

Mobile Access to the Law in Africa – Developing an eGrey Book for the Seychelles

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Abstract. A novel access to legislation project in the African island nation of Seychelles focused on producing a multi-format unofficial electronic collection of the most commonly cited laws, which can be used online or offline. People in Seychelles did not previously have ready access to current versions of their most important laws (including the Constitution and the civil and criminal codes), even in hard copy. The ‘eGrey Book’ project, launched in April 2014 through the website of SeyLII, has so far been a remarkable success. The history of the project exemplifies the possibility of lateral approaches to access to legislation challenges, the importance of close cooperation with LII colleagues and international technical experts, and the invaluable contribution that a targeted one-off funding injection can make. It also reflects the significant time commitment required to create the raw materials for a resource of this kind. Now that the hard work has been done, the eGrey Book requires relatively little effort to maintain and update. It has already become the default reference point for local practitioners. With time, it may offer a model for replication in other African jurisdictions facing similar challenges.

Keywords: legislation, mobile, consolidation, LII, online

1. Introduction

Access to the law is often difficult in Africa. Yet as everyone committed to the FALM movement will attest, it is fundamental to the healthy growth of civil society, for access to justice, the rule of law, and the economic life of everyone in the region.

Seychelles, a widely scattered island archipelago centred about 1,600 km east of Mombasa and 1,700 km north of Mauritius, is one of those historical oddities, a genuinely mixed jurisdiction, in which day-to-day Court process is familiar to any Commonwealth-trained lawyer, but the Civil Code and Constitution remain the fundamental reference point for all legal conversation.¹ Access to legislation is vitally important everywhere, but nowhere more so than in a partly codified system like this.

¹ See Twomey, Mathilda. “The parts that make a whole?” – the mixity of the laws of Seychelles.” in *Mixed Legal Systems, East and West: Newest Trends and Developments*. Ed. Palmer. Ashgate, 2014. 55-74. Print. Advance copy available at papers.ssrn.com. 14 February 2015.

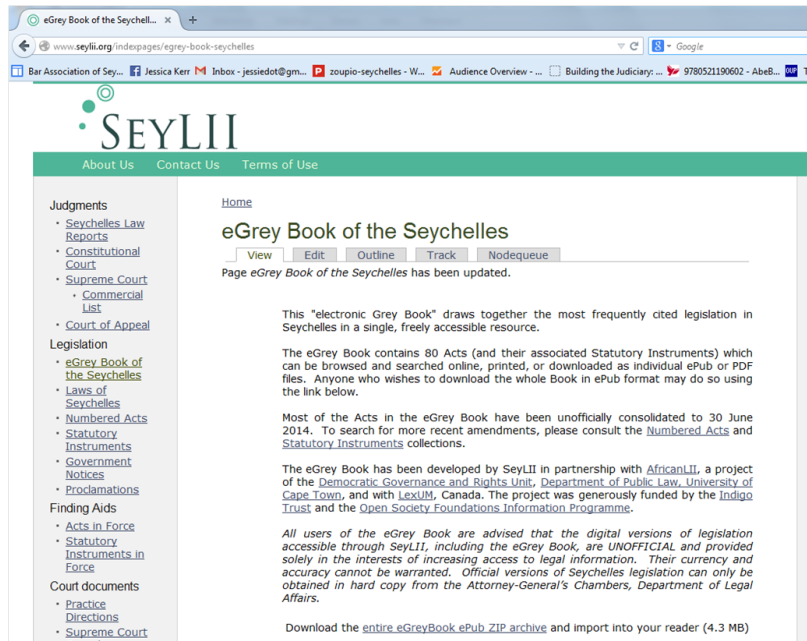


Figure 1. The Seychelles eGrey Book

The purpose of this article is to share the early life of a novel free access to legislation project, the ‘eGrey Book’, which has been developed and implemented in Seychelles with the support of partners in South Africa and Canada.

What follows reflects a joint presentation made to the LVI (Law via the Internet) Conference in Cape Town in September 2014 by SeyLII, AfricanLII, and LexUM. SeyLII may be the smallest member of the LII family and a brand new member of FALM, but those responsible for its early development are optimistic that the success of this pilot project may offer some inspiration for older and larger members of the family (and perhaps for those yet to achieve lift-off).

