

THE ELECTORAL REFORM PROCESS IN MAURITIUS

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ABSTRACT

This paper confirms the reputation of Mauritius as a stable country with a well-entrenched multiparty democracy and parliamentary system, which, however, need deepening. Independent institutions as well as fair, transparent and credible election management processes ensure trust both internally and from external observers in Mauritian democracy and the credibility of the parliamentary and executive selection process. However, the paper also brings to light the shortcomings, acknowledged by the Mauritian stakeholders themselves, of the electoral system which, while it can claim to have provided adequate comfort to the country's pluri-ethnic society and to have ensured the stability of the governance system is deficient in promoting adequate gender representation and a fairer distribution of parliamentary representation consonant with the voters' will. The attempt to reform the system is explained as are the reasons why the reform process is still incomplete.

INTRODUCTION

In the mid-1960s, deep social cleavages contributed to an extremely negative prognosis for democracy in Mauritius. Ethnically polarised groups squabbled over the shape of a new government, and 44 per cent of the electorate, predominantly from one ethnic group, voted against independence from Great Britain. Ethnic riots erupted in 1967, threatening to plunge the country into civil conflict. Violence between Muslims and Creoles killed at least 25 people (the exact count was never official) and wounded over 100 others just six weeks before Mauritius declared independence.

Immediately after independence, various external and internal forces brought together the two parties that had opposed each other in 1967 to form a government

of national unity. The void created was filled up by a new political movement, the Mauritius Militant Movement (MMM), which mobilised the people in street demonstrations and strikes. The MMM became the embodiment of popular discontent and won a by-election in September 1970. Prime Minister Sir Seewoosagur Ramgoolam decided to clamp down on political dissent, declared a state of emergency and suspended elections in 1971.

Despite a debut which suggested that the country might follow the same path as many others on the continent, democracy has grown and thrived in the years since independence. In the past 37 years Mauritius has held eight democratic elections, and the winning coalitions have shifted on most occasions. Political contest is alive and well, evidenced by the colourful and provocative posters plastered ubiquitously across the island at election times. The clear ideological stance of parties, which was characteristic of the 1970s and early 1980s, has gradually faded. Though ethnic discourse regularly surfaces during elections, several broadly based parties that now lack significant ideological distinctions attract the vast majority of votes.

Mauritius is one of the most stable countries in the world, and its citizens enjoy political and civil rights comparable to those of citizens in Belgium, France or Germany (World Bank 1998; Freedom House 2001). Even though Mauritians regularly express frustration with the quality of their government, political participation, at least at national election time, is quite high.

More recently, however, disenchantment with the present political elite has been becoming increasingly evident. In the years since independence Mauritius has developed from a socially fractured, unstable, and potentially authoritarian system to a functional, multiparty regime, ranked among the most democratic in the world.

EXECUTIVE SELECTION

Since gaining independence from Britain in 1968, Mauritius has selected its chief executive by means of competitive multiparty elections, although the 1972 elections were cancelled as the government clamped down on challenges from the labour movement and new political forces. The majority party (or majority coalition) in the National Assembly selects the Prime Minister. Members of the legislature are popularly elected.

In an alliance made during the September 2000 election, the MMM and the Mauritius Socialist Movement (MSM) formed a coalition bloc to challenge the ruling Labour Party. As part of this agreement it was decided that Anerood Jugnauth (MSM) would serve as Prime Minister for three years with Paul Bérenger (MMM) as his deputy. Jugnauth would then step down in 2003 and allow Bérenger to take over the position of Prime Minister for the remaining two years of the term. Bérenger assumed office on 30 September 2003, the first non-Hindu to hold the position of Prime Minister.

EXECUTIVE AND PARLIAMENT

Mauritius has a Westminster style parliamentary political system in which the Prime Minister is the most powerful executive figure with the power to dissolve Parliament whenever he or she feels it is expedient for him or her to do so. However, the parliamentary system imposes significant constraints on the political autonomy of the executive, obliging both it and the Prime Minister to be directly accountable to the legislature. Furthermore, the practice of coalition politics and the coalition-based nature of most governments in the country also limits the capacity of the executive to manoeuvre. Judicial independence from the executive and Parliament is guaranteed by the Constitution, and is upheld by the judiciary itself.

