



## LINYON DEMOKRATIK SESELWA

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### LDS COMMENTS ON PRESIDENT'S DECISION FOR AN ACT ON REFERENDUM

The decision of President Danny Faure to withdraw the request for the Electoral Commission to proceed immediately with a referendum on the issue of non-resident Seychellois citizens voting in national elections was necessary. It averts a serious breach of the Constitution implicit in his request.

LDS has maintained that the Constitution requires an Act to establish the legitimacy of the referendum. The request for the Electoral Commission to proceed without one was a grave error and a blatant disregard of the rule of law.

LDS holds however that what is required is not "legislation relating to the holding of referenda in Seychelles", as indicated in the statement from the President's office today. What Article 164 of the Constitution requires is a specific Act that applies to the issue in question. Such Act is needed to establish in law the question that is to be put to the voters, the manner in which the results are to be interpreted such as the percentage of the vote required for approval of the issue, and the consequences of the vote. It is these critical elements that are not covered in the Elections Act and which can only be established in an Act specific to the issue. It is to be noted that the existing Elections Act already provides for the manner in which voting in referenda is to be organised and conducted.

While a specific Act under Article 164 is in conformity with the Constitution, LDS continues to question whether a referendum on the stated issue is required at this point. The right for all Seychellois citizens to vote is already enshrined in the Constitution and the Elections Act provides for a manner in which they can be registered. Many Seychellois residing overseas are already registered as voters. Before any change is sought in the Constitution or the law, there must be a thorough examination of what changes can and should be made, and to what consequence.

The Electoral Commission is already tasked with implementing a number of reforms to the Electoral procedures and regulations to enable national elections, in particular the forthcoming Presidential election, to be free, fair and fully credible. The question whether the proposed referendum is a justifiable priority in terms of expense and resources at this time is of importance.

LDS will continue to weigh all considerations for the issue to be decided in the best interest of our democracy and the rights of our citizens.

Roger Mancienne  
Party Leader

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