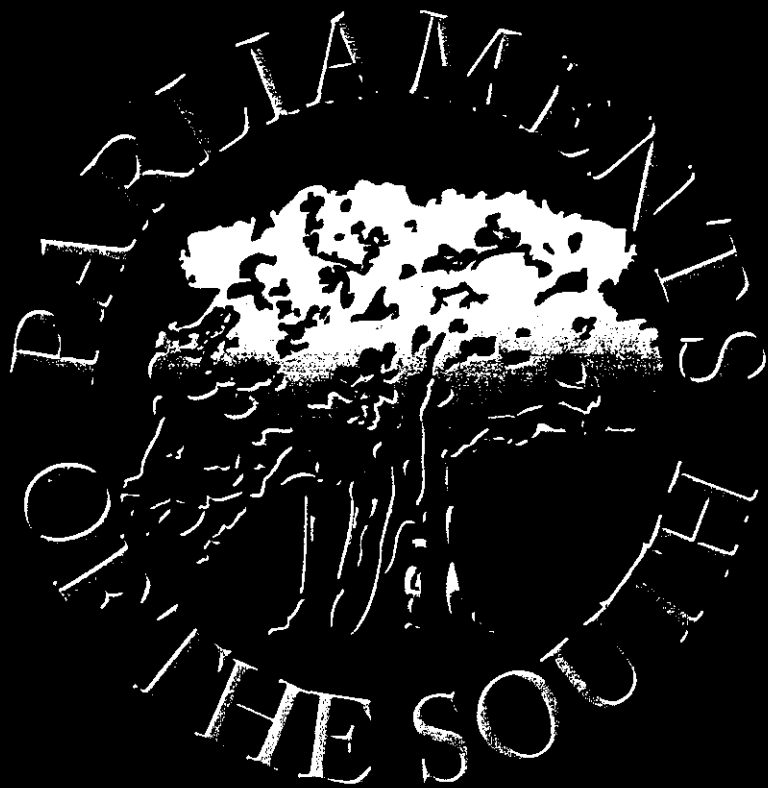


The South African Institute of International Affairs



Strengthening parliamentary
democracy in SADC countries

Mauritius country report

L. Amedee Darga

Series editor: Tim Hughes

THE SOUTH AFRICAN INSTITUTE OF INTERNATIONAL AFFAIRS

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L. Amedee Darga & Gilles Daniel Joomun

SERIES EDITOR: TIM HUGHES

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Preface

The roots of parliamentary democracy in Southern Africa are spreading and deepening despite operating in sometimes infertile soil. All countries in the Southern African Development Community (SADC) region now operate some form of parliamentary democracy. While a majority of countries exhibit text book constitutional, electoral and parliamentary architecture, the operation of these institutions is highly disparate. Some labour under the threat of civil war, constitutional flux, and monarchical fiat; others have operated consistently and constitutionally for decades. While there is little fundamental region-wide disagreement on the mechanisms for achieving a democratic polity, there is far less agreement on the appropriate powers, role and composition of legislatures; and still less discussion, let alone agreement, on the appropriate relationship between parliaments and 'the people'. Indeed the longevity of some parliaments in Southern Africa is no indicator of their constitutional strength, nor the strength of public engagement with them. Established parliaments can operate in an exclusive and exclusory manner. Established parliaments can also become susceptible to (un)democratic reversals, particularly with respect to a strong executive and single party dominance. Conversely, newly elected parliaments can forge innovative and healthy public participation programmes, thereby strengthening and deepening democracy.

This series of reports forms part of the South African Institute of International Affairs' (SAIIA) three-year research, conference and publications programme examining parliamentary democracy in SADC countries. Its normative objective is to contribute to strengthening parliamentary democracy throughout the region. Specialists in all 13 SADC countries were contracted to conduct primary and secondary research into the state of parliamentary democracy and to make recommendations on how parliamentary democracy might be improved, strengthened and sustained.

Specialists were tasked with researching a number of key themes. The first was to provide a country-specific overview of recent and current constitutional, electoral and parliamentary practice. This included 'nuts and bolts' issues such as the electoral system, constitutional provisions for the executive, legislative and judiciary and party political configurations. The organisational structure of parliament, including assembly rules, the roles and powers of committees, the status of the speaker, whips, members, as well as the functioning of parliament as

an oversight actor, were examined. These questions go, *inter alia*, to the status and credibility of parliament with the electorate.

The second theme was to conduct primary research into provisions for public engagement with parliament. There are two dimensions to this relationship. The first is the mechanisms and modalities parliaments use to convey and publicise their activities to the electorate and civil society in general. These may range from the publication of Hansard to the parliamentary web site. The former serves as a recordal of fact (after the fact), but the latter may also serve to publicise future parliamentary activity and is thus a potentially powerful tool. The more textured research centred on the degree to which parliaments encourage and facilitate the participation of the public in their activities. This may range from the public affairs offices, to the holding of public committee hearings in distant and rural areas.

The other side of the public engagement equation is the channels and practices used by civil society to interact with and lobby parliaments ranging from advocacy, petitions and protests, to oral and written submissions.

Public parliamentary access is often characterised by an 'insider-group' and 'outsider-group' dichotomy. The insider group is typically well-organised and funded, usually with a clearly identified constituency base and infrastructure. Insider groups may be issue specific, or cohere around markers such as class, race, religion and ethnicity. Such groups often develop effective methods and modalities of political mobilisation, support, lobbying, access and influence. Outsider groups, however, are often the mirror images of their more powerful counterparts. They may share common interests, or suffer from a common affliction or practice, but lack the resources and capacity to either mobilise effectively, or lobby for their interests. *Outsider groups may be extensive in number and may even represent a numeric majority or plurality of the population, yet still operate on the margins of political and parliamentary engagement.*

An important, or potentially important, linkage in this relationship is the media, and thus researchers were tasked with examining and evaluating their role. There may be an operational and political distinction between the parliamentary coverage of state-owned media, a national broadcaster and a commercial operator. Researchers were asked to evaluate briefly the effectiveness of these channels of communication and dissemination.

Finally, after workshopping their findings, researchers were asked to write a set of tightly formulated recommendations for strengthening parliamentary democracy in their respective countries.

We at SAIIA thank L. Amedee Darga and Gilles Daniel Joomun for their research and for the application and industry with which they have tackled their

work. This country report will appear in abridged form in a compendium of all 13 SADC country case studies. Its findings and recommendations will be incorporated into a SADC-wide best practice handbook.

Lastly, we should like to express our deep gratitude to Ambassador Torben Brylle of the Royal Danish Embassy in Pretoria for his constant support and that of the Danish government in generously funding this project.

Tim Hughes

SAIIA Parliamentary Research Fellow

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Executive summary

Since independence in 1966 and the establishment of a parliamentary system based on universal adult suffrage in 1968, Mauritius has proved to be a sustainable multiparty democracy characterised by the alternation of parties in government.

Although there is full capacity to exercise civil and political rights, and a high degree of independence to organise, there is serious weakness in the state of organised civil society. This is, however, not the case with the media, which plays a critical role in engaging parliament, the executive and the judiciary. Civil service trade unions are particularly active but are often seen as having ‘corporatist behaviour’ that is not conducive to the promotion of good governance. The vibrancy of other components of civil society organisations (CSOs) is not commensurate with their numbers and the degree of independence they enjoy.

This report begins with a short historic background on Mauritius highlighting the development of democracy and parliament as an institution. This is followed by an examination of the main features of the regime type, which is a Westminster-style parliamentary system. The report also discusses the electoral model used – first-past-the-post (FPTP) – and the implications of this for party representation in parliament.

