



## Abstract

*The appointment of Ameenah Gurib-Fakim as the first woman president of Mauritius marked a momentous occasion in the political history of the island. Never before has a woman in this nation ascended to such heights, more so when taking into cognisance the fact that prior to this rise she was a political nobody and also an unknown in the main political circles of the island. As president of Mauritius, what is her job description as set out in the Constitution if not to uphold the rule of law, protect the Constitution and, appoint the prime minister and cabinet? Her functions as the president do not extend beyond these confines as everything else, including the direction of policy, has constitutionally been demarcated to be the province of the prime minister. This piece casts light into the meaning of Gurib-Fakim's appointment for the highly expectant nation of Mauritius and, scratches the surface by teasing out the constitutional implications of her appointment against the backdrop of the set of goals she wants to achieve during her term of office as the 'head of state'. The last section offers recommendations to help solve this constitutional conundrum that Gurib-Fakim's presidency may have to grapple with.*

## Introduction

The vibrancy of Mauritius' democracy reached a whole new level earlier this year when the national assembly elected Ameenah Gurib-Fakim as the island's first woman president. Her rise to take the political mantle as the president of Mauritius served to cement the country's reputation as a true and mature democracy that upholds true liberal values of tolerance and gender equity. By virtue of her election as woman president, Mauritius demonstrates a true coming of age and, certainly a model democracy that serves as testament to the island's political maturity.

This Indian Ocean Island, situated over 2,000km off the coast of East Africa with a population of 1.3 million, has enjoyed relative political stability since 1968 when it attained independence from Britain and, it has fared well as one of the top ranking nations in Africa on various governance indices.

Without doubt, the inauguration of Ameenah Gurib-Fakim as president of Mauritius, who is also an academic of renown, warrants putting the polity of the island and her person on the political spotlight. This is because each time a woman breaks the political glass ceiling to be at the helm of a nation-state, it seems bound to send shockwaves, not least when viewed against the backdrop of a continent that has gained notoriety for the suppression of women.

Rightly so, Ameenah Gurib-Fakim's political ascendancy ought to raise eyebrows even though hers is not the first on the continent and, hopefully will not be the last. She joins the rank of women greats who defied convention and courageously took the bull by the horn as to pave a path for their countries. Ellen Johnson Sirleaf of Liberia and, former President Joyce Banda of Malawi are such examples. The only stumbling block for Gurib-Fakim to reaching similar heights as these women, however, may be the Mauritian Constitution itself, which simply does not make provision for the president to shape much of the policy framework there since it remains a non-executive post.

The president is nothing more than a figurehead who serves as an aide to the prime minister in the form of an overseer<sup>1</sup>. The latter is arguably the head of state and thus conferred with stronger and more decisive powers. In terms of Section 28 (2) (a) (i) of the Constitution of Mauritius, the president of Mauritius, unlike the prime minister, is appointed by the national assembly and is not voted in by the people through the ballot.

So Ameenah Gurib-Fakim does not quite have the right to entry into this exclusive club of women greats who assumed the role of heads of state in their respective countries. This is because unlike the prime minister, who receives a direct mandate from the ballot, and thus conferred with the powers to form a government, the president's role is simply ceremonial. Under Section 28 of the Constitution of Mauritius s/he is simply the guardian of the constitutional values espoused by the people of Mauritius as well as ensuring that the rule of law is not trampled upon by those elected into positions of power. Arguably, while the Constitution regards her office as the most superior on the land it is the prime minister's office that carries the aspirations of the people as it is the only one empowered to effect direct, tangible change through the policies they carry out. Moreover, during his/her term in office, the constitution dictates that the incumbent remains non-partisan and must terminate all political activities in the interest of protecting the integrity of the presidency<sup>2</sup>. Nevertheless, her ascendancy almost to the top of the Mauritian political food chain must be celebrated as it spells very interesting and exciting times for the nation of Mauritius as well as the continent of Africa as a whole.

