



SIXTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

(UNREVISED)

FIRST SESSION

SATURDAY 08 DECEMBER 2018

CONTENTS

PAPER LAID

MOTION

BILLS (*Public*)

ADJOURNMENT

THE CABINET

(Formed by Hon. Pravind Kumar Jugnauth)

Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Deputy Prime Minister, Minister of Energy and Public Utilities
Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Minister Mentor, Minister of Defence, Minister for Rodrigues
Hon. Mrs Fazila Jeewa-Daureeawoo	Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare
Hon. Seetanah Lutchmeenaraidoo, GCSK	Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Yogida Sawmynaden	Minister of Technology, Communication and Innovation
Hon. Nandcoomar Bodha, GCSK	Minister of Public Infrastructure and Land Transport
Hon. Mrs Leela Devi Dookun-Luchoomun	Minister of Education and Human Resources, Tertiary Education and Scientific Research
Hon. Anil Kumarsingh Gayan, SC	Minister of Tourism
Dr. the Hon. Mohammad Anwar Husnoo	Minister of Health and Quality of Life
Hon. Prithvirajsing Roopun	Minister of Arts and Culture
Hon. Marie Joseph Noël Etienne Ghislain Sinatambou	Minister of Social Security, National Solidarity, and Environment and Sustainable Development
Hon. Mahen Kumar Seeruttun	Minister of Agro-Industry and Food Security
Hon. Ashit Kumar Gungah	Minister of Industry, Commerce and Consumer Protection
Hon. Maneesh Gobin	Attorney General, Minister of Justice, Human Rights and Institutional Reforms
Hon. Jean Christophe Stephan Toussaint	Minister of Youth and Sports
Hon. Soomilduth Bholah	Minister of Business, Enterprise and Cooperatives

Hon. Marie Roland Alain Wong Yen Cheong, MSK	Minister of Social Integration and Economic Empowerment
Hon. Premdut Koonjoo	Minister of Ocean Economy, Marine Resources, Fisheries and Shipping
Hon. Soodesh Satkam Callichurn	Minister of Labour, Industrial Relations, Employment and Training
Hon. Purmanund Jhugroo	Minister of Housing and Lands
Hon. Marie Cyril Eddy Boissézon	Minister of Civil Service and Administrative Reforms
Hon. Dharmendar Sesungkur	Minister of Financial Services and Good Governance

PRINCIPAL OFFICERS AND OFFICIALS

Madam Speaker	Hanoomanjee, Hon. Mrs Santi Bai, GCSK
Deputy Speaker	Lesjongard, Georges Pierre
Deputy Chairperson of Committees	Jahangeer, Hon. Ahmad Bashir
Clerk of the National Assembly	Lotun, Mrs Bibi Safeena
Deputy Clerk	Ramchurn, Ms Urmeelah Devi
Clerk Assistant	Gopall, Mr Navin
Clerk Assistant	Seetul, Ms Darshinee
Hansard Editor	Jankee, Mrs Chitra
Serjeant-at-Arms	Pannoo, Mr Vinod

MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 36 of 2018

Sitting of Saturday 08 December 2018

The Assembly met in the Assembly House, Port Louis at 10.30 a.m.

The National Anthem was played

(Madam Speaker in the Chair)

PAPER LAID

The Prime Minister: Madam Speaker, the Paper has been laid on the Table.

Prime Minister's Office

Certificate of Urgency in respect of the following Bills (In Original):

- (i) The Mauritius Deposit Insurance Scheme Bill (No. XXIV of 2018);
- (ii) The Sports (Amendment) Bill (No. XXV of 2018); and
- (iii) The Additional Remuneration and Other Allowances (2019) Bill (No. XXVI of 2018).

MOTION**SUSPENSION OF S.O. 10(2)**

The Prime Minister: Madam Speaker, I move that all the business on today's Order Paper be exempted from the provisions of paragraph (2) of Standing Order 10.

Mr Hurreeram rose and seconded.

Question put and agreed to.