The report then examines the existing structures and channels for parliamentarians to engage with the executive, noting that a (albeit insufficient) number of instruments exist for such engagement but that these are not utilised to their full capacity. Civil society is expected to ensure that good governance is maintained – that is, that the legislature is independent of the executive and holds the executive to account using the necessary checks and balance. Good governance also implies that parliamentarians understand issues of national importance and have an impact on the executive’s policy formulation. The existing structures and channels for parliament to disseminate information about its activities to the general public are highlighted in the report. It is noted that there is wide coverage of parliamentary activities by the print and electronic media, as well as easy access to such information through official channels such as the parliamentary website and *Government Gazette*.

As a consequence of the weakness of civil society advocacy, the report notes that there is little direct CSO engagement with parliament as an institution, although there is much more indirect engagement through constituency meetings

and discussions with parliamentarians. The report further indicates that as a result of the electoral system, the opposition is often under-represented in parliament and does not use all available instruments, particularly question time, to engage vigorously with the executive in parliament.

Finally, a number of recommendations are made to enhance the effectiveness of parliament in terms of its oversight role as well as to improve its dissemination of information and engagement with civil society.

1. Background and introduction

The South African Institute of International Affairs (SAIIA) is currently involved in a research project entitled 'Strengthening Parliamentary Democracy in SADC Countries'. The main aim of this research is to analyse the strengths and weaknesses of parliaments in the region as well as their level of engagement with civil society. This country report outlines the main features of parliamentary democracy in Mauritius and explores, among others, parliamentary proceedings, the electoral system and the electoral commission's procedure for appointing members of parliament (MPs) based on election results. It discusses how information about parliamentary activities is disseminated and the effectiveness of these channels of dissemination. The report finally examines the strength and scope of parliamentary opposition and civil society's engagement with parliament, focusing on the strengths and weaknesses of this engagement.

Mauritius has one of the longest records of modern political institution-building in Africa. The context of the regime history is one of a settler plantation economy built on slavery and indentured labour and moulded by two different colonial administrations – French and British – spanning 110 and 158 years respectively.

The island was uninhabited until the 17th century but its strategic position on the spice route soon changed that. Mauritian society was created through European settlement during the mercantilist period, and the colony was used as a base in the Indian Ocean. Dutch settlers occupied the island for a short period (1638–1700) but permanent settlement began with the French who occupied the island on 29 October 1721.

French rule extended until 1810 when the island was taken over by the British. After being a British colony for 158 years, Mauritius became an independent state in 1968 and a republic in 1992. Its regime history and social development have to a large extent been the result of the settler plantations set up during the French period, the change in colonial power to the British, the successive importation of African slaves and indentured labour from India, and the inward migration of small trading communities mainly from Asia.

Major constitutional developments

Constitutional developments have occurred over three distinct periods: the

French period from 1721–1810; the British period from 1810–1968; and the period of independence from 1968 onwards.

French period – 1721–1810

The administration of the colony by the French did not follow their typical colonial model but was designed for the establishment of settlers; it was administered as a private concession by the French East India Company. This situation therefore allowed for a somewhat decentralised administration. Settlers could participate in the affairs of the colony in a way that would ensure a degree of autonomous economic development while ensuring its role in the geopolitical design of France. France required a base that would allow it to control the Cape to India route, without having to foot the bill for its administration. As the settlers became more economically powerful – and in the wake of the 1789 French Revolution – they demanded a more formal institutional arrangement that would ensure they had a say in determining the island’s future. A colonial assembly of 24 members was thus formed, with members elected by the settlers themselves.

British period – 1810–1968

The British took military control after a brief naval battle in the southeast of the island in 1810 and established their own administration, but had to reckon with a well-organised settler community. There was no physical resistance to the British on the part of the inhabitants; however, had the British tried to unsettle the interests of the well established settlers, they would have resisted strongly, especially considering the French presence in the nearby island of Reunion. The Act of Capitulation signed between the British and the French stipulated that settlers would be allowed to keep their properties and to enjoy the practise of their religion, laws and customs prevailing before the conquest. The British had no interest in antagonising the settlers.

By July 1831, after relations between the settlers and the British had deteriorated over the question of the abolition of slavery, the latter agreed to involve settler representatives in the Council of Government. Seven representatives “from out of the chief landed proprietors and principal merchants” of the colony were nominated by the governor to sit together with seven others who “shall at all times be persons holding offices” in the island.

The Letters Patent of 16 September 1885 gave Mauritius a new constitution and elections were held for the first time in January 1886. Two members were returned for Port Louis and one for each of the remaining eight districts. Voting

qualifications were so high that for more than 60 years political representation belonged to the same oligarchy – although there were rare exceptions, particularly in Port Louis. The new Council of Government was still presided over by the governor, and the 10 elected members sat in the company of eight *ex officio* and nine nominated members. The legislature so constituted was the longest in the political history of Mauritius.¹

By 1936, labour movements and formal political parties representing classes other than the landed bourgeoisie had developed. The decolonisation movement that followed the Second World War influenced the course of events for subsequent decades. On 19 December 1947 an Order in Council gave Mauritius a Legislative Council comprising the governor as president, three *ex officio* members – the colonial secretary, the procureur and advocate general, and the financial secretary – 12 nominated members and 19 members elected on a semi-universal basis, resting mainly on literacy qualifications.

Amendments to this order were made on 30 July 1958 and introduced two important provisions. The Legislative Council became known as the Legislative Assembly. It was to be presided over by a speaker and to comprise three *ex officio* members, 12 nominated members and 40 members elected by universal suffrage. Furthermore, nine members were appointed to the Executive Council and were styled as ministers. The preparatory appointments on 10 April 1951 of liaison officers to the most important administrative public service departments was the beginning of a ministerial system.

Independence period – 1968 onwards

On 21 December 1966 the Mauritius Constitution Order of that year made Mauritius an independent state. Elections were held in 1967, and on 12 March 1968 Mauritius became formally independent with a 70-member Legislative Assembly. The Constitution of Mauritius Amendment No. 3, Act 48 of 1991 declared Mauritius a republic and a sovereign democratic state. The act came into force on 12 March 1992 and the Legislative Assembly became the National Assembly.

2. Main features of parliamentary democracy in Mauritius

Mauritius is a member of the Commonwealth and operates under a parliamentary political system. The president is the head of state and commander-in-chief of the Republic of Mauritius. He is elected by the National Assembly on a motion presented by the prime minister and supported by the votes of a majority of all members of the Assembly. The president holds office for a five-year term and is eligible for re-election for a second term. S/he should be a citizen of Mauritius, not less than 40 years of age who would have resided in Mauritius for a period of not less than five years immediately preceding his/her election. S/he may be removed from office on a motion made by the prime minister in the National Assembly and supported by the majority of MPs.

The office of president is non executive. This non executive character is translated in section 46 (2)(c) & (d) of the constitution regarding the assent of bills passed by the National Assembly. The president may only exercise the power of withholding assent – and within 21 days of a bill's submission to him/her for that purpose. Should s/he decide not to assent, the bill is returned to the National Assembly for reconsideration. However, if the bill is passed again by the National Assembly with or without amendment and submitted anew to him/her for assent, the president has no option but to signify his/her assent. (On 15 February 2002, President Cassam Uteem preferred resignation to giving assent to a rushed Prevention of Terrorism Bill which he considered repulsive to his conscience.) The president acts on the advice of cabinet, or in accordance with the advice of a minister acting upon the general authority of cabinet, except as otherwise provided by the constitution. On the advice of the prime minister, the president may at any time suspend or dissolve parliament.

The prime minister is constitutionally required to keep the president fully informed on all matters concerning the general conduct of the government of Mauritius and shall furnish the president with such information as s/he may request with respect to any particular matter relating to the government.

The parliament of the Republic of Mauritius, also called the National Assembly, is unicameral. The political regime is based on the Westminster, multiparty parliamentary system. Parliament is vested with legislative powers according to the constitution. Political representation in Mauritius is ensured through a fully competitive electoral process. Political representation is based on universal adult suffrage expressed through secret ballot. The voting age is 18 years and over.

