at a brisk pace until the station closed at 7pm. Persons with disabilities and incapacitated voters were given appropriate assistance. It was observed that a large percentage required such assistance.

Contesting candidates were also able to field at least one authorized polling agent to be present in the polling stations and observe the voting and counting process. All of whom, wore specific identification badges as provided by the Electoral Commission.

The secrecy of the ballot is one of the great pillars on which free and fair, credible and legitimate elections rest. Generally, the layout of the polling stations facilitated easy flow. It is worth noting, that all voters on the inner and outer islands were required to place their casted ballot papers in individual unmarked envelopes provided by the Electoral Commission; prior to placing it in the ballot box.

The following irregularities were observed at the Anse Aux Pins Polling Station:

- Political party officials, at times candidates and their agents and supporters were present within the 200m perimeter to the polling station. This was observed almost throughout the whole day.
- Outside the 200m perimeter, in the proximity, some political militants, including those who had already casted their votes were very active, instead of going home,
- Some groupings which could be considered as check points were reported within the constituency. Such incidents were witnessed by CDWS observers.

It is to be noted that a communiqué was issued for the restriction of sales of alcohol on the main polling day. There was a feeling of confusion from the general public as to whether it applied only to Anse Aux Pins or to all districts.

3.2 COUNTING

The counting process took place in the polling station within thirty minutes of closure of voting. The counting of ballots, which took place in the presence of observers, candidates, each assisted by another polling agent, was conducted in a transparent manner. All those present had a clear view of the marked ballot papers.

It is to be noted that representatives of different media houses were allowed to observe the counting. However, none of them was allowed to film or take photos of the counting procedure. The Chairman and other members of the electoral commission were all present for the counting. After counting, copies of the election results were signed by candidates.

3.3 OBSERVERS

CDWS was the sole observer for this by-election as there were no international observers.

4.0 THE POST-ELECTION PHASE

4.1 TRANSMISSION OF RESULTS

The official announcement was held at the Anse Aux Pins Polling Station, in the presence of all the media and authorized persons. It is to be noted that the announcement of results was broadcasted live on SBC.

The mission also observed and took note that the results had been posted on facebook by an activist, some 15minutes before the Chairperson made the official announcement.

Table of Election Results

Registered voters	3217
Votes cast	2421
Voter turnout	75.25%
Valid Votes	2137
Rejected Votes	284

Candidate		Votes	% Votes
Lucas Georges	Independent	650	30.4%
Meggy Marie	Parti Lepep	1317	61.6 %
Jane Carpin	Popular Democratic Movement	170	8%

4.2 POST- ELECTION DEVELOPMENTS

The mission did not observe or receive any reports of incidents, following the announcement of the results.

The mission presented its preliminary report on Saturday 11th in a short ceremony attended by representatives of the Electoral Commission, the Press, contesting candidates and representatives of political parties.

The sitting of the National Assembly on Tuesday 14th August, 2012 witnessed the swearing in of the newly elected MNA for the Anse Aux Pins District, Honorable. Meggy Marie.

The conduct of credible, cost effective and sustainable elections requires that a post-election review be held in consultation with stakeholders, in the interest of improving the conduct of future elections. The mission recommends this be applied, and that results of the evaluation process and also Electoral Commission's final report on the elections be shared with the electoral stakeholders.

5. CONCLUSIONS AND RECOMMENDATIONS

The August, 2012 by-election was unique and presented unique challenges. Given the circumstances surrounding these elections, CDWS Observer Mission commends the smooth running of the electoral process, the good interaction between the Electoral Commission and stakeholders, and the manner in which the voters casted their votes. The mission commends the electorate of the Anse Aux Pins constituency for having exercised their right and duty in a very responsible and peaceful manner. No disturbances of law or order which could have negative impact on the integrity and credibility of the voting process were observed.

The mission recommends the continuation of the electoral reform process, in order to improve aspects of the electoral process that poses concerns to all stakeholders. For instance:

- a. The domestication of international benchmarks related to election management, monitoring and observation.
- b. Promotion and protection of fundamental human rights as well as the secrecy of the ballot.
- c. Provision of continuous and accessible voter registration facility for eligible voters
- d. Review, legalization and enforcement of the code of ethics.
- e. Effort should be made to design election materials that are accessible to disadvantaged voters (e.g the blind and the deaf).
- f. The right to vote for ex-inmates, detainees and inmates convicted up to six months.
- g. The right to vote for returning citizens.
- h. Fair and equal allocation of airtime to all candidates.
- i. Strengthening of civic and voter education.
- j. Availability of more equitable air time, for promoting fair political competition in a pluralistic society.
- k. Fraudulent campaigning practice for obtaining votes.
- l. Infringement of the cooling off period by electoral stakeholders.
- m. Adherence to the electoral laws, regulations and procedures by all media houses.
- n. Clear definition of criteria and speedy, non-discriminatory procedure for accreditation of individual observers.
- o. Restriction of number of local observers inside polling station.
- p. Allocation of funding in the national budget for election observation.
- q. Enforcement of regulations within the demarcated 200m perimeter.

All the citizens and electoral stakeholders must contribute to nurture the democratic culture. Practicing and upholding international principles of democracy is best for all.