Notwithstanding the statutory powers of Parliament over the executive, it is the latter which, in reality, constrains the former from fully exercising its oversight role. One major reason for this is the fact that the present first-past-the-post (FPTP) electoral system often results in a numerically weaker representation of the opposition than reflects the wishes of the electorate. Secondly, the Constitution provides for up to 24 ministers and 10 junior ministers to be appointed. This means that almost half of Parliament is made up of the executive. Finally, it has become regular practice for prime ministers to abuse the 'Certificate of Urgency' to push Bills through Parliament, allowing little time for them to be considered.

Despite these restrictions, historically, a committed opposition, even though under-represented, has been able to force the executive to be on its toes.

THE ETHNIC FACTOR

At the time of independence the prospects for political stability in Mauritius seemed bleak. Ethnic pluralism and economic stagnation culminated in violent communal riots during this period. However, in the past thirty years Mauritius has developed a reputation as one of the most stable and democratic countries in Africa. Key to both its economic and political success has been the ability of the country's ethnically diverse populations to more or less balance their narrow communal interests in a multicultural setting.

Ethnicity is quite a complex question in Mauritius, based as it is on both ancestral origins and assumed and perceived identity with no strict ethnic ranking. Historically the island had no indigenous population. Nearly one-third of its people (the Creoles) are descendants of slaves brought from the African mainland and from Madagascar by French colonial settlers in the 18th century to work on the island's sugar plantations.

Creoles suffer from limited social mobility and the majority have remained near the bottom of the country's socioeconomic ladder, while the small Franco-Mauritian elite continues to dominate the island's largest financial and business institutions. About 17 per cent of the population are Muslim. Their ancestors hailed from India, but they have developed their perceived identity on the basis of religion.

The dominant ethnic group is comprised of Hindu descendants of Indian plantation workers brought to the island as indentured labour after the British seized control of the country in 1810 and 'abolished' slavery in 1833. Within this group, a fault line divides Indo-Mauritian 'Hindus' (of northern Indian origin) from 'Tamils' (from the Dravidian south). The caste system has been replicated in a modified form in Mauritius, and the Vaish caste of Hindu society (a caste coming after the Brahmins) dominates the highest levels of the public sector establishment.

National identity remains weak in Mauritius and the ability of political parties to attract particular ethnic groups depends on the identity of the party's leader and leadership. Strictly and overtly ethnic parties have little opportunity to become mainstream. The main political parties are therefore multi-ethnic, although often this multi-ethnicity is reflected more in their leadership than their followers, and the Mauritian political system has historically forged governing alliances that mitigate ethnic, religious and ideological cleavages through parliamentary coalition-building. Moreover, democracy in the country has been bolstered by the presence of a common language (Kreol), the lack of a standing army and the existence of a vibrant and healthy civil society that, despite the attempts of certain elites to broaden the ethnic fault lines, cuts across cultural cleavages. In addition, the electoral system, which guarantees up to eight seats in the 70-member Parliament for correcting under representation of ethnic groups, has also worked to facilitate political stability. However, as the ethnic-based riots and communal violence of 1999 demonstrate, this harmony remains delicately balanced.

LEGITIMACY OF THE ELECTORAL PROCESS

The electoral system is well anchored in electoral law, which is accepted as ensuring the autonomy and independence of the electoral system from all organs of state and political parties. The legitimacy of the electoral authority as manager of the electoral process is largely accepted by political parties and all candidates, as is its fairness and the transparency of its activities.

The registration, voting and results reporting process is fully credible, and legal action against violations as well as mechanisms for challenging election results are considered to be largely effective.

INDEPENDENCE OF THE ELECTORAL COMMISSION/COMMISSIONERS

An independent Electoral Supervisory Commission and an Electoral Boundaries Commission are set up under the Constitution, which also creates the post of Electoral Commissioner. The latter is responsible, among other things, for the registration of voters, under the supervision of the Electoral Supervisory Commission. The Electoral Commission and Electoral Supervisory Commission are fully able to perform their duties and no blame has ever been ascribed to them, although there have been occasions when dissatisfaction has been expressed by

opposition parties (in general terms rather than through direct attack). The two institutions concerned with the electoral process are the Electoral Supervisory Commission and the Electoral Boundaries Commission. The Electoral Boundaries Commission consists of a chairman and between two and seven members, all appointed by the President 'acting in accordance with the advice of the Prime Minister tendered after the Prime Minister has consulted the leader of the Opposition' (Constitution s 38(2)).

The commission may 'take into account representations made to it in respect of any proposed alteration of a boundary' and must give public notice of any proposed alteration and fix the manner in which and the time frame for any representation to be made (Electoral Boundaries Commission Regulations 1976).