All members of the National Assembly are elected during general elections. Sixty-two members are elected on a first-three-past-the-post, (FPTP),² basis from 20 constituencies on the island of Mauritius, with two elected members from the island of Rodrigues. Additionally, eight other members are appointed to be best loser (BL) MPs, thus giving a 70-seat National Assembly. The appointment of BLs is made by the Electoral Supervisory Commission on the basis of a mechanism prescribed under Schedule 1, section 5 of the constitution³ and in a manner that ensures adequate representation of the officially recognised ethnic groups, without changing the balance of power between the parties as obtained through direct suffrage.

The term 'community' is used in the constitution to mean ethnic group. The constitution of Mauritius identifies four communities:

The population of Mauritius shall be regarded as including a Hindu community, a Muslim community and a Sino-Mauritian community; and every person who does not appear, from his way of life, to belong to one or other of those three communities shall be regarded as belonging to the General Population, which shall itself be regarded as a fourth community.⁴

The main political parties field a slate of candidates who represent the various ethnic groups in society, although their leadership structure and political discourse define their primary ethnic constituencies.

Ethnicity remains a pervasive (though elusive) aspect of political, economic and, to a lesser extent, social life. Although Mauritians often deny it, the assumed or perceived ethnic identity of an individual can be a help or a hindrance in situations relating to, for example, work, political activity or marriage. But the parameters of ethnic identity are unclear and there is undoubtedly a dissonance between 'official' and 'perceived' identity.

There is, however, clear concern to ensure adequate representation of ethnic groups at parliamentary level. This is embodied in Schedule 1 of the constitution, which states as follows in section 5:

Section 5(1) In order to ensure a fair and adequate representation of each community, there shall be 8 seats in the Assembly, additional to the 62 seats for members representing constituencies, which shall so far as is possible be allocated to persons belonging to parties who have stood as candidates for election as members at the general election but have not been returned as members to represent constituencies.

Section 5(3) The first 4 of the 8 seats shall so far as is possible each be allocated to the most successful unreturned candidate, if any, who is a member of a party and who belongs to the appropriate community, regardless of which party he belongs to.

'Appropriate community' in the above section means the community, which is most under-represented. The basis for determining the under-representation is the 1972 population census figure.

Section 5(4) When the first 4 seats (or as many as possible of those seats) have been allocated, the number of such seats that have been allocated to persons who belong to parties, other than the most successful party, shall be ascertained and so far as is possible that number of seats out of the second 4 seats shall one by one be allocated to the most successful unreturned candidates (if any) belonging both to the most successful party and to the appropriate community or where there is no unreturned candidate of the appropriate community, to the most successful unreturned candidates belonging to the most successful party, irrespective of community.

The life of a parliament is for a maximum of five years: the term of office of all members elected under the single FPTP system is therefore five years. There are no limitations on re-election. Acting on the advice of the prime minister, the president appoints the deputy prime minister and other ministers from the members of the Assembly.

The Mauritius Constitution Order of 1966 provides for the appointment of a leader of the opposition. The leader is appointed by the president and is chosen from among the group of MPs whose number includes a leader who commands their support in opposition to the government. The leader of the opposition may be revoked by the president where, in his/her own deliberate judgment, the latter considers that another MP has assumed command of the greatest numerical strength in the Assembly or if the leader is no longer accepted as such by the leaders of the opposition parties in the Assembly.

The prime minister is the head of the executive. Cabinet is responsible to the National Assembly for any action taken by one of its members. The affairs of the state and the responsibility of the administration of any governmental department lie with the prime minister and his/her ministers.

Two offices of the legislature may, however, be held by non-elected members, namely: the speaker and the attorney general. At its first sitting after

any general election, the National Assembly is required to elect a speaker from among those MPs who are not ministers or, if need be, a non-elected person. The speaker may be removed from office on a motion presented by the prime minister and voted on by the majority of MPs, without debate.

The attorney general is the legal adviser to the government of Mauritius. S/he may or may not be an elected MP. If the attorney general is not an elected member s/he is entitled to take part in the proceedings of parliament and enjoys all the privileges granted to an MP by the constitution and any other law, but is not entitled to vote in the National Assembly.

The prime minister holds office unless s/he ceases to be a member of the Assembly otherwise than by reason of a dissolution of parliament; or where, at the first sitting of the Assembly after any general election, s/he is not a member of the Assembly.⁵ The prime minister is required to leave office if a motion of no confidence in the government is voted for by the National Assembly. In such a case, should the prime minister not resign within three days after such a vote, the president of the republic shall remove the prime minister from office, unless parliament has been or is to be dissolved in consequence of such resolution. The president may also exercise such prerogative if, in consequence of changes in the membership of the Assembly resulting in a general election, the prime minister will not be able to command the support of the majority of MPs.

Cabinet consists of such number of ministries as the government of the day may decide. At present there are 27 cabinet ministers, including the prime minister. They are collectively responsible to the National Assembly for any advice given to the president by or under the general authority of the cabinet or for all things done by or under the authority of any minister in the execution of his/her office. Ministers are chosen from among the MPs.

It has, however, often been considered that the numerical dominance of the executive in the legislature, together with the often low representation of the opposition resulting from the electoral system used, impacts negatively on the capacity of the legislature to play its role fully. For their part, however, parliamentarians do not use the full scope of instruments available to them to play their role as effectively as they could.

Electoral campaigns and coalition governments

Since independence in 1968 Mauritius has held seven general elections – in 1976, 1982, 1983, 1987, 1991, 1995 and 2000. Coalition governments – either as a post-electoral (as in 1969 and 1976) or as a pre-electoral arrangement (as in 1982, 1983, 1987, 1991, 1995 and 2000) – have been a constant feature of

Mauritian politics, indicative of its consociational nature. This has ensured both regime and democratic system stability. Although such coalitions have often split during a mandate, the dominant partner has been able to reclaim its majority either through partnering with other parties represented in parliament or through splitting of the junior partner with one of the splinter groups providing the prime minister with a majority. Indeed all Mauritian governments since 1970 have been alliance governments involving two to three parties. When dissension occurs between parties the party of the prime minister usually manages to cobble together a new ruling alliance with splinter elements of other parties in the alliance.

Another important feature of electoral competition in Mauritius is the tendency of the electorate to throw the baby out with the bath water – that is, if the incumbent is considered not to have performed as expected or as promised, it is replaced altogether by another team. Results of the last three general elections vividly illustrate this tendency (see Table 1). The winner-takes-all FPTP electoral system is conducive to this trend, but impacts negatively on the numerical strength of the resultant opposition in parliament.

1976 elections

The general parliamentary elections of 1976 were the first post-independence general elections to be held in Mauritius: the then government – Labour Party and *Parti Mauricien Social Démocrate* (PMSD) – had postponed the 1973 elections. The 1976 elections were run as a three-cornered fight among the ruling Labour Party, the PMSD and the *Mouvement Militant Mauricien* (MMM). After the allocation of the BL seats, the returns gave 34 seats to the MMM (spread equally in rural and urban areas), 28 seats to the Labour Party and eight to the PMSD. The Labour Party and the PMSD formed a coalition government. The MMM – a post-independence party with a left-oriented programme and a class rather than an ethnic base – had, however, become the single most dominant party.

1982 elections – defeat of Sir Seewoosagur Ramgoolam

The general election of 1982 saw the landslide defeat of both the Labour Party and the PMSD: the MMM in alliance with a smaller partner, the *Parti Socialiste Mauricien* (PSM), won all the seats. Sir Seewoosagur Ramgoolam – who had been prime minister since independence – was defeated, paying the price for the incompetence of his government: economic performance was dismal with 20% unemployment and two successive devaluations of the rupee. The MMM, which

had already narrowly missed power in 1976, offered a younger, more competent team, promising growth and social justice. The PSM was a newly formed, small party of former labour supporters whose leader had a certain appeal among the Hindu electorate. The MMM leadership, wishing to cover all its bases, entered into an alliance with the PSM.

