

# Independent Reporting Mechanism (IRM): Seychelles Design Report 2019–2021

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This report was prepared in collaboration with Linda Oduor-Noah, an independent researcher.

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## Executive Summary: Seychelles

Seychelles’ successful co-creation of its first national action plan represents an admirable step towards developing a national strategy for open government. To continue this momentum, the Seychelles should aim to formalize OGP processes, broaden the co-creation process to include more civil society representation, and increase commitments’ scope to raise the level of ambition.

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. (Seychelles) joined OGP in 2018. This report evaluates the design of Seychelles’ first action plan.

### General overview of action plan

Seychelles' first national action plan offers the opportunity to build on recent good governance momentum. Seychelles benefits from emerging access to information and budget transparency processes. Additionally, the country is experiencing an upward trend in civil liberties and civic participation. The government designed the first action plan to align with good governance aims under Goal I of the National Development Strategy.

The government approached its first action plan design process as a learning experience and relied heavily on an existing multistakeholder forum. As a result, the multistakeholder platform was informal and overwhelmingly composed of government representatives. The government should expand its efforts to include civil society organizations and citizens beyond the Citizen Engagement Platform Seychelles in future action plan co-creation. A multistakeholder forum with parity of government and civil society representatives will facilitate greater public participation in future action plan cycles.

The action plan features commitments related to public participation in the budget process, access to information, fisheries transparency, and citizen e-engagement. All four commitments are relevant to OGP values. The action plan contains two commitments with a moderate potential impact and two commitments with a minor potential impact on government practices.

In the future, more specific commitments will make it easier to assess the level of ambition. Greater details, for example, on training content and the number of intended participants, would have brought greater clarity to the first two commitments. More closely connecting commitment

#### Table 1. At a Glance

Participating since: 2018  
Action plan under review: First  
Report type: Design  
Number of commitments: 4

#### Action plan development

Is there a multistakeholder forum: Yes  
Level of public influence: Involve  
Acted contrary to OGP process: No

#### Action plan design

Commitments relevant to OGP values: 4 (100%)  
Transformative commitments: 0  
Potentially starred commitments: 0

milestones to the policy objective would also raise the level of ambition. For example, the government should go a step beyond publishing the FiTI Report and outline activities that ensure the report informs policy making. Increasing the specificity and closely tying commitment milestones to the policy objective will lead to more transformative commitments in future Seychelles’ action plans.

Table 2. Noteworthy Commitments

Commitment Description	Moving Forward	Status at the End of Implementation Cycle
<p><b>Implementation of the Access to Information Act:</b> Train Information Commissioners and Officers to respond to information requests. Educate the public of their right to information.</p>	<p>For successful implementation, the Information Commission and the DICT should develop an implementation framework to guide a phased approach. Implementation could be linked to the government’s performance management framework. The Commission should also explore its authority to penalize noncompliance and opportunities for greater proactive disclosure. Create mechanisms to ensure continued responses to information requests during the COVID-19 pandemic.</p>	<p><i>Note: this will be assessed at the end of the action plan cycle.</i></p>
<p><b>Implementation of the Fisheries Transparency Initiative:</b> Establish a FiTI National Multi-Stakeholder Group and publish a FiTI Report.</p>	<p>To maximize the impact of the commitment, the government should target communication to facilitate policy change such as educating commercial fishermen on the importance of beneficial ownership transparency. Extend disclosure to include working conditions in the fishing industry and highlight opportunities for communities to participate in development projects. Produce simplified versions of the FiTI Report to aid public consumption.</p>	<p><i>Note: this will be assessed at the end of the action plan cycle.</i></p>

## Recommendations

IRM recommendations aim to inform the development of the next action plan and guide implementation of the current action plan. Please refer to Section V: General Recommendations for more details on each of the below recommendations.

Table 3. Five Key IRM Recommendations

<p><b>Formalize the OGP process to ensure sustainability.</b> Establish a clear role and mandate for the OGP multistakeholder forum. Develop an online repository/portal/website to publish evidence, updates, and other documentations of the national OGP process.</p>
<p><b>Establish procedures to ensure equal and ongoing engagement of civil society</b> in the co-creation process, including civil society outside of the usual or formal channels. Create a process for transparent selection of civil society organizations.</p>
<p><b>Increase the scope and specificity of commitments to raise their level of ambition.</b> Thoroughly assess the impact of the first action plan and leverage OGP to raise the level of ambition of future commitments. Follow the IRM Procedures Manual and OGP Participation and Co-Creation Standards closely in designing commitments for the action plan.</p>
<p><b>Broaden and strengthen the consultation process to ensure that commitments reflect thematic areas important to the public.</b> Prioritize dialogue around issues of national importance such as strengthening whistleblower protections, public officials' asset declaration, an independent civil service commission as well as increasing the autonomy of the Ombudsman's office, and human rights and anti-corruption commissions.</p>
<p><b>Undertake a sensitization campaign to familiarize civil society and the public with OGP</b> to facilitate active participation during co-creation and implementation processes.</p>

## ABOUT THE IRM

OGP's Independent Reporting Mechanism (IRM) assesses the development and implementation of national action plans to foster among stakeholders and improve accountability.

**Linda Oduor-Noah** collaborated with the IRM to conduct desk research and interviews to inform the findings in this report. **Linda** is an independent researcher based in Kenya.

## I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments complete commitments. Civil society and government leaders use these evaluations to reflect on their own progress and determine if actions have impacted people's lives.

Seychelles joined OGP in 2018. This report covers the development and design of Seychelles' first action plan for 2019–2021.

The Independent Reporting Mechanism of OGP has partnered with Linda Oduor-Noah, an independent researcher, to conduct this evaluation. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. For a full description of the IRM's methodology, please visit <https://www.opengovpartnership.org/about/independent-reporting-mechanism>.

## II. Open Government Context in Seychelles

Seychelles is a prosperous nation. Recent legal and political reforms have helped to translate this prosperity into improved public services. However, Seychelles has room for growth when it comes to public sector responsiveness, transparency, and accountability. In particular, civil society is dependent on government funding, and there are limited opportunities for citizens to participate in decision-making.

Seychelles became a member of the Open Government Partnership (OGP) in 2018. Seychelles' first national action plan (NAP) spans the period 2019–2021 and primarily contributes to Goal I of its National Development Strategy, which focuses on good governance. The NAP is built on three main principles: transparency, accountability, and good governance, which also largely inform the basis upon which current reforms are being undertaken.<sup>1</sup> The current NAP is viewed as a means of building further momentum and consolidating the gains made under the results-based management (RBM) reforms introduced in 2013.<sup>2</sup> Moreover, the NAP will be a platform whereby civil society participation and involvement will be encouraged, being that they are deemed integral to improving public sector performance and responsiveness.<sup>3</sup>

Seychelles has come a long way from the economic upheaval of the 2008 crisis and even further from the political turbulence and restricted civil liberties that characterised the period of one-party rule between 1976 and 1993.<sup>4</sup> The country is now considered a democratising country, scoring favourably on political stability and political risk indicators.<sup>5</sup> Seychelles is now considered to be the first country in Sub-Saharan Africa to be categorised as a high-income country, ranking in the top percentile in regard to most human development indicators and scoring high on the Mo Ibrahim Index of African Governance over the last decade.<sup>6</sup> Despite this, various concerns related to the rule of law and accountability have been raised, including access to information, diversion of public funds and public sector corruption.<sup>7</sup> Participation and human rights also performed poorly in the 2015 Mo Ibrahim assessment, particularly pertaining to freedom of expression, freedom of association, and assembly and gender equality in the workplace.<sup>8</sup> Other governance challenges cited include government inefficiency, an ever-expanding state vis-à-vis inefficient policy and legislative implementation, weak alignment between national objectives and sectoral budget allocations, politicisation of the public service, limited human resource capacity and an acute labour shortage along with a lack of strategic planning and inadequate monitoring and evaluation.<sup>9</sup>

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<sup>1</sup> “Seychelles OGP National Action Plan 2019–2021” (Government of the Republic of Seychelles, 2019), <https://www.opengovpartnership.org/documents/seychelles-action-plan-2019-2021/>.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> “Liberal Democracy and Freedom of Expression in the Seychelles” (V-Dem Institute, Feb. 2016), <https://www.v-dem.net/en/news/liberal-democracy-and-freedom-expression-seychelles/>.

<sup>5</sup> Ibid.; “Seychelles Country Review” (Country Watch, 2019), <http://www.countrywatch.com/Content/pdfs/reviews/B446Q6QL01c.pdf>; Tilahun Temesgen, “2018 African Economic Outlook: Seychelles” (African Development Bank, 2018), [https://www.afdb.org/fileadmin/uploads/afdb/Documents/Generic-Documents/country\\_notes/Seychelles\\_country\\_note.pdf](https://www.afdb.org/fileadmin/uploads/afdb/Documents/Generic-Documents/country_notes/Seychelles_country_note.pdf); “Autocratization Surges – Resistance Grows: Democracy Report 2020” (V-Dem Institute, 2020), [https://www.v-dem.net/media/filer\\_public/f0/5d/f05d46d8-626f-4b20-8e4e-53d4b134bfc/democracy\\_report\\_2020\\_low.pdf](https://www.v-dem.net/media/filer_public/f0/5d/f05d46d8-626f-4b20-8e4e-53d4b134bfc/democracy_report_2020_low.pdf).

<sup>6</sup> “Inequalities in Human Development in the 21<sup>st</sup> Century: Briefing Note for Countries on the 2019 Human Development Report – Seychelles” (United Nations Development Programme, 2019), [http://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/SYC.pdf](http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/SYC.pdf).

<sup>7</sup> “2015 Ibrahim Index of African Governance – Country Insights: Seychelles” (Mo Ibrahim Foundation, 2015), [http://static.moibrahimfoundation.org/u/2015/10/02201443/42\\_Seychelles.pdf](http://static.moibrahimfoundation.org/u/2015/10/02201443/42_Seychelles.pdf).

<sup>8</sup> Ibid.

<sup>9</sup> “Seychelles National Development Strategy 2019–2023” (Ministry of Finance, Trade, Investment and Economic Planning of Seychelles, 2019), [http://www.finance.gov.sc/uploads/files/Seychelles\\_National\\_Development\\_Strategy\\_2019\\_2023\\_new.pdf](http://www.finance.gov.sc/uploads/files/Seychelles_National_Development_Strategy_2019_2023_new.pdf); Temesgen, “2018 African Economic Outlook: Seychelles”.

Although Seychelles maintained its rank in the 2018 Mo Ibrahim index, increasing deterioration in dimensions of rule of law were also observed despite improvements in participation, transparency and accountability.<sup>10</sup> Seychelles continues to implement reforms that could significantly affect how governance evolves, including instigating public investment projects,<sup>11</sup> launching seven regional councils,<sup>12</sup> enacting various pieces of legislation such as the Public Assembly Act,<sup>13</sup> and establishing the Seychelles Human Rights Commission in 2018 and Information Commission in 2019. Since 2008, the country has continued to improve in regulatory quality, control of corruption and government effectiveness.<sup>14</sup> To deliver these goals, Seychelles continues to work closely with development partners such as the European Union, the United States government and the World Bank.<sup>15</sup>

### **Access to information**

Seychelles enacted its Access to Information Act in 2018, a process that took more than three years to complete. Civil society made various contributions to the development of the Act, with reference to the African Commission on Human and Peoples' Rights' draft model law.<sup>16</sup> Further commitments to ensuring improved access to information and public participation in the decision-making process have been made in the Seychelles National Development Strategy of 2019–2023.<sup>17</sup>

The Global Right to Information (RTI) Rating ranks Seychelles 27 out of 128 countries with a score of 109 out of 150.<sup>18</sup> The assessment showed that Seychelles' Access to Information Act allows for broad scope in accessing information and puts in place measures to ensure ease when requesting for information. For instance, requests are not required to be presented in an official format, nor does the Act need to be cited for requests to receive the appropriate attention. The state is also required to provide applicants with sufficient support in the drafting and submission of their requests. The assessment also outlined various weaknesses of the law, such as potential fees charged for submitting requests, definitional issues, clarification around the details required in the request and procedures of submission, limitations to accessing information presented by other legislation such as the Oaths Act, and sections that provide for delays in the relaying of requested information. Various stakeholders have also expressed doubts regarding whether civil servants will honour the Act given provisions that allow

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<sup>10</sup> “2018 Ibrahim Index of African Governance – Seychelles Scores, Ranks & Trends: Country Scorecards” (Mo Ibrahim Foundation, 2020), <http://mo-s3.ibrahim.foundation/u/2018/10/26211727/2018-IIAG-country-scorecards.zip>; “Agendas 2063 & 2030: Is Africa on Track? Africa Governance Report 2019” (Mo Ibrahim Foundation, 2020), [https://mo.ibrahim.foundation/sites/default/files/2020-02/African\\_Governance\\_Report\\_2019.pdf](https://mo.ibrahim.foundation/sites/default/files/2020-02/African_Governance_Report_2019.pdf).

<sup>11</sup> “Seychelles: Staff Report for the 2019 Article IV Consultation and Third Review under the Policy Coordination Instrument and Request for Modification of Targets and Monetary Consultation Clause—Press Release; Staff Report; and Statement by the Executive Director for Seychelles” (International Monetary Fund, 2019), <https://www.imf.org/en/Publications/CR/Issues/2019/07/01/Seychelles-Staff-Report-for-the-2019-Article-IV-Consultation-and-Third-Review-Under-the-47063>.

<sup>12</sup> Sharon Ernesta, “First Regional Councils Launched with Aim of Strengthening Seychelles' Local Governance System” (Seychelles News Agency, Jul. 2018), <http://www.seychellesnewsagency.com/articles/9433/First+regional+councils+launched+with+aim+of+strengthening+Seychelles%27+local+governance+system>.

<sup>13</sup> “African Union Election Observation Mission to the Legislative Elections in the Republic of Seychelles” (African Union, 2016), [https://au.int/web/sites/default/files/pressreleases/31368-pr-final\\_au\\_preliminary\\_statement\\_seychelles\\_13\\_september\\_2016\\_reviewed.pdf](https://au.int/web/sites/default/files/pressreleases/31368-pr-final_au_preliminary_statement_seychelles_13_september_2016_reviewed.pdf).

<sup>14</sup> “Seychelles: Staff Report”.

<sup>15</sup> “Seventh EU-Seychelles Political Dialogue: Joint Press Communiqué” (European Union External Action, Nov. 2019), [https://eeas.europa.eu/headquarters/headquarters-homepage/71178/seventh-eu-seychelles-political-dialogue-joint-press-communiqu%C3%A9\\_tr](https://eeas.europa.eu/headquarters/headquarters-homepage/71178/seventh-eu-seychelles-political-dialogue-joint-press-communiqu%C3%A9_tr); “Public Sector Fraud Awareness and Forensic Audit Manual Submitted to President” (Seychelles Nation, Dec. 2019), <http://www.nation.sc/articles/2724/public-sector-fraud-awareness-and-forensic-audit-manual-submitted-to-president>; “Youth Register 2 Vote Project” (Seychelles Nation, Feb. 2020), <http://www.nation.sc/articles/3467/youthregister2vote-project>.

<sup>16</sup> Nichole Tirant-Gherardi, “Accessing Information by Right and by Law” (Today in Seychelles, Feb. 2015), <https://www.facebook.com/todayinsey/posts/nicholes-take-on-accessing-information-by-right-and-by-law-by-nitirantwas-it-real/788033937901085/>.

<sup>17</sup> “Seychelles National Development Strategy 2019–2023”.

<sup>18</sup> “Global Right to Information Rating: Seychelles” (The RTI Rating, 2019), <https://www.rti-rating.org/country-data/Seychelles/>.

for requests to be denied if thought to threaten national security, Seychelles' reputation or the economy.<sup>19</sup>

Other observations have also touched on the fact that the civic and bureaucratic culture tends to elevate secrecy over transparency.<sup>20</sup> In 2017, the main national civil society platform Citizens Engagement Platform Seychelles (CEPS) opined that the volume of access to information requests could be better managed if government agencies made it their practice to update their websites with the necessary information.<sup>21</sup> In the status quo, though Seychelles Ministries, Departments and Agencies (MDAs) publish some data online and offline, proactive disclosure of information needs to be enhanced. It is unclear the extent to which information on existing datasets has been updated or popularised or whether various stakeholders in Seychelles find them useful.<sup>22</sup>

### **Civil liberties and civic space**

In the past, civil liberties in Seychelles experienced several restrictions, especially in instances in which political freedom and freedoms of speech, association, and academic freedom were concerned.<sup>23</sup> Over time, Seychelles has affirmed its commitment to freedom of expression through the Seychellois Charter of Fundamental Human Rights and Freedoms (1993) and in establishing the Media Commission in 2010.<sup>24</sup> Seychelles' ranking in the World Press Freedom Index shows marked improvement, coming from 93<sup>rd</sup> in 2013 to 63<sup>rd</sup> in 2020. Seychelles now boasts at least eight independent, though partisan, print media houses.<sup>25</sup> There has also been an observed reduction in the intimidation of non-state media and a reduction in licensing fees to encourage private broadcasting.<sup>26</sup>

However, there are some dimensions of freedom that are still considered problematic. Seychelles is described as being 'partly free' in regard to media freedom with concerns revolving around government surveillance of online spaces and the press described as having restricted freedoms despite constitutional provisions.<sup>27</sup> Furthermore, radio and television are characterised as being state monopolies. The sole television broadcaster is state owned and described as offering biased reporting.<sup>28</sup>

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<sup>19</sup> "Seychelles: Preserving the Paradise Image at All Costs" (Reporters without Borders, accessed Jun. 2020), <https://rsf.org/en/seychelles>; Nichole Tirant-Gherardi, "Ombudsman's Message on World Press Freedom Day 2020: Removing Fear or Favour from Journalism" (Seychelles Nation, May 2020), <http://www.nation.sc/articles/4510/ombudsmans-message-on-world-press-freedom-day-2020>.

<sup>20</sup> "Seychelles OGP National Action Plan 2019–2021"; "World Bank Rep Discusses Access to Information with Local Media" (Seychelles Nation, Oct. 2019), <http://www.nation.sc/articles/2174/world-bank-rep-discusses-access-to-information-with-local-media>.

<sup>21</sup> "White Paper on Right to Information Bill – Prepared by CEPS" (Citizen Engagement Platform Seychelles, Feb. 2017), <http://www.civilsociety.sc/2017/02/white-paper-on-right-to-information-bill-prepared-by-ceps/>.

<sup>22</sup> "Seychelles Data Portal" (Open Data for Africa, accessed Jun. 2020), <https://seychelles.opendataforafrica.org/>.

<sup>23</sup> "2016 Country Reports on Human Rights Practices: Seychelles" (United States Department of State, 2017), <https://www.refworld.org/docid/58ec89d1a.html>.

<sup>24</sup> Mathilda Twomey, "Legal Metissage in a Micro-Jurisdiction: The Mixing of Common Law and Civil Law in Seychelles" (Victoria University of Wellington, 2017), <https://www.wgtn.ac.nz/law/research/publications/about-nzaci/publications/special-issues/Twomey.pdf>; "Reflecting on the Closing of Civic Spaces and Its Impact on Marginalised Groups in Southern Africa" (Southern Africa Litigation Centre, 2018); "Freedom of the Press 2014: Seychelles" (Freedom House, 2014), <https://www.refworld.org/docid/54182f118.html>.

<sup>25</sup> "2020 World Press Freedom Index: Seychelles Climbs Six Places to 63<sup>rd</sup> Worldwide" (Seychelles Nation, Apr. 2020), <http://www.nation.sc/articles/4375/2020-world-press-freedom-index>; "New Projects Submitted to the IPDC Africa" (UNESCO, 2011), [http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/ipdc2011\\_01%20Africa%20part%20%2013%20January%202011%20Final%20.pdf](http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/ipdc2011_01%20Africa%20part%20%2013%20January%202011%20Final%20.pdf).