### **The meaning of Ameenah Gurib-Fakim's presidency for the people of Mauritius**

Indeed there is no doubt that in Ameenah Gurib-Fakim's presidency – with the limitations that mire it – many Mauritians have come to pin their hopes for an even brighter future. Mauritius has enjoyed a period of relative economic stability since the mid-1980s and its populace has benefited immensely from the economic returns that have come with such stability. It also ranks highly on the human development front as one of the best on the continent, while it continues to be head and shoulders above the rest in terms of the competitiveness of its economy.

Hence, it has been ranked the highest in Africa by the Global Competitiveness Index of the World Economic Forum for two consecutive years since 2013. Moreover, Mauritius is an economic powerhouse in its own right with a GDP that remains the envy of most of its peers in Africa. This success has translated into notable social gains which attest to the island's generous welfare system that upholds universal standards of provision. Indeed Ameenah Gurib-Fakim carries the hopes and aspirations of Mauritians on her shoulders. Whatever limitations serving as a hindrance to her functions as president, she is on the surface arguably entrusted with the same responsibility as the prime minister who has to keep the flames of economic prosperity burning on behalf of Mauritius' people now that the gap between the rich and poor has widened evermore in recent times. This is so even though she does not quite steer the wheel *per se*.

### **Balancing the limitations of the Constitution with the nation's expectations**

Her ascendancy to the presidency was facilitated by a constitutional conundrum that had gripped Mauritius since Alliance L'Avenir led by Navin Ramgoolam's Mauritius Labour Party came to power in 2010. It is worth taking note at this stage that the Labour Party won parliamentary seats by a wafer thin majority which left it desperately looking for coalition partners. In October 2014 the Alliance L'Avenir entered into an agreement with the Mauritius Militant Movement (MMM) of Paul Bérenger on the basis of constitutional reform which would have seen Mauritius turning into a semi-presidential state. As per the details of the agreement, the president would be conferred greater powers than currently accrued to this role. These included, but not limited to, the power of dissolution, having a direct role in shaping foreign policy and, chairing government meetings. The amendments would have seen the president becoming elected directly through the ballot, a position which Navin Ramgoolam expressed interest to contest.

Prime Minister Ramgoolam asked the president to dissolve parliament, thus calling for early elections which saw Mauritians also voting on a referendum for constitutional reform in December 2014. As it turned out, it was an uncalculated move as voters rejected proposals made by the alliance of Ramgoolam to give stronger powers to the president and, instead voted the Alliance Lepep (the people's alliance) of Ameenah Gurib-Fakim, which was led by Militant Socialist Movement (MSM) of Sir Anerood Jugnauth. Labour's defeat must also be viewed against the backdrop of the corruption allegations, cronyism and money laundering, which were leveled against politicians in the echelons of government, and later precipitated arrests of high profile politicians including Navin Ramgoolam and the former governor of the Bank of Mauritius mostly in February 2015, others later on.

Such is the challenge which confronts Ameenah Gurib-Fakim. She presides over a nation of a highly critical press and politically alert populace, whose voting patterns applaud those incumbents that do right by the people and reprove those who perpetuate mediocrity. Such is the challenge she faces indeed, more so that she comes with virtually no political pedigree, no prior active participation in Mauritian politics, and no experience in public administration at all. This is notwithstanding her highly successful career as a scientist with a pile of both local and international accolades to her name. Yet it must be noted that more often than not politics and academia exist on polar opposites and each domain commands a different approach and conduct in terms of execution of duties. Moreover, examples of academicians-turned-politicians who share her career trajectory are not thick on the ground.

## **Reflections and Conclusions**

That being said, I have no cause to question Ameenah Gurib-Fakim's abilities as one who understands politics and what it entails to rise arguably to the top of the State apparatus in such a politically competitive nation. Nevertheless, one cannot help but question the motives which governed Alliance Lepep's choice of Gurib-Fakim. Could her election be a reflection of the lack of abled candidates to take up such reins within the ranks of the alliance, or was her appointment an endorsement of her leadership qualities, or simply a genuine attempt at women empowerment in spite of her inexperience?