1983 – Resurgence of ethnicity

The MMM/PSM formed the new government with Anerood Jugnauth (MMM president) as prime minister and Paul Berenger (MMM secretary general) as minister of finance. But a major split occurred some months later. Paul Berenger resigned, taking with him the MMM, while Prime Minister Jugnauth and a number of MMM dissidents formed a new party, the MSM (*Mouvement Socialiste Militant*) and declared elections during the same year. The split happened for three reasons.

First, profound policy differences existed between the more conservative and welfare-oriented elements and the Minister of Finance, who was trying to modernise the fiscal system and who was more amenable to World Bank propositions to reduce the budget deficit by cutting rice subsidies. The second reason had to do with Paul Berenger's abrasive character; he was perceived to be humiliating his cabinet colleagues in difficult times. Third, there was growing pressure from lobby groups within the Hindu-dominated state bourgeoisie who believed their interests were threatened by the government's modernisation policies. The split was also ethnically loaded and the 1983 electoral campaign consequently saw the resurgence of ethnicity. The Hindu electorate strongly supported the MSM/Labour Party/PMSD coalition, which won the elections, relegating the MMM to the opposition.

The MSM/Labour Party/PMSD coalition was given a second mandate after the 1987 general elections. Between 1983 and 1987 the government had managed a good economic turnaround: Mauritius was on a growth curve, investments were flowing in and job creation was up.

1991 – New MSM/MMM coalition

For various reasons – mostly concerning power struggles – the MSM/Labour Party/PMSD alliance split in 1990 and a new MSM/MMM coalition was formed in 1991, winning all the seats in that year's election. According to a coalition condition – and a long-time MMM aim – legislation was passed in 1992 to declare Mauritius a republic within the Commonwealth. The first president elected by

parliament was Cassam Uteem, a former minister in the 1982/83 and in the 1990/91 MSM/MMM governments.

1995 – Defeat of incumbent prime minister

A new split occurred in 1983 between the MMM and MSM, largely as a result of mounting divergence between the leaders of the two parties. Sir Anerood Jugnauth continued as prime minister and the MMM became the official opposition. In 1995, the MMM in alliance with the Labour Party defeated the MSM, and Labour Party leader Navin Ramgoolam (son of the late Sir Seewoosagur Ramgoolam) became the new prime minister.

2000 – Return of the former prime minister and the term-sharing agreement

Owing to a number of differences, a split occurred between the 1995 MMM and Labour Party government half-way through its terms. Navin Ramgoolam continued as prime minister, with the MMM in opposition. In 2000, the MMM and MSM contracted an alliance, went to election and formed the new government. Sir Anerood Jugnauth became prime minister once again, with Paul Berenger as deputy prime minister and minister of finance. One of the central conditions of the alliance was an agreement to share the position of prime minister: Paul Berenger became prime minister from September 2003 to the end of the mandate in 2005.

For the first time in its history Mauritius has a non-Hindu as prime minister. Indeed, although not constitutionally provided, Mauritius has always had a Hindu prime minister of the 'vaish' caste. Many believe that Paul Berenger could have become prime minister after the 1982 general elections when the party had a strong working class and petty bourgeoisie base, and the ruling parties were so unpopular. However, the MMM leadership, believing that ethnicity amounted to party support, decided to propose Aneerood Jugnauth as prime minister, thus not disturbing the pattern.

Political expediency allowed the MMM to obtain the two-year prime ministership for Paul Berenger in 2000. Up until the last minute the three main parties – MMM, MSM and Labour – were going to run the elections separately: a three-cornered fight meant uncertainty about the winner, with the MMM likely to emerge as the stronger party but probably not the majority party. The parties were also aware that if an alliance was concluded between any two, the MMM would be the winning side. As a matter of expediency, therefore, a last minute alliance

Table 1: An overview of general election results, 1991 to 2000

	1991			1995			2000		
	Parties (alliances)	No. of seats	% of votes	Parties (alliances)	No. of seats	% of votes	Parties (alliances)	No. of seats	% of votes
Government	MSM/ MMM	57	56.28	Labour/ MMM	60	66.22	MSM/MMM/ PMSD/Les Verts	54 4	52.30 BL
Opposition	Labour/ PMSD	3 4	39.95 BL	PGD Hizbullah	1 1	BL BL	Labour/PMXD	6 2	36.95 BL
Rodrigues Reps.	OPR	2	65.93	OPR Mouvement Rodriguais	2 2	41.98 BL	OPR Mouvement Rodriguais	2 2	51.15 BL
BL = best losers									
Source: Adapted from information received from The Electoral Commission Office, July 2004									

was worked out between the MMM and MSM, with the understanding that Paul Berenger would have two years as prime minister.

This brief history of elections since independence shows that the political landscape has been dominated by the three main parties. Given the use of the FPTP electoral system, political strategy has moved away from ideological or programmatic issues and has been reduced to a contest of alliances – any two parties that form an alliance win the election.

Channels of engagement used by parliamentarians

The Mauritian National Assembly enjoys a number of instruments for holding the executive accountable to it and conducting oversight of the executive, essential for the effective exercise of parliamentary democracy.

Parliamentary questions

This is the most used instrument: every parliamentarian has the right to put four questions in writing to the executive at every sitting of the National Assembly. All questions, except a private notice question, must reach the Office of the Speaker at least four days before a sitting.

The speaker has sole authority to determine whether a question is admissible

or out of order. If not declared out of order, the question is automatically placed on the order paper for the sitting. The rules for admissibility of a question are clearly laid out in the Standing Orders of Parliament.⁶ In short, the proper objective of a parliamentary question should be to obtain information on a matter of fact and must relate to a subject for which the member of the executive has official responsibility.

These questions are answered orally by the member of the executive concerned, and upon his/her reply parliamentarians can follow up with supplementary questions. There is no limit to the number of supplementary questions, although the speaker is watchful that such questions are not repetitive and that they are strictly relevant to the subject matter at hand. No assessment has been done to evaluate the number of questions that have remained unanswered. Empirical evidence shows, however, that when a question requires that much data be made available, ministers usually respond by informing the House that the data is being compiled and will be “laid on the table of the assembly”. The leader of the opposition has the right to a private notice question, explained further in Section 5.

Motions

Motions can be introduced by non-executive parliamentarians; however, the executive determines parliament’s agenda and allows little time for such motions. The order for presentation of private member’s motions is determined by a draw of lots and is often limited to a specific time allocation, with the result that only a few of the motions introduced can in effect be debated.

Matters at adjournment

Parliamentarians can at adjournment raise matters related to almost any subject. Both backbenchers and opposition parliamentarians make good use of this opportunity to raise matters that are of concern to their electoral constituencies or to the general public. Ministers sometimes respond the same day or at the next sitting.

Statutory committees

Parliament has also set up various statutory committees to facilitate the undertaking of its various functions; these include the Legislative Committee, the Standing Orders Committee and the Public Accounts Committee. All committees

comprise members of both the ruling and opposition parties but most members are from the ruling party. All committees are chaired by a member of the ruling party, except for the Parliamentary Accounts Committee which is chaired by an opposition party member.