2. The Grey Book concept

In East African jurisdictions the most frequently cited statutes and statutory instruments are traditionally bound in a Grey Book volume, allowing judicial officers and attorneys to carry one instead of multiple volumes around easily for reference in and out of court.

Attorneys and judicial officers in the tiny nation of Seychelles (population circa 90,000) have never enjoyed access to a Grey Book of this kind. Until very recently, that concept would have seemed wildly

aspirational.² It has not even been possible to maintain an official multi-volume hard copy reference edition of legislation. The last consolidated Laws of Seychelles were published in hard copy in 1991 and revised in 1996. No official consolidation of any kind has been released since then, although ‘unofficial’ consolidations of some key Acts were published under the authority of the Law Revision Commissioner as at 2010. The Government is still to complete that long awaited revision exercise. In the meantime, practitioners and judicial officers, and of course the general public, have had to rely on a combination of loose-leaf Gazette publications and some ‘unofficial’ revised volumes, made available in hard copy only and at cost.

Seychelles’ tiny size has mitigated the confusion that this situation inevitably produces. But its negative impact on the administration of justice (and the rule of law) should not be understated. Lack of reliable access to current legislation has been identified as a significant contributing factor to delay in advising clients and managing proceedings, leading to delay in delivering judgments, perpetuating backlog and hampering development initiatives.

3. SeyLII

SeyLII, the Seychelles Legal Information Institute, was formed in early 2011 as a project of the Judiciary of Seychelles under the auspices of AfricanLII. Its initial location within the Judiciary follows the model of ULII in Uganda. Given the fact that the only law school in the only university in the country has just produced its first graduating class, and in the absence of an organised and well resourced private Bar, there was simply no one else in Seychelles to take up the reins.

SeyLII’s core objective, like that of other LIIs, is to provide free, reliable online access to essential public legal resources – in particular, decisions of the superior courts and primary and secondary legislation. In addition to acting as a portal for case law and legislation, SeyLII aims to increase public awareness of the operations of the domestic courts and the broader legal profession, thereby improving access to the courts and strengthening public confidence in the administration of justice. In the medium term, it is hoped that SeyLII will be in a position to build sustainable partnerships with the Government of Seychelles (with a view to creating and maintaining an official online source for legislation) and the newly-established law school at the University of

² See Kerr, Jessica. “Finding the Law in Seychelles.” *Globalex* Jan./Feb. 2015: n. pag. Web. www.nyulawglobal.org/globalex/Seychelles.htm. 14 February 2015.

Seychelles (in the interests of developing and encouraging local legal scholarship).

The SeyLII website³ was developed and publicly released in 2011 and formally launched by then Chief Justice, Fredrick Egonda-Ntende, in March 2012. It has been in a constant state of expansion and development since then. All view and download options on the site have remained free and unrestricted, consistent with the FALM principles. The initial burden of data capture and uploading was largely borne by colleagues in AfricanLII, with support from a local coordinator nominated from among the existing staff of the Judiciary. That coordinator, who also manages the library and archives of the Supreme Court, was in turn supported by the author, an expatriate lawyer employed in 2013 as assistant to the Chief Justice, who has managed the Seychelles side of the eGrey Book project.

It has not yet been possible to provide SeyLII with a full-time staff. However, a Board of Governors for SeyLII (which includes ex officio representation from AfricanLII) was constituted in April 2014, under the leadership of Justice Mathilda Twomey of the Seychelles Court of Appeal. SeyLII has since begun the process of acquiring legal personality through registration as a non-profit association. This will facilitate systematic, strategic planning for the ongoing expansion and maintenance of SeyLII, including dedicated human resources and secure funding streams.

4. The eGrey Book project

The eGrey Book concept was first floated late in 2012 in discussions between Chief Justice Egonda-Ntende and Mariya Badeva of AfricanLII. They were confronting a number of problems: the general lack of ready availability of legislation; the failure of attorneys at law to come to court with the specific legislative provisions necessary to support their arguments; and the desire to use existing technology to make this legislation available to all consumers of law in a format that was both mobile and easy to use online and offline.