<sup>26</sup> "Freedom of the Press 2014: Seychelles"; "2016 Country Reports on Human Rights Practices: Seychelles".

<sup>27</sup> "Freedom of the Press Report 2017" (Freedom House, 2017), [https://freedomhouse.org/sites/default/files/FOTP\\_2017\\_booklet\\_FINAL\\_April28.pdf](https://freedomhouse.org/sites/default/files/FOTP_2017_booklet_FINAL_April28.pdf); "Seychelles: Preserving the Paradise Image at All Costs"; "2016 Country Reports on Human Rights Practices: Seychelles".

<sup>28</sup> "2016 Country Reports on Human Rights Practices: Seychelles"; Rassien Vannier & Betymie Bonnelame "Opposition Protests against SBC TV, Citing Lack of Impartiality" (Seychelles News Agency, Jan. 2016), <http://www.seychellesnewsagency.com/articles/4435/Opposition+protests+against+SBC+TV,+citing+lack+of+impartiality>; "Freedom of the Press 2014: Seychelles".

The Media Commission is also viewed by some to have been compromised.<sup>29</sup> Libel laws are also discomfiting, with exposed public officials launching defamation suits and other threats to shut down media inquiry. This has had significant implications for the incipient media ecosystem in Seychelles.<sup>30</sup> The Ombudsman also highlighted the need for better alignment of defamation and privacy laws with international standards and best practices and also for a legislative review that would address laws and culture that infringe on freedom of expression.<sup>31</sup>

The right to freedom of peaceful assembly is enshrined in Seychellois Charter of Fundamental Human Rights and Freedoms, specifically clause 23(1) and is also protected by the Public Assembly Act of 2015. Seychelles continues to make various strides in expanding freedoms of expression and assembly, for instance, by launching the ‘Speakers Corner’, a public area designated for free speech and established via the Public Assembly Regulations Act (2019).<sup>32</sup> Various other initiatives have also been undertaken, mainly by the Transparency Initiative, to shore up media capacity to understand their role and to understand legislation and policy related to the right to information, freedom of expression, privacy and defamation.<sup>33</sup> An increase in public demonstrations between 2016 and 2019 is an indicator of this increasing expansion.<sup>34</sup> However, some provisions of the Public Assembly Regulations Act are still considered limiting, such as requirements for a five-day notice period to the police prior to any assembly or protest. The police can also set the time and location of a public gathering and have the authority to disrupt or end an assembly on moral grounds.<sup>35</sup> Similarly, the law can be used by private corporations to harass or intimidate human rights defenders.<sup>36</sup>

Despite these limitations, Seychelles civil society continues to grow. The structure of civil society in Seychelles has been described as unique and small and its vibrancy described as “different”.<sup>37</sup> Citizen Engagement Platform Seychelles (CEPS), the main platform for civil society engagement, comprises 114 civil society organisations operating in Seychelles. Established in 2014, it was preceded by its parent organisation the Liaison Unit of Non-Governmental Organisations of Seychelles (LUNGOS), which began operating in 2008. Civil society in Seychelles is regulated via the Registration of Associations Act (2012), which requires all civil society organisations to register with the Registrar.<sup>38</sup> Save for this, only minimal restrictions on civil society organisations seem to exist.<sup>39</sup>

The relationship between the state and civil society is described as stable and improving.<sup>40</sup> The CEPS receives its administrative budget from the government<sup>41</sup> based on a memorandum of understanding signed in 2018 that would see funds disbursed to civil society via a grant application process.<sup>42</sup> This

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<sup>29</sup> “Seychelles: Expression” (CIVICUS, 2020), <https://monitor.civicus.org/updates/2017/01/01/expression-seychelles/>; “World Press Freedom Day: ‘Freedom of Expression Comes with Responsibility’” (Seychelles National, May 2013), <http://www.nation.sc/archive/238376/world-press-freedom-day-freedom-of-expression-comes-with-responsibility>.

<sup>30</sup> “Seychelles : Expression”.

<sup>31</sup> Tirant-Gherardi, “Ombudsman’s Message”; “2020 World Press Freedom Index: Seychelles Climbs Six Places”.

<sup>32</sup> “Public Assembly (Speaker’s Corner) Regulations” (Government of the Republic of Seychelles, 2019), [https://seylia.org/sc/legislation/si/2019/59/SI\\_59\\_2019\\_-\\_Public\\_Assembly\\_%28Speaker\\_Corner%29\\_2019.pdf](https://seylia.org/sc/legislation/si/2019/59/SI_59_2019_-_Public_Assembly_%28Speaker_Corner%29_2019.pdf); Daniel Laurence, “Speaker’s Corner, A Place for Free Speech and Protest, Is Designated in Seychelles” (Seychelles News Agency, Jul. 2019), <http://www.seychellesnewsagency.com/articles/11381/Speaker%27s+Corner%2C+a+place+for+free+speech+and+protest%2C+is+designated+in+Seychelles>.

<sup>33</sup> Laura Pillay, “Transparency Initiative Seychelles Hosts Media Law Workshop” (Seychelles Nation, Jan. 2020), <http://www.nation.sc/articles/3223/transparency-initiative-seychelles-hosts-media-law-workshop>.

<sup>34</sup> “Laurence, Speaker’s Corner”.

<sup>35</sup> “Seychelles, Laws on the Right to Peaceful Assembly” (Centre for Human Rights of the University of Pretoria, 2020), <https://www.rightofassembly.info/country/seychelles>.

<sup>36</sup> “Reflecting on the Closing of Civic Spaces and Its Impact on Marginalised Groups in Southern Africa”.

<sup>37</sup> Theophilous Chiviru (Open Government Partnership), interview by IRM researcher, 18 Jun. 2020.

<sup>38</sup> “Seychelles” (CIVICUS, 2020), <https://monitor.civicus.org/country/seychelles/#news-post-1120>.

<sup>39</sup> Ibid.

<sup>40</sup> Bhekinkosi Moyo, “The Legislative Environment for Civil Society in Africa: A Synthesis” (Issue Lab, 2009), <https://www.issuelab.org/resources/22244/22244.pdf>; “Seychelles OGP National Action Plan 2019–2021”.

<sup>41</sup> “Programme Performance Based Budgeting Introduced to CEPS” (Citizen Engagement Platform Seychelles, Jun. 2015), <http://www.civilsociety.sc/2015/06/programme-performance-based-budgeting-introduced-to-ceps/>.

<sup>42</sup> “Seychelles Government Budget for the Fiscal Year 2019” (Ministry of Finance, Trade, Investment and Economic Planning of Seychelles, 2019), <https://www.src.gov.sc/resources/BudgetSpeech/BudgetSpeech2019.pdf>; “Small

however creates a perception of dependency on the government and heightens the risk of narrowing civic space. In practice, the CEPS' funding from the Civil Society Small Grants Programme (CSSGP) and the Official Development Assistance Policy create a perception of the organization being an 'extension of the government, which may weaken its ability to hold government accountable.'<sup>43</sup>

Though encouraged, Seychelles does not have any explicit legislative or policy framework for public participation. Consultations targeting citizens take place from time to time. For instance, during the development of the National Development Strategy,<sup>44</sup> thematic engagement by various ministries,<sup>45</sup> civil society organisations<sup>46</sup> or external stakeholders<sup>47</sup>. The government aims to ramp up citizen participation especially at the district level.<sup>48</sup> However, there are concerns that effective public participation in decision-making is of late being curtailed by 'procedural shortcuts' in the development of legislation. Civil servants are described as 'performing efficiency' to circumvent any pre-emptive challenges to prevailing agendas,<sup>49</sup> leading to lapses in accountability and justice.

### **Accountability and anti-corruption**

Within Sub-Saharan Africa, Seychelles consistently ranks favourably within the top 10th percentile when it comes to anti-corruption indices.<sup>50</sup> Seychelles scored 60/100 in the 2017 Corruption Perception Index (CPI) and 66/100 in both 2018 and 2019. Seychelles has a host of legislation that deals with corruption, including the Anti-Corruption Act (2016), Seychelles Penal Code (1955), Anti-Money Laundering (Criminal) Act (2006), Proceeds of Crime (Civil) Act (2008), Public Procurement Act (2014), Public Services Code of Ethics and Conduct (2008),<sup>51</sup> and the Financial Services Authority Act 2013.<sup>52</sup> The recently established Anti-Corruption Commission of Seychelles (ACCS) and the Ombudsman hold the anti-corruption monitoring and oversight mandate.<sup>53</sup> Additionally, Seychelles has also joined various initiatives to enhance transparency, such as the Extractive Industries Transparency Initiative (EITI) in 2014 and the Fisheries Transparency Initiative (FiTI) in 2019.<sup>54</sup>

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Grants Programme: Civil Societies Invited to Submit Project Proposals" (Seychelles Nation, Oct. 2017),

<http://www.nation.sc/archive/256028/small-grants-programme-civil-societies-invited-to-submit-project-proposals>.

<sup>43</sup> Truth, Reconciliation and National Unity Commission of Seychelles, interview by IRM researcher, 17 Jun. 2020.

<sup>44</sup> "Seychelles National Development Strategy 2019–2023".

<sup>45</sup> Patrick Joubert "Education Public Consultation Northern Region: Education Ministry Continues with Regional Consultative Meetings" (Seychelles Nation, Dec. 2019),

<http://www.nation.sc/articles/2671/educationpublicconsultationnorthernregiondec2019-education-ministry-continues-with-regional-consultative-meetings>.

<sup>46</sup> "Youth Register 2 Vote".

<sup>47</sup> Marie-Anne Lepathy, "Stakeholders, Climate Change Activists, Conservationists, Students Gather to Talk 'Climate Chaos'" (Seychelles Nation, Feb. 2020), <http://www.nation.sc/articles/3317/stakeholders-climate-change-activists-conservationists-students-gather-to-talk-climate-chaos>.

<sup>48</sup> "2020 State-of-the-Nation Address by President Danny Faure" (Seychelles Nation, Feb. 2020),

<http://www.nation.sc/articles/3547/2020-state-of-the-nation-address-by-president-danny-faure-on-february-20-2020>.

<sup>49</sup> Barry Laine, "Are Citizens of Seychelles' Civil Liberties Being Eroded?" (Seychelles Nation, Jul. 2019),

<http://www.nation.sc/articles/869/are-citizens-of-seychelles-civil-liberties-being-eroded>.

<sup>50</sup> "Corruption Perceptions Index 2017" (Transparency International, 2018),

[https://www.transparency.org/news/feature/corruption\\_perceptions\\_index\\_2017#research](https://www.transparency.org/news/feature/corruption_perceptions_index_2017#research); "Corruption Perceptions Index 2019" (Transparency International, 2020), <https://www.transparency.org/cpi2019>.

<sup>51</sup> "Stocktaking of Anti-Corruption and Business Integrity Measures for Southern African SOEs" (Organisation for Economic Co-operation and Development, 2015), <http://www.oecd.org/daf/ca/Stocktaking%20Anti-Corruption%20Integrity%20Measures%20for%20Southern%20African%20SOEs.pdf>.

<sup>52</sup> Malcolm Moller & Appleby Mauritius, "Financial Crime in Seychelles: Overview" (Thomson Reuters Practical Law, 2019),

[https://uk.practicallaw.thomsonreuters.com/Document/I25b532fe516111e9adfea82903531a62/View/FullText.html?contextData=\(sc.Default\)&transitionType=Default&firstPage=true&bhcp=1](https://uk.practicallaw.thomsonreuters.com/Document/I25b532fe516111e9adfea82903531a62/View/FullText.html?contextData=(sc.Default)&transitionType=Default&firstPage=true&bhcp=1).

<sup>53</sup> "Stocktaking of Anti-Corruption and Business Integrity Measures". Other institutions include the Internal Auditors Office, the Office of the Attorney General, the Finance Public Accounts Committee, the Financial Intelligence Unit (FIU) of the Central Bank of Seychelles and the Public Enterprise Monitoring Commission (PEMC).

<sup>54</sup> Ibid.

Nevertheless, corruption is still thought to be pervasive, and the government has been called on to address various weaknesses within the anti-corruption institutional architecture, including the lack of adequate resourcing and ineffective prosecutions and/or convictions. The need for greater independence has also been voiced, especially in regard to the Ombudsman and the National Human Rights Commission. There have been additional concerns in regard to senior appointments made to the Constitutional Appointments Authority (CAA) and the Seychelles Human Rights Commission<sup>55</sup> coupled with questions about the integrity of officials at the Anti-Corruption Commission given a 2018 conviction of a top official on various counts of corruption.<sup>56</sup> Gaps within the Seychelles Human Rights Commission Act 2018 and the Truth Reconciliation and National Unity Commission Act 2018 have also been identified.<sup>57</sup>

The government has also been advised to take preventative action in addressing drivers of opacity, such as the culture of non-transparency and the lack of public awareness and knowledge of anti-corruption concepts, principles and mechanisms.<sup>58</sup> Calls have also been made to strengthen the role of the ombudsman, who currently has a restricted mandate. For instance, in the case of pre-trial detainees and inhumane treatment in prisons, the Ombudsman was unable to secure interdictions against the prison services. The Ombudsman also failed to adequately undertake the monitoring function, whereas the president currently has the authority to deny the Ombudsman's request for information and limit the scope and object of Ombudsman investigations.<sup>59</sup>

Other potential areas for corruption that will require attention concerning state-owned enterprises (SOE)—for which state monopolies are the norm—political party financing<sup>60</sup> and private sector corruption, with a specific focus on money laundering and offshore service industry.<sup>61</sup> Seychelles is currently rated at medium to high risk of money laundering and has found itself blacklisted by France given its tax haven status and reluctance to be transparent.

Seychelles has made some efforts to address these disparities by amending its Anti-Corruption Act (2016) to expand the mandate of the Anti-Corruption Commission.<sup>62</sup> The government also launched the 'Seychelles Public Sector Fraud Awareness and Forensic Audit Manual'<sup>63</sup> and enacted the Anti-Money Laundering and Combating the Financing of Terrorism Act (2020) along with the Beneficial Ownership Act (2020), the latter of which enters into force in 2021.<sup>64</sup> It is unclear, however, how Beneficial Ownership legislation will interact with the suspension of Section 152 of the International Business Act (2016), which means that some records pertaining to offshore companies will continue to be

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<sup>55</sup> "Seychelles: Overview" (CIVICUS, 2017), <https://monitor.civicus.org/updates/2017/01/01/seychelles-overview/>; Carmel Rickard, "'Dangerous' for Politician to Head Seychelles Human Rights Commission – Judges" (African Lii, Jan. 2019), <https://africanlii.org/article/20190124/'dangerous'-politician-head-seychelles-human-rights-commission-judges>.

<sup>56</sup> "Seychelles' Top Court Sentences Former Anti-Corruption Commission Official to 8 Years" (Seychelles News Agency, 2018), <https://allafrica.com/stories/201812070731.html>.

<sup>57</sup> Laine, "Are Citizens of Seychelles' Civil Liberties Being Eroded?"

<sup>58</sup> Meetarbhan, "Interview with Chrystold Chetty".

<sup>59</sup> "2016 Country Reports on Human Rights Practices: Seychelles"; Devirupa Mitra, "As Protests Continue, Seychelles President Endorses Assumption Island Deal with India" (The Wire, Mar. 2018), <https://thewire.in/diplomacy/as-protests-continue-seychelles-president-endorses-assumption-island-deal-with-india>.

<sup>60</sup> Meetarbhan, "Interview with Chrystold Chetty".

<sup>61</sup> "Stocktaking of Anti-Corruption and Business Integrity Measures"; "Seychelles: Corruption Cases Withdrawn from Attorney General's Office, Sent Back to Anti-Corruption Commission" (Seychelles News Agency, 2018), <https://allafrica.com/stories/201807170585.html>.

<sup>62</sup> "President Assents to Legislation: Anti-Corruption (Amendment) Act 2019" (Office of the President of Seychelles, Aug. 2019), <http://www.statehouse.gov.sc/news/4544/president-assents-to-legislation-anti-corruption-amendment-act-2019>; "People's Perception on Corruption in Seychelles" (Transparency Initiative Seychelles, 2019), <https://issuu.com/transparencyinitiatives/docs/onlinesurveyreport>.

<sup>63</sup> "Public Sector Fraud Awareness and Forensic Audit Manual Submitted to President" (Seychelles Nation, Dec. 2019), <http://www.nation.sc/articles/2724/public-sector-fraud-awareness-and-forensic-audit-manual-submitted-to-president>.

<sup>64</sup> "Seychelles Has Adopted Centralized Beneficial Ownership Register" (Uniwide, 2020), <https://uniwide.biz/blog/2020/03/19/seychelles-has-adopted-centralized-beneficial-ownership-register/>; "President Assents to Legislation".

inaccessible to the public—an amendment that was passed to appease offshore clients who threatened to move to other jurisdictions if their confidentiality was not maintained.<sup>65</sup>

### **Budget transparency**

Seychelles' National Budget and other budget documents are currently accessible via the website of the Ministry of Finance, Trade, Investment and Economic Planning (MOFTIEP). This is an improvement given that in the past the public would be introduced to budget content solely during the budget speech. In regard to recent reforms, a significant portion of efforts around the budget has focused inwards, with resources over the last 2–3 years targeting the development of costing methodologies and accounting manuals, designing control and management assurance frameworks, capacity building on SOE management, monetary policy and fiscal risk analysis and so on.<sup>66</sup> Seychelles continues to align itself with international standards in budget practices as a result of introducing and adopting the programme performance based budgeting (PPBB) approach.<sup>67</sup>

The Office of the Auditor General also provides a level of scrutiny in regard to government expenditure and budget performance. The Office of the Auditor General has been described as being extremely efficient in publishing audit reports. These audit reports contain feedback on progress of recommendations for action based on issues raised in previous audits.<sup>68</sup> The National Assembly further scrutinises these in hearings that are open to the media and are made available on the Assembly's website.<sup>69</sup> However, the audit reports do not appear to be publicly accessible online.<sup>70</sup>

Commitments for budget transparency had been made by the then-Ministry of Finance, Trade and Blue Economy as far back as 2015<sup>71</sup> although they have yet to materialise.<sup>72</sup> Civil society participation in the budgeting process has also been discussed since 2015 in the hope of improving transparency, comprehensiveness, credibility and budgetary control.<sup>73</sup> The inclusion of civil society in budget planning and monitoring was also recommended in the 2016 Public Expenditure and Financial Accountability (PEFA) country report, following Seychelles' low score in the assessment,<sup>74</sup> which also revealed the very limited public access to procurement information and other transparency concerns in budget implementation reports.<sup>75</sup> The monitoring of efficient and effective public expenditure and capacity challenges, specifically skills gaps and inadequate number of staff in the internal auditing department, were also highlighted as being critical obstacles.<sup>76</sup>

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<sup>65</sup> “Seychelles Changes Policy on Public Register of Offshore Company Owners” (Society of Trust and Estate Practitioners, Dec. 2018), <https://www.step.org/news/seychelles-changes-policy-public-register-offshore-company-owners>.

<sup>66</sup> “IMF Regional Technical Assistance Center for Southern Africa (AFRITAC South) – FY19 Annual Report” (Africitac South, Jul. 2019), <http://www.southafricitac.org/servlet/servlet.FileDownload?file=00P3h0000013GZqEAM>.