PUBLIC BILLS*First Reading*

On motion made and seconded, the following Bills were read a first time –

- (a) The Mauritius Deposit Insurance Scheme Bill (No. XXIV of 2018)
- (b) The Sports (Amendment) Bill (No. XXV of 2018)
- (c) The Additional Remunerations and Other Allowances (2019) Bill (No. XXVI of 2018)

(10.32 a.m.)

*Second Reading***THE CONSTITUTION (AMENDMENT) BILL**

(No. XXII of 2018)

Order read for resuming adjourned debate on the Second Reading of the Constitution (Amendment) Bill (No. XXII of 2018).

The Minister of Social Security, National Solidarity, and Environment and Sustainable Development (Mr E. Sinatambou): Madam Speaker, as I stand today in this august Assembly to address the House on the Constitution (Amendment) Bill (No. XXII of 2018), I feel a deep sense of responsibility, humility, and a high sense of duty towards the nation; *un devoir envers la patrie*. This is so because I am having an opportunity to express my views on the Supreme law of the land, which deserves our respect and highest regard, that is, the Constitution of Mauritius, the guardian of our democracy.

Madam Speaker, the Constitution of a country is sacrosanct and requires our respect and highest esteem. That is why I am particularly pleased and honoured to be able to express my views on this Bill which is before this House. At the very outset, in view of the direct

impact that any amendment to our Constitution may have on the daily life of our citizens as well as on the destiny of the future generations, I believe that we have to tread cautiously whenever we deal with issues which will be of importance in the history of our Parliamentary democracy.

According to my records, our 1968 Constitution has been amended already on more than 25 occasions. However, we must admit that this Bill is different in terms of its scope, its complexity and its impact on the democratic set-up of our country. I must say that our Constitution, with our 50 years of independence, has stood the test of time and has well served our nation in its democratic journey and its process of nation building. Over the years, this has greatly contributed in propelling Mauritius as a model of democracy across the globe.

Needless to mention, Madam Speaker, that Mauritius is one of the only 20 countries in the world, according to the Democracy Index compiled by the Economic Intelligence Unit of the United Kingdom, to fall into the category of a full democracy in terms of electoral process and pluralism, functioning of Government, political participation, political culture and civil liberties.

Today, the proposed amendments will reform our electoral system on specific issues, which will go a long way towards further strengthening our Constitution and making it more robust and resilient, especially at a time when the waves of change, be it technological, cultural, social, political and economic are significant. Indeed, Madam Speaker, only five Sections of our Constitution are concerned with this Bill out of 122 Sections and the First Schedule. These amendments are not an attempt to stifle the Constitution or manipulate the highest law of the land, as some are imputing, in an attempt to deliberately hinder the proper development of our nation. We are not playing with the Constitution, neither are we in a laboratory, experimenting with our Constitution. We are serious on this side of the House and we mean well.

Allow me here, Madam Speaker, to pause in order to come to what I will call the historical discourse of the Third Member for Stanley & Rose Hill yesterday. Indeed, it is true that we must learn from the past to prepare the future. However, when we go through the past, we must ensure that we come with completeness, and although we must be thankful to the Third Member for going into the historical background of our Constitution, I must beg to disagree with him because I believe there was some incompleteness in what he said.

Let me start with 1886, the first elections which he mentioned. Indeed, he was very right. In those elections of 1886, where normally it was the *barons sucriers* and a selected few who were actually elected, however, where he is incomplete is when he says that there were only *dix députés; deux à Port-Louis et un dans huit autres circonscriptions*. He says that there were only *10 députés, deux à Port Louis et un dans 8 autres circonscriptions*. My recollection of history, at least, the works I have referred to, actually demonstrate that, first of all, the elections of 1886 were preceded by what is actually the first Constitution of Mauritius.

Indeed, he failed to tell this House that our 1968 Constitution is actually the fourth Constitution of this country. The first Constitution actually saw the day in 1885 under the governorship of Sir John Pope Hennessy and the elections to which he referred, and which according to him, brought 10 Members of Parliament. Well, at the time, 10 Members of the Council of Government, but, in fact, they were all in all, if I understand properly, there were 27 of them.