In order to start on this project it was necessary to have access to a current version of the laws of Seychelles. However, this had already proved to be the greatest initial challenge faced by the SeyLII developers. Since SeyLII had no idea when a new official consolidation of the Laws of Seychelles would be published, and even if it would be permitted access to use the same once published, the Chief Justice opted to

³ www.seylli.org.

proceed with an unofficial version. After repeated but unfruitful efforts to collaborate with the Attorney-General's office, it proved necessary to hire a local attorney to undertake an independent digitisation and consolidation project. AfricanLII found a sponsor for this work, the Open Society Foundations⁴ which provided USD10,000 to support the same. The unofficial nature of the resulting project means that SeyLII has had to include a disclaimer⁵ on all of the legislation ultimately published. (The only exception is for scanned images of the Official Gazettes themselves.) However, in the continued absence of an authorised version, the presence of disclaimers does not seem to have dented the enthusiasm of SeyLII users.

In any event, once an independent consolidation project was underway, the concept of a Grey Book that collected core pieces of legislation in a single, convenient volume was no longer aspirational. Indeed, it became apparent that Seychelles would be in a position to leapfrog the traditional Grey Book altogether, moving directly to an 'eGrey Book'.

The potential advantages of this approach, both for consumers of law and for those behind the scenes at SeyLII, were obvious. An eGrey Book could not only be widely disseminated in electronic form, free of charge, but it could be downloaded as a pdf or epub document and used offline. The Book once downloaded could also be freely and easily transferred from device to device, thus reaching users in communities without regular internet access. All that a user would need was a small, portable tablet or e-reader. SeyLII could provide the platform for a downloadable application, and a reference point for updates and additions. The laborious and expensive process of updating and annotating hard copy laws could be replaced with a quick and inexpensive published update to an existing electronic document, which could simply replace the previous version. Neither SeyLII nor its users would have to bear the costs associated with printing, reprinting, and physical distribution and redistribution. And thousands of trees would be saved.

It was of course important to bear in mind the potential disadvantages of a digital Grey Book. The main issue perceived at the time was lack of access for the information have-nots: those who are locked out of the information society for whatever reason. This diverse group includes both those who cannot afford, or are physically unable, to access computer hardware and internet connections, and those who

⁴ www.opensocietyfoundations.org.

⁵ "The digital versions of legislation accessible through SeyLII are UNOFFICIAL and provided solely in the interests of increasing access to legal information. Their currency and accuracy cannot be warranted. Official versions of Seychelles legislation can only be obtained in hard copy from the Attorney-General's Chambers, Department of Legal Affairs."

choose not to do so because they prefer the old ways and work only from hard copies. If the latter group are not won over, they will disappear with time! The second problem considered was the rapid and continuous evolution of software and hardware, meaning that both the publisher and the user community need sufficient resources to adapt to and accommodate new technologies as they emerge. This may be hard on a resource-strapped community. Nevertheless, given the speed and determination with which Seychelles, like other countries in the region, has adopted emerging smartphone technology, it appeared to SeyLII that it would be possible to absorb this cost.

What was needed at this point was technical and financial support to bring the eGrey Book idea to life. Mariya Badeva was able to bring together LexUM⁶ which agreed to provide the technical foundation for implementation of the project, and Indigo Trust⁷ which generously agreed to fund LexUM's share of the work. All that remained was for Seychelles to write the Book.

5. Writing the Book

As already indicated, obtaining the raw materials for an eGrey Book – that is, electronic, consolidated copies of the 80 most commonly used pieces of legislation in Seychelles – was a challenge in itself. The contractor did not have access to a complete, consolidated set of legislation in hard copy. No one did. The best current reference resource is an unofficial “Finding List”⁸ prepared and maintained by a legal academic from New Zealand with close and long-standing ties to Seychelles, which attempts to index and cross-reference all primary and secondary legislation in force. That List has been regularly updated and fine-tuned since its first edition in late 2009, and is already an indispensable aid to practitioners, although complete accuracy remains elusive in view of the difficulties in tracking down old Gazettes. Once the contractor, equipped with the Finding List, identified a law in force as at 30 June 2012 and all its associated subordinate legislation, the text had to be either manually updated or, in many cases, copy-typed from scratch. There were unfortunately many errors in the legislation itself (either as Gazetted or subsequently republished), which had to be preserved without introducing new errors in the process of consolidation. The process was laborious and, inevitably, mistakes were made. But it is hard to see any alternative, given the nature of the source materials

⁶ www.lexum.com.