The Electoral Commissioner and the Electoral Supervisory Commission are totally independent. The post of Electoral Commissioner is provided for in the Constitution and the only qualification imposed is that the person must be a barrister. The Electoral Supervisory Commission supervises the registration of voters and the conduct of elections. Its chairman is appointed by the President of the Republic in accordance with the advice of the Judicial and Legal Service Commissions. The members are appointed by the president acting in accordance with the advice of the Prime Minister tendered after the Prime Minister has consulted the leader of the opposition (Constitution s 38(1)).

TRANSPARENCY OF THE ELECTORAL COMMISSION PROCESS

Once the decision has been made to hold an election, details such as date, times and so on must be published in at least three newspapers. Anyone who wishes to stand for election is given documentation by the Electoral Commissioner's office providing all the details of the election process. Details of the emblems used by the other parties are also available from the commission.

There is complete transparency in relation to election details such as the voters' roll, the nomination of candidates, the declaration of the ethnic identity of candidates (for general elections only), voting procedures, preservation of order at polling stations, proxy votes, the vote count, the appointment by candidates of electoral agents (yard agents, classroom agents and counting agents) to supervise the voting and counting. These matters are detailed in the *Election Regulations* of 1968, which are available to all parties/individuals.

TRANSPARENCY OF THE VOTER REGISTRATION PROCESS

The law provides for the appointment of registration officers and for registration to be done in each constituency. The registration process is carried out on an annual house-to-house basis. Should the registration officer need to carry out further enquiries, he or she is able to do so. The law also provides that information about the publication of the voters' roll must be made available to the population through

the *Government Gazette* and at least three recognised daily newspapers. Furthermore, political parties are free to ensure that their followers are registered and that their names have not been erased for any reason. People are also informed of the days on which they may personally check that their names have been properly recorded in the constituency in which they should be registered.

For the general elections the constituency is based on their place of residence. Voters whose names have been left off the roll or incorrectly registered have the right to claim to be registered and one relative or a legal representative may accompany them, which is important for those who are either physically incapacitated or illiterate. A list of claimants is then prepared. The law further provides for a very thorough procedure for voters to object to the registration of particular persons whose names appear on the roll.

No legal provisions debar any resident adults, except prisoners, from registering, voting or standing for election in any part of Mauritius, including Rodrigues and Agalega, which are inhabited outer islands.

CREDIBILITY OF ELECTION RESULTS/OUTCOMES

Election results are generally accepted by all candidates although, on occasions when the margin has been very slim, there have been a few cases where votes have had to be recounted.

In the past, particularly during the first post-independence general elections, in 1976, there was a fair amount of violence and political intimidation, but as the years have gone by and the population has become more mature, voters have become more careful, with some cynically accepting bribes to vote for a particular party and then proceeding to vote for the party of their choice. In fact, the system is such that nobody can really know how a voter has voted since there is only one ballot sheet on which the names of all candidates appear in alphabetical order and this is deposited in a transparent urn. The voter does not exit with any paper to show anyone how he or she has voted.

One can safely say that the number of incidents of malpractice or intimidation such as the distribution of money or gifts is infinitesimal. As for violence, any party that is seen to be involved in violent practices is shunned by the electorate. The Electoral Commission, the police and the candidates and their agents ensure the smooth flow of events.

CREDIBILITY OF ELECTORAL CHALLENGE MECHANISMS

Any challenges to the electoral process are instituted through the judicial process. In fact, there have been very few such challenges, the most recent being in 1998. This involved a challenge by the losing candidate of a by-election who alleged bribery on the part of the winning candidate fielded by the then ruling party.

ISSUES BEING CONSIDERED FOR REFORM

As explained above, the process, the legislative framework and the regulatory and supervisory functions satisfy all stakeholders. It has therefore not been considered necessary to reform these elements, although improvements and modernisation are being considered and some changes have already been implemented.

However, the substantial debate is about the need for reform in relation to:

- modernisation of the voting process;
- the need to ensure more balanced gender representation;
- the question of public funding of political parties;
- the question of prohibition of religious or ethnic political parties;
- the electoral system.

The new government formed after the general elections of September 2000 committed itself to reform the electoral process. It established a Commission on Constitutional and Electoral Reform in 2001, hereinafter referred to as the Sachs Commission, named after the chairperson of that Commission, South African Constitutional Court Judge Albie Sachs. Its brief was to investigate the following issues, among others, and to make recommendations arising out of its findings.