Yes, 10 Members were elected on a narrow franchise; however, there were 8 ex-officio Members and 9 nominated Members in the Council of Government which actually sat in 1886. I thought it was important to make this known because, yes, I saw that the Member of Parliament for Port Louis East and Port Louis Maritime who was the last to speak last night, was so *admiratif* of the *survol historique* that I thought I should bring some completeness to it in view of some inaccuracy.

Let us come now to the 1948 elections, what the hon. Third Member for Stanley and Rose Hill called *les premières élections générales*. However, what we should know is that those 1948 elections, actually only came after the second Constitution of this country was adopted. Indeed, there is a second Constitution of this country which was adopted in 1957, and unknown probably to many in this House and perhaps in this country, and I hope were also unknown to the hon. Third Member for Stanley and Rose Hill, otherwise it would have been unfair for him not tell us so yesterday.

However, when we come to those first General Elections of 1948, one thing has to be mentioned. What has to be mentioned is that the legislature actually evolved from an unofficial majority to an elected majority. The reason being that the franchise of the electorate was actually broaden and, in fact, with the result that the electorate was increased six-fold, which is why the hon. Third Member for Stanley and Rose Hill was right when he

said that the number of electors had increased from about 11,000 to 71,000, but that was the result of the 1947 Constitution and the ensuring law. However, again, I beg to disagree with him when he said that there were 19 Members: 4 from Port Louis, 6 from Plaines Wilhems and Rivière Noire, 3 from the North, 3 from the East and 4 from the South, making 19, because the written records that I have gone through actually established that, yes, although there were 19 elected seats, there were however another 11 nominated non-official Members of the legislative council. So, it is not 19 as would have appeared from the reading of history that we got yesterday, but 19 plus 11 nominated Members, which makes 30.

When I listened to him, the turning point he said was 1958 with the Trustram Eve Boundary Commission. Now, this is also very interesting because he finds it as the turning point because the Malcolm Trustram Eve Boundary Commission divided the country into 41 per cent constituency. Now, what we need to know is that, yes, there was the Malcolm Trustram Eve Boundary Commission of 1958, which were followed by the General Elections of 1959, but what I think he failed to say and what I think this House needs to know is that the General Elections of 1959, first of all, we must say, were held on the basis of universal suffrage and, secondly, they were held under a new Constitution which was adopted in 1958, that was the third Constitution of this country. And indeed, we are now in 1958, and therefore, we have, in a way, the emergence of the Parties, which for quite some decades were to dominate the political scenery of this country. This being said, I would like to come then to the 1963 General Elections, because it was mentioned by the Third Member for Stanley and Rose Hill, and it quite interesting to go into that election because my reading of history is that it is from there that emerges the Best Loser System in the way which we know it today. Indeed, we are told that in the 1963 General Elections, there were 40 elected seats. Of the 40 elected seats the Labour Party won 19, the Parti Mauricien won 8 seats, the Independence Forward Block won 7 seats, the Muslim Community of Action won 4 and Independence won 2. So, what happened then is that there were another 12 additional Members nominated and this proved burdensome.

However, what I am told from the records is that it is there in the appointment of those 12 nominated Members that the idea that Best Losers had special claims to membership was to take route in Mauritius, an idea that, I quote, 'would be unacceptable in most countries'. So, I am saying this because when the Third Member for Stanley and Rose Hill comes and says that '*nous voulons remplacer, nous voulons amener un machin*' – well, this was already a *machin* there. In fact, I believe that the Best Loser System is a '*machin*' of

upmost communal reflex and I am shocked and scandalised when I hear the hon. Member for Port Louis Maritime and Port East yesterday, going on and on, arousing communal passions with what I considered to be communal reflexes to justify his stance now in favour of the Best Loser System. The very same Best Loser System, which, in 2012, he claimed to be against. In fact, what I would like to tell this House today and the country at large, is that those people who are finding so many ills and wrongs with this Bill before this House, are driven by petty partisan and politics, are driven by petty communal reflexes, are driven by a negative approach towards this country; they are people who I believe are failing in their duty towards the nation. And here I will say that, yes, we are far away from the stand of the PMSD. But I believe that there is so little, as was said by the hon. Deputy Prime Minister, Minister of Energy and Public Utilities. I believe that there is little separating the stand of the MMM on the electoral reform and the stand of this Government. I believe that they will be missing their *rendez-vous*, their appointment with history if they were to use shallow and flimsy argumentation to try and claim that they cannot vote this Bill, and I will show later on.