⁷ www.indigotrust.org.uk.

⁸ www.seylli.org/content/acts-force.

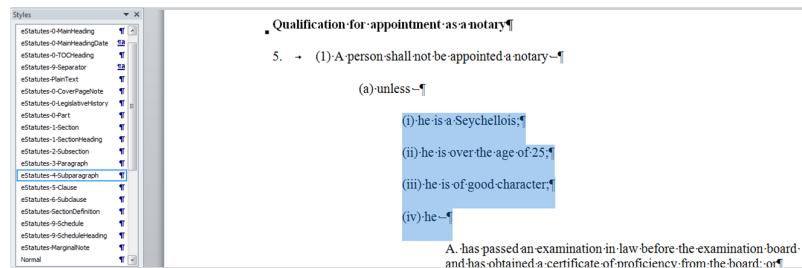


Figure 2. Applying the eStatutes template

available. Once work of this nature is done, it stays done – a consolidated Act is a foundation upon which new amendments can easily be superimposed.

When the raw content for the Book was available in Word form, the next step was to create a specially-formatted version of each Act, in accordance with detailed instructions provided by LexUM, which could be uploaded directly into the LexView / Zoupio web platform. This was done by applying a custom-built Microsoft Word style template which isolates the standard features of a Seychelles legislative document (section heading, paragraphs and subparagraphs, marginal notes, legislative history and so on). The templating process itself is encouragingly simple and quick, and capable of adaptation to suit the requirements of different jurisdictions.

From the Seychelles side, the greatest difficulty was with getting the raw documents into a form to which the template could be applied. A critical lesson learned in hindsight is the need for an agreed, standardised Word format from the outset. For understandable reasons, the raw documents obtained or created by the contractor were not consistently formatted, and required considerable time to rework in a format which was compatible with LexUM's instructions. To take one example, there was extensive use of text boxes to display legislative history and other marginal notes. Text boxes are not supported by the Zoupio platform and would have disappeared in the eGrey Book creation process if the contents had not been manually extracted. Another example is tables (for example of fees payable), which had often been created with manual tabs and spacing, and needed to be stripped back and re-constituted as Word tables.

Once the clean, templated Word documents were ready, the hard work in Seychelles was done. From there, the custom-built web platform stood ready to absorb the Word documents, literally at the click of a button. Documents are simply uploaded, one at a time, with a couple of basic identifying parameters (Act title and reference number, plus the opportunity to specify access permissions).

		Fees ¹
1.	Act of deposit of documents	400 ²
2.	Certificate of a person being alive	300 ²
3.	Act of nototesty ³	300 ²
4.	Consent to marriage	300 ²
5.	Acknowledgement of natural children, although made by the same instrument, for the first child	500 ²
6.	For all the others	100 ²
	General power of attorney	500 ²

Figure 3. Converting text in tables

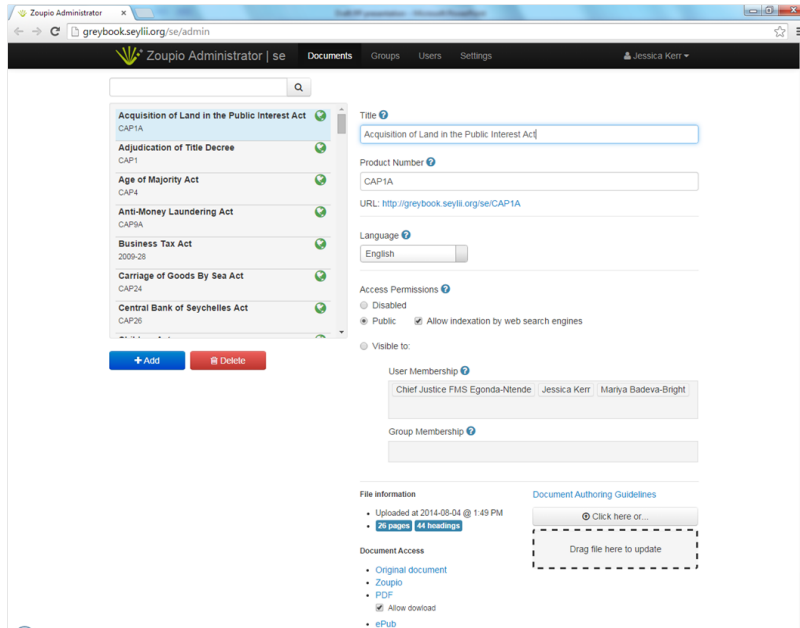


Figure 4. The eGrey Book ‘back-end’

The platform recognises the template formatting and automatically generates the online html view, complete with a side-bar table of contents and search functionality. It also automatically generates downloadable epub and pdf files, again with hyperlinked tables of contents.