- The role of the Electoral Supervisory Commission and how it could be strengthened and its responsibilities extended to uphold the democratic fundamentals of Mauritian society, in particular to ensure really free and fair elections.
- All practical aspects relating to the holding of elections and the need for greater transparency and for securing a level playing field for competing parties.
- A draft Bill regulating the funding of political parties.
- Representation in Parliament on a proportional basis within the existing electoral system.
- The prohibition of communal or religious political parties.

The Commission, which consisted of three commissioners, Sachs, B B Tandon, a member of the Electoral Commission from India, and a former Mauritian judge, Robert Ahnee, presented its report early in 2002.

MODERNISATION OF THE VOTING PROCESS

The question of modernisation of the voting process was not put to the Sachs Commission. However consideration is presently being given to the introduction of electronic voting. This would have the advantage of providing results extremely quickly, probably on the day of the election.

A delegation of parliamentarians and officials of the Electoral Commission visited India during that country's last general elections to observe the voting system in operation. Although public views appear still to be divided on the matter and no decision has yet been made, it is understood that all members of the delegation were favourably disposed to the introduction of a more modern system.

THE NEED TO ENSURE MORE BALANCED GENDER REPRESENTATION

Mauritius has the lowest level of female participation in Parliament and Cabinet within the SADC region and all political parties concur on the need to redress the imbalance and foster more female participation in elected political institutions. However, they are not very clear on the ways and means of achieving this objective.

The Sachs Report (p 28) maintained that the under-representation of women could be addressed through the reform of the electoral system by introducing a mixed PR system, but further highlighted that 'the major responsibility for correcting the massive gender imbalance rests with the parties'.

The Commission, however, pointed out that a number of measures could be introduced with relative technical ease for progress to be made on that front. These vary in the extent to which they operate directly or indirectly. The Commission listed them as follows:

- Following the Indian approach, there could be a requirement that in each bloc of three candidates nominated in the twenty constituencies at least one be a woman and one a man.
- Guided by the South African experience, the parties could be required to rank their candidates on the proportional representation (PR) lists in such a way that at least every third candidate is a woman and every third a man. Since women, like men, share all the characteristics of the nation, the parties could factor in an appropriate balance of elements other than gender when nominating women candidates.
- If public funding of political parties is to be introduced, the allocation of funds could be made dependent in significant part on the extent to which women are put forward as candidates and win seats.

PUBLIC FUNDING OF POLITICAL PARTIES

There is, to date, no public funding of political parties. Parties mobilise funds either through some direct corruptive practices during tenure of office or through what are diplomatically termed 'donations', mainly from private sector companies, such 'donations' always being unofficial and unacknowledged.

The Sachs Commission, having considered the issue of public funding as part of its mandate, made the following recommendations:

- The adoption of a law providing for the establishment of a fund which would receive funds appropriated by Parliament and such other funds which it may lawfully receive. Such funds would be administered by the Electoral Supervisory Commission, which shall allocate moneys:
 - (i) to a political party represented in the National Assembly on the basis of the number of members it has in the Assembly; the percentage of votes cast in favour of its candidates; and the number of women it has in the Assembly;
 - (ii) to elected candidates and those who, although not elected, have won 15 per cent or more of the votes cast in their respective constituencies;
 - (iii) before the election to those parties which field a total of 60 candidates – three in each of the 20 constituencies.

THE PROHIBITION OF RELIGIOUS OR ETHNIC POLITICAL PARTIES

As explained above, national identity is still weak in Mauritius and ethnicity often strongly influences social power relations as well as political competition. However, a large number of Mauritians have a schizophrenic relationship with the ethnic factor – they are often consciously or unconsciously involved in an ethnic discourse and practice, but publicly reject it. The majority of Mauritians have, indeed, been particularly alarmed about the appearance in the past ten years of overtly ethnic political movements. The question of prohibiting such groups corresponds, therefore, to a dominant popular feeling.

However, a decision to prohibit religious or ethnic political parties raises a serious issue of conflict with the practice of democracy. The Sachs Report pointed to the fact that such a prohibition might raise questions of constitutionality. In terms of s 3 of the Constitution, everyone in Mauritius may, subject to respect for the rights and freedoms of others and for the public interest, enjoy the right to freedom of assembly and association.

The report therefore emphasised:

Clearly a direct prohibition of communal or religious parties would diminish the freedom of assembly and association of their members. The question would be whether or not such limitation could be justified in terms of upholding the rights and freedoms of others or the public interest.