<sup>67</sup> “Strengthening Budgeting and Monitoring to Improve the Lives of Seychellois” (The World Bank, 2019), <https://www.worldbank.org/en/results/2019/11/11/strengthening-budgeting-and-monitoring-to-improve-the-lives-of-seychellois>; J. Philip & F. Pot, “Public Finance Management Performance Report, Based on the Public Expenditure Financial Accountability Framework PEFA 2016 Seychelles” (Public Expenditure and Financial Accountability, 2017), [https://www.pefa.org/sites/default/files/2019-09/SC-Oct17-PFMPR-Public with PEFA Check.pdf](https://www.pefa.org/sites/default/files/2019-09/SC-Oct17-PFMPR-Public%20with%20PEFA%20Check.pdf).

<sup>68</sup> “Auditor General Submits Annual Report 2018 to Speaker Prea” (Seychelles Nation, Oct. 2019), <http://www.nation.sc/articles/2063/auditor-general-submits-annual-report-2018-to-speaker-prea>.

<sup>69</sup> Philip & Pot, “Public Finance Management Performance Report”.

<sup>70</sup> See <https://www.oag.sc/reports>.

<sup>71</sup> “Education on Budget Processes Needed” (Seychelles Nation, Jun. 2015), <http://www.nation.sc/archive/245790/education-on-budget-processes-needed>.

<sup>72</sup> Ibid.

<sup>73</sup> Philip & Pot, “Public Finance Management Performance Report”, p. 142; “Public Finances: There’s More to the Budget than Meets the Eye” (Today in Seychelles, Sep. 2015), <https://www.facebook.com/todayinsey/photos/a.417785501592599/870990116272133/?type=1&theater>.

<sup>74</sup> Philip & Pot, “Public Finance Management Performance Report”, p. 12.

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

## The COVID-19 pandemic

The first case of COVID-19 was announced in Seychelles in March 2020.<sup>77</sup> The government put in place restrictions on movement and travel, closed schools, and instituted a curfew from the 17<sup>th</sup>–29<sup>th</sup> of April 2020.<sup>78</sup> During this time, only essential services were allowed to operate, and formal and informal gatherings were prohibited. Seychelles launched a COVID-19 Response Plan that detailed various other interventions.<sup>79</sup> A Committee on Government Response to COVID-19 Pandemic<sup>80</sup> and National Framework for Integrated Management of the Reopening of Seychelles were established to focus on public health protection, community resilience and economic recovery.<sup>80</sup> The President and the committee continue to consult government and private sector stakeholders and CEPS in the implementation of the Framework.<sup>81</sup>

Although no specific emergency laws were introduced, several declarations were made by the authority of the President and Public Health Commissioner.<sup>82</sup> Seychelles has had a relatively low COVID-19 caseload. However, the pandemic has heavily affected the tourism and fisheries sector.<sup>83</sup> Current concerns appear to centre on the economic well-being of citizens and the general health of the economy.<sup>84</sup> Responsive measures include changes to the monetary policy rate, establishing credit facilities and the Seychelles Employee Transition Scheme (Sets) July 2020, which assist businesses in paying their redundancy dues.<sup>85</sup>

The government amended the national budget to suspend debt recovery efforts and establish a COVID-19 disaster relief fund by the Department of Finance.<sup>86</sup> MDAs' budgets were also reduced leading to, for

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<sup>77</sup> Faure, D. (2020) Address by President Danny Faure on measures to address the COVID-19 situation, 20 March 2020.

<http://www.statehouse.gov.sc/news/4777/address-by-president-danny-faure-on-measures-to-address-the-covid-19-situation>

<sup>78</sup> COMESA Secretariat (2020) Measures in COMESA Member States in Response to COVID-19.

<https://www.comesa.int/wp-content/uploads/2020/06/Measures-in-COMESA-MS-in-Response-to-Covid-19-Vol-11.pdf>;

Central Bank of Seychelles (2020) Response to COVID-19. <https://www.cbs.sc/COVID-19/covid-19.html>; State House (2020)

Address by President Danny Faure on the COVID-19 situation: 14 April

2020. <http://www.statehouse.gov.sc/news/4804/address-by-president-danny-faure-on-the-covid-19-situation-14-april-2020>

<sup>79</sup> Office of the President (2020) President Faure discusses Global Outbreak of Coronavirus with Seychelles' WHO Representative. State House, 10 March 2020. <http://www.statehouse.gov.sc/news/4767/president-faure-discusses-global-outbreak-of-coronavirus-with-seychelles-who-representative>

<sup>80</sup> National Assembly (2020) Assembly approves formation of select committee for COVID-19. Seychelles Nation., 4 July

2020. <http://www.nation.sc/articles/5256/assembly-approves-formation-of-select-committee-for-covid-19>

<sup>81</sup> State House (2020) President Faure holds consultative meeting on resuming commercial flights

23 June 2020. <http://www.statehouse.gov.sc/news/4880/president-faure-holds-consultative-meeting-on-resuming-commercial-flights>

flights

<sup>82</sup> Faure, D. (2020) Address by President Danny Faure on measures to address the COVID-19 situation

<sup>83</sup> Gappy, V. (2020) Seychelles' gross international reserves stands at US \$588 million | Seychelles Nation, 04 July 2020.

<http://www.nation.sc/articles/5268/seychelles-gross-international-reserves-stands-at-us-588-million>

<sup>84</sup> Joubert, P. (2020) Serious debate on consequences of coronavirus on people's lives | Seychelles Nation, 20 July 2020.

<http://www.nation.sc/articles/5454/serious-debate-on-consequences-of-coronavirus-on-peoples-lives>; Lowseck, D.J. (2020) Letter to the Editor: Proposition for a new Seychelles amid COVID-19. Seychelles Nation, 16 July

2020. <http://www.nation.sc/articles/5406/letter-to-the-editor>

<sup>85</sup> Central Bank of Seychelles (2020); AFDB (2020) Seychelles - Covid-19 Crisis Response Budget Support Program - Appraisal Report. 23-Jun-2020.

<https://www.afdb.org/en/documents/seychelles-covid-19-crisis-response-budget-support-program-appraisal-report>

<sup>86</sup> Ministry of Finance (2020) Donations for COVID-19 relief efforts. Ministry of Finance, 8 April 2020.

<http://www.finance.gov.sc/press-releases/170/Donations-for-COVID-19-relief-efforts>; Bonnelame, B (2020) Seychelles

instance, the postponement of the national census to 2021, community social activities and reduced funding for public servant training.<sup>87</sup> Funding has already been raised as a potential issue of concern for implementation of this action plan. The drafting committee had initially expected the NAP to be funded by the government through existing budgets or grants from the OGP multidonor trust fund. While government departments will still aim to use existing funding the current NAP, COVID-19 may present constraints.<sup>88</sup> External funding sources are also quite scarce, with limited funding from multilateral donors. Civil society also relies on the state for funding, with CEPS receiving national budget allocations and funds through the National Grants Fund.<sup>89</sup>

Seychelles began to progressively lift COVID-based restrictions in June 2020.<sup>90</sup> Some respondents felt that the pandemic had increased the urgency to digitize government and other services such as banking. Data protection could therefore be a growing concern going forward.

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government to present amended budget due to COVID-19 to National Assembly next week. Seychelles News Agency, 31 March 2020, [http://www.seychellesnewsagency.com/articles/12680/ Seychelles%27+government+to+present+amended+ budget+due+to+COVID-+to+National+Assembly+next+week](http://www.seychellesnewsagency.com/articles/12680/Seychelles%27+government+to+present+amended+ budget+due+to+COVID-+to+National+Assembly+next+week) ; Loustau-Lalanne, M (2020) New priorities in a new reality. Budget 2020 Amendment. Ministry for Finance, Trade, Investment and Economic Planning, April 7, 2020. [http://www.finance.gov.sc/uploads/national\\_budget/BUDGET\\_AMENDMENT\\_2020\\_PART\\_1.pdf](http://www.finance.gov.sc/uploads/national_budget/BUDGET_AMENDMENT_2020_PART_1.pdf); Pointe, E. (2020) Over 200 Seychellois already out of work. Seychelles Nation, 7 July 2020. [nation.sc/articles/5299/over-200-seychellois-already-out-of-work](http://nation.sc/articles/5299/over-200-seychellois-already-out-of-work)

<sup>87</sup> Ministry Of Finance, Trade, Investment & Economic Planning (2020) Amended Budget Strategy and Outlook 2020 Estimates of Revenue and Expenditure and Appropriation Bill March 2020. [http://www.finance.gov.sc/uploads/national\\_budget/BUDGET\\_AMENDMENT\\_2020\\_PART\\_1.pdf](http://www.finance.gov.sc/uploads/national_budget/BUDGET_AMENDMENT_2020_PART_1.pdf)

<sup>88</sup> Interview 10 , Interview with IRM researcher, 4 June 2020.

<sup>89</sup> Interview 10 , Interview with IRM researcher, 4 June 2020.

<sup>90</sup> Interview 10 , Interview with IRM researcher, 4 June 2020; 129 Seychelles Nation (2020) Quarantine facility death not COVID-19 related. Seychelles Nation, 29 May 2020.

<http://www.nation.sc/articles/4814/quarantine-facility-death-not-covid-19-related>

### III. Leadership and Multistakeholder Process

Seychelles' first action plan was developed by a drafting committee comprising government and civil society representatives set up under the Vice President's Office. The process began in early 2019 with efforts to incorporate views from the public and a wide range of actors across different sectors. Future action plans could benefit from a broader, more engaged consultation process and better documentation of the process by establishing a dedicated OGP website or online repository.

#### 3.1 Leadership

The idea of joining OGP was first introduced by Bertrand Belle, the economic adviser to the president of Seychelles. The idea arose out of ongoing conversations with the World Bank, which is supporting Seychelles through its fiscal and results based management reform programme.<sup>91</sup> OGP is seen as a catalyst to the reform programme, enhancing the results-based approach and performance orientation<sup>92</sup> and as an effective way to engage with civil society and gain wider support for the reform.<sup>93</sup> Discussions on OGP membership began in early 2018<sup>94</sup> with the coordination of the development process mainly undertaken by the Office of the Vice President through Permanent Secretary Rebecca Loustau Lalanne, who also chaired the NAP drafting committee.<sup>95</sup>

The Office of the Vice President was seen to be uniquely placed to undertake this role given its portfolio of engagement with civil society and faith-based organisations. The Office also holds a Memorandum of Understanding (MOU), signed in January 2018, which governs the relationship between the CEPS and the government. Additionally, the Office hosts a multistakeholder working group on emerging development issues,<sup>96</sup> members of which organically transitioned to joining the first action plan's drafting committee.

It is important to note that there is no official steering committee or multistakeholder platform for OGP in Seychelles yet in this cycle. The NAP drafting committee remains an informal structure made up of some members of the existing working group with additional stakeholders who expressed interest in joining the process. The committee consists of 20 members who represent government departments such as the Ministry of Finance and the Department of Information and Communications Technology (ICT) along with three civil society representatives from the CEPS.<sup>97</sup> The three CEPS representatives included representation from the CEPS secretariat, the International Friendship League (IFL) and Everlasting Love Ministry (ELM), with the latter two also sitting on the CEPS board as chair and vice-chair.<sup>98</sup> CEPS comprises approximately 50 percent of all civil society organisations operating in the Seychelles. Transparency Initiative-Seychelles also participated in the drafting committee, representing organisations outside of the CEPS membership, though it was not very active in the drafting process.<sup>99</sup> Though this level of representation was generally accepted, more members from outside of CEPS could have been integrated into the process. Members of Parliament were not included in the drafting committee to allow the committee to familiarise itself with the process prior to having political representation join the membership.<sup>100</sup>

A look at the NAP reveals that government institutions are leading all commitments, a position that civil society was comfortable with given the generally accepted view that the onus remains on the

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<sup>91</sup> Theophilous Chiviru (Open Government Partnership), interview by IRM researcher, 18 Jun. 2020; Office of the Vice President of Seychelles, interview by IRM researcher, 4 Jun. 2020.

<sup>92</sup> Office of the Vice President of Seychelles, interview.

<sup>93</sup> Ibid,

<sup>94</sup> Chiviru, interview.

<sup>95</sup> Office of the Vice President of Seychelles, interview.

<sup>96</sup> Ibid.

<sup>97</sup> Information Commission of Seychelles, interview by IRM researcher, 9 Jun. 2020.

<sup>98</sup> CEPS email correspondence, 4 Sept 2020.

<sup>99</sup> Transparency Initiative Seychelles, interview.

<sup>100</sup> Office of the Vice President of Seychelles, interview.

government to lead on implementation.<sup>101</sup> There however appears to be a desire from the Office of the President to have had the CEPS take on more responsibility and be more proactive in implementing the NAP.<sup>102</sup>

Various considerations shaped the discussion on commitment leadership. Firstly, the development of the NAP occurred when Seychelles was crafting national development strategies and was looking to incorporate civil society into the planning and drafting of these new strategies.<sup>103</sup> According to a government official, the OGP process was seen as a way to help the government and civil society find or reach other modalities of co-creation, different from what had previously been characterised as a dependence on government.<sup>104</sup> Secondly, OGP was expected to facilitate progress on the RBM reform programme, which is why the responsibility for implementation and monitoring of the NAP lies with the RBM committee.<sup>105</sup>

The World Bank introduced OGP to Seychelles through the Office of the Vice President while supporting the RBM reform programme. It was however decided that a separate committee would be formed to draft the NAP, led by a representative from the Office of the Vice President.<sup>106</sup> Rebecca Loustau Lalanne, chair of the drafting committee, was subsequently added to the RBM committee to enable continuity and provide the multistakeholder working group with updates on implementation of the NAP.<sup>107</sup> Given the novelty of OGP and its co-creation process, the drafting committee decided to take a tentative approach to drafting the NAP, opting for a relatively small action plan with a few commitments only.<sup>108</sup>

The mandate and roles of government departments informed who would lead on particular commitments. The original draft of the NAP had substantial contributions from the CEPS, specifically in regard to commitment 4 and commitment 1.<sup>109</sup> The drafting process would however transition to being more state driven as the CEPS' limitations became evident and as a means to avoid duplication and also due to the government's convening power, budget and other resources.<sup>110</sup> For instance, for commitment 4, initial discussions indicated that management of the dataset was to be shared between the CEPS and the government. However, the Statistics Bureau was already mandated to manage data repositories, and therefore duplication could be avoided.<sup>111</sup> Additionally, it was resolved that implementation would not necessarily require a co-created approach. Instead, the government would take the bulk of responsibility for the implementation of the NAP as the partnership between government and civil society grew stronger. There were also some reservations over the potential bias in the CEPS' taking a central role given its perceived dependency on the government, thus leading to proposals that were driven by rent seeking.<sup>112</sup> Although this perspective shifted over time, it was found fitting for government departments to take a greater lead.<sup>113</sup> Subsequent NAP cycles could then see civil society take more of an active role in implementation.<sup>114</sup>

### 3.2 Action plan co-creation process

The Seychelles achieved an 'involve' level of participation in the action plan co-creation process. The drafting process kicked off in early 2019 with an initial brainstorm on commitment themes. Members of the drafting committee were divided into thematic subcommittees.<sup>115</sup> A staff member, who had

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<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

<sup>104</sup> Ibid.

<sup>105</sup> Ibid.; Chiviru, interview.

<sup>106</sup> Office of the Vice President of Seychelles, interview.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid.

<sup>109</sup> Department of Information and Communications Technology of Seychelles, interview by IRM researcher, 6 Jun. 2020.

<sup>110</sup> Chiviru, interview; Citizen Engagement Platform Seychelles, interview by IRM researcher, 3 Jun. 2020.

<sup>111</sup> Citizen Engagement Platform Seychelles, interview.

<sup>112</sup> Chiviru, interview.

<sup>113</sup> Citizen Engagement Platform Seychelles, interview.

<sup>114</sup> Office of the Vice President of Seychelles, interview.

<sup>115</sup> Information Commission of Seychelles, interview.

previously worked on the national development strategy with a role in reviewing the governance sections of the national development plan, was embedded into the team. Using a template, the drafting committee was able to consolidate the various ideas put forward.<sup>116</sup> Discussions on the draft commitments proceeded online with each draft being circulated for comments.<sup>117</sup> The second draft was also circulated amongst members of the CEPS, followed by a newspaper advertisement inviting interested parties to join the process. The public were also invited to attend a presentation of the draft in a meeting CEPS convened on 25 July 2019.<sup>118</sup> The Extractive Industries Transparency Initiative (EITI) and Transparency Initiative Seychelles (TI-S) responded to the call and joined the drafting team during discussions of the third draft, which was finalised following the visit of the OGP team to Seychelles in July 2019.<sup>119</sup>

A second notice publicised the third draft as a white paper via the Department of Information and Communications Technology's website for public comment. Four to five persons responded to the notice, requesting a copy of the draft NAP. However, only one individual submitted their comments.<sup>120</sup> The CEPS spoke about OGP and the NAP at its annual meeting and in its newsletters, but there is no clear indication what the outcome of this was.<sup>121</sup> Views were also gathered from the wider CEPS membership through a survey and also during a meeting hosted to discuss the NAP.<sup>122</sup> However, these mechanisms had limited or no uptake, which is indicative of the reach that these tools had and the lack of sufficient public awareness about the OGP and the content of the plan prior to public participation efforts being carried out.<sup>123</sup>

The national multistakeholder group of the Fisheries Transparency Initiative (FiTI) also provided feedback on the NAP.<sup>124</sup> A final draft was then circulated in the Permanent Secretary/Chief Executive Officer forum for comments, signed on 27 November 2019 and then submitted to the Cabinet of Ministers as an information note for endorsement and approval in December 2019, after which the document was submitted to the OGP.<sup>125</sup> In total, eight meetings were held throughout the co-creation process, including a validation meeting the CEPS organised.<sup>126</sup>

Various factors informed the development of commitments and their inclusion in the NAP. The CEPS introduced the first commitment in alignment with ongoing conversation between the government and the World Bank. Commitment 2 was introduced by the government to facilitate the mandate of the Information Commission which was recently established.<sup>127</sup> The drafting committee was approached by the FiTI which had recently moved to Seychelles and expressed an interest in reflecting its ambition through the action plan<sup>128</sup> and set a positive example for coastal countries implementing FiTI and also part of OGP.<sup>129</sup> The fourth commitment, in turn, held cross-cutting value and was thought to facilitate other activities within the NAP and amplify civil society voices and citizen engagement.<sup>130</sup> The commitment acknowledges the growing importance of the digital world and provides a seamless link to

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<sup>116</sup> Office of the Vice President of Seychelles, interview.

<sup>117</sup> Information Commission of Seychelles, interview; Citizen Engagement Platform Seychelles, interview.

<sup>118</sup> Citizen Engagement Platform Seychelles, interview; "The Open Government Partnership: Your Opinion Matters" (Department of Information and Communications Technology, Jul. 2019).

<sup>119</sup> Office of the Vice President of Seychelles, interview.

<sup>120</sup> Ibid.; Information Commission of Seychelles, interview; Citizen Engagement Platform Seychelles, interview.

<sup>121</sup> Office of the Vice President of Seychelles, interview.

<sup>122</sup> Citizen Engagement Platform Seychelles, interview; Office of the Vice President of Seychelles, interview.

<sup>123</sup> Citizen Engagement Platform Seychelles, interview.

<sup>124</sup> Department of the Blue Economy of Seychelles, interview by IRM researcher, 10 Jun. 2020; The FiTI national multi-stakeholder group (MSG) is made up of 12 nominated representatives (members) representing three stakeholder groups, namely the government, civil society and business.

<sup>125</sup> Office of the Vice President of Seychelles, interview; Office of the Vice President of Seychelles, email correspondence, 25 Jun. 2020; Office of the Vice President of Seychelles, email correspondence, 27 Aug. 2020.

<sup>126</sup> Citizen Engagement Platform Seychelles, interview.

<sup>127</sup> Office of the Vice President of Seychelles, interview.

<sup>128</sup> Department of the Blue Economy of Seychelles, interview; Office of the Vice President of Seychelles, interview.