Let me go to the Banwell Report because the Banwell Report which actually came up with what would be the new version of our electoral system, by merging 40 constituencies as adopted by the Boundary Commission of Trufram Eve which was 40 constituencies of one person, and the Banwell Report which actually merged those 40 constituencies into 20 constituencies of 3 candidates per constituency. And this is where I want to come to a historical aspect which was completely ignored by the third Member for Stanley-Rose Hill. This is Proportional Representation.

I have said that there are 4 Constitutions which had not been mentioned in the *survol historique* stated yesterday, but there is also this feature of proportional representation, which, unfortunately, was not gone into and I think it is important to know. It starts in 1953. In December 1953, the Legislative Council of Mauritius, by small majority, passed a resolution calling for a greater measure of self-Government. And the Secretary of State accepted the principles of universal suffrage and an unofficial majority in the Executive Council with the ministerial system. But - and I stress these words - the Secretary of State for the colonies proposed that the elected Members of Legislative Council and the non-official Members of the Executive Council should all be elected by the single transferrable vote system of proportional representation. So, it is already more than 60 years ago that Proportional Representation became a live issue for this country. But guess what? What the record says is that the Mauritius Labour Party would have nothing to do with the Proportional

Representation scheme. So, first time it came, first time it was rejected and since it was the majority party, it could not therefore win the day.

Thereafter, a further series of meetings, Madam Speaker, were held in London and this gave what we know as the London Agreement of 1957. It is in the London Agreement of 1957 that we have this Independent Boundary Commission of Trustram Eve which actually was appointed to see whether Mauritius could be divided into 40 single member constituencies which would give, I quote –

“(...) which would give each main section of the population, adequate opportunity to secure representation corresponding to its own number in the community as a whole.”

And the records of history go on to say –

“Failing this, elections will be held according to the party list system of Proportional Representation.”

We are now in 1858 and however the proposal for the election of Members of the Executive Council by Proportional Representation was dropped. So, second time in history that although today everyone has been saying for a decade now, that this country needs Proportional Representation, but history shows that every time that the idea came forward, it was rejected and history shows that it is for petty party political reasons. I just hope that this would not be the same again this time.

But let me go quickly because when the Banwell Commission came in 1966, it was quite interesting to know that it came up with a third proposal for proportional representation. Under the Banwell Commission, there were to be no communally reserved seats, as opposed to when John Stonehouse, the undersecretary for the colonies, came later, but in the 1966 Banwell Report, there were to be no communally reserved seat. But in order to safeguard underrepresented minorities, two corrective measures were proposed. And both of those corrective measures are, I would say, examples of Proportional Representation. In the first place, if a party obtains more than 25% of the votes but less than 25% of the seats, additional seats should be allocated to that party's best losers to bring its representation just above the 25% level. This device was conceived mainly for the purpose of giving the Opposition a blocking quarter in the process of Constitutional Amendment under a new Constitution.

So, if you have 25% of the votes, but less than 25% of the seats, immediately, you would get the number of seats required to bring your representation to 25% of the seats. That was going to consider the blocking quarter. Because if you had 25% of the votes, no party

could show in the Constitution, unless you approved, and how would that be achieved? It is by giving you straightaway 25% of the seats.

And secondly, there would be, in any case, 5 extra seats to be allocated to best losers from under represented parties and communities by means of a complex formula, I quote –

“Introducing an element of Proportional Representation”

Unfortunately, this one was also dropped. Actually, may I say before that? The United Kingdom Government accepted these proposals, but executed an abrupt side step when the parties represented in the Government of Mauritius flatly rejected the principles underlying the Proportional Representation correctives. And I must say, the reasons which are given, and, here, I will quote from Professor Stanley de Smith, the Constitutional Commissioner for Mauritius in the 1960s who was the draftsman of our Constitution. The reason he says that “the Banwell recommendations would have left the Muslim committee of action with a choice between the fate of the Dodo and the embraces of the Mauritius Labour Party”