- *Standing Orders Committee*: The Standing Orders Committee sets the procedures to be adopted for carrying out the functions of parliament during its mandate. It meets whenever necessary to amend existing procedures. The committee met last in 1997 when the Labour government at that time convened it to review a report prepared in 1995.
- *House Committee*: The House Committee comprises some five members who are tasked with looking into matters related to the House and its members, such as catering, library facilities, etc.
- *Selection Committee*: This committee comprises about nine members and meets at the opening of each new parliament (i.e. every five years). It is chaired by the speaker of parliament and is tasked with appointing members for the different committees.
- *Public Accounts Committee*: This is an important committee which meets as soon as the director of audit's report on the executive's management of public funds is released to the National Assembly. Its main function is to scrutinise the report and share its findings with parliament. A major shortcoming of the existing procedure is that both the director of audit's report and the Public Accounts Committee's report are tabled before the National Assembly, but parliament is not bound to debate either report.

Supplies Committee

The Supplies Committee is represented by the whole of parliament and sits immediately after the annual Appropriation Bill (the national budget) has gone through its third reading. The Supplies Committee allows parliament to scrutinise every item of expenditure in the national budget.

Parliamentarians can query ministers on allocations for any items under their ministries, and can even put forward a motion for non approval of an item. Parliamentarians can use the director of audit's findings to support their arguments during the Supplies Committee's debates.

Although still used as an opportunity for engagement by parliamentarian, the

intensity of debate over the past decade has been much lower than during the 1976–1982 parliament when the then opposition used this instrument to query and grill the executive rigorously. Media reports on the proceedings of the Supplies Committee allow for much transparency in the management of public funds.

Private Member's Bill

Parliamentarians can introduce private bills but it is the executive that determines the agenda of parliament, and hence the opportunity to debate such bills. Furthermore there is no drafting capacity available to private members.

These bills must therefore be referred to the State Law Office, which obviously causes long delays since the office has to give priority to bills sponsored by the executive.

Select committees

Select committees are parliamentary ad hoc committees set up to examine and make recommendations to parliament and the executive on any matter where it is considered that appropriate study, debate and consultation is required among the parties in parliament. The most important select committee to be established recently was the committee to examine a report dealing with reform of the Mauritian electoral system. However, only the executive can request parliament to set up a select committee to which it will refer a specific matter for examination, and few such committees have been established in the past decade.

Parliamentary Oversight Committee

There is only one Parliamentary Oversight Committee. It is a permanent committee provided for in the Prevention of Corruption Act and is set up to oversee the Independent Commission against Corruption.

The committee comprises 10 members: five chosen by the prime minister and five by the leader of the opposition. The main function of this committee is to monitor and review the manner in which the Independent Commission against Corruption fulfils its functions under the Prevention of Corruption Act. The committee chooses its chairperson from among its members, which, since its inception, has been a member of the ruling alliance. The committee has been plagued by bickering among its members and has been used as a site for political manoeuvring.

Major issues concerning the parliamentary system

Notwithstanding the serious shortcoming of its electoral system and the acute under-representation of women, parliamentary democracy in Mauritius is vibrant and has been respected since independence – except for an episode in the early 1970s when a state of emergency was declared and general elections were postponed: the parliament elected in 1967 was due to dissolve in 1972; however, faced with rising militancy of the labour movement and support for the new extra parliamentary opposition party, the MMM, the then government decided to postpone the general elections. Subsequently, one of the first acts of the new MMM/PSM government in 1982 was to modify the constitution to make it virtually impossible to postpone general elections by requiring a unanimous vote of the Assembly in order to do so.

Two issues are, however, of concern and are currently being discussed by all stakeholders, namely: under-representation in the National Assembly of both the opposition and women.

A stronger opposition

The first issue relates to the FPTP electoral system which often results in unfair over-representation of the winning party and a numerically weak opposition. A commission was instituted in 2000 to review, among other things, the electoral system with a view to ensuring a good representation of opposition parties in parliament. As can be seen in Table 1, the latest elections produced a powerful ruling party that holds 86% of the seats while the opposition has only 14%. This situation is dangerous since the ruling party's two-thirds majority in parliament means it has the power to amend the constitution.

The commission was chaired by South African Constitutional Court judge, Justice Albie Sachs, who was assisted by Indian Election Commissioner BB Tandon and former Mauritian Supreme Court judge, Robert Ahnee. The Sachs Commission proposed that a proportional representation (PR) system be added to the FPTP and BL systems to ensure better representation of the opposition. More detail on the commission's recommendations is given in Section 5 of this report.

The PR system would be based on party lists prepared by election contenders and made public before the elections. The party lists would include members of the party or alliance to be selected after the FPTP election results to be representatives of the party at the National Assembly. In short, citizens would still elect MPs through the existing FPTP system but they would also vote for a party or alliance to represent them in parliament. The votes for the party or alliance

would in turn determine additional representation in parliament according to the PR system.

Following the commission's report, as mentioned, a select committee comprising members of government and the opposition was instituted in April 2002 to examine the recommendations. The select committee's findings were similar to those of the commission's, proposing that 30 PR seats be added to the 62 FPTP and eight BL seats to make a 100-seat parliament. This would allow for a stronger opposition. No decision has been taken yet and the debate has shifted into the arena of political bargaining between the leadership of the two ruling party partners, while the opposition Labour Party has remained silent on the issue.

Gender representation

Gender representation is another issue of profound concern. The Southern African Development Community (SADC) *Human Development Report* published in 2000 stated that women's representation in parliament in Mauritius is one of lowest among its member states – the percentage of women in parliament at that time was 5.9%.⁷ The current picture is not much better. There is one woman in cabinet and only one woman appears on the list of 10 principal parliamentary secretaries. In addition, the last general election of 2000 saw only four women make it to the 70-member National Assembly (see Table 2).

Table 2: Women elected to the National Legislature, 1991–2000

Year	Male	Female
1991	60	2
1995	56	6
2000	58 (24)	4 (1)

Note: Figures in brackets refer to men and women in cabinet.

Source: Adapted from Gunganah B, Ragobar S & ON Varma, *Beyond Inequalities, Women in Mauritius, 1998*, SARDC, p 31.

It is important to note that legal restrictions regarding women's active participation in politics, including the right to stand for election, do not exist in Mauritius. Hence, taking into account the party discipline voting patterns that characterised the recent polls, it is evident that political parties are responsible for the low female participation. According to Hanoomanjee:

Mauritian women have not made deep inroads into politics which has remained the well guarded bastion of males. Even compared to Seychelles, a country with which Mauritius shares a common colonial history, Mauritian women have been tardy in directly exerting their political power. While Seychelles can boast almost 20% female participation at all levels of political positions, Mauritius has a modest 12.6%.⁸

The Sachs Commission and the Select Committee of 2003 have both stated that PR party lists, if introduced, should ensure that women are well ranked in order that they be adequately represented in parliament.

3. Parliamentary structures and channels for disseminating information

Mauritius enjoys total freedom of the press, and freedom of opinion is guaranteed under section 12 of the constitution. There is wide reporting of parliamentary activities through various vehicles. Empirical observation indicates that parliamentary proceedings are generally well followed by all sections of the population in Mauritius, although no surveys have been done to confirm this. The print and electronic press both give wide coverage to every sitting of the National Assembly.

The National Assembly normally meets every Tuesday and the state-run Mauritius Broadcasting Corporation reports on parliamentary sessions in its news bulletins, with near live coverage aired during the 7.30 pm news broadcast. The proceedings are covered in French, English, Hindustani and Creole.

The three private radio stations as well as the public one also give wide coverage of parliamentary activities during their news bulletins. Local radio stations have special programmes that allow citizens to raise questions and make suggestions concerning major government decisions. These radio stations, like the print media, have truly taken on the role as the fourth pillar of democracy. As such, they have been a critical element in informing and enlightening civil society regarding parliamentary debates.

The print media – especially the two main daily newspapers *L'Express* and *Le Mauricien* – also present the debates of the National Assembly. They normally dedicate at least a full page to parliamentary activities and to questions raised during debates; the recent Budget Speech, for instance, was given wide coverage. In addition, the weekly press cover the main parliamentary decisions.