<sup>129</sup> Ibid.; Fisheries Transparency Initiative, interview by IRM researcher, 16 Jun. 2020; Truth, Reconciliation and National Unity Commission of Seychelles, interview by IRM researcher, 17 Jun. 2020.

<sup>130</sup> Chiviru, interview; Office of the Vice President of Seychelles, interview.

enhance engagement across sectors.<sup>131</sup> Suggestions related to the declaration of public assets and the Registration of Associations Act were also excluded from the NAP.<sup>132</sup> The latter was dropped, as it would have made the CEPS a regulatory body and was viewed to potentially restrict civic space.<sup>133</sup> Lastly, the IRM researcher found that—save for commitments 1 and 4—a number of the key implementing organisations were not actively involved in designing the commitments relevant to them. Commitments were instead generated by a few individuals, with lead institutions later folded into the process as it went along.<sup>134</sup>

Stakeholders interviewed by the IRM researcher noted no real areas of disagreement or contention throughout the drafting process, although setting priorities was at times difficult.<sup>135</sup> The drafting team was thus advised to think of OGP as a platform that would facilitate critical reforms instead of a separate process.<sup>136</sup> The OGP regional office was mentioned on several occasions as having played a clarifying role in this regard, with the OGP regional coordinator visiting Seychelles on two occasions and providing support via online communications.<sup>137</sup> Members of the drafting committee noted that the support contributed significantly to enhancing the committee’s understanding in framing the objectives and goals and helped put things in perspective.<sup>138</sup>

Upon publication of the NAP, some quarters stated that an overarching framework or strategic overview needs to be developed to realign those working on different elements of the NAP.<sup>139</sup> The CEPS<sup>140</sup> and representatives from the Truth and Reconciliation Commission underlined the need for greater awareness around OGP and the NAP along with the need to include the National Assembly and broaden civil society engagement in the implementation process.<sup>141</sup> Furthermore, while evidence of co-creation exists, there is no indication that the process is being documented or that the evidence is being consolidated in any significant way. Additionally, no online platforms or websites are specifically dedicated for OGP, which presents a barrier to public participation.

Discussions within the drafting committee were described as vibrant but without contention, and consensus was easily arrived at. Although the reasoning behind the selection of commitments was clear, these were mainly anecdotal with the main discussions and decisions largely undocumented, except briefly via email correspondence, which is not publicly available. While the government did attempt to inform and consult the public of the ongoing process, alternative means could have been pursued to encourage feedback once it was clear there was a lack of response. The few responses received by the public or CEPS members were also not published, and it is unclear whether they were considered in the process. That said, commitment 3 was introduced based on feedback from the public consultation process, which indicates some level of consideration. Future co-creation processes would benefit from inclusion of a larger portion of civil society, extending outside CEPS, and from greater citizen engagement. Limited representation of civil society on the drafting committee reduced opportunities for dialogue between the government and external stakeholders. Government consideration and response to public input was not documented. However, interviews revealed that the drafting committee provided some reasoning behind their decisions through meetings and informal channels. CSO representatives confirmed that they were aware of how their contributions were addressed. Therefore, Seychelles just met the minimum requirements to provide a reasoned response and subsequently an “involve” level of public participation.

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<sup>131</sup> Office of the Vice President of Seychelles, interview.

<sup>132</sup> Citizen Engagement Platform Seychelles, interview.

<sup>133</sup> Chiviru, interview.

<sup>134</sup> Office of the Vice President of Seychelles, interview.

<sup>135</sup> Ibid.

<sup>136</sup> Ibid.; Office of the Vice President of Seychelles, interview.

<sup>137</sup> Ibid.

<sup>138</sup> Office of the Vice President of Seychelles, interview.

<sup>139</sup> Ibid.

<sup>140</sup> Citizen Engagement Platform Seychelles, interview.

<sup>141</sup> Truth, Reconciliation and National Unity Commission of Seychelles, interview; Citizen Engagement Platform Seychelles, interview.

Table 4. Level of Public Influence

Level of Public Influence		During Development of Action Plan
<b>Empower</b>	The government handed decision-making power to members of the public.	
<b>Collaborate</b>	There was iterative dialogue AND the public helped set the agenda.	
<b>Involve</b>	The government gave feedback on how public input were considered.	✓
<b>Consult</b>	The public could give inputs.	
<b>Inform</b>	The government provided the public with information on the action plan.	
<b>No Consultation</b>	No consultation	

The IRM has adapted the International Association for Public Participation’s (IAP2) “Spectrum of Participation” to apply to OGP.<sup>142</sup> This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for “collaborate.”

### OGP Participation and Co-Creation Standards

In 2017, OGP adopted OGP Participation and Co-Creation Standards to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

The following table provides an overview of Seychelles performance implementing the Co-Creation and Participation Standards throughout the action plan development.

Key:

Green = Meets standard

Yellow = In progress (steps have been taken to meet this standard, but standard is not met)

Red = No evidence of action

<sup>142</sup> “IAP2 Spectrum of Public Participation” (IAP2’s International Federation, updated Nov. 2018), [https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum\\_8.5x11\\_Print.pdf](https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf).

Table 5. Multi-stakeholder Forum

Multi-stakeholder Forum	Status
<p><b>1a. Forum established:</b> Seychelles has not yet established a multi-stakeholder forum. The Office of the Vice President oversaw the co-creation process with support from a multi-stakeholder drafting committee that will be disbanded as the NAP proceeds to implementation stage.</p>	Yellow
<p><b>1b. Regularity:</b> The drafting committee met eight times during the co-creation process mainly via email exchanges.</p>	Green
<p><b>1c. Collaborative mandate development:</b> The drafting committee had its remit officially outlined through terms of reference, which were however not jointly developed. The drafting committee received direction from the chair of the drafting committee who received further instruction from structures within the Office of the Vice President.</p>	Red
<p><b>1d. Mandate public:</b> Given the informal nature of the drafting committee, information on its terms of reference was not publicly available save for a list of its members in the national action plan that is available on the OGP website.</p>	Red
<p><b>2a. Multi-stakeholder:</b> The drafting committee included both government and non-government representatives.</p>	Green
<p><b>2b. Parity:</b> The forum included 20 government representatives and 3 civil society representatives.</p>	Red
<p><b>2c. Transparent selection:</b> It is unclear how members of the drafting committee were initially selected. A public invitation was made to interested parties and those who responded were provided with audience and opportunities for their views to be incorporated into the NAP.</p>	Yellow
<p><b>2d. High level government representation:</b> The drafting committee included high level representatives, including Permanent Secretaries and Directors, with decision making authority from the government's side.</p>	Green
<p><b>3a. Openness:</b> The forum made several efforts to accept input and representation on the action plan's development process from any civil society and other stakeholders outside the forum. Interventions should be considered to improve the response rate.</p>	Yellow
<p><b>3b. Remote participation:</b> There were no opportunities for remote participation in meetings or events.</p>	Red
<p><b>3c. Minutes:</b> The drafting committee communicated and reported back on its decisions mainly to those already involved in the process rather than to wider government and civil society stakeholders.</p>	Yellow

Table 6. Action Plan Development

Action Plan Development	Status
<b>4a. Process transparency:</b> There is no national OGP website (or OGP webpage on a government website) where information on all aspects of the national OGP process is proactively published.	Red
<b>4b. Documentation in advance:</b> The government created a forum via which information on OGP could be shared when the OGP team visited. Communications on OGP related matters appeared to have continued within an email thread with those involved in the process.	Yellow
<b>4c. Awareness raising:</b> Members of the drafting committee, especially the CEPS, held a forum on OGP while the Office of the Vice President placed a newspaper ad inviting stakeholders to participate.	Yellow
<b>4d. Communication channels:</b> The government facilitated direct and email communications with stakeholders involved in the process to respond to action plan's development process questions.	Yellow
<b>4e. Reasoned response:</b> Decisions made by the drafting committee were shared informally in meetings and over email.	Yellow
<b>5a. Repository:</b> There is no repository or domestic OGP website in line with <a href="#">IRM guidance</a> .	Red

## IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's circumstances and challenges. OGP commitments should also be relevant to OGP values detailed in the *OGP Articles of Governance and Open Government Declaration* signed by all OGP-participating countries.<sup>143</sup> Indicators and methods used in the IRM research can be found in the IRM Procedures Manual.<sup>144</sup> A summary of key indicators the IRM assesses can be found in the Annex of this report.

### General Overview of the Commitments

Seychelles' first national action plan focused on three main themes: access to information, transparency, and public participation. These are addressed by four commitments that the government believes would further catalyse Seychelles' results-based management reform programme. These commitments touch on themes such as participatory budgeting, information transparency, transparency in fisheries and digital citizen engagement. Public comments were sought in the co-creation process but did not have any bearing on the development of the commitments due to low response rates.

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<sup>143</sup> "Articles of Governance" (Open Government Partnership, updated Jun. 2019), [https://www.opengovpartnership.org/wp-content/uploads/2019/06/OGP\\_Articles-of-Governance\\_2019.pdf](https://www.opengovpartnership.org/wp-content/uploads/2019/06/OGP_Articles-of-Governance_2019.pdf).

<sup>144</sup> "IRM Procedures Manual" (Open Government Partnership, updated Sep. 2017), <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

## I. Strengthening public participation in the budget process

The commitment entails the strengthening of engagement between Civil Society and Government MDAs in the budget process, as well as the legal and policy review processes, to ensure more active public participation in decision making.

### Main Objective

Civil Society, in all its forms, will be a key stakeholder for engagement throughout the budget process and the legal and policy review process

### Milestones

- 1.1 MOFTIEP to review the budget calendar to include engagement with the Citizens Engagement Platform Seychelles (CEPS) and other relevant CSOs.
- 1.2 MOFTIEP to engage with CEPS and other relevant CSOs in the Budget Process according to the amended budget calendar.
- 1.3 Training/sensitization programmes provided to CSOs on matters of policy and legal instruments (new laws etc.) organized jointly between GOS and CEPS.

**Editorial note:** For the complete text of this commitment, please see Seychelles' action plan at <https://www.opengovpartnership.org/documents/seychelles-action-plan-2019-2021/>.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information, Civic Participation
Potential impact:	Minor

### Commitment analysis

A country's national budget plays a crucial role in citizen's lives and overall socio-economic well-being. This makes it imperative that all citizens understand the budget and become well versed in scrutinising it. Seychelles has signed, though not ratified, treaties within which the right to public participation is contained such as the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the African Charter on Peoples and Human Rights.<sup>145</sup> This commitment seeks to further institutionalise public participation within the budget process.

Seychelles' budget process currently unfolds in three main stages:<sup>146</sup> (i) the strategic phase, wherein the Portfolio Medium-Term Expenditure Strategy (PoMTES) is developed; (ii) the budget planning phase, wherein budget proposals are developed, followed by budget review meetings before the budget review document is submitted to the National Assembly, the Cabinet and the President for approval; and (iii) the final programme performance-based budgeting (PPBB) statement and presentation phase, in which government ministries, departments, and agencies (MDAs) finalise their draft PPBB statements in preparation to submit to the Parliament.<sup>147</sup> The final budget is gazetted once the PPBB statements are submitted to the Ministry of Finance, Trade, Investment and Economic Planning before the release of various budget documents.<sup>148</sup>

Seychelles' current reforms target four main areas: planning, budgeting, monitoring & evaluation, and performance management. More specifically, they include the introduction and adoption of PPBB from

<sup>145</sup> "Seychelles: State Report" (African Commission on Human and Peoples' Rights, 2020), <https://www.achpr.org/states/detail?id=42>.

<sup>146</sup> J. Philip & F. Pot, "Public Finance Management Performance Report, Based on the Public Expenditure Financial Accountability Framework PEFA 2016 Seychelles" (Public Expenditure and Financial Accountability, 2017), [https://www.pefa.org/sites/default/files/2019-09/SC-Oct17-PFMPPR-Public with PEFA Check.pdf](https://www.pefa.org/sites/default/files/2019-09/SC-Oct17-PFMPPR-Public%20with%20PEFA%20Check.pdf).

<sup>147</sup> Ibid.

<sup>148</sup> Ibid.

2013 and the establishment of the performance monitoring and evaluation (PM&E) system from 2016.<sup>149</sup> By 2019, these interventions were stated to have cumulatively improved the budgeting process in terms of skills and behaviour, information and monitoring.<sup>150</sup> Seychelles has however experienced various budget challenges, including misaligned or inappropriate budget allocations, inability to demonstrate budget impact and limited budget information, which results in ineffective oversight by the Cabinet and National Assembly.<sup>151</sup> The Offices of the President and Vice President have similarly identified a lack of compliance with appropriate procedures for budget allocations along with Cabinet submissions and poor record management as core challenges.<sup>152</sup> Additionally, the National Assembly exhibits limitations in budgeting skills, whereas the Office of Auditor General experiences a variety of capacity constraints.<sup>153</sup>

Transparency, public participation, and budget oversight have been described as three core principles and measures of budget accountability.<sup>154</sup> The current NAP acknowledges the limited scope of civil society involvement in the budgeting process and in policy and legislative review processes.<sup>155</sup> Government MDAs remain the sole stakeholders the MOFTIEP meaningfully engages, despite Seychelles having committed to greater engagement of civil society in the budgeting process as early as 2015.<sup>156</sup> Seychelles has therefore taken various steps to address these problems by conducting capacity-building workshops and ensuring stakeholders understand their role in the budgeting process.<sup>157</sup> For instance, provisions have been made for views on the budget to be submitted through a dedicated online platform that the MOFTIEP would host. These submissions would then be published to inform public debate prior to the budget address.<sup>158</sup> The CEPS was also invited to provide inputs on the process in 2016. These invitations are however not consistently extended.<sup>159</sup> In 2019, the CEPS expressed dissatisfaction over its inputs not being taken into consideration despite numerous engagements with government. Additionally, it was not consulted on all budget elements or topics it considered pertinent.<sup>160</sup> Overall public participation is described as narrow. Presently, civil society is provided with limited opportunities to engage, and their inputs are often requested retrospectively after the budget address has already

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<sup>149</sup> “Strengthening Budgeting and Monitoring to Improve the Lives of Seychellois” (The World Bank, 2019), <https://www.worldbank.org/en/results/2019/11/11/strengthening-budgeting-and-monitoring-to-improve-the-lives-of-seychellois>; “Seychelles OGP National Action Plan 2019–2021” (Government of the Republic of Seychelles, 2019), <https://www.opengovpartnership.org/documents/seychelles-action-plan-2019-2021/>.

<sup>150</sup> “Strengthening Budgeting and Monitoring”.

<sup>151</sup> Ibid.

<sup>152</sup> “Programme Performance Based Budget Statements: Ministries, Departments and Agencies, Volume I” (Ministry of Finance, Trade, Investment and Economic Planning, 2018), [http://www.finance.gov.sc/uploads/national\\_budget/PPBB%20Volume%20I.pdf](http://www.finance.gov.sc/uploads/national_budget/PPBB%20Volume%20I.pdf).

<sup>153</sup> Ibid.

<sup>154</sup> “Open Budget Survey 2019” (International Budget Partnership, 2020), [https://www.internationalbudget.org/sites/default/files/2020-04/2019\\_Report\\_EN.pdf](https://www.internationalbudget.org/sites/default/files/2020-04/2019_Report_EN.pdf).

<sup>155</sup> “Seychelles OGP National Action Plan 2019–2021”.

<sup>156</sup> “Programme Performance Based Budgeting Introduced to CEPS” (Citizen Engagement Platform Seychelles, Jun. 2015), <http://www.civilsociety.sc/2015/06/programme-performance-based-budgeting-introduced-to-ceps/>; Lorys Charalambous, “Seychelles Launches 2016 Budget Consultation” (Tax News, Jul. 2015), [https://www.tax-news.com/news/Seychelles\\_Launches\\_2016\\_Budget\\_Consultation\\_68570.html](https://www.tax-news.com/news/Seychelles_Launches_2016_Budget_Consultation_68570.html); “Ministry of Finance Talks about the Budget with Civil Society” (Citizen Engagement Platform Seychelles, Aug. 2015), <http://www.civilsociety.sc/2015/08/ministry-of-finance-talks-about-the-budget-with-civil-society/>; “Public Finances: There’s More to the Budget than Meets the Eye” (Today in Seychelles, Sep. 2015), <https://www.facebook.com/todayinsey/photos/a.417785501592599/870990116272133/?type=1&theater>.

<sup>157</sup> “Strengthening Budgeting and Monitoring”; “Role of Members of the National Assembly in Budget Process” (National Assembly, 2018), <http://nationalassembly.sc/index.php/2018/08/28/role-of-members-of-the-national-assembly-in-budget-process/>.

<sup>158</sup> Charalambous, “Seychelles Launches 2016 Budget Consultation”.

<sup>159</sup> “CEPS Position on the Budget Address 2018” Citizen Engagement Platform Seychelles, Nov. 2017), <http://www.civilsociety.sc/2017/11/ceps-position-on-the-budget-address-2018/>.

<sup>160</sup> Elsie Pointe, “Civil Society Platform Gives Reaction to 2020 Budget” (Seychelles Nation, Nov. 2019), <http://www.nation.sc/articles/2303/civil-society-platform-gives-reaction-to-2020-budget>.

been given.<sup>161</sup> It is also noted that the CEPSs is viewed as having a vested interest in participating in the budget process given that it is funded by the government.<sup>162</sup>

There is now an increased demand for greater civic participation, with civil society seeking to be more engaged in budget debates and involved in the decision-making and evaluation of the budget.<sup>163</sup> While there has been some progress, the public and some parliamentarians remain largely unaware of the budgeting process, and any efforts made so far on the government's part have not been institutionalised, leading to gains being lost once certain allies depart from the MOFTIEP.<sup>164</sup> Ministry officials also feel that this commitment will therefore facilitate and accelerate the processes that have begun, as greater participation is needed in building a more holistic assessment of the PPBB reforms effectiveness.<sup>165</sup>

The commitment is verifiable but could be strengthened by naming the specific nature of the engagement mechanisms to be set up and how these will overcome barriers to engagement. The commitment would also benefit from specifying how civil society inputs will be taken into account. The frequency of engagement or levels of engagement also remain unclear. Typically, civil society organisations (CSOs) face challenges when attempting to engage at the beginning of the budget cycle.<sup>166</sup> Clarity on which stage of the budgeting process the engagement will come into play would therefore be welcome. Furthermore, because CSOs involved in budget advocacy are encouraged to develop technical skills and competencies in budgeting work, advocacy and communication, research, monitoring and evaluation to improve effectiveness of their participation,<sup>167</sup> there should also be more clarity on the training that would be provided to civil society representatives. There is also an indication within the NAP that developing a framework for engagement would require a review of the Multi-stakeholder Group Act in relation to its alignment with the Access to Information Act and the Registration of Association Act.<sup>168</sup> However, no milestones that address this.

That said, the deliverables are relevant to the commitment's objective and are likely to improve participation in the budgeting process and set grounds for more consistency. Civil society will gain access to budget information and be able to cascade this to the constituencies they serve, although the lack of specificity makes it difficult to ascertain whether the engagement will be meaningful or effective. Structured public participation contributes to greater legitimacy and government responsiveness.<sup>169</sup> While opportunity has been provided for civil society to make its contributions, it is unclear what mechanisms will be in place to ensure that its contributions will truly influence the process.<sup>170</sup> Consideration should be given to the bureaucratic culture that has largely operated on the basis of no or minimal participation and that it may not welcome contributions or know how to incorporate them,

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<sup>161</sup> "Programme Performance Based Budgeting Introduced to CEPS"; "Public Finances: There's More to the Budget".

<sup>162</sup> "Programme Performance Based Budgeting Introduced to CEPS"; Ministry of Finance, Trade, Investment and Economic Planning, interview by IRM Researcher, 8 Jul. 2020.