To its leaders, neither alternative seemed attractive. The Labour Party, says Professor de Smith, was also in a difficult position. As the major partner in the Government coalition, it felt itself to be losing popular support as a result of a deteriorating financial and employment situation. Furthermore, partly because of the conflicts between India and Pakistan, many Muslims had gravitated to the *Parti Mauricien*. The Labour Party needed all the Muslim support it could retain. At the same time, it was threatened by the emergence of a new political body and it had a deep suspicion of the divisive potential inherent in any scheme of Proportional Representation. In short, it could see itself falling at the large hurdle before independence. So, again, petty partisan politics! What vote am I losing? What vote am I gaining? Exactly the type of argument we heard the Member for Port Louis East and Port Louis Maritime stating yesterday. That is why *il était en train de haranguer le bon Dr. Husnoo*. Because *le bon docteur* a eu le courage de dire ce qu’il pensait à un moment donné.

But things evolve, of course! What was true yesterday is still true today, but I have the right to change my views. So, does anyone. But you do not have to make scathing attacks on people’s stand when you yourselves have changed your stands. In 2012, he was dead against the Best Loser System. Today, he is telling you, let’s keep it. Why? Because, now, he is making communal *rassemblement*. Whenever there is a problem, he said: ‘*Mo pu fer Plaine Verte dessan.*’ Everyone has heard this from him. That is what this law wants to stop. Those communal reflexes have to stop and I hope that we really get that to stop.

So much, therefore, for the historical obliviance, shall I call them, the forgetfulness of the Third Member for Stanley/Rose Hill when it came to a proportional representation. But let me now say something, Madam Speaker, which I think is of importance because I could not prevent myself from having a sense of disgust last night when I heard the Rt. hon. Minister Mentor being insulted by the hon. Member from Port Louis East & Port Louis Maritime about his tongue, whatever. This is so improper in this House. Why? It is because the Rt. hon. Minister Mentor had said: ‘we value fairness, but not at the expense of stability.’ I will explain to this House why this is so right.

(Interruptions)

Yes and I stand by that also!

It was stated by the Rt. hon. Minister Mentor, it was said by the hon. Prime Minister, Minister Finance and Economic Development and I, as a Member of this august Assembly, stand by that and you will see why, Madam Speaker.

(Interruptions)

Sorry!

Madam Speaker: No, please! Hon. Minister, do not respond to whatever any Member is saying.

Mr Sinatambou: We can see when he loses face, he has to start those bad manners.

Let me come, Madam Speaker, to the reason why this is so right. To understand that, we have to go to the origin of what we know as PR. Indeed, Madam Speaker, it is good to recall that the case for proportional representation was made as far back as 1861 by John Stuart Mill, the British Philosopher and Political Economist, who said that -

“In a really equal democracy, every or any section would be represented not disproportionately, but proportionately.”

So, the number of votes to him equals exact number of seats. In his essay entitled ‘Considerations on Representative Government’, he explained that in a representative body actually deliberating, the minority must, of course, be overruled and in an equal democracy, the majority of the people through their representatives will outvote and prevail over the minority and their representatives. But he said: ‘Does it follow that the minority should have no representatives at all?’ ‘Is it necessary that the minority should not even be heard?’ Nothing he said, but habit, an old association can reconcile any reasonable being to the

needless injustice?’ He felt that in a really equal democracy, every or any section would be represented not disproportionately, but proportionately. A majority of the electors would always have a majority of the representatives, but a minority of the electors would always have a minority of the representatives. Men for men, they would be as fully represented as the majority. This is what we state actually renders a Government unstable.

Now, what John Stuart Mill said is that unless men for men, they are as fully represented as the majority, there is not equal Government. There is a part whose fair and equal share of influence in the representation is withheld from them contrary to all just Government, but above all he felt, contrary to the principle of democracy which professes equality as its very root and foundation.