SeyLII and AfricanLII staff were very impressed by the low number of errors / glitches in the uploading and conversion process. Given the limited human resources involved it was essential to be confident that the integrity of the source documents would be preserved.

Once all 80 documents had been uploaded and checked, all that was required was a front page on the SeyLII website,⁹ which was set up as an index page containing direct hyperlinks to each Act, together with some general information for users. Any interested person can now access the index page through a link from the SeyLII home page. From there, there

⁹ www.seylli.org/indexpages/egrey-book-seychelles.



Figure 5. Reading the Book

are options to view individual legislation pages online, to search, print, or download those pages as pdf or epub files, or to download the whole Book in epub form as a zip file of about 4 MB.

Extra effort was made for all judicial officers in Seychelles, who were able to have the Book (and other key legislation resources) loaded directly onto their official tablets – one advantage of a LII nested within a small Judiciary. Persuading judges to use their new tablets is a different matter of course!

The offline capacity associated with the eGrey Book is particularly important for Seychelles, where tablets and smartphones are becoming ubiquitous but wifi access is still limited and costly. Courtrooms in the new Palais de Justice, for example, which houses the Supreme Court and Court of Appeal, have capacity for wireless connections but are not yet generally online. If judicial officers and those who appear before them can work from a shared electronic resource, even when offline, the efficiency and utility of court hearings can be dramatically improved.

6. Launch and initial reception

The eGrey Book of Seychelles was launched by the Chief Justice in April 2014, under the auspices of SeyLII, in a public event which attracted widespread coverage by national news media. As first launched,

the Book was current to 6 January 2014. Users seeking updates in the intervening three months were directed back to the main SeyLII site to browse the scanned images of the Official Gazettes. In July 2014, the author consolidated the Book to 30 June 2014 and republished as at that date. This caused no technical difficulties. All that was required was to re-upload the relevant source document (one click) and update the SeyLII front page. For a small LII with no fulltime staff, this ease of maintenance is an asset which cannot be overstated.

But is the Book being read – have the efforts been worthwhile? Anecdotal evidence from judicial officers and attorneys certainly suggests so. All judicial officers have the Book available for offline reference on their tablets, and some have begun to use it regularly in Court – providing a model for attorneys and other observers. The Bar Association reports that almost all attorneys who use tablets or smart-phones have downloaded the whole Book, and many use it on a daily basis. Recent feedback from individual Judges, attorneys, and students clearly demonstrates the immediate impact the Book has had on day-to-day legal practice:

- “I don’t know why no one thought of this before. It has improved our access to the laws of Seychelles so much.” (R.S.)
- “I now refer my offshore clients enquiring about Seychelles laws directly to the e-grey book project.” (P. P.)
- “Some inquisitive clients are finding their way directly to Seylii and the e-grey book project before even coming to counsel.” (B.G.)
- “To be honest I cannot remember what it was like before the e-grey book, so accustomed already I have become to it.” (A.D.)
- “It is law at your fingertips. No more printing bits of provisions in haste for court.” (D.S.)
- “It is bringing the standard up - at least people are citing accurately now.” (K.D.)
- “It is great to go into court armed with the tablet secure in the knowledge that I won’t have to send out the clerk to get anything from chambers. (M.T.)
- “Honestly, I was surprised that Seychelles was so advanced in terms of laws being so accessible.” (Y.F.)
- “What innovation and how useful. I wish we had this in Mauritius.” (S.D.)