<sup>163</sup> Citizen Engagement Platform Seychelles, interview by IRM researcher, 3 Jun. 2020; Ministry of Finance, Trade, Investment and Economic Planning, interview.

<sup>164</sup> Citizen Engagement Platform Seychelles, interview.

<sup>165</sup> Ministry of Finance, Trade, Investment and Economic Planning, interview.

<sup>166</sup> "Civil Society Engagement in Education Budgets: A Report Documenting Commonwealth Education Fund Experience" (Commonwealth Education Fund, 2013), [https://www.globalpartnership.org/sites/default/files/2013-07-CEF-Civil-Society-Engagement\\_processed.pdf](https://www.globalpartnership.org/sites/default/files/2013-07-CEF-Civil-Society-Engagement_processed.pdf).

<sup>167</sup> Ibid.; Paolo de Renzio & Warren Krafchik, "Lessons from the Field: The Impact of Civil Society Budget Analysis and Advocacy in Six Countries" (International Budget Partnership, accessed Jun. 2020),

<https://www.internationalbudget.org/wp-content/uploads/Lessons-from-the-Field-The-Impact-of-Civil-Society-Budget-Analysis-and-Advocacy-in-Six-Countries.pdf>; Ngozi Okonjo-Iweala & Philip Osafo-Kwaako, "The Role of Civil Society Organisations in Supporting Fiscal Transparency in African Countries" (Results for Development, accessed Jun. 2020), [https://www.r4d.org/wp-content/uploads/Ngozi-CSO\\_Paper\\_Revised\\_Version.pdf](https://www.r4d.org/wp-content/uploads/Ngozi-CSO_Paper_Revised_Version.pdf).

<sup>168</sup> "Seychelles OGP National Action Plan 2019–2021".

<sup>169</sup> Thomas Webler, Rob Krueger, Seth Tuler, "What Is a Good Public Participation Process? Five Perspectives from the Public" (Environmental Management 27 (3), pp. 435–450, 2001),

[https://www.researchgate.net/publication/12180165\\_What\\_Is\\_a\\_Good\\_Public\\_Participation\\_Process\\_Five\\_Perspectives\\_from\\_the\\_Public](https://www.researchgate.net/publication/12180165_What_Is_a_Good_Public_Participation_Process_Five_Perspectives_from_the_Public).

<sup>170</sup> Citizen Engagement Platform Seychelles, interview.

especially if they are more innovative in nature.<sup>171</sup> As such, this commitment holds minor potential impact to open up government processes.

Similarly, the Open Budget Survey 2019 indicates that although some governments may be providing budget information or scoring high on budget transparency, they often fall short at establishing a participatory process. Participation tends to be catered to during the budget formulation and approval stages but declines through the implementation and audit phases<sup>172</sup>—a gap that is reflected in this commitment.

When designing public participation processes, it is important to have multiple platforms of engagement and processes that capture citizen feedback, insights, preferences and priorities in an open and inclusive manner to allow for the inclusion of evidence from varied sources that incorporate learning and reflection and embody fairness and equality and level the playing field.<sup>173</sup> These qualities are not particularly evident in this commitment. The MOFTIEP has however stated that it will take steps to incorporate views from civil society members that are not members of the CEPS<sup>174</sup> by broadening the participation opportunities to the wider public, especially marginalised groups.<sup>175</sup>

### Next steps

The World Bank noted in 2017 that a shift was required from building the capacity of a few elite individuals towards an approach that encompasses the entire population. Often public participation processes are framed as a singular, unidirectional effort to collect citizen views without an effort by governments to respond to feedback provided. Few countries publicise inputs received from the public, and even fewer publicise a documented response to what citizens raised. The state should therefore consider how to encourage citizens to engage with budget oversight processes, including how to engage with audit institutions and their outputs and with legislative monitoring and oversight.<sup>176</sup> The Ministry of Finance should consider publishing a popular version of the budget in beginning the journey towards sensitising civil society and the public at large.<sup>177</sup> Similarly, the Ministry of Finance should look to expanding platforms for engagement and put in place the necessary feedback mechanisms.

Future NAPs could aim to involve civil society in budget performance assessments that only the National Assembly currently undertakes. Commitments could also engage civil society in providing feedback on the outcomes achieved and performance indicators reported on by various entities.<sup>178</sup> Civil society could also partner with the auditor general in the budget audit process. In regard to capacity building, in addition to general information on the budget process, it may be useful to make training of civil society a priority on the basis of a needs assessment that can inform the development of a training programme.<sup>179</sup> Lastly, Seychelles is currently not included in the Open Budget Survey, which would be a useful methodology to adopt and to use to assess progress in this respect.

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<sup>171</sup> Ibid.

<sup>172</sup> “Open Budget Survey 2019”.

<sup>173</sup> Ibid.; Webler, Tuler, Krueger, “What Is a Good Public Participation Process?”; “Public Engagement in the Budget Process” (Government Finance Officers Association, 2018), <https://www.gfoa.org/materials/public-engagement-in-the-budget-process>.

<sup>174</sup> Ministry of Finance, Trade, Investment and Economic Planning, interview.

<sup>175</sup> “Open Budget Survey 2019”.

<sup>176</sup> Ibid.

<sup>177</sup> “Public Finances: There’s More to the Budget”.

<sup>178</sup> Ministry of Finance, Trade, Investment and Economic Planning, interview.

<sup>179</sup> “Systematic Country Diagnostic: The Republic of Seychelles” (The World Bank, Jun. 2017), <http://documents.worldbank.org/curated/en/191181499447495374/pdf/Seychelles-SCD-FINAL-23Jun17-06282017.pdf>.

## 2. Implementation of the Access to Information Act

*Public authorities and their respective officials will have to be trained and be sensitised to the principles and processes of the ATI Act. This includes ensuring the autonomy of appointed Information Officers.*

*Citizens will also have to be sensitised on their rights vis à vis their constitutional right to access public information, about the ATI Act itself, and, how it can benefit them.*

*Information Commissioners would also have to be trained on what is required of the Information Commission in its early stage; the role of the Commission and Information Officers; the sensitisation and education role of the Commission; the handling of appeal cases that are referred to the Commission and the monitoring and evaluation report writing of the Commission.*

*Government will have to appraise the current situation and status of public records in all their entities, and also carry out an assessment as to what type of management information systems and data capture procedures and mechanisms exists, to enable ATI to take place.*

*Government will also have to develop a simple but coherent legislative framework for management and accessing of Government information within the spectrum of digital government, through staged reforms (commencing with legislation regulating archives), supported by efficient and effective policies and practices.*

*Civil society organisations will have to be trained and equipped to actively sensitize and educate the citizens/society.*

*Sensitization campaigns for citizens, starting in schools and all educational establishments up to the elderly and persons with disabilities need to know this constitutional right and how to exercise it.*

### Main Objective

*The commitment will provide the public authorities, the Information Officers with the right tools/materials to assist public request for information. Additionally, it will provide an opportunity for citizens and civil society organisations to collaborate with government officials to address irregularities concerning the dispensation of information.*

*The Information Commission would also be in a better position to know how to operate as a Commission and understand its role towards public entities, Information Officers and the public.*

*A well-educated and sensitised society through accessible records and management information systems established through policies and legislation, strengthened and equipped CEPS secretariat and other civil society platforms to facilitate the process, will make access to information transparent, effective and timely.*

### Milestones

- 2.1 Information Commission (in collaboration with the Department of Information) will conduct training programs for all Information Officers for the performance of their duties under the Act under the following themes:
  - a. Value of ATI and their role
  - b. Receiving and responding to requests
  - c. Proactive disclosure
  - d. Records management
- 2.2 The Information Commission (in collaboration with the Department of Information) to facilitate training of ATI Commissioners and staff of the Information Commission by resource persons from ATI Commissions in comparable jurisdictions.
- 2.3 Information Commission (in collaboration with the Department of Information) to sensitise and train public authorities in order to change the mind set of secrecy to one of civic participation, accountability and assistance to citizens.
- 2.4 An appraisal of government records throughout the executive takes place to inform government on the state of records and action required.
- 2.5 An ATI web page for proactive disclosure operating in each and every government entity.
- 2.6 DICT has put in each government entity a Management Information System.

- 2.7 The Information Commission (in collaboration with the Department of Information) will earmark specific CSOs to actively take on the education and sensitization of citizens.
- 2.8 The Information Commission (in collaboration with the Department of Information) will see that sensitization campaigns for citizens take place, starting in schools and all educational establishments, with the elderly and persons with disabilities also included.
- 2.9 Train and equip civil society to deliver the sensitization campaigns.

**Editorial note:** For the complete text of this commitment, please see Seychelles' action plan at <https://www.opengovpartnership.org/documents/seychelles-action-plan-2019-2021/>.

IRM Design Report Assessment	
<b>Verifiable:</b>	Yes
<b>Relevant:</b>	Access to Information, Technology and Innovation for Transparency and Accountability
<b>Potential impact:</b>	Moderate

### Commitment analysis

The right to access information is guaranteed by article 28 of Seychelles Constitution. The Access to Information (ATI) Act was enacted in July 2018 and followed by the establishment of the Information Commission.<sup>180</sup> Seychellois civil society attests to having lobbied for the Act at both the national and international levels, including through the Special Rapporteur on Freedom of Expression and Access to Information (ATI) for Africa in 2015.<sup>181</sup> Through the Constitution and the ATI Act, citizens are entitled to information held by public agencies and may obtain it through either proactive and regular disclosure by the government or reactive disclosure in response to information requested and filed through the appropriate channels.<sup>182</sup> Information officers are appointed via nomination by public entities and serve as the frontline workers in the implementation of the Act.<sup>183</sup>

A progressive shift towards conditions that favour access to information seems to be underway despite there being no implementation framework accompanying the ATI Act.<sup>184</sup> According to an official of the Information Commission, the use of the Act by citizens and members of the National Assembly had already exceeded expectations within the first year of implementation, with 3,000 information requests filed, far beyond the target of 800 to 900 requests.<sup>185</sup> Transparency Initiative Seychelles (TI-S) was the key in achieving this as they promoted the Act and provided guidance. TI-S also entered into a partnership with the Information Commission to run a variety of promotional activities.<sup>186</sup> Other efforts that may have contributed to this included the publication of the names of the information officers in the newspaper and launch of the Information Commission's website<sup>187</sup> and outreach activities such as a televised seminar, televised celebration of the Universal Access to Information Day and media

<sup>180</sup> "President Faure Assents to the Access to Information Act 2018" (Office of the President of Seychelles, Jul. 2018), <http://www.statehouse.gov.sc/news/4044/president-faure-assents-to-the-access-to-information-act-2018>.

<sup>181</sup> "White Paper on Right to Information Bill – Prepared by CEPS" (Citizen Engagement Platform Seychelles, Feb. 2017), <http://www.civilsociety.sc/2017/02/white-paper-on-right-to-information-bill-prepared-by-ceps/>.

<sup>182</sup> "President Faure Assents to the Access to Information Act 2018".

<sup>183</sup> Information Commission of Seychelles, interview by IRM researcher, 9 Jun. 2020; "Information Commission Celebrates Universal Access to Information Day" (Seychelles Nation, Sep. 2019), <http://www.nation.sc/articles/1761/information-commission-celebrates-universal-access-to-information-day>.

<sup>184</sup> Information Commission of Seychelles, interview; Daniel Laurence, "Bill Guaranteeing Freedom of Information Is Approved by Lawmakers in Seychelles" (Seychelles News Agency, May 2018), <http://www.seychellesnewsagency.com/articles/9190/Bill+guaranteeing+freedom+of+information+is+approved+by+lawmakers+in+Seychelles>.

<sup>185</sup> Information Commission of Seychelles, interview.

<sup>186</sup> Transparency Initiative Seychelles, interview by IRM researcher, 16 Jun. 2020.

<sup>187</sup> See [www.infocom.sc](http://www.infocom.sc).

training.<sup>188</sup> These efforts are in line with the strategic priorities of the Department of Information and Communications Technology (DICT) for 2019–2021, which includes, among others, assisting MDAs to comply with the ATI Act, promoting better use of government websites, and removing obstacles that hinder the implementation of the Act.<sup>189</sup>

All government agencies are required to proactively disclose public information and to submit information publication plans to the Information Commission<sup>190</sup> and to establish an ATI webpage.<sup>191</sup> Prior to the NAP, Seychelles had committed to improve proactive disclosure in its Seychelles Strategy 2017, stating it would establish an intra-government communication system that would enhance communications between public officers across government MDAs. The same system would host digitised data from the Office of Registrar General, thereby acting as the open data portal.<sup>192</sup> A ‘one-stop shop’ Public Information Bureau would also be established.<sup>193</sup>

To sustain these early gains, the commitment seeks to address several major problems around access to information. Implementation failure has been a common concern globally where ATI legislation is concerned, with most countries implementing ATI legislation experiencing a range of difficulties.<sup>194</sup> The same can be said in Seychelles, where various accounts suggest non-compliance by the bureaucracy in this regard, especially where cases of corruption are concerned, even with clear sanctions in place as established in articles 63 (3) or 67 of the ATI Act.<sup>195</sup>

Government officials and civil society representatives alike have cited significant delays in receiving responses to their information requests. Information officers often offer excuses, from being unable to access certain information, as the file is ‘on a minister’s/commissioner’s desk’<sup>196</sup>, that documents were destroyed by ‘fungus, fire or flood’<sup>197</sup> to refusing a request due to legal barriers or that certain information is outside the mandate of a particular institution to request.<sup>198</sup> According to an official from the Truth, Reconciliation and National Unity Commission (TRNUC), there remains arbitrary reluctance to disclose certain information despite the Act being in effect.<sup>199</sup> Information officers have also been described as partaking in ‘cover-up’ culture for fear of backlash, job loss and/or legal action that may follow the disclosure of certain information. High-level civil servants are in turn described as reluctant to implement the Act due to perceived loss of power and prestige.<sup>200</sup> These issues are evident when assessing proactive disclosure; MDAs and public officials often fail to comply with proactive disclosure requirements, such as observed from low declaration of assets, in which government officials tend to comply only when faced with legal consequences<sup>201</sup> TI-S also noted the absences of the necessary

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<sup>188</sup> “Information Commission Celebrates Universal Access to Information Day”.

<sup>189</sup> “Programme Performance Based Budget Statements: Ministries, Departments and Agencies, Volume I” (Ministry of Finance, Trade, Investment and Economic Planning, 2018),

[http://www.finance.gov.sc/uploads/national\\_budget/PPBB%20Volume%20I.pdf](http://www.finance.gov.sc/uploads/national_budget/PPBB%20Volume%20I.pdf), p. 56.

<sup>190</sup> “Access to Information Act” (Government of the Republic of Seychelles, 2018),

<https://seylit.org/sc/ACT%204%20OF%202018.PDF>.

<sup>191</sup> “Seychelles OGP National Action Plan 2019–2021” (Government of the Republic of Seychelles, 2019),

<https://www.opengovpartnership.org/documents/seychelles-action-plan-2019-2021/>.

<sup>192</sup> André Standing, “Seychelles Feasibility Study” (Fisheries Transparency Initiative, 2016),

[http://fisheriestransparency.org/wp-content/uploads/2016/06/FiTI\\_FeasibilityStudy\\_Seychelles\\_final\\_20160608.pdf](http://fisheriestransparency.org/wp-content/uploads/2016/06/FiTI_FeasibilityStudy_Seychelles_final_20160608.pdf), p. 13.

<sup>193</sup> “Programme Performance Based Budget Statements”, p. 56.

<sup>194</sup> Maira Martini, “Right to Information Laws: Impact and Implementation” (U4 Anti-Corruption Resource Centre, May 2014), <https://www.u4.no/publications/right-to-information-laws-impact-and-implementation.pdf>; Gilbert Sendugwa & Tammy O’Connor, “Global Right to Information Update: An Analysis by Region” (Freedom of Information Access Network, Jul. 2013),

[https://www.access-info.org/wp-content/uploads/global\\_right\\_to\\_information\\_update\\_28-8-2013.pdf](https://www.access-info.org/wp-content/uploads/global_right_to_information_update_28-8-2013.pdf).

<sup>195</sup> “Access to Information Act”; “2015 Country Reports on Human Rights Practices: Seychelles” (United States Department of State, Apr. 2016), <https://www.refworld.org/docid/57161210c.html>.

<sup>196</sup> Transparency Initiative Seychelles, interview.

<sup>197</sup> Truth, Reconciliation and National Unity Commission of Seychelles, interview by IRM researcher, 17 Jun. 2020.

<sup>198</sup> Ibid.; Citizen Engagement Platform Seychelles, interview by IRM researcher, 3 Jun. 2020.

<sup>199</sup> Truth, Reconciliation and National Unity Commission of Seychelles, interview.

<sup>200</sup> Ibid.; Citizen Engagement Platform Seychelles, interview by IRM researcher, 3 Jun. 2020.

<sup>201</sup> “Freedom in the World 2018: Seychelles” (Freedom House, 2018),

<https://www.refworld.org/country,...SYC,,5b2cb84b4,0.html>.

mindset for strong proactive disclosure and reluctance to sharing information and being held accountable as factors.<sup>202</sup>

There are also other institutional and structural challenges—Reporters without Borders states that Seychelles’ ATI legislation is weakened by exemptions in the Act that afford public officials the berth to skirt ‘sensitive issues’ in the name of national security or upholding the economy.<sup>203</sup> Seychelles’ Official Secrets Act further compounds this issue. Coupled with poor information quality, these realities erode public trust in the government’s ability to deliver on its commitment.<sup>204</sup> Similarly, some challenges are caused by the absence of proper handover procedures for incoming and outgoing staff members, which often results in applicants having to restart their information requests. Civil society members described instances in which they were following up on requests after many months of delay, only to receive a reply stating that the officer assigned to their case had departed several months earlier.<sup>205</sup> Alternatively ATI applicants are left in limbo, with their ATI requests in abeyance.<sup>206</sup> Provisions in the Act have been blamed for this given that the Act ties the responsibility for a response to an individual rather than to an office. Alongside this is the fact that information officers have limited authority and are unable to act on requests or proactively disclose information without receiving higher clearance.<sup>207</sup> There are also concerns that many information officers are junior staff who often lack the requisite skills to perform their duties,<sup>208</sup> and their timidity is exacerbated by the bureaucratic culture requiring civil servants to ‘fall in line’. Another bottleneck may be due to the fact that information officers often have other roles within their departments that are given greater priority and also due to the ‘allowance’ compensation structure.<sup>209</sup> The impact of COVID-19 on the economy has led to this allowance being withdrawn, which could affect future response rates.<sup>210</sup>

Seychelles also possesses a weak ATI infrastructure and poor records management.<sup>211</sup> Records are generally stored in old buildings or containers, leading to documents being destroyed by mould and fungus.<sup>212</sup> Alternatively, information may be available but in an inaccessible format.<sup>213</sup> Accessing certain types of government information also remains difficult.<sup>214</sup> Though it is hoped that the new draft Public Records Act will resolve some of these issues,<sup>215</sup> resources and financing also present additional challenges, with the Information Commission operating on a restricted budget and limited resources.<sup>216</sup> Further scepticism of the Act exists following the Ministry of Finance, Trade, Investment and Economic Planning’s decision to cut the budget, which could severely set back the setting up of management

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<sup>202</sup> Transparency Initiative Seychelles, interview.

<sup>203</sup> “Seychelles: Preserving the Paradise Image at All Costs” (Reporters without Borders, accessed Jun. 2020), <https://rsf.org/en/seychelles>.