This is exactly what we are explaining. Yes, we are in favour of fairness and this is why this Government is bringing a dose of representation. This is why we are close to the Opposition of the MMM and this has been stated by the Third Member for Stanley/Rose Hill. The MMM, he said, is in favour of a dose of proportional representation. But I am shocked because then, he goes on to say: ‘*Le chiffre de 12 est beaucoup trop bas.*’ We are proposing a proportional list of representation which brings 12 candidates to be elected or/appointed by proportional representation. *Ce chiffre est beaucoup trop bas!* What is his figure? His figure is 14.

(Interruptions)

Yes, your figure was 14!

(Interruptions)

That is a lie, don’t say that! Allow me to speak. You will have your chance to speak. Respect the speaker who is speaking.

Madam Speaker, they have a list of 14 plus 6. I am going to show the dishonesty if they do not vote. I am going to demonstrate by proof, the fallacy if they do not vote. Their list is, they said 20. Okay, we say 20! But they say 40 is PR and 6 is to be selected by the leader. That is what they said. They have a list of 20, 14 PR and 6 to be chosen by the leader. Our list says: 12 PR and 6 to be chosen by the leader. So, in effect, we are so close...

(Interruptions)

Sorry!

Madam Speaker: Hon. Ameer Meea, from a sitting position, you cannot interrupt the Minister! If you have something to say, if your name is on the orators' list, you will have the opportunity to talk.

Mr Sinatambou: I must say, Madam Speaker, to their credit because we believe that we can demonstrate to the whole nation the truthfulness, the honesty of this Government and the dishonesty of those who will not vote. I am prepared to take their point of explanation if they wish to actually correct me because they said: '20'. I repeat it for this nation. 14 PR and 6 to be chosen by the leader! We have come up with 12 PR and 6 to be chosen by the leader. How can he say: *le chiffre de 12 est trop bas sauf si vous êtes malhonnête?*

(Interruptions)

Mr Uteem: The hon. Minister is imputing motives. Madam Speaker, 'dishonesty', tell the hon. Minister to withdraw this word. He cannot call us 'dishonest.'

Madam Speaker: Let me give a ruling on this. The hon. Minister has not pointed a finger to any hon. Member on this side.

(Interruptions)

Please, hon. Uteem, I am on my feet, you cannot stand and give your point of view!

(Interruptions)

Did you say, hon. Minister, that it is the Leader of the Opposition who is '*malhonnête?*' Did you point a ...

(Interruptions)

Please, hon. Baloomoody!

(Interruptions)

Mr Sinatambou: Madam Speaker, I do not know why they are raising this mayhem. He is not even the Leader of the Opposition.

Madam Speaker: No, I asked you a particular question, hon. Minister. I asked you whether you had pointed a finger to anybody on this side or did you make a general statement.

Mr Sinatambou: Madam Speaker, of course, I am making a general statement. I am aiming at the whole Opposition.

(Interruptions)

I am not *Kapon*!

(Interruptions)

Madam Speaker: Please!

(Interruptions)

Mr Sinatambou: I am not *kapon*. *Ki kapon, mo peur twa ?*

(Interruptions)

Madam Speaker: Hon. Members!

(Interruptions)

Hon. Uteem!

(Interruptions)

Hon. Baloomoody, order please! Yes, please proceed, hon. Minister!

Mr Sinatambou: Madam Speaker, I would request that he withdraws the word '*kapon*' towards me.

Madam Speaker: Who said '*kapon*'?

(Interruptions)

You said, please, hon. Baloomoody!

(Interruptions)

Hon. Baloomoody!

Mr Baloomoody: Okay, I remove the word '*kapon*,' but I say he is a coward.

Madam Speaker: Hon. Baloomoody, you cannot say that a hon. Member is a coward. That word 'coward' is not parliamentary. Would you, please withdraw? We are debating a very important Bill, please withdraw that word!

Mr Baloomoody: I withdraw, but anyway I will reply to it later that he is a man without knowledge.

Madam Speaker: Hon. Baloomoody, you have withdrawn the word '*kapon*' or 'coward' whatever unequivocally!

Mr Baloomoody: I have already withdrawn.

Madam Speaker: Okay, no but!

Mr Sinatambou: I do not see, Madam Speaker, incidentally, why is it.