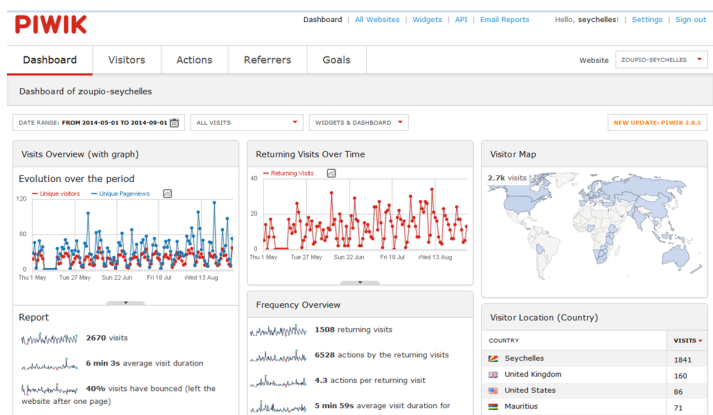


Figure 6. Piwik web analytics

SeyLII is happily not limited to anecdotal evidence, as the ‘Piwik’ analytics feature from LexUM provides an impressive range of real-time statistics for the eGrey Book, which complement the Google Analytics site used to monitor SeyLII. Overall, the statistical story is one of steadily increasing popularity. In the four months following the launch of the eGrey Book (prior to the LVI conference presentation in South Africa), there were over 2,000¹⁰ unique visits to the index page on SeyLII, more than half of which were made by returning visitors, and almost 4,000 unique page-views within the Book itself. Of the returning visitors, more than half returned within 24 hours of their first visit, and nearly 30% have returned 9 times or more. While 70% of visits came from within Seychelles, the site was accessed from 65 countries in total, with users in 18 countries across all major continents visiting the site 10 times or more. The most commonly viewed pages were the Civil Code, Penal Code, Employment Act, Companies Act, and of course the Constitution – the laws with the most significant impact on the everyday life of Seychellois. At least 134 people accessed the site directly from their mobiles. Individual legislation pages were downloaded more than 600 times, and nearly 150 users downloaded the entire eGrey Book in epub form.¹¹

¹⁰ The Piwik web statistics software was offline for about a week in May 2014, so this number may be slightly higher.

¹¹ In the nine months to January 2015, these patterns have remained consistent. There have now been almost 9,500 page views within the eGrey Book, a total of nearly 7,000 visits, and more than 1,000 individual downloads. The main shift over time has been in the most popular pages, with the International Business Companies Act (a core reference for the offshore industry) and the Business Tax Act displacing the Constitution!

Those numbers may sound miniscule to readers from large countries like South Africa. But in an island state with only about 50 practicing lawyers and a total population of less than 90,000, these are great signs.

7. Where to from here?

Under the terms of SeyLII's service agreement with LexUM, the existing 80 pages of the Book can be maintained and updated for an initial period of one year. After that, SeyLII will need to secure sufficient funding to extend the hosting agreement.

Expansion of the eGrey Book to cover other pieces of Seychelles legislation is already frequently requested by attorneys and other users. That is an illustration of the paradigm shift from a traditional Grey Book, which is defined by its selective nature (the maximum number of pages that can be bound in a single physical volume). Where resources are digital, and file sizes relatively small, there is no reason in principle why the Book model cannot be expanded and expanded – except that eventually it loses its 'Grey Book' character.

Since the launch of the Book in April 2014, SeyLII staff have managed to consolidate and update the entire balance of the legislative collection on the core SeyLII website, current to 30 June 2012, in HTML and downloadable Word format. This is a significant achievement in itself, but it has highlighted the comparative advantages of the specialised Zoupio platform for sharing legislation online. Food for thought as the SeyLII Board considers its medium-term plans.

For now, SeyLII and its users are happily reaping the benefits of the current eGrey Book. While the project remains unofficial for now, everyone in Seychelles is now able to access and monitor the key laws which apply to them, without cost and with relative confidence, wherever they happen to be. That is a significant advance for the rule of law in a small, developing country.

References

- Kerr, Jessica. "Finding the Law in Seychelles." *Globalex* Jan./Feb. 2015: <http://www.nyulawglobal.org/globalex/Seychelles.htm>. 14 February 2015.
- Twomey, Mathilda. "The parts that make a whole?" – the mixity of the laws of Seychelles." in *Mixed Legal Systems, East and West: Newest Trends and Developments*. Ed. Palmer. Ashgate, 2014. 55-74. Print.