<sup>204</sup> Truth, Reconciliation and National Unity Commission of Seychelles, interview; Transparency Initiative Seychelles, interview; Beymie Bonnelame, “Seychelles Earns Highest Mark in Sub-Saharan Africa on Corruption Index, Group Says” (Seychelles News Agency, Jan. 2020), <http://www.seychellesnewsagency.com/articles/12306/Seychelles+earns+highest+mark+in+sub-Saharan+Africa+on+corruption+index,+group+says>.

<sup>205</sup> Transparency Initiative Seychelles, interview.

<sup>206</sup> Ibid.

<sup>207</sup> Ibid.; Truth, Reconciliation and National Unity Commission of Seychelles, interview; Citizen Engagement Platform Seychelles, interview.

<sup>208</sup> Information Commission of Seychelles, interview; Truth, Reconciliation and National Unity Commission of Seychelles, interview.

<sup>209</sup> Transparency Initiative Seychelles, interview.

<sup>210</sup> Transparency Initiative Seychelles, interview.

<sup>211</sup> “Seychelles OGP National Action Plan 2019–2021”; “Programme Performance Based Budget Statements”.

<sup>212</sup> Information Commission of Seychelles, interview; Citizen Engagement Platform Seychelles, interview.

<sup>213</sup> Information Commission of Seychelles, interview.

<sup>214</sup> Truth, Reconciliation and National Unity Commission of Seychelles, interview; Patsy Athanase, “The Seychelles Commission Is Not a Court, It Seeks to Bridge Divisions” (Justice Info. Mar. 2020), <https://www.justiceinfo.net/en/truth-commissions/44041-gabrielle-louise-mcintyre-the-seychelles-commission-is-not-a-court-it-seeks-to-bridge-divisions.html>; “Meeting Seychelles’ Productivity, Participation and Performance Challenges” (The World Bank, Aug. 2017), <https://www.worldbank.org/en/country/seychelles/publication/meeting-seychelles-productivity-participation-and-performance-challenges>.

<sup>215</sup> Information Commission of Seychelles, interview.

<sup>216</sup> Transparency Initiative Seychelles, interview.

information systems.<sup>217</sup> Meanwhile, the public also struggles to understand where to verify information, where to submit an information request, and the extent of its rights to information and how far it can go in demanding those rights.<sup>218</sup>

The commitment is verifiable but could be strengthened by including dimensions that highlight the scope of training, for example, the numbers to be trained, the nature and form of sensitisation campaigns to be undertaken, or how the training of civil society members would cascade. The commitment is relevant to the OGP values of access to information and technology and innovation for openness and accountability. In regard to the latter, the milestones achieve this through introducing management information systems and enhancing government websites through the introduction of ATI webpages. It would be important for the government to consider how these interact with other existing government open data portals. In regard to access to information, the commitment introduces a host of interventions that target the internal working systems and work environment, focusing on shoring up the internal capacity of the government to meet these objectives. Stakeholders interviewed by the IRM researcher are fairly optimistic about this commitment being implemented in full and believe that the commitment will lead to the production of information, will trigger demand for information, and could encourage greater public participation.<sup>219</sup>

The commitment is seen as having moderate potential impact. The commitment outlines relevant initial steps towards the implementation of the Act, such as training government officials and conducting appraisals of government records. However, it does not address budgetary constraints and diminishing resources. Additionally, moving away from an organizational culture of secrecy and the existing incentive structure will require actions beyond technical training. Effective implementation of the ATI Act would be aided by taking some critical factors into consideration, including analysing user experience and data consumption; clarifying how the Information Commission, the Ombudsman, citizens and public authorities all intersect within the ATI ecosystem; seeking political will and leadership; having independent, non-partisan and well-resourced oversight mechanisms in place; and establishing and implementing robust penalties for non-compliance.<sup>220</sup> Sensitising the media for more scrutiny could also be useful to ensure that ATI requests lead to an analysis and synthesis of issues that aid public debate rather than favour partisan politics or self-aggrandisement.<sup>221</sup> Technical milestones in this commitment will be most effective when paired with high-level political support and active engagement from the media and civil society.

### Next steps

To be transformative, the commitment would need to address some of the outlined concerns to enhance government transparency and accountability. The Information Commission and the DICT need to develop an implementation framework to guide the phased approach to addressing some of the more systemic issues. Links to the performance management framework should also be established as grafting indicators on ATI within the performance management system to ensure continual improvement,<sup>222</sup> such as a rewards system for exemplary performance.

The Information Commission could partner with civil society to research how to expand its authorities to audit, instruct and penalise the government and submit its assessment during the review of the Act. The Information Commission could also explore practical measures to dissuade or combat information officers or other government officials' attempts to game the system. Further consideration should also be given to the quality of proactive disclosure and quality of information provided, especially in regard to its validity, format and readability. The level of disclosure required can be predetermined with certain classes of information mandated to be disclosed as a minimum. Alternatively, levels of disclosure can be

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<sup>217</sup> Information Commission of Seychelles, interview.

<sup>218</sup> Transparency Initiative Seychelles, interview; Truth, Reconciliation and National Unity Commission of Seychelles, interview.

<sup>219</sup> Citizen Engagement Platform Seychelles, interview; Truth, Reconciliation and National Unity Commission of Seychelles, interview; Information Commission of Seychelles, interview.

<sup>220</sup> Laura Neuman, & Richard Calland, "Making the Access to Information Law Work: The Challenges of Implementation" (in Ann Florini (ed.), *The Right to Know: Transparency for an Open World*, 2007), New York: Columbia University Press, pp. 179–213; Martini, "Right to Information Laws".

<sup>221</sup> Laurence, "Bill Guaranteeing Freedom of Information Is Approved".

<sup>222</sup> "Seychelles OGP National Action Plan 2019–2021"; Martini, "Right to Information Laws".

based on the amount of demand for particular types of information, such as the practice in countries like Mexico.<sup>223</sup> The Information Commission could determine what classes of information are deemed to a basic minimum. Most importantly, the government will also need to address the Commission's financing and human resource challenges. Tackling these various avenues will require strong collaboration between the Information Commission and civil society and across government agencies.

In regard to sensitisation, stakeholders interviewed advised that sensitisation efforts also indicate to citizens how far their right stretches, rather than only provide broad information, given that citizens do not understand how far they can go to claim their right to information. To address some of the cultural barriers in implementing the Act, it was suggested for the training on ATI to be grafted into basic education curricula, with children informed about their rights to access information. Within government, it was suggested that mandatory training be provided to all staff upon recruitment, irrespective of one's position. This could potentially help government officials better understand and fulfil the public's right to information over the long haul.

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<sup>223</sup> Neuman & Calland, "Making the Access to Information Law Work"; Martini, "Right to Information Laws"; "The Latin American Approach to Transparency and Access to Information" (Evidence and Lessons from Latin America, 2011), [http://foiadvocates.net/wp-content/uploads/Guide\\_TheLatinAmericanApproachtoTransparencyandAccessstoInformation.pdf](http://foiadvocates.net/wp-content/uploads/Guide_TheLatinAmericanApproachtoTransparencyandAccessstoInformation.pdf); Helen Darbishire, "Ten Challenges for the Right to Information in the Era of Mega-Leaks" (in Tarlach McGonagle & Yvonne Donders (eds.), *The United Nations and Freedom of Expression and Information: Critical Perspectives*, 2015), Amsterdam: Universiteit van Amsterdam, [https://www.access-info.org/wp-content/uploads/CriticalPerspectivesonRightofAccessstoInfo\\_HelenDarbishire.pdf](https://www.access-info.org/wp-content/uploads/CriticalPerspectivesonRightofAccessstoInfo_HelenDarbishire.pdf);

### 3. Implementation of the Fisheries Transparency Initiative (FiTI)

The government of the Seychelles is committed to empowering all stakeholders in the fisheries industry to participate in its development and to hold the authority and decision makers accountable.

Therefore, the government will establish a multi-stakeholder group, consisting of both industrial and artisanal fishermen, sports fishermen, civil society, government, and members of both political parties to implement the Fisheries Transparency Initiative (FiTI). The Fisheries Transparency Initiative (FiTI) seeks to increase transparency and participation in fisheries governance for the benefit of a more sustainable management of marine fisheries and the well-being of citizens and businesses that depend on the marine environment. The FiTI is a global multi-stakeholder initiative that defines for the first-time what information on fisheries should be published online by public authorities.

#### Main Objective

Public access to information on how the Seychelles marine fisheries sector is being exploited is fundamental for good governance. Every stakeholder group, including local fishing communities, private companies, investors, retailers and partner countries engaged in fishing agreements stand to benefit from good and transparent management, ensuring a long-term contribution of the fisheries sector to the national economy and the fair distribution of revenues.

Consequently, the impact of the FiTI does not lie only in the act of publishing information. It also ensures that this information is perceived by all relevant actors as credible, and that it contributes to the public debate in the Seychelles. For example, it is only normal that our citizens should know what fisheries agreements comprise of, what are the vessels licensed, the catch, the fees paid and what is the revenue is used for.

#### Milestones

- 3.1 The FiTI National Multi-Stakeholder Group submits the Seychelles official FiTI Candidate Application to the FiTI International Board, in accordance with the FiTI Standard.
- 3.2 The FiTI National Multi-Stakeholder Group publishes the Seychelles first FiTI Report (comprising of information from 2019), in accordance with the FiTI Standard.
- 3.3 The FiTI National Multi-Stakeholder Group communicates with all relevant stakeholders the results of the first FiTI Report.
- 3.4 Train and equip small-scale fishing associations and civil society to understand and analyse key information of Seychelles fisheries management system.

**Editorial note:** For the complete text of this commitment, please see Seychelles’ action plan at <https://www.opengovpartnership.org/documents/seychelles-action-plan-2019-2021/>.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information
Potential impact:	Moderate

#### Commitment analysis

The Fisheries sector plays a salient role in Seychelles, contributing between 8 to 20% of gross domestic product (GDP), employing 17% of the working population, contributing significantly to food security, and is a critical export and foreign exchange earner.<sup>224</sup> The fisheries sector is categorised into three sub-

<sup>224</sup> André Standing, “Seychelles Feasibility Study” (Fisheries Transparency Initiative, 2016), [http://fisheriestransparency.org/wp-content/uploads/2016/06/FiTI\\_FeasibilityStudy\\_Seychelles\\_final\\_20160608.pdf](http://fisheriestransparency.org/wp-content/uploads/2016/06/FiTI_FeasibilityStudy_Seychelles_final_20160608.pdf); “Project Appraisal Document Proposed Grant from the Global Environment Facility Trust Fund” (The World Bank, 2017), <http://documents.worldbank.org/curated/en/394051505478217219/pdf/SEYCHELLES-PAD-09122017.pdf>; “Fishery Country Profiles: Seychelles” (Food and Agricultural Organization, 2005), [http://www.fao.org/fishery/docs/DOCUMENT/fcp/en/FI\\_CP\\_SC.pdf](http://www.fao.org/fishery/docs/DOCUMENT/fcp/en/FI_CP_SC.pdf).

sectors: industrial, semi-industrial and artisanal.<sup>225</sup> Foreign vessels gain access to Seychelles' waters via private or bilateral fishing agreements and the issuance of licenses. Some of these agreements—such as the one with the European Union (EU), outline various levies to be charged. These, together with the income from licensing fees, are meant to be channelled towards developing Seychelles' fisheries sector.<sup>226</sup>

The Fisheries Act (2014)<sup>227</sup> is the main piece of legislation regulating the sector and is enforced mainly by the semi-autonomous agency known as the Seychelles Fishing Authority (SFA).<sup>228</sup> The SFA's strategic plan for 2018–2020 encourages greater transparency in fisheries management by enhancing stakeholder participation in discussions on management plans and measures and identifies the need for concerted efforts around public awareness.<sup>229</sup> Similarly, a key objective of the 2019 Seychelles Fisheries Sector Policy and Strategy includes the promotion of visibility, transparency, participation and inclusivity in decision-making.<sup>230</sup>

The policy states that improving transparency entails openly sharing the negotiations and outcomes of fisheries access agreements, creating policy frameworks that lead to more inclusive or equitable distribution of benefits from foreign trade, and enhancing access to information and collaboration amongst national agencies, the regional fisheries management organisations and regional and international stakeholders.<sup>231</sup> This is essential, as sustainable fisheries partnership agreements (SFPAs), such as that negotiated with the EU, do not require consultation with local stakeholders with no provisions for transparency on how income from such agreements will be used.<sup>232</sup>

A feasibility study carried out in 2016 indicated various barriers to access to information in Seychelles.<sup>233</sup> The study described the SFA as being relatively transparent, with a good track record in terms of supplying comprehensive data. It however highlighted that the SFA experienced significant delays in publishing its annual reports. The study also described catch data as lacking reliability and highlighted limited information on a range of areas including the fisheries management plan.<sup>234</sup> Information published by the SFA also needed to be publicised and repackaged for ease of public consumption. Lastly, and perhaps most significantly, was that the Fisheries Act lacked requirements for public access to relevant information,<sup>235</sup> particularly information on fisheries agreements, official development assistance and beneficial ownership.<sup>236</sup> Some of these concerns are addressed in Regulations on the Sustainable Management of External Fishing Fleets (SMEFF) of 2017.<sup>237</sup>

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<sup>225</sup> Standing, “Seychelles Feasibility Study”; “Project Appraisal Document”; “Seychelles Fisheries Sector Policy and Strategy” (Ministry of Foreign Affairs of Seychelles, 2019), <http://www.mofa.gov.sc/downloads/Seychelles%20Fisheries%20Sector%20Policy%20.pdf>.

<sup>226</sup> Standing, “Seychelles Feasibility Study”; “Project Appraisal Document”.

<sup>227</sup> “Fisheries Act” (Government of the Republic of Seychelles, 2014), <http://www.sfa.sc/index.php/services/regulations/fisheries-act/Legislations/Fisheries-Act-2014/>.

<sup>228</sup> “Project Appraisal Document”; Paige M. Roberts, Laura C. Burroughs, Robert H. Mazurek, “An Exploration of Federal Fisheries Management Agencies in Eastern Africa” (Secure Fisheries, 2017), <https://securefisheries.org/sites/default/files/Exploration-Fisheries-Management-2017.pdf>.

<sup>229</sup> “Seychelles Fishing Authority Strategic Plan 2018–2020 Volume I” (Seychelles Fishing Authority, 2018), <https://www.oceandocs.org/bitstream/handle/1834/14808/SFA%20Strategic%20Plan%202018%20-%202020.pdf?sequence=1&isAllowed=y>.

<sup>230</sup> “Seychelles Fisheries Sector Policy and Strategy”, p. 11.

<sup>231</sup> Ibid.

<sup>232</sup> “Unclear EU Fishing Deals Compromise Food Security and Sustainable Seafood” (WWF, Nov. 2019), <https://www.wwf.eu/?uNewsID=355880>.

<sup>233</sup> Standing, “Seychelles Feasibility Study”.

<sup>234</sup> Ibid.

<sup>235</sup> Ibid.

<sup>236</sup> Ibid.; Fisheries Transparency Initiative, interview by IRM researcher, 19 Jun. 2020; Solène Guggisberg, “The EU’s Regulation on the Sustainable Management of External Fishing Fleets: International and European Law Perspectives” (The International Journal of Marine and Coastal Law 34 (2), pp. 291–324, 2019), [https://brill.com/view/journals/estu/34/2/article-p291\\_4.xml?language=en - note-FN000125](https://brill.com/view/journals/estu/34/2/article-p291_4.xml?language=en - note-FN000125).

<sup>237</sup> “Unclear EU Fishing Deals Compromise Food Security”.

The lack of government data has created a vacuum in which rumours and misinformation thrive, with the last comprehensive overview of the status of the fisheries sector in Seychelles conducted in 2014.<sup>238</sup> Reports are also emerging around non-compliance with the SMEFF regulations, indicating EU fleets that underreport on various indicators.<sup>239</sup> Contributing to these challenges are the operational and leadership challenges at the SFA, including high management turnover, budgetary constraints, confusion over the scope of the SFA's mandate<sup>240</sup> and lack of demand for fisheries information within the sector despite the acknowledged gaps in transparency.<sup>241</sup>

The Fisheries Transparency Initiative (FiTI) was established to improve fisheries governance by enhancing access to information.<sup>242</sup> Limited access to information on fisheries agreements has proven detrimental to domestic marine resources, such as in Senegal and Mozambique.<sup>243</sup> FiTI contributes ultimately to addressing the impacts of illegal fishing, overfishing, weak governance frameworks and corruption that affect marine resources and the fisheries sector and that affect the livelihoods of citizens, especially in coastal states.<sup>244</sup> Through this commitment, Seychelles will prepare to join FiTI and follow its multistakeholder approach by involving representatives from the government, civil society, and the private sector.

This commitment is generally verifiable based on the first three milestones specifying compliance with the FiTI standard. However, it is unclear whether the milestone on training small-scale fishing associations is directly related to the FiTI process. Furthermore, the commitment does not clearly indicate the extent of dissemination nor how dissemination will drive effective consumption of the report once it is published.

The commitment is relevant to the value of access to information. According to interviews, the FiTI process will lead to better information and awareness and enhance stakeholders' understanding, participation and ownership of the sector. The effectiveness of the commitment however hinges largely on the government's ability to utilise the FiTI report in generating public discourse on fisheries transparency. Previously, there has been minimal outreach and public participation in the fisheries sector outside of annual celebrations of World Food Day or during the development of the Marine spatial plan. There are now plans in place to hold workshops with fishing communities and the fish processing sector to unpack the content of the FiTI report.<sup>245</sup> This likely follows from stakeholders' fears around the potential low public demand for information once the FiTI report is published, given what they describe as a culture of public lethargy concerning demanding or interrogating information within the sector.<sup>246</sup> There are therefore plans to package the report into attractive summaries that are easily consumable.<sup>247</sup> To aid dissemination, FiTI will also provide some financial support for a workshop and official launch of the report.<sup>248</sup>

The commitment's potential impact is seen as moderate. The commitment will result in the adoption of a framework that organises, produces and packages key new information that extends beyond information the SFA previously provided. According to stakeholders, the FiTI report will produce new information on subsidies, overseas development assistance, and foreign access to licensing arrangements and fisheries resources. The FiTI report will also indicate how accessible and complete existing

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<sup>238</sup> Fisheries Transparency Initiative, interview; Department of the Blue Economy of Seychelles, interview.

<sup>239</sup> "Unclear EU Fishing Deals Compromise Food Security".

<sup>240</sup> Fisheries Transparency Initiative, interview; Department of the Blue Economy of Seychelles, interview.

<sup>241</sup> Ibid.

<sup>242</sup> Ibid.

<sup>243</sup> André Standing "Developing the Fisheries Industry Transparency Initiative: What Can We Learn from the EITI?" (Coalition for Fair Fisheries Arrangements, May 2015), <https://cape-cffa.squarespace.com/en-blog/the-fisheries-industry-transparency-initiative>.

<sup>244</sup> "Protecting the Bounty of Africa's Oceans: An Interview with Dr Peter Eigen, Chair of the Fisheries Transparency Initiative International Board" (African Development Bank, 2017), <https://www.afdb.org/en/news-and-events/protecting-the-bounty-of-africas-oceans-an-interview-with-dr-peter-eigen-chair-of-the-fisheries-transparency-initiative-international-board-17496>.

<sup>245</sup> Department of the Blue Economy of Seychelles, interview.

<sup>246</sup> Department of the Blue Economy of Seychelles, interview; Fisheries Transparency Initiative, interview

<sup>247</sup> Fisheries Transparency Initiative, interview.