APPENDIX 1: COMPOSITION OF CDWS OBSERVER MISSION

NAME	Gender	Location
Christine Benoit	Female	Anse Aux Pins
Collin Dubignon	Male	Anse Aux Pins
Gelage Hoareau	Male	Anse Aux Pins
Richard Labrosse	Male	Silhouette
Steve Lalande	Male	Outer Islands
John Marie	Male	Outer Islands
Padayachy Michael	Male	Anse Aux Pins
Rousseau Giovanna	Female	Anse Aux Pins
Servina Monica	Female	Anse Aux Pins
Sofola Lucianne	Female	Anse Aux Pins
Tamatave Kisna	Male	Praslin
Raymond Louise	Male	Secretariat
Jean-Claude Matombe	Male	Secretariat
Jacques Kouï	Male	Secretariat
Eline Moses	Female	Administration

Chief Observer: Michael Padayachy

Deputy Chief Observer: Giovanna Rousseau

Team Leader: Gelage Hoareau

APPENDIX 2: PRELIMINARY STATEMENT

Preliminary Statement of the CDWS Electoral Observation Mission to the 8th and 10th August 2012, Parliamentary By -Election.

In response to the invitation of The Electoral Commission of Seychelles, the CDWS dispatched an Electoral Observer Mission to observe the Parliamentary by-Elections for the Anse-Aux-Pins district, conducted respectively on Wednesday 8th 2012 on the outlying Islands and at Anse-Aux-Pins, Friday 10th August 2012.

The CDWS Electoral Observer Mission led by Michael Padayachy , composed of 11 members proposed by the CDWS Executive Committee and accredited by the Electoral commission.

The purpose of the mission was to undertake an objective, independent and impartial observation guided by good democratic practices. By doing so and achieving its objectives, CDWS is contributing to the promotion and strengthening of democracy and the rule of law in our country.

II- Pre –electoral process

Pre-electoral period

The CDWS mission observed the significant preparations made by the Electoral Commission and other stakeholders. On the whole, this produced a clean and inclusive process. The mission would particularly like to emphasize efforts to provide voters with timely information through its website, and various media and this was updated in the days before the election. The CDWS mission was pleased to observe the presence of an independent candidate, in the political process: Nonetheless, we noted with concern the interpretation of the Electoral Act: Chapter 68(A) which denied the same amount of airtime on SBC as the opposing candidates standing on political party platforms –through our observations and judgment this was unfair.

During the pre-electoral period, the mission heard concerns with regards to the voters list, with alleged irregularities in the registration process. The campaign period was also characterized by a perception of limited differentiation between the state and the governing party in terms of resources. The issue of campaign finance and other concerns surrounding the campaign process will be addressed in our final report. We also noted that during the cooling off period some malpractices concerning financial transactions were reported, but evidence of such anti –democratic practices is not easy to collect.

III- Election days

The CDWS observer mission teams visited a total of 7 polling stations on the islands and were deployed at the Anse –Aux Pins Poling station. The preliminary assessment of the conduct of the voting is summarized as follows:

- a) All polling stations opened precisely at times specified by the Electoral Commission
- b) the electoral environment of the voting was generally peaceful
- c) the electorate exercised their rights in a very peaceful atmosphere
- d) no acts of violence or tension were reported in the polling stations and their immediate vicinity
- e) attempts of campaign by political party activists were observed or reported on the main election day
- f) the voting process proceeded in accordance with the laid down procedures which included the verification of the voters name in the register , the issuance of ballot papers , the marking with indelible ink etc.
- g) the presence of agents of the political parties and candidates in all polling stations
- h) there were concerns about the layout of the polling station and the polling booth guaranteeing the secrecy of votes
- i) the counting and tallying of the vote was open and transparent
- j) the presence of security personnel , mainly police forces at all polling stations and their vicinity

General Observations

- a) The pre- election and election processes were generally peaceful and held in accordance with the Constitution and the electoral laws.
- b) The campaign was on the whole conducted peacefully , in spite of some minor incidences.
- c) Civic and voters education was carried out quite satisfactorily.
- d) We have no information of the funding of the whole process.

At this point in time no incident has been reported related to post election.

Recommendations

Based on the observations and findings made by various teams of the electoral observation mission during the election period, CDWS would like to make the following recommendations:

- a) Maintain and improve the training of electoral officials in order to enhance their performance;
- b) Maintain the civic and electoral education aiming at increasing the voters education and to promote greater participation of the electorate;
- c) Efforts should be made by the Election Management Body and all electoral stakeholders to promote and provide equal opportunities for all candidates contesting elections.
- d) All election stakeholders should be discouraged from engaging in voter buying as this is contrary to democratic principles.

Conclusion

In view of the aforementioned and notwithstanding the shortcomings inherent to any electoral process –the CDWS Observer Mission notes that the Anse Aux Pins Parliamentary By election was conducted in accordance with the legal and constitutional framework of the country.

CDWS also wishes to commend the Electoral Commission, the security forces, media and all stakeholders involved in the electoral process for the peaceful election conduct. To conclude , CDWS is of the view that the Anse Aux Pins parliamentary by election was free , credible and peaceful.

Democracy is a process not a product. CDWS strongly believes that the current electoral reform conducted by the electoral forum once approved will constitute a fundamental milestone in the advancement of our young democracy.

The final report more comprehensive capturing all the pertinent details of the whole process is to be produced in two weeks. It will be submitted to the Electoral Commission for dissemination to the different stakeholders and will also be made available on the CDWS website .

We thank you for your attention.

Date issued: 11th August,2012