Mauritians also have access to the *Government Gazette*, an official publication in which all official decisions concerning government and its departments are published. A one-year subscription to the *Gazette* costs a low Rs.350 (\$12), making it accessible to most citizens.

All laws passed by the National Assembly are published but full transcriptions of debates are not published. The National Assembly Standing Order 52(2) makes special reference to the use of the *Government Gazette* to publish bills and acts:

Notice of introduction of a Government bill shall, except as provided by Standing Order 65 (Urgent Bills) be given by publication in the Government Gazette not less than 15 days before it is to be read for the

first time, and a copy of the bill shall be distributed to every Member of the Assembly.

Table 3 gives the number of subscribers officially registered at the Government Printing Office, which is responsible for publishing the *Government Gazette*. As indicated in the table, this official publication is not widely used despite its low cost.

Table 3: Number of subscribers to *Government Gazette* up to 6 July 2004

Ministries and departments	615
Local subscribers	1,079
Overseas subscribers	14
Total no. of subscribers	1,708

Source: *Government Printing Office*, 9 July 2004.

With the advent of the internet, Mauritians are able to access the National Assembly website at <http://ncb.intnet.mu/assembly/intro.htm>. The site provides, for example, full information on the agenda of each sitting, replies to parliamentary questions and bills. The public are made aware of all parliamentary proceedings, the main rules concerning the running of parliament as well as contact details of key parliamentary officials.

Furthermore, in some specific cases such as the sensitive issue of gender discrimination, the public have been invited to discuss bills to be presented to the National Assembly. The draft bills are posted on ministries' websites and people are free to make proposals by writing to or e-mailing the relevant ministry.

The ease of reach and capacity of the existing channels to provide current information are good, but their effectiveness is, however, very low. This is because civil society does not use these instruments to their fullest in order to engage parliament more actively. Interviews carried out for this study pointed clearly to the fact that civil society considers that since there is good interaction with parliamentarians and even ministers out of parliament, there is not much need to interact with parliament as an institution.

4. Civil society's engagement with parliament

Civil society in Mauritius is quite dynamic, but organised civil society engagement with parliament is weak. Mauritius has a long tradition of organised civil society: people have been organising themselves in terms of improving their socio-economic and cultural situations or living their religious beliefs. Although virtually no research has been done on civil society in Mauritius, one can deduce from empirical observation that the activities of civil society organisations (CSOs) cut across all socio-economic sectors, social classes and ethnic groups.

Burial societies, some dating back as far as the 19th century, were among the first initiatives undertaken by Mauritian citizens. Socio-cultural cum religious organisations among indentured labour in the 19th century served as instruments of resistance to the colonial power's policy of de-culturalisation and the settler plantocracy. Labour organisations emerged in the early 20th century, particularly among the sugar and harbour workers. The labour movement eventually led to the creation of trade unions once it was legal to do so, giving rise to the founding of the Labour Party of Mauritius in 1936, which now occupies the opposition bench in the National Assembly.

People of the same ethnic group or ancestral origin also created CSOs to organise community solidarity and preservation of ancestral culture, providing education when public education facilities were not accessible to all. In more recent times, many of these CSOs have become lobby groups for the promotion of ethnic interests. Activity-oriented women's organisations also made their appearance in the mid 1940s with the primary aim of improving the conditions of women and children both locally and nationally. Social clubs became the main form of community organisation in the 1960s, with one or more such clubs in all villages and towns. Although these social clubs centred on particular sporting activities, they also acted as the heart of the community where lively discussions were held and issues for advocacy were formulated. A number of such clubs still exist today and continue to play a unifying role in their respective communities, although they do not have the same central position as before.

A study⁹ undertaken in 2002 on the *State of Good Governance in Mauritius* indicated that CSO membership was the highest among religious, cultural and sports associations and trade unions, while low membership was seen in political parties, cooperative/farmers' associations and business and professional associations (see Figure 1).

Trade unions emerged in many sectors and played an important role in the 1950s both in the promotion of working class interests and in setting the political agenda, mainly with regard to pro-independence parties. After losing importance to political parties in the 1960s, trade unions once again became a major social force in the 1970s and 1980s, promoting a new political force and responding to the unique challenges facing workers. Over the past 10 years, private sector trade unions have lost ground to those in the public sector, which are very active in defending worker rights and narrow corporatist interests in the face of state and parastatal re-engineering.

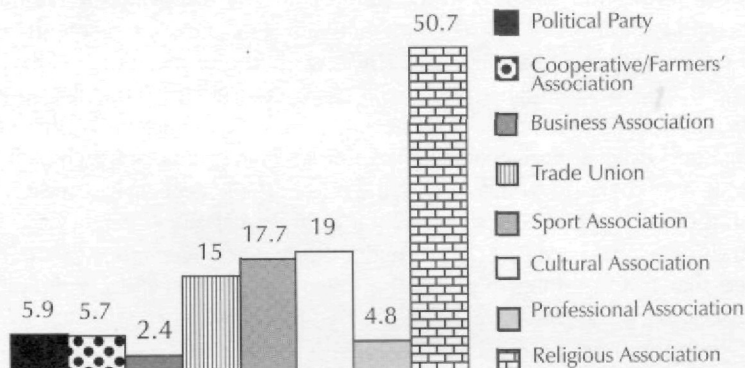
The number of new CSOs has grown considerably over the past two decades and can be divided into three broad categories: those focusing on 'vulnerability' – that is, women, the handicapped, the poor and vulnerable regions; those focusing on specific issues of interest such as the environment, or preserving the country's historic heritage; and those focusing on rights-based activism.

The *State of Good Governance in Mauritius* report revealed that while civil society participation is high at election time, it is relatively low between elections (see Figure 2).

The media is extremely vibrant and the most active component and instrument of civil society engagement with parliament. The eight daily newspapers and more than 30 weekly newspapers give wide coverage of parliamentary sittings and their columns are used extensively by CSOs to voice opinion and advocacy.

Civil society can interact either directly with parliament by way of petitions or

Figure 1: Association membership in Mauritius, 2002



bills promoted through an MP, or indirectly through interaction with MPs. The National Assembly Standing Orders and Rules¹⁰ also make provision for civil society engagement in that the public can present petitions and private bills. The provisions for petitions (Standing Order 20) are summarised below:

Petitions that are normally signed by a group of persons should be presented by an MP on behalf of the proponents. The MP must ensure that the petition is well written. It is the responsibility of the member presenting the petition to mention on the first page of the document the number of signatures affixed.

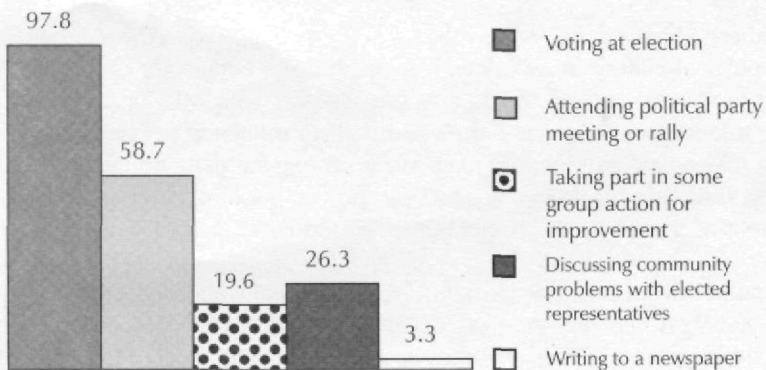
The member presenting a petition must sign the document and deposit it with the clerk at least one day before a session of the National Assembly. The clerk must examine the document and submit it to the speaker for approval. The petition will only be presented to the House if it is endorsed with the following: 'National Assembly, passed by Mr Speaker.'