<sup>248</sup> Ibid.

information on the sector is, highlighting the necessary improvements that should be made.<sup>249</sup> The annual report is to be made accessible to the public, and the information produced, along with existing information, will be repackaged to make it readily consumable by the public, for instance, through the use of infographics or other audio-visual material.<sup>250</sup> This framework would further be undertaken and monitored through a national multistakeholder platform. This would constitute a significant step forward towards meeting the objectives of greater transparency and bringing some coherence to the sector. Those the IRM researcher interviewed agreed that the FiTI report would likely have a substantial positive impact on the sector with the additional advantage of having a FiTI International Secretariat based in Seychelles.<sup>251</sup>

### Next steps

The commitment fails to outline any particular milestones that will address particular gaps or system challenges that will need to be addressed for transformative change to take place, such as policy and role incoherence and current challenges at the SFA.<sup>252</sup> Given that FiTI is a voluntary initiative, it would be prudent for the government to consider various actions it could take should other countries refuse to comply with the standards imposed by the initiative.<sup>253</sup> The SFA needs to consider how to demonstrate and/or communicate the values of transparency and good governance beyond the dissemination of the FiTI report. For instance, commercial stakeholders would need to be convinced that beneficial ownership transparency will not be used against them and that it is in their interest to fully disclose their information.<sup>254</sup> Furthermore, the government could utilise the FiTI report to gain public trust by disclosing data such as labour and working conditions and opportunities to participate in development projects that are of interest to local communities.<sup>255</sup>

It would also be useful to graft milestones that commit to the progressive institutionalisation of the FiTI framework into the government's approach. This would include clear feedback mechanisms between the

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<sup>249</sup> AFDB (2017) Protecting the bounty of Africa's oceans: An interview with Dr Peter Eigen, Chair of the Fisheries Transparency Initiative International Board. <https://www.afdb.org/en/news-and-events/protecting-the-bounty-of-africas-oceans-an-interview-with-dr-peter-eigen-chair-of-the-fisheries-transparency-initiative-international-board-17496> Department of the Blue Economy of Seychelles, interview; Fisheries Transparency Initiative, interview.

<sup>250</sup> Department of the Blue Economy of Seychelles, interview; Fisheries Transparency Initiative, interview.

<sup>251</sup> Ibid.; Department of the Blue Economy of Seychelles, interview; Transparency Initiative Seychelles, interview by IRM researcher, 16 Jun. 2020.

<sup>252</sup> "Seychelles Fisheries Sector Policy and Strategy"; "Challenges for Fishing Sector in Seychelles: Lack of Manpower, Illegal Fishing, Old Technology" (Stop Illegal Fishing, Oct. 2018), <https://stopillegalfishing.com/press-links/challenges-for-fishing-sector-in-seychelles-lack-of-manpower-illegal-fishing-old-technology/>; "Shining a Light: The Need for Transparency across Distant Water Fishing" (Stimson, 2019), [https://www.stimson.org/wp-content/files/file-attachments/Stimson\\_Distant\\_Water\\_Fishing\\_Report.pdf](https://www.stimson.org/wp-content/files/file-attachments/Stimson_Distant_Water_Fishing_Report.pdf); P. Mawanda, "Illegal Fishing – Pillaging of Seychelles Seas Continues" (Blue Economy Knowledge Center Seychelles, May 2015), <http://blueeconomyseychelles.org/item/109-illegal-fishing-pillaging-of-seychelles-seas-continues>; S. Hanoomanjee, "Mapping Study on the Fisheries Sector in the IOC Region" (CTA Discussion Paper, accessed Jun. 2020), <https://www.libraryofbook.com/pdf/read.php?book=mapping-study-on-the-fisheries-sector-in-the-ioc-region>; Department of the Blue Economy of Seychelles, interview.

<sup>253</sup> Interview 8, Interview with IRM researcher, 10<sup>th</sup> June 2020; EU, Republic of Seychelles (2020) Sustainable Fisheries Partnership Agreement between the European Union and the Republic Of Seychelles. Official Journal of the European Union <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?from=ES&uri=CELEX%3A22020A0228%2801%29#d1e38-15-1>; Philippe, J. (2020) Local fisheries stakeholders react to the new EU-Seychelles SFPA and protocol. Coalition for Fair Fisheries Agreements, 6<sup>th</sup> April 2020. <https://www.cffacape.org/publications-blog/seychelles-position-paper>; FBOA (2020) Position on the EU-Seychelles SFPA.

[https://static1.squarespace.com/static/5d402069d36563000151fa5b/t/5e8b25b75905f7723a736c63/1586177464566/200406+EU+-+Seychelles+SFPA\\_FBOA.pdf](https://static1.squarespace.com/static/5d402069d36563000151fa5b/t/5e8b25b75905f7723a736c63/1586177464566/200406+EU+-+Seychelles+SFPA_FBOA.pdf); Goulding, I., Caillart, B., Defaux, V. (2019) Ex-post and ex-ante evaluation study of the fisheries partnership agreement between the European Union and the Republic of Seychelles and of its implementing protocol. European Commission. <https://op.europa.eu/en/publication-detail/-/publication/5e1b1689-7785-11e9-9f05-01aa75ed71a1/language-en/format-PDF/source-117116268>

<sup>254</sup> Department of the Blue Economy of Seychelles, interview.

<sup>255</sup> Standing, "Seychelles Feasibility Study".

multistakeholder group and the public.<sup>256</sup> Additionally, lessons from experiences in the EITI process indicate the need to plan for the simplification of outputs of the process for the initiative's objectives to be easily consumed by the public.<sup>257</sup> While such efforts are underway, inclusion in the commitment's implementation strategy would emphasize their importance. For example, a comprehensive public campaign could convey the message of transparency and participation in fishery management. Similarly, it would be useful for SFA to outline how the FiTI report can be used as a tool to advance policy dialogues and as a platform for discussion around addressing the systemic challenges identified above. Therefore, information in the FiTI report should be actionable and connected to structures, such as spaces for dialogue and dedicated committees, to ensure that recommendations are acted on. Lastly, it may be useful to see how the IRM and the EITI evaluations could be leveraged to spur FiTI's process, which could also be the key to avoiding duplicated efforts and stakeholder fatigue.

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<sup>256</sup> "Civil Society Engagement in Validation of Seychelles Report on Initial Data Collection and Stakeholder Consultation" (Extractive Industries Transparency Initiative, Jul. 2018), [https://eiti.org/files/documents/validation\\_of\\_seychelles\\_-\\_report\\_on\\_initial\\_data\\_collection\\_and\\_stakeholder\\_consultation.pdf](https://eiti.org/files/documents/validation_of_seychelles_-_report_on_initial_data_collection_and_stakeholder_consultation.pdf).

<sup>257</sup> Ibid.

## 4. Creation of an E-Engagement portal to increase citizen responsiveness

The Commitment entails the implementation of technology with relevance to public participation. Its main objectives include:

- Providing citizens with a formal space to voice their opinions/concerns on national issues
- Giving citizens a participatory role in government decision making
- Making the government more aware of the concerns of the citizens
- Making citizens more aware of the work of the Government and rendering the Government more accountable towards the people.

It is expected that from this commitment there will be more of effective collaboration between Government, the parliament and civil society in the interest of the public and country as a whole.

Embedded in the E-Engagement Portal will be a link to the online performance monitoring and evaluation dashboard of the Government. This online dashboard will provide a view of how every Government MDA involved in the implementation of RBM (Results Based Management) is performing against targets set and KPIs used. This will provide for a fully transparent view of how every MDA are performing with respect to their delivery and thereby a full view of how Government is performing in terms of the delivery of its operations. It will be a tool for tracking progress and supporting decision making. With this level of visibility of Government performance, the public should become more informed and participate more substantively in the national governance process.

### Main Objective

The commitment will be implemented through multi sectoral collaboration/ consultation whereby the principal responsibility of ensuring the set-up and running of the platform will be done by the Department of Information Communication Technology (DICT). The platform for civil society (CEPS) can engage in a monitoring/performance watch dog role to ensure that citizen concerns are not being neglected and that the space is not being misused to limit freedom of expression, as well as guarantee the anonymity and protection of the personal details of citizens who interact with the platform.

First, consultation will have to take place between civil society and the relevant Government stakeholders. This will be followed by the set-up of a trial version of the platform to test its popularity/ ease of use with the public. Aggressive campaigns will be done through the media along with education of the public on the purpose of the platform and why public participation is so crucial. Success stories (if any) can be used and from there an assessment of the trial can be done prior to the actual set-up of the portal.

An app can be developed in addition to the portal along with the use of toll-free telecom and whatsapp group so as to attract and facilitate user participation. The portal will also have a system in place where information can be fed from social media platforms.

The commitment will solve the public problem by providing the people with a platform where they will have the opportunity to participate in national decisions, surveys, elections and freely exercise their democratic rights and also have them taken up directly by the relevant Government agencies

Government practice may change by becoming more open and accepting of public opinions. It will also help improve service delivery in the public sector as well as enhance the performance of the communication and information officers present in every department.

### Milestones

- 4.1 Implementation of the e-engagement portal.
- 4.2 Implementation of the Government Performance Visibility portal
- 4.3 Implementation of the Case processing visibility

**Editorial note:** For the complete text of this commitment, please see Seychelles' action plan at <https://www.opengovpartnership.org/documents/seychelles-action-plan-2019-2021/>.

IRM Design Report Assessment	
<b>Verifiable:</b>	Yes
<b>Relevant:</b>	Access to Information, Civic Participation, Technology and Innovation for Transparency and Accountability
<b>Potential impact:</b>	Minor

### Commitment analysis

Seychelles is described as having significantly high internet penetration with 47% of the population using the internet, 150% mobile penetration, and a developed telecommunications market and information and communications technology (ICT) infrastructure.<sup>258</sup> According to the United Nations E-Government Development Index (EGDI), Seychelles has managed to implement one of the most successful transitions to electronic government (e-government) in Africa by leveraging this connectivity.<sup>259</sup>

The Department for Information and Communications Technology (DICT) established the Government Strategic Framework and Roadmap, which articulates how e-government should support the government's goals.<sup>260</sup> Three strategic focus areas were selected: connectivity, service transformation through business process re-engineering and the establishment of e-service gateways, in other words, electronic service delivery channels.<sup>261</sup> Enhanced 'connectedness' would presumably then lead to improved public administration and service delivery through expanding channels of accessing government and improving convenience and efficiency and the reliability of information.<sup>262</sup> The RBM reform plan also emphasises the importance of ICT, as it requires an e-platform that would allow the government to be more transparent and citizens to be better engaged in national development.<sup>263</sup>

Prior to this commitment, a variety of e-government initiatives had been proposed but were not implemented due to lack of resources.<sup>264</sup> The government has a number of electronic services whereby clients can access government information on a 24-hour basis, including an e-gateway portal and another that disseminates information on how to access various departmental services. The government also had an 'e-documents' site on which white papers are published. However, citizens can only provide comments on these through submitting physical letters or via email and rarely get a reply.<sup>265</sup> The OGP process therefore presented a new opportunity to pursue this goal.<sup>266</sup>

This commitment seeks to address four core issues using technology: establish efficient and effective complaints mechanisms, open up access to government performance information, improve civic

<sup>258</sup> B. R. Choppy, "Whole of Government Approach to E-Government Implementation: The Seychelles Experience" (Global E-Government Forum Seoul, South Korea 2013), <http://unpog.org/file/download.asp?sn=89>; "National and Regional Internet Governance Forum Initiatives (NRIs): Setting Up a National IGF in Seychelles" (Global Information Society Watch, 2017), [https://giswatch.org/sites/default/files/gw2017\\_seychelles.pdf](https://giswatch.org/sites/default/files/gw2017_seychelles.pdf); "Digital 2020: Seychelles" (Data Reportal, 2020), <https://datareportal.com/reports/digital-2020-seychelles>.

<sup>259</sup> Naome Rajah, & Mogopodi Lekorwe, "E-Government Development in Africa: The Case of the Seychelles, Mauritius, South Africa and Botswana – Lessons for Zimbabwe" (International Journal of Trend in Research and Development 4 (5), 2017), <http://www.ijtrd.com/papers/IJTRD10910.pdf>.

<sup>260</sup> Zenobia Ismail, "Public Sector Reform and Capacity Building in Small Island Developing States" (Knowledge, Evidence and Learning for Development, 2019), [https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/14485/583\\_Small\\_Island\\_Developing\\_States\\_Revised.pdf?sequence=1&isAllowed=y](https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/14485/583_Small_Island_Developing_States_Revised.pdf?sequence=1&isAllowed=y).

<sup>261</sup> Choppy, "Whole of Government Approach to E-Government Implementation".

<sup>262</sup> Ibid.

<sup>263</sup> Department of Information and Communications Technology of Seychelles, interview by IRM researcher, 6 Jun. 2020.

<sup>264</sup> Ibid.

<sup>265</sup> Ibid.

<sup>266</sup> Ibid.

participation in decision-making and enhance government responsiveness by building an e-engagement portal and a government performance visibility portal.<sup>267</sup>

The commitment responds to the weaknesses of the government's complaints system and to challenges with aggregating complaints made on social media, which had already been shown to have had the effect of opening up political dialogue and had empowered citizens to engage in policy discourse.<sup>268</sup> However, the drafting committee agreed that public queries and interactions with the government were highly fragmented and that often one would find citizens passing along false information using social media.<sup>269</sup> Through this commitment, the government will develop a state-owned, certified online platform that would legitimise citizen inputs and feedback<sup>270</sup> and provide more plausible and trustworthy information.<sup>271</sup> By utilising technology, this commitment could also address capacity constraints and allow for improved aggregation and analysis of complaints.<sup>272</sup>

The e-engagement portal would utilise new technologies and capabilities to allow two-way interaction between citizens and the government. Citizens could provide inputs, views and opinions on various issues, including commenting on white papers online,<sup>273</sup> and could use the platform to launch multiple complaints in parallel, and the system could then flag issues raised to respective departments. Departments in turn could then use the same platform as an official way to provide feedback on the progress of a matter.<sup>274</sup> It is also envisioned that the portal will aggregate and consolidate questions, tagging them as most frequently asked questions or hot topics. Artificial Intelligence solutions would be used to analyse data with various modes of citizen engagement to be used, including e-polling to collect perceptions on certain issues.<sup>275</sup>

According to officials from the DICT, the main objective of the commitment is to instil confidence in citizens that they can lodge any complaints and that they will be treated in the most efficient and confident manner.<sup>276</sup> The visibility portal in turn would be a separate portal linked to the e-engagement portal. It will be integrated with departmental information systems and will aim to increase the visibility of government performance across different areas<sup>277</sup> and work in tandem with the case processing visibility portal, which will allow citizens to track the status of their cases, queries or applications.<sup>278</sup> Although there will be no public consultations on the initial design process of the portals, the DICT has planned for a public comments opportunity to come at a later stage.<sup>279</sup>

The commitment outlines verifiable activities and measurable deliverables. It also introduces several other activities in the narrative that may broaden the scope of the outlined milestones, such as a multi-sectoral collaboration and consultation, monitoring, campaigns, app development and the setting up of a toll-free line. It is unclear whether these are officially part of the overall work plan, yet it is stated that these additional activities will contribute to having the commitment's objective met. These activities

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<sup>267</sup> "Seychelles OGP National Action Plan 2019–2021" (Government of the Republic of Seychelles, 2019), <https://www.opengovpartnership.org/documents/seychelles-action-plan-2019-2021/>.

<sup>268</sup> "Government Departments Agree on Use of Social Media" (Seychelles Nation, May 2016), <http://www.nation.sc/archive/249518/government-departments-agree-on-use-of-social-media>; "National and Regional Internet Governance Forum Initiatives (NRIs)".

<sup>269</sup> Citizen Engagement Platform Seychelles, interview by IRM researcher, 3 Jun. 2020; Department of Information and Communications Technology of Seychelles, interview.

<sup>270</sup> Department of Information and Communications Technology of Seychelles, interview.

<sup>271</sup> Ibid.

<sup>272</sup> Rosie McGee, Duncan Edwards, Colin Anderson, Hannah Hudson, Francesca Feruglio, "Appropriating Technology for Accountability: Messages from Making All Voices Count" (Institute of Development Studies, Jan. 2018), [https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/13452/RR\\_Synth\\_Online\\_final.pdf](https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/13452/RR_Synth_Online_final.pdf); "Using Technology for Feedback and Complaints in the Gaza Strip" (Oxfam GB, accessed Jun. 2020), <https://www.elrha.org/project-blog/using-technology-for-feedback-and-complaints-in-the-gaza-strip/>.

<sup>273</sup> Department of Information and Communications Technology of Seychelles, interview.

<sup>274</sup> Ibid.

<sup>275</sup> Ibid.

<sup>276</sup> Ibid.

<sup>277</sup> Ibid.

<sup>278</sup> Ibid.

<sup>279</sup> Ibid.

have no defined scope, neither are they accompanied by clear timelines nor persons responsible for implementation. Furthermore, the commitment lacks clarity in the mechanism of grievance redress that these proposed platforms will provide. The relationships between the portals and the Ombudsman's office should also be sufficiently explained, especially given the potential overlap between the online complaint systems and the Ombudsman's mandate.<sup>280</sup>

The commitment is relevant to the values of access to information and civic participation by its setting up online mechanisms via which the public can access or retrieve public information. The commitment also creates opportunities for sharing information and raising complaints using online portals. It is therefore also relevant to the value of technology and innovation for transparency and accountability. During the drafting process, the CEPS raised data protection concerns, including questions around the ownership and control of data submitted to the portal and also the potential for the government to manipulate data on the portal. Assurances provided included that the system would be fully auditable, even by third parties, and interventions would only be put in place when explicitly required.<sup>281</sup>

The commitment has been rated as having minor impact. This is due to core concerns underlying public complaints that have not been addressed, specifically the issues of political context, public trust, legitimacy, state efficiency and state responsiveness. One respondent captured this issue in an interview with the IRM researcher, noting that there is a lack of trust in the government, which is why citizens resort to complaining on social media in the first place. Therefore, filing complaints through an e-portal is unlikely to be popular as long as there is no guarantee that the government will respond to citizens' grievances.<sup>282</sup>

The question therefore is whether these platforms will enhance government responsiveness while there is already a negative perception in regard to this. This is further exhibited by inefficiencies in the status quo, with both the Ombudsman's office and the National Human Rights Commission being perceived as largely ineffective and unable to demonstrate the impact of their work<sup>283</sup> due to limited powers and resources, the absence of proper case management systems and the lack of the skills for in-depth investigations.<sup>284</sup>

The DICT already anticipates that, in the short term, the government will likely experience some teething problems that could magnify the government's lack of responsiveness and negatively influence public trust. As such, there needs to be greater consideration given to preparing government departments to handle requests and complaints, such as by preparing the structural support and clear mechanisms of how information flows and complaints are handled.<sup>285</sup> Additionally, the commitment does not consider the structural or systemic challenges that have been evident in the experiences of the Ombudsman's office or other government departments. These issues not being addressed means that the portals could instead worsen these inefficiencies, leading to a further decline in public trust.

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<sup>280</sup> "Work of the Ombudsman in Promoting Good Governance, Transparency, Accountability" (Seychelles Nation, Mar. 2020), <http://www.nation.sc/articles/4018/work-of-the-ombudsman-in-promoting-good-governance-transparency-accountability>; "2013 Country Reports on Human Rights Practices: Seychelles" (United States Department of State, 2014), <https://www.refworld.org/docid/53284a7519.html>.

<sup>281</sup> Department of Information and Communications Technology of Seychelles, interview.

<sup>282</sup> Transparency Initiative Seychelles, interview by IRM researcher, 16 Jun. 2020.

<sup>283</sup> "2016 Country Reports on Human Rights Practices: Seychelles" (United States Department of State, 2017), <https://www.refworld.org/docid/58ec89d1a.html>; "Work of the Ombudsman in Promoting Good Governance, Transparency, Accountability"; "Programme Performance Based Budget Statements: Ministries, Departments and Agencies, Volume I" (Ministry of Finance, Trade, Investment and Economic Planning, 2018), [http://www.finance.gov.sc/uploads/national\\_budget/PPBB%20Volume%20I.pdf](http://www.finance.gov.sc/uploads/national_budget/PPBB%20Volume%20I.pdf).