The commission therefore proposed a constitutional amendment that would not directly prohibit communal or religious parties as such, nor prevent such parties from participating in elections simply because they were communally or religiously based, but would indicate that appropriate legal provisions could be made to prevent such parties from running in elections if the electoral officials had reason to believe

that they were actively fomenting harmful divisions based on religion, ethnicity, race, community or caste. The question still remains to be debated.

THE ELECTORAL SYSTEM

The electoral system which has been practised in Mauritius since independence is the first-past-the-post (FPTP) system. The Mauritian electoral system, however, distinguishes itself with two unique features. The first is the division of the country into twenty constituencies in which each voter has to vote for three candidates, with the three candidates receiving the most votes being elected. The choice of which three candidates is left to the voter and no block party vote is legally imposed. The second is what is known as the best loser system (BLS). This has worked well in terms of its own stability and the stability of the elected governments by providing conditions for the practice of consociationalism which provided an often fragile but sustainable democracy in an ethnically plural society.

Sixty-two members are elected on a FPTP, or rather first-three-past-the-post (Mathur 1991, p 32) basis, from twenty constituencies on the Island of Mauritius and two from the Island of Rodrigues. In addition, eight other members are appointed to be best loser members of Parliament, thus bringing the membership of the National Assembly to seventy. The appointment of the best losers is done by the Electoral Supervisory Commission on the basis of a mechanism prescribed under s 5 of the First Schedule of the Constitution¹ and in a manner that ensures adequate representation of the officially recognised ethnic groups without changing the balance of forces between the parties as obtained through direct suffrage:

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.

Constitution s 5(1) of the First Schedule

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 [ethnic group], 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.

Constitution s 5(3)

1 <http://ncb.intnet.mu/assembly/consti/index.htm>

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.

Constitution s 5(4)

The best loser system has been challenged by a small extra-parliamentary party, Lalit, and by some in the elite on the basis that it institutionalises ethnicity as a political instrument. This challenge is, however, not, as yet, mainstream, and is contested by some who argue that it might threaten the adequate representation of minorities. Although some of the dominant political parties are of the opinion that the system should be done away with in the context of a reformed electoral system which would provide the safeguard BLS is supposed to ensure, none has ventured officially to propose its elimination in the fear that to do so would be perceived as opposing safeguards for minority representation.

The FPTP system has been challenged by most dominant parties, particularly when they are out of government. The challenge relates to the unfair nature of the system where there is a large degree of disproportionality between the percentage of votes cast and the number of seats obtained in Parliament. Thus, in 1982 and in 1995, the result was 60-0, while in 1991 and 2000 the presence of the opposition in Parliament barely reached symbolic levels and was disproportionately low with respect to the percentage of votes earned.

Although there is widespread acceptance of the need to correct the gross under-representation of opposition parties produced by the electoral system, this does not imply agreement on possible solutions.

A good electoral system for a plural society such as Mauritius is clearly understood by all as one that will:

- ensure government stability;
- guarantee fairness to parties in terms of representation in Parliament;
- promote gender and diverse representation;
- encourage accountable government;
- increase voter choice;
- maintain links between MPs and their constituents; and
- shun overtly communal (ethnic) parties.

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 39	PGD PGD	1 1	BL BL	Labour/ PMXD	6 2	36,95 BL
Rodrigues Reprs	OPR	2	65 93	OPR Mouvement Rodriguais	2 2	41 98 BL	OPR Mouvement Rodriguais	2 2	51,15 BL
Total		66			66			70	

* Best Losers

The current electoral system has delivered well on the first, fourth, sixth and seventh items, but not on the other criteria.

The issue of fairness of representation was the centrepiece of the Sachs Commission's mandate. The commission received a number of representations from political parties and other civil society stakeholders. In consonance with the views of the general public, the submissions converged on:

- the need to introduce a carefully constructed eligibility threshold of 10 per cent to reduce the danger of too much fractionalisation and to reduce the likelihood of ethnic based parties emerging;
- a mixed FPTP/PR system rather than the replacement of FPTP by a full PR system;
- a mixed FPTP/PR system must be crafted to fit local conditions.

Therefore, the critical questions to be addressed are:

- what share of seats should be allocated to each part of the system;
- what is the appropriate mathematical formula for distributing PR seats;
- what parallel or compensatory formula should be used to allot PR seats.