On presenting a petition, an MP may state the reasons behind the petition and the reasons why s/he is presenting it. Petitions must not make any mention of debates in the National Assembly or of any intended motion to be presented. Since 1968, eight petitions have been presented to the National Assembly.¹¹

A private member's bill is another instrument through which civil society can intervene in parliament. These are bills intended to promote "the interests of some particular persons, associations or corporate body or whereby the private rights or property of any particular person, association or corporate body may be directly affected ...".¹²

Private bills can only be presented after a petition has been lodged and

Figure 2: Civil society political participation



debated. A notice of the general nature of the bill must be placed in the *Government Gazette* in three successive issues, and the last insertion should be at least one month before the presentation of the bill before the National Assembly. If there are objections to the presentation of the bill, these should be lodged with the clerk within three months. The clerk will make copies of the bill and circulate it among MPs and he will also publish the bill in three consecutive issues of the *Government Gazette*.

If the speaker considers that the bill meets all the requirements of the standing orders, s/he may present a motion, which must be seconded, for it to be read a first time. After this first reading the proponents of the bill may make any amendments which they deem necessary. The bill, if considered to be in compliance with the standing orders, will be read a second time and if approved will be presented to the Private Bills Committee, which is presided over by the speaker. This committee will look into the provisions of the proposed bill and cut or add any clauses which it feels are necessary.

Any person who feels aggrieved by the provision of a private bill may lodge a petition against it within one month of the date of last publication of the bill in the *Government Gazette*. The Private Bills Committee may hear this petition. Seven private bills have been presented to the House from 1991 to date.¹³

Civil society's direct engagement with parliament is very low; however, as mentioned, the level of indirect engagement through interaction with MPs is greater. The very nature of competitive politics in Mauritius forces MPs to interact regularly with their constituents. MPs therefore prepare their questions and interventions in parliament based on issues of concern raised by their constituents and the public in general.

Civil society's low engagement with parliament as an institution and high engagement with individual MPs deserves research in and of itself. One can nonetheless highlight two factors that appear to contribute to this state of affairs: first, political culture in Mauritius has become predominantly clientelistic; civil society members as individuals therefore interact with MPs or groups of MPs more to seek personal material reward than to influence policies. The second factor may be a culture of fear (particularly among the petty bourgeoisie and the intelligentsia) to speak out against the power resulting from patronage and clientelism, as well as the retribution practised by all parties when they are in power.

Another avenue for engagement is the opportunity afforded CSOs to express their views on bills presented by government. Most ministries, and parliament itself, publish bills on their websites and citizens have the right to express their opinions and concerns regarding certain laws promulgated by parliament. There

is no practice of public hearings on bills; CSOs are instead invited to send in their views in writing. In certain cases, white papers have been published and views called for. However, the number of people who write in to express their views is low – and literacy is not a valid explanation of this low engagement. The only case where CSOs engaged vigorously with the executive was on the education reform policy debate. In this instance the Education Ministry invested resources in calling for debate and encouraged people to join in.

5. The opposition

The Westminster parliamentary model makes provision for at least two parties or party alliances to be represented at the National Assembly.¹⁴ The party or alliance having a majority of seats forms government, while the other party or alliance forms the opposition. As pointed out by Mathur, “the opposition is a *sine qua non* for the successful working of a parliamentary democracy inspired by the British Westminster model”.¹⁵

In this model, the opposition is conceptualised as a government-in-waiting should the ruling party or alliance decide to resign without calling for fresh general elections. Alternation in power has indeed been a feature of the Mauritian political system: the present leader of the opposition was himself prime minister between 1995 and 2000, while the present prime minister has been a leader of the opposition. Similarly, the present republican president has occupied both leader of the opposition and prime minister positions.

Section 73 of the Constitution¹⁶ of Mauritius states that the leader of the opposition is appointed by the president. The latter will appoint the leader of the opposition party that has numerical strength over other opposition parties, or if there is no difference in numerical strength, the person designated by consensus by all opposition parties. The office of the leader of opposition becomes vacant if the leader is no longer an MP or if his/her party no longer holds a majority in the opposition. The president may also revoke the leader of opposition on grounds that s/he does not control a majority in the opposition or that the other leaders of opposition parties do not accept his/her leadership.

The importance of the leader of the opposition is stressed by the fact that it is legally provided that s/he should be consulted for the appointment of persons for certain constitutionally provided posts.

The role of the opposition in the Mauritian parliament has gone through three phases: between 1968 and 1976 there was virtually no opposition when the ruling party and the then opposition joined to create a government of national unity. In 1976, when a hitherto extra-parliamentary party won almost 47% of seats, it used to the maximum all existing instruments to play its role fully – and even introduced instruments such as the private notice question and motion of disallowance, which had previously never been used.

The FPTP electoral system that prevails in Mauritius does, however, impact negatively on the strength of the opposition. The system has more than once

Figure 3: Distribution of responses on the strength of parliamentary opposition in Mauritius

<i>Influence of parliamentary opposition on government policy, programmes and/or legislation</i>	<i>%</i>
Strong influence of parliamentary opposition	5.6
Moderately strong influence of parliamentary opposition	5.6
Fairly strong influence of parliamentary opposition	16.7
Weak influence of parliamentary opposition on government	56.5
No influence of parliamentary opposition	15.7
TOTAL	100

resulted in a parliament where the ruling party has held over 90% of the seats, making the opposition extremely weak.

An Expert Panel survey¹⁷ undertaken in 2002 rated the influence of the present parliamentary opposition as weak (see Figure 3). In the past two years, however, the opposition has been punchier, with the leader of the opposition making full use of the private notice question to quiz government on burning issues. Private notice questions allow the leader of the opposition to put a question to government at very short notice (three hours). This is generally followed by numerous supplementary questions. Government often dreads this instrument as it can be used to highlight sensitive matters.

While members of the opposition have used this mechanism a lot, backbenchers on the government side tend to be relatively shy in employing this privilege: in 2002, 816 questions were posed by MPs, with a record 1,634 questions in 1996. On a per sitting basis however, the average number of questions is approximately the same: 30.22 in 2002 and 32.68 in 1996.¹⁸ This is quite low, amounting to only 30% of the total number of questions that all non-executive members could have put forward.

The opposition have actively participated in debates on all bills presented by government. There is, however, a perception that the opposition are not as incisive as they could be when it comes to scrutinising budgetary allocations in the annual national budget which is presented before the Supply Committee.

Two other instruments are available to the opposition, namely: a motion of disallowance, to request the disallowance of certain types of decisions made by the executive; and a motion of no confidence. The opposition can table a motion of no confidence – also referred to as a motion of censure – against government if it feels that the latter is not performing its duty towards the nation. If the majority of MPs vote in favour of the motion, the government has to resign and

the prime minister must call for fresh elections. The chances of such a motion actually being passed are in reality slim, but the instrument provides an important platform to debate government performance. Although the opposition has been vociferous outside parliament about government policy or specific decisions, they have not resorted to using either of these two tools.

The opposition are also involved in the Public Accounts Committee, which reviews public finance and ensures that money is being spent according to the National Assembly's wishes. The committee is chaired by a prominent member of the opposition frontbench.¹⁹

As mentioned earlier, the opposition has in some instances been completely undermined, as in the case of the 1982 and 1995 general elections when the winning alliance won all the seats in the National Assembly – the presence of the opposition was only symbolic with a mere four members. This is a very complex phenomenon and relates to BL seats. The BL system rests on two principles, namely that four BL seats are allocated to redress any ethnic imbalance resulting from FPTP elections. The second four BL seats are then allocated to ensure that the first allocation has not disturbed the balance of power resulting from the elections. Strictly, therefore, when one party has won 100% of the seats, any allocation of BL seats would upset the balance of power as such seats can only go to the opposition. However, in 1982 and 1995, the Electoral Supervisory Commission, after consultation with the Electoral Commission and the winning party, worked out a complex solution to appoint four BLs catering for ethnic balance. The winning party accepted the resulting changes in parliament.