<sup>284</sup> "2013 Country Reports on Human Rights Practices: Seychelles"; "Work of the Ombudsman in Promoting Good Governance, Transparency, Accountability"; "Seychelles Submission to the United Nations Universal Periodic Review" (Citizen Engagement Platform Seychelles, accessed Jun. 2020),: <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=2446&file=EnglishTranslation>.

<sup>285</sup> Department of Information and Communications Technology of Seychelles, interview; Brian Brewer, "Citizen or Customer? Complaints Handling in the Public Sector" (International Review of Administrative Sciences 73 (4), pp. 549–556, 2007), <https://journals.sagepub.com/doi/pdf/10.1177/0020852307083457>.

Resultantly, the government should ensure that implementation of this commitment does not pull resources or attention away from existing public engagement channels.

The long-term viability of any public complaints handling system rests on the confidence in its fair operation, with complaint and redress mechanisms working hand in hand.<sup>286</sup> An official from TI-S described accountability systems within the civil service as weak, linking this to the politicisation of the civil service, where numerous civil servants were politically appointed and where there exists a deeply entrenched bureaucratic culture with either no or limited sanctions for maladministration or poor performance.<sup>287</sup> Complaint mechanisms therefore operate within a socio-political context, and the political economy in which they operate and the social relationships that must be engaged for meaningful change to occur must be recognised.<sup>288</sup> Moreover, the commitment does not necessarily enhance the transparency of decision-making nor necessitate that conversations on the e-platform will be frank, objective or evidence based.

Although a dashboard on the performance of government agencies in regard to results-based management is welcome, it appears that given the challenges cited, more will be required to ensure that citizens understand the application and relevance of the dashboard in their daily lives and how it could actually enhance accountability. As is commonly understood within the OGP community, public accountability cannot be assumed to be given just because a new system has been introduced. There needs to be more clarity on the safeguard mechanisms to protect its integrity and effectiveness along with plans to encourage compliance within the government itself.

Evidence also shows that using existing platforms or technologies in tech-for-governance initiatives is more effective when these platforms are already part of the users' lives<sup>289</sup> and that mechanisms that lead to collaborative problem solving and solutions mapping between citizens and the government tend to be more successful.<sup>290</sup> This brings into question whether a move from the current use of social media platforms would maintain or enhance current levels of citizen responsiveness and keenness to engage in political dialogue.

The commitment language also appears to position the informal nature of complaints as being unacceptable. Caution should be observed here in regard to the formalisation of complaints so that this does not act as another barrier to accessing accountability, creating additional bureaucratic hurdles. Additionally, though the commitment proposes to enhance public participation through the use of technology, it must be noted that there are limitations to how technology could be used in sustaining and promoting interrogative, nuanced and deliberative forms of engagement between citizens and the government<sup>291</sup> and that social relationships usually play out through outreach and awareness raising, information dissemination, capacity building, and the one-on-one or face-to-face interactions with the bureaucracy, all over a protracted period.<sup>292</sup> The role of the media and other civil society organisations therefore should not be discounted either.<sup>293</sup>

## Next steps

Technology has been found to be useful in enhancing social accountability and public participation in various contexts, with an array of outcomes. Factors that should be considered when deploying technology for social accountability, to enhance its transformative power, are that it should do the following: enable collective action; be implemented through simple means on an open platform; address the risks posed by using online technologies, for example, privacy and security; be driven by commitment from the highest office possible; and enable citizens to optimise their advocacy by linking

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<sup>286</sup> Brewer, "Citizen or Customer?"

<sup>287</sup> Transparency Initiative Seychelles, interview.

<sup>288</sup> McGee, Edwards, Anderson, Hudson, Feruglio, "Appropriating Technology for Accountability", p. 15.

<sup>289</sup> Ibid.

<sup>290</sup> "Citizens and Service Delivery: Assessing the use of Social Accountability Approaches in the Human Development Sectors" (Overseas Development Institute, Dec. 2011), <https://www.odi.org/events/2755-citizens-and-service-delivery-assessing-use-social-accountability-approaches-human-development>.

<sup>291</sup> McGee, Edwards, Anderson, Hudson, Feruglio, "Appropriating Technology for Accountability", p. 15.

<sup>292</sup> Ibid.

<sup>293</sup> "Citizens and Service Delivery:" (Overseas Development Institute).

relevant datasets.<sup>294</sup> The DICT could consider strengthening the commitment by not only reflecting on these dimensions but also by considering lessons learned from similar initiatives, such as the Making All Voices Count (MAVC) initiative.<sup>295</sup> Inclusion should also be enhanced given that internet access is not universal and that some marginalised voices may not be able to access or express themselves on online channels.<sup>296</sup> The DICT may consider introducing the e-platform to other forms of technology such as text messaging and radio broadcasts, particularly for citizens with no or limited access to the internet,<sup>297</sup> as having multiple channels of seeking redress may encourage uptake.<sup>298</sup>

The government could also perform a situational analysis to determine the current context and conditions hindering government responsiveness to inform the design of the intervention going forward. The DICT and the Office of the Vice President could involve experts in the process to streamline department operations and to identify any processes that hamper responsiveness. This may force government departments to think in greater depth about what technology or systems are required to improve service delivery overall and how this can relate to the portal.<sup>299</sup> The government may also need to consider supplying incentives to citizens or service providers to facilitate responsiveness and uptake on either side.<sup>300</sup> This could be in the form of civic capacity building and the establishment of ‘civic infrastructure’ that ensures citizens engage with the platform once developed.<sup>301</sup>

In addition to this, there are various channels via which accountability can be enhanced through the commitment, for instance by making lodged complaints publicly accessible, incorporating level of response towards complaints in performance evaluation of an MDA and by introducing sanctions for unaddressed complaints.<sup>302</sup> Civil society can also play a role in monitoring performance to enhance the accountability dimensions of the commitment. The government could also find ways of establishing and facilitating the action of accountability advocates to act as intermediary agents who seek to ensure that citizen’s feedback is paid attention to and that the necessary action is taken.<sup>303</sup> Channels of appeal and sanctions for non-responsiveness should also be clearly spelled out and even rooted in government policy or legislation.

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<sup>294</sup> “Is Technology Transforming Social Accountability?” (Global Partnership for Social Accountability, Nov. 2017), <https://www.thegpsa.org/news/technology-transforming-social-accountability>.

<sup>295</sup> McGee, Edwards, Anderson, Hudson, Feruglio, “Appropriating Technology for Accountability”.

<sup>296</sup> Ibid.

<sup>297</sup> Ibid.

<sup>298</sup> Dana Ringold, Alaka Holla, Margaret Koziol, Santhosh Srinivasan, “Citizens and Service Delivery: Assessing the Use of Social Accountability Approaches in the Human Development Sectors” (The World Bank, 2012), <https://openknowledge.worldbank.org/bitstream/handle/10986/2377/657450PUB0EPI1065724B09780821389805.pdf?sequence=1&isAllowed=y>.

<sup>299</sup> Department of Information and Communications Technology of Seychelles, interview.

<sup>300</sup> “Citizens and Service Delivery” (Overseas Development Institute).

<sup>301</sup> McGee, Edwards, Anderson, Hudson, Feruglio, “Appropriating Technology for Accountability”.

<sup>302</sup> Ibid.

<sup>303</sup> Ibid.

## V. General Recommendations

This section aims to inform the development of the next action plan and guide implementation of the current action plan. It is divided into two sections: 1) IRM key recommendations to improve OGP process and action plans in the country and, 2) an assessment of how the government responded to previous IRM key recommendations.

### IRM five key recommendations

Seychelles' commitments are all drafted as initial steps towards meeting longer-term goals. The first action plan is described as having provided the opportunity to learn and refine the strategy going forward. Subsequent plans will need to raise the level of ambition in the commitment designs in order for transformative change to occur. A thorough, multi-stakeholder assessment of the impact of the first action plan on transparency, access to information and public participation would be essential to ensure that Seychelles' future action plans result in reforms that change citizens' lives for the better.

Table 7. Recommendations for the Next Action Plan's Development Process

Recommendations for the next action plan's development process	
1.	<b>Formalize the OGP process to ensure sustainability.</b> Establish a clear role and mandate for the OGP multi-stakeholder forum. Develop an online repository/portal/website to publish evidence, updates, and other documentations of the national OGP process.
2.	<b>Establish procedures to ensure equal and ongoing engagement of civil society</b> in the co-creation process, including civil society outside of the usual or formal channels. Create a process for transparent selection of civil society organizations.

**Formalize the OGP process to ensure sustainability.** Establish a clear role and mandate for the OGP multistakeholder forum. Develop an online repository/portal/website to publish evidence, updates, and other documentations of the national OGP process.

The Seychelles' establishment of a Drafting Committee to develop the first national action plan is a notable achievement. Now that government and civil society reformers are familiar with the OGP process, the Seychelles can move towards formalizing OGP procedures and institutions. Formalising the OGP process through a clear mandate for the multistakeholder forum and an online repository will help strengthen the sustainability of Seychelles' OGP participation. Also, establishing an online repository now will help ensure that the Seychelles' open government achievements are documented from the start. Mindful of the Seychelles' October 2020 presidential elections, a formalized OGP process is particularly important during times of political transition. The OGP Handbook and blog offer recommendations for maintaining an open government agenda through political transitions.<sup>304</sup>

Sustainability will become a crucial factor to consider in future NAPs, especially given the realities imposed by the ongoing COVID-19 pandemic that may shift development priorities significantly. All stakeholders involved in the OGP process need to sit together and brainstorm about how they could leverage the OGP process and its wealth of opportunities in curbing the negative impact of the pandemic towards the lives of citizens by improving access to information on crisis response, encouraging more meaningful public participation in recovery plans, and enhancing accountability of the government's crisis management and policy.

<sup>304</sup> For more recommendations on maintaining the open government agenda during political transitions see The OGP Handbook (<https://www.opengovpartnership.org/documents/ogp-handbook-rules-and-guidance-for-participants-2020/>) as well as lessons learned from OGP countries (<https://www.opengovpartnership.org/stories/open-government-reforms-in-times-of-political-transitions-lessons-from-latin-america/>)

**Establish procedures to ensure equal and ongoing engagement of civil society** in the co-creation process, including civil society outside of the usual or formal channels. Create a process for transparent selection of civil society organisations.

Importantly, the Seychelles’ co-creation process involved both government and civil society representatives. However, co-creation committees lacked parity, with an overwhelming majority of participants representing the government. The Seychelles should establish a transparent and open process for selecting CSO representatives. Information on the selection process should be provided in the online repository. Equal inclusion of civil society is essential to ensure that commitments reflect public priorities and provide social accountability that commitments are implemented. Furthermore, CSOs can provide valuable resources, information and assistance to implement commitments. Commitment implementation plans should include mechanisms for ongoing civil society involvement after the co-creation process. Commitment 2 on Access to Information provides a good example when it states, “The Information Commission ... will earmark specific CSOs to actively take on the education and sensitization of citizens.” Commitment 4 could likewise include a similar milestone that provides for specific civil society organisations to educate the public about the availability of the e-portal.

Table 8. Recommendations for the Next Action Plan’s Design

Recommendations for the next action plan’s design	
1.	<b>Increase the scope and specificity of commitments to raise their level of ambition.</b> Thoroughly assess the impact of the first action plan and leverage OGP to raise the level of ambition of future commitments. Follow the IRM Procedures Manual and OGP Participation and Co-Creation Standards closely in designing commitments for the action plan.
2.	<b>Broaden and strengthen the consultation process to ensure that commitments reflect thematic areas important to the public.</b> Prioritize dialogue around issues of national importance such as strengthening whistleblower protections, public officials’ asset declaration, an independent civil service commission as well as increasing the autonomy of the Ombudsman’s office, and human rights and anti-corruption commissions.
3.	<b>Undertake a sensitization campaign to familiarize civil society and the public with OGP</b> to facilitate active participation during co-creation and implementation processes.

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Thoroughly assess the impact of the first action plan and leverage OGP to raise the level of ambition of future commitments. Follow the IRM Procedures Manual and OGP Participation and Co-Creation Standards closely in designing commitments for the action plan.

Seychelles has taken a significant initial step towards transformative open government reforms in developing its first action plan. Now that there is familiarity with the OGP process, the multistakeholder forum should seek to increase the ambition of future commitments. Increasing the scope of commitments is one way to increase their level of ambition. For example, commitment 3 on fishing transparency could have extended beyond publishing the FITI Report to activities related to the report’s public dissemination and translation into policy reform. It is important to design commitments with a focus on the problem to be addressed rather than the instrument or document to be created. Therefore, commitment 3 would be strengthened by adding intermediary steps to ensure that publishing the FITI report tangibly advances transparency in the fisheries industry. Likewise, the scope of commitment 4 could go beyond establishing the e-portal to create an enabling environment that encourages the public to make use of it. The use of CSOs to monitor government responsiveness to citizen feedback through the portal is a strong element of this commitment. Adding specific requirements for the government to publicly respond to citizen input within a particular time frame would further help the e-portal advance to meet open government objectives.

**Broaden and strengthen the consultation process to ensure that commitments reflect thematic areas important to the public.** Make dialogue around issues of national importance a priority, including strengthening whistleblower protections, instituting public officials' asset declaration and an independent civil service commission, increasing the autonomy of the Ombudsman's office, and establishing human rights and anti-corruption commissions.

Although the Drafting Committee made efforts to solicit public feedback, the action plan is largely the result of inputs from a select handful of civil society organizations. The IRM recommends beginning the commitment drafting process with a core group of civil society representatives to identify strategic priorities. This conversation should then be followed by a wider consultation to gather input from the broader public. The core civil society group can then regroup to consider and validate the draft action plan. The Seychelles should make dialogue around issues of national importance a priority. Some such topics that came up in conversations with stakeholders included strengthening whistleblower protections, public officials' asset declaration, an independent civil service commission, increasing the autonomy of the Ombudsman's office, and human rights and anti-corruption commissions.

**Undertake a sensitization campaign to familiarize civil society and the public with OGP** to facilitate active participation during co-creation and implementation processes.

As the Seychelles is a relatively new member, OGP is unfamiliar to many segments of government, civil society, and the public. This likely contributes to low levels of public participation even when the space for public consultation is provided. Therefore, it is important to have a dialogue with stakeholders about how the open government movement can facilitate their policy priorities. It is also important to educate civil society and relevant government officials about the OGP process so they may identify how to best participate. The IRM recommends undertaking targeted outreach efforts for members of the legislature, directors of agencies, civil society organizations and the public.

## VI. Methodology and Sources

IRM reports are written in collaboration with researchers for each OGP-participating country. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, observation, and feedback from nongovernmental stakeholders. The IRM report builds on the evidence available on the country's OGP repository (or online tracker), website, findings in the government's own self-assessment reports, and any other assessments of process and progress put out by civil society, the private sector, or international organizations.

Each IRM researcher conducts stakeholder interviews to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested parties or visit implementation sites. Some contexts require anonymity of interviewees and the IRM reserves the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary during the pre-publication review period of each report.

Each report undergoes a quality-control process that includes an internal review by IRM staff and the IRM's International Experts Panel (IEP). Each report also undergoes an external review where governments and civil society are invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.<sup>305</sup>

### Interviews and stakeholder input

The IRM researcher conducted 10 interviews between 3 June and 8 July 2020 both individually and in groups utilising online video conferencing tools. Interviews were held with government officials and civil society representatives, including members of the drafting committee, members of participating MDAs, members of the CEPS, other civil society members who are not part of the CEPS and other relevant stakeholders. In addition to the interviews, the IRM researcher reviewed email communications and other supplementary materials provided by the respondents and conducted a survey involving more than 30 civil society organisations. However, only two respondents submitted a response.

All respondents stated that they were more comfortable having their identities kept confidential. There were some difficulties in reaching all relevant stakeholders given the limited time frame provided for interviews. It should be underlined as well that the interview took place during the COVID-19 pandemic, which added layers of other challenges.

Table 9. Stakeholder Interviews

Interview Date	Stakeholder	Type of Interview
3 June 2020	Citizen Engagement Platform Seychelles (CEPS)	Group of 3
4 June 2020	Office of the Vice President of Seychelles	Individual
6 June 2020	Department of Information and Communications Technology (DICT) of Seychelles	Group of 3
9 June 2020	Information Commission of Seychelles	Group of 3
10 June 2020	Department of the Blue Economy of Seychelles	Individual

<sup>305</sup> "IRM Procedures Manual" (Open Government Partnership, updated Sep. 2017). <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

16 June 2020	Transparency Initiative Seychelles (TI-S)	Individual
17 June 2020	Truth, Reconciliation and National Unity Commission (TRNUC) of Seychelles	Group of 5
18 June 2020	Theophilous Chiviru, Open Government Partnership (OGP)	Individual
19 June 2020	Fisheries Transparency Initiative (FITI)	Individual
8 July 2020	Ministry of Finance, Trade, Investment and Economic Planning (MOFTIEP) of Seychelles	Group of 2

### About the Independent Reporting Mechanism

The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries and entities. The International Experts Panel (IEP) oversees the quality control of each report. The IEP is composed of experts in transparency, participation, accountability, and social science research methods.

Current membership of the International Experts Panel is:

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Fredline M’Cormack-Hale
- Showers Mawowa
- Juanita Olaya
- Quentin Reed
- Rick Snell
- Jean-Patrick Villeneuve

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at [irm@opengovpartnership.org](mailto:irm@opengovpartnership.org).

## Annex I. Commitment Indicators

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.<sup>306</sup> The indicators and method used in the IRM research can be found in the IRM Procedures Manual.<sup>307</sup> A summary of key indicators the IRM assesses is below:

- **Verifiability:**
  - Not specific enough to verify: Do the written objectives and proposed actions lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment?
  - Specific enough to verify: Are the written objectives and proposed actions sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine relevance are:
  - Access to Information: Will the government disclose more information or improve the quality of the information disclosed to the public?
  - Civic Participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
  - Public Accountability: Will the government create or improve public-facing opportunities to hold officials answerable for their actions?
  - Technology & Innovation for Transparency and Accountability: Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?
- **Potential impact:** This variable assesses the potential impact of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
  - Identify the social, economic, political, or environmental problem;
  - Establish the status quo at the outset of the action plan; and
  - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the country's IRM Implementation Report.
- **Did It Open Government?** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the country's IRM Implementation Report.

### What makes a results-oriented commitment?

A results-oriented commitment has more potential to be ambitious and be implemented. It clearly describes the:

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<sup>306</sup> "Open Government Partnership: Articles of Governance" (Open Government Partnership, updated Jun. 2019), <https://www.opengovpartnership.org/articles-of-governance>.

<sup>307</sup> "IRM Procedures Manual" (Open Government Partnership, updated Sep. 2017). <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

1. **Problem:** What is the economic, social, political, or environmental problem rather than describing an administrative issue or tool? (E.g., “Misallocation of welfare funds” is more helpful than “lacking a website.”)
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan? (E.g., “26% of judicial corruption complaints are not processed currently.”)
3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment’s implementation? (E.g., “Doubling response rates to information requests” is a stronger goal than “publishing a protocol for response.”)

### Starred commitments

One measure, the “starred commitment” (★), deserves further explanation due to its interest to readers and usefulness for encouraging a race to the top among OGP-participating countries/entities. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria.

- Potential star: the commitment’s design should be **verifiable**, **relevant** to OGP values, and have **transformative** potential impact.
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of **substantial** or **complete** implementation.

These variables are assessed at the end of the action plan cycle in the country’s IRM Implementation Report.