After examining five different models and concluding that 'no single model meets all the requirements in an unqualified manner', the Commission made the following recommendations:

- That 62 seats be maintained (20 constituencies x 3 members + one constituency x 2 members) on the basis of the present FPTP system.
- That a further 30 members be chosen on the basis of lists provided by parties that receive more than 10 per cent of the national vote. Such lists will be in descending order of eligibility. They will be published in advance of elections and may contain a restricted number of names of persons standing for constituencies (should such persons in fact end up being elected constituency members their names on the list would be disregarded). The object of the lists is to introduce a measure of compensation in the outcome of elections so as to make the final totals of seats held by the different parties reflect more accurately the support that the parties have received from the country at large. The lists will be composed in such a way as to secure greater gender representivity and to provide the reassurance that, until now, has been provided by the best loser system.

In other words, the intention is to do away with the present best loser system.

AFTER THE SACHS COMMISSION

The Sachs Report unfortunately did not give rise to much comment from or debate within civil society, save for one or two interested individuals. Government then set up a Select Committee of Parliament made up of parliamentarians from both the ruling parties and the opposition. Its mandate was to:

- examine further the commission's report and the recommendations relating to the introduction of a measure of proportional representation in Mauritius's electoral system;
- make recommendations, without prejudice to the existing best loser system, regarding methods of implementing the commission's recommendations that the National Assembly be composed of 62 members as at present and of a further 30 members chosen proportionately from parties that obtain more than 10 per cent of the total number of votes cast at a general election; and
- to suggest appropriate legislative measures to give effect to the recommendations.

In short, the terms of reference of the select committee indicated clearly that:

- the system proposed by the Sachs Commission was accepted at least by the ruling coalition of parties, but that
- these parties wanted the reinstatement of the best loser system.

Differences emerged in the select committee, which was chaired by the secretary general of the same party as the Prime Minister, and which comprised members of the opposition parties. The divergence, interestingly, was not between the ruling coalition and the opposition, but between the two partners in the coalition and resulted in sometimes bitter exchanges in the media between the chairperson and the Attorney General, who comes from the other party in the ruling coalition. The select committee therefore failed to agree on one model and came up with two propositions.

The first was similar to that in the Sachs Report, but included the BL system, thus providing for 62 members returned through the FPTP + 8 BLS + 30 PR seats to be allotted on a compensatory basis.

The second concentrated on one of the models which the Sachs Commission had examined but discarded, namely 62 on a FPTP basis + 8 BLS + 30 seats attributed on a parallel basis.

There the matter rests and the issue has now shifted to a negotiation between the partners of the ruling alliance. It has been rumoured through the media that

they might be heading towards a formula of 62 FPTP + 8 BLS + 10 PR seats. Some refer to it as an extended BL system.

THE RODRIGUES TRIAL RUN

In the wake of changes brought in favour of decentralised government for the Island of Rodrigues, it was decided that there should be a Rodrigues regional parliament and a Rodrigues regional administration.

It was decided that the mixed FPTP / PR system would be used to elect the 18-member regional parliament and the elections were contested by two parties.

The results (shown in Table 2) shocked some party leaders when they saw that the difference of four seats resulting from the FPTP system had been narrowed down to two after application of the PR system, which indeed gave a seat distribution closer to the reality of the votes won by the contending parties.

This poured cold water on the desire to proceed with the electoral reform that had initially been intended and as recommended in the Sachs Report and explains the conflicting views in the select committee.

Table 2
Summary of Rodrigues Election Results

	% FPTP votes	FPTP seats	% FPTP seats	PR allocated seats	% List votes	Total seats
OPR	55, 5	8	66, 7	2	55,0	10
MR	44,0	4	33, 3	4	43, 6	8
Total	99, 5	12	100	6	98, 6	18

The matter remains unresolved.

— REFERENCES —

- Mathur, Hansraj. 1991. *Parliament in Mauritius*. Edition de l'Océan Indien. Mauritius. *Constitution of Mauritius of 1968* (and subsequent Amendments). Mauritius. *Laws of Mauritius 2001* – CD Rom, by V-Street Legal Series Vol 1. Mauritius. *The Representation of People's Act*.
- Sachs Commission. 2001. *Report of the Commission on Constitutional and Electoral Reform*.
- Sithanen, Rama. 2004. *A Critical Appraisal of the Select Committee Report on Electoral Reforms in Mauritius*, February.
- . Sithanen Rama. 2004. 'Proposals for Electoral Reforms in Mauritius, Moving from First Past The Post to Mixed Member Proportional, A pathway for government stability, party fairness and rainbow representation'. Submission to the Select Committee of Parliament examining the Sachs report.