The latest September 2000 elections resulted in a similar situation with the winning alliance securing 58 seats while the opposition secured only eight. This raises questions regarding the validity of the electoral system in ensuring a vibrant parliamentary system. The *Sachs Commission Report on Constitutional and Electoral Reform 2001/02* states that:

There was also widespread acceptance of the necessity to correct the gross under-representation of opposition parties produced by the electoral system.²⁰

Various sectors of society, including political parties, political analysts and scholars, have appealed for a review of the present electoral system. They believe there should be better representation of parties that secure at least 10% of the vote in a general election.

As mentioned earlier, the Sachs Report recommended that the electoral system be reformed to allow for a compensatory PR formula, which would ensure

that a party obtaining at least 10% of the vote could be represented in parliament – thereby creating a stronger opposition. The system proposed by the commission is:

... focused on correcting under-representation of the Opposition without challenging the undisputed right to form the government of the party or alliance that gains a majority under the FPTP system.²¹

Unfortunately, the *Sachs Report* did not give rise to much comment or debate from civil society, save for one or two interested individuals. Government then set up a parliamentary select committee comprising parliamentarians from both the ruling parties and the opposition to:

- examine further the commission's report and recommendations to introduce of a measure of PR into the electoral system;
- make recommendations, without prejudice to the existing BL system, regarding the modalities for implementing the commission's recommendations that the National Assembly be composed of 62 members, as at present, as well as a further 30 members chosen proportionately from parties having obtained more than 10% of the total number of votes cast at a general election; and
- propose appropriate legislative measures to give effect to the recommendations.

The select committee appears, however, not to be in agreement and the proposed reforms have been delayed.

6. Conclusions and recommendations

From the analysis above, the following conclusions can be drawn:

- Parliament in Mauritius has a long and unbroken record of being a central pillar of the country's political and governance system. Representation to parliament is based on a credible process of electoral management, which has allowed for alternation of power. However, functioning of the parliamentary system as an oversight body is flawed on two systemic counts: the electoral model used results in gender imbalance as well as an under-representation of the opposition.
- The electoral model and practise of consociationalism have favoured a kind of two-party system, thereby reducing the opportunity for party competition in parliament.
- Parliamentarians are yet to make full use of existing channels to engage with the executive and to encourage CSOs to engage with parliament as an institution.
- Party discipline greatly restricts the capacity of ruling party parliamentarians to play their role fully.
- The parliamentary agenda is too controlled by the executive (in particular the prime minister) and leaves little room for initiatives from parliamentarians.
- Dissemination of information about parliamentary activities is carried out timeously and extensively through various media, including print and electronic, as well as via the official *Government Gazette* and website.
- Civil society is quite weak in terms of policy advocacy and consequently has a low level of official engagement with parliament.

In order to strengthen parliamentary democracy in Mauritius the capacity of parliament to be more effective needs to be enhanced and the capacity of civil society to engage with parliament needs to be built. To achieve these two objectives, the following measures are recommended:

- The electoral system reform process must be completed and concluded, preferably in line with the Sachs Report's recommendations of mixed member representation.
- The avowed commitment of all major political parties to enhance gender representation must be concretised for the next general elections due in 2005.
- Parliamentarians need to be sensitised and trained in how they can use existing channels to perform better and make parliament a more effective institution.
- The parliamentary secretariat should be provided with adequate resources to put archived data (debates, parliamentary questions, etc.) into electronic format for ease of reference and research by both parliamentarians and CSOs.
- The parliamentary committee system should be extended to allow parliamentarians to examine and oversee certain national priorities and policy. For example, permanent committees could look into such matters as international trade, or drug consumption and drug addict rehabilitation, while ad hoc committees could examine such issues as the regulatory framework on abortion. These committees would help parliament and the executive to better formulate policies through research and dialogue. This proposal was canvassed by the MMM in the late 1970s and was instituted in 1982 when the party came into power, but the project was not maintained. Such a proposal does, however, seem possible now that the MMM is once again part of the ruling alliance.
- CSOs need to be made aware of and encouraged to use the existing channels in order to engage with parliament. CSOs also need to build capacity in order that they can properly develop and articulate their advocacy role.

Notes

- 1 See Mathur H, *Parliament in Mauritius*, Editions de L'Océan Indien, 1991.
- 2 Ibid, p 32.
- 3 <http://ncb.intnet.mu/assembly/consti/index.htm>
- 4 Constitution of Mauritius, Part 3, Schedule 1 section 31(2).
- 5 Chapter VI of the constitution, Section 60(3).
- 6 Standing Order 25(2).
- 7 Mandaza I & UNDP, *SADC Regional Human Development Report 2000 – Challenges and Opportunities for Regional Integration*, SAPES Books, 2000, p 80.
- 8 Hanoomanjee E, Political empowerment of women – an international comparison, in *Political Empowerment of Women*, No.4, Ministry of Women, Family Welfare & Child Development, 2000.
- 9 StraConsult, *Report on the State of Good Governance in Mauritius*, United Nations Economic Commission for Africa, 2002.
- 10 <http://ncb.intnet.mu/assembly/soc.htm>
- 11 Fax received from Clerk of the National Assembly, A Pompon, 12 July 2004.
- 12 Standing Order No. 66.
- 13 Fax received from Clerk of the National Assembly, op cit.
- 14 Mathur H, op cit, p 203.
- 15 Ibid.
- 16 <http://ncb.intnet.mu/assembly/consti/index.htm>
- 17 StraConsult, op cit.
- 18 Ibid, p 119.
- 19 Mathur H, *Parliament in Mauritius*, pp 209–210
- 20 Sachs A, Tandon BB & R Ahnee, *Report of the Commission on Constitutional and Electoral Reform 2001/02*, <http://ncb.intnet.mu/pmo/cabinet/reform.doc>, p 1.
- 21 Ibid, p 17.

Appendix: MPs and members of civic associations interviewed

1. Mr Ajay Daby, former Speaker of the National Assembly, 6 October 2004.
2. Mr Jayeraj Ramjada, General Secretary, National Economic and Social Council, 6 October 2004.
3. Hon. Arvind Boolell, Opposition Whip, National Assembly, 10 October 2004.
4. Mr Renaud Marie, Journalist: Parliamentary Proceedings, *L'Express*, 12 October 2004.
5. Mr Pynee A Chellapermal, Director, CEDREFI, 12 October 2004.
6. Mr André Pompon, Clerk of the National Assembly, 15 October 2004.

The following persons were also contacted but were not available for interviews:

1. Hon Dev. Ramnah, Speaker of the National Assembly.
2. Mr Ajay Daby, former Speaker of the National Assembly.
3. Sir Ramesh Jeewoolall, former Speaker of the National Assembly.
4. Mr Rivaltz Quenette, former Clerk of the National Assembly.
5. Hon. Jose Arunasalom, Chief Whip, Government of Mauritius.
6. Mr Finlay Salesse, Director, Radio One; former MP.

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List of acronyms

BL	Best loser
CSO	Civil society organisation
FPTP	First-past-the-post or First-three-past-the-post
MMM	<i>Mouvement Militant Mauricien</i>
MP	Member of parliament
MSM	<i>Mouvement Socialiste Militant</i>
OPR	<i>Organisation du Peuple de Rodrigues</i>
PGD	<i>Parti Gaetan Duval</i>
PMSD	<i>Parti Mauricien Social Démocrate</i>
PMXD	<i>Parti Mauricien Xavier Duval</i>
PR	Proportional representation
PSM	<i>Parti Socialiste Mauricien</i>
SADC	Southern African Development Community
SADRC	Southern African Research and Documentation Centre
SAPES	Southern African Political Economy Series
UNDP	United Nations Development Programme

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