One thing is certain though. The people of Mauritius expect tangible results, and Alliance Lepep has got its work cut out to prove its worth in the five years that it will be in power. Hence, Mauritian voters can be as forgiving as they are brutally retributive at the polls. While they do not hesitate to kick the ruling incumbents out of office for whatever failings, they are willing to vote them back in provided they pitch a better electoral plan in the next elections. In addition Mauritius is a nation that is driven by ambition, and in consequence it has at times been perceived to punch above its weight. By implication Alliance Lepep, the party which Gurib-Fakim hails from, cannot afford to fold its arms as it might be replaced by a better competitor in 2020, not excluding the Labour Party which fell spectacularly from grace recently in the wake of corruption scandals.

This is where it gets confusing on three levels though. On the one level, one is curious to find out whether Gurib-Fakim comprehends fully the limitations of the powers of her office in terms of its ability to effect material change through policy.

On the other, whether she has conceived that by executing her functions dutifully as the custodian of the law will in the long-term spur positive growth and developmental outcomes to the benefit of the nation of Mauritius. And last, whether she did not confuse her functions to be synonymous with those of the prime minister who must carry out the election promises Alliance Lepep made during the December 2014 general elections which centred on social reforms and weeding out corruption out of the State apparatus.

Hence, upon her election as the president, she pledged to turn Mauritius into a “high income economy and create opportunity” for the betterment of all Mauritius’ people. She also seems intent on leveraging on her expertise as a scientist in a bid to turn this vision into reality. It is a quality which can be of great benefit to Mauritius especially in terms of advancing its vision of diversifying the economy as well as increasing its footprint on the global economic landscape provided she is empowered by the law to do so. After all, the success of Mauritius’ economy has always hinged on the ties the island forges with the outside world.

It is a reality which she has a full grasp of and, one which I wonder whether she has the ability to fulfil under the constitutional arrangements currently in existence. Questions remain though; is she or is she not the (wo)man for the job? Could her appointment usher in a new era in Mauritian politics in which the president is empowered to fulfil an electoral mandate despite being elected by the national assembly and not via the ballot? Moreover, will praise and commendation resonate with her presidency as the custodian of the rule of law, or will shame and ignominy engulf her as to have it tainted? For now, it remains to be seen how history will judge her presidency when her term in office expires.

## Recommendations

The following three recommendations are made in the context of the Mauritius’ constitution under the leadership of Alliance Lepep in terms of the limitations of powers of the president *vis-à-vis* those of the prime minister:

1. It may be an opportune time for Mauritius to start having a debate about whether the election of the president should remain the prerogative of the national assembly, or whether the president can be elected directly along with the prime minister by the electorate with the intention of serving different, yet impactful, functions in the realm of policy.
2. Whether to dispose of the semi-bifurcated system in which both the presidency and the premiership exist alongside each other with the intentions of emerging with one leader who carries the mandate of the people.
3. That under the current leadership arrangement, a less radical constitutional reform giving allowance to the presidency room in the shaping of policy remaining in office may be possible. Should such a decision materialise, it would consequently turn Mauritius into a semi-presidential state, one which would provide better clarity as to the extent to which the president can wield his/her powers in the policy domain compared with the current arrangement which is elusive, opaque and grossly ambiguous.

## Notes

1. Mauritius became a monarchist republic in 1968 when it attained independence from Britain but elected to retain Queen Elizabeth II as the head of state. It became a full republic in 1992, which saw the British monarch being replaced by the office of the president.
2. Although Ameenah Garib-Fakim may come from the ruling Alliance Lepep, her duties in the presidency are to be divorced from the ideological precepts of the party she comes from. This is despite the fact that her ascendancy to the presidency comes as a result of Alliance Lepep proposing in a motion to elect her to the office after the December 2014 general elections

## References

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3rd Floor Robert Sobukwe Building  
263 Nana Sita Street  
Pretoria South Africa

PO Box 14349  
The Tramshed,  
0126  
Pretoria South Africa

+27123376082  
+27862129442  
[info@igd.org.za](mailto:info@igd.org.za)  
[www.igd.org.za](http://www.igd.org.za)

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