I will go back to what I was explaining. Someone must have totally misunderstood to think that it is cowardly to explain what is so obvious to honest people, but will never be obvious to dishonest people.

I say it again, and this why this country needs to know, it is unacceptable that one should claim that one will not vote for the PR being proposed by this Government *parce que le chiffre est trop bas*. This is either petty party politics, this is either dishonesty or cowardliness and hypocrisy or excuses, pretext...

(Interruptions)

Excuses, yes, thank you, Rt. hon. Minister Mentor. It is unthinkable that the very same people who are saying: 'Our PR list will be 14 and then we will select 6', when Government proposes 12 in the PR list and proposes the same 6 for leader selection they say: '*Le chiffre de 12 est trop bas*'. This, I think...

(Interruptions)

Madam Speaker: Hon. Rutnah!

Mr Sinatambou: This baffles reason. To me, this is a shame because it is such a lame argument. It shows the bad faith of those, on the other side, who are trying to find excuses not to vote in favour of this Bill. It is unthinkable that they could do that. Now, incidentally, I must say, as hon. Baloomoody was saying, I had the opportunity of debating with him on the Electoral Reform in a private radio. I recall saying to him: 'But, we are so close together, our proposal and yours can actually meet', and I thought that this was the position of the MMM, he said to me: 'No, we want proportional representation that the percentage of votes is actually reflected in the percentage of seats.' The purist approach of John Stuart Mill. Well, this is what I understood. When I understood that, I realised, yes, if that is the case, then we cannot meet. If the case of the other side had been for the purist approach that equal votes must be equal seats, we cannot meet them because we are in favour of a dose of representation as per the programme of this Government and that dose of representation being to ensure the stability of Government, that dose of proportional representation being to

ensure that the words of the Rt. hon. Minister Mentor when he said: 'We value fairness, but not at the expense of stability', actually reflect what is the correct, what is ...

(Interruptions)

Madam Speaker: Hon. Chief Whip, if you have to discuss the list, could you, please, meet the one concerned outside and discuss, not through crosstalking, please! Yes, please continue!

Mr Sinatambou: So, when I came to understand a few months ago that the proposal for PR from the MMM was what I said I just understood, I thought, yes, it cannot be reconciled. But, yesterday, when I heard the Third Member for Stanley/Rose Hill stated: 'The MMM has never requested a full proportional representation, *mais a requis une dose de proportionnelle*'. So, it means we are speaking the same language. *Nous disons aussi* this Government has never requested a full Proportional Representation, *mais a requis une dose de proportionnelle*.

Ce gouvernement, à travers moi, en ce moment, utilise les mots identiques que ceux qui ont été utilisés par l'honorable député hier. Now, if we already have an identical position on Proportional Representation, I think, Madam Speaker, you would concede there is something wrong, if tomorrow when you state 14 and I state 12, you say: '*Ce chiffre est trop bas! Nous n'allons pas voter!*' Well, tell us, at least, if you are honest, if you are genuine, if 12 is not satisfactory, do you want 13? Do you want us to come to 14? But do not come and actually fool the nation with argumentations which are out of this world.

You know, very often, we say: '*zess touye connaissance*'. *Ils viennent avec de grands airs, ils parlent avec des formules, mais au fond quand vous analysez la substance, nous voyons à quel point nous sommes dans l'hypocrisie.* Regarding PR, I stick to PR, Madam Speaker, because, at some stage, the Third Member for Stanley/Rose Hill stated that we had defined and this was taken again by the Deputy Prime Minister, Minister of Energy and Public Utilities at paragraph 7 of the First Schedule to the Constitution (Amendment) Bill about the system of PR that we are bringing, the parallel system and the highest remainder system. Now, I believe that the subparagraphs of paragraph 7 actually explain the mode of allocation of PR seats and thereby explain what is meant by parallel and highest remainder system.

And, indeed, the Leader of the House did say in his opening statement that, indeed, there is no electoral system that can guarantee a stable Government ever. We agree with that.

So, said the Third Member for Stanley/Rose Hill, there is no electoral system which can guarantee a stable Government ever. Again, there is no ideal electoral system, we must agree with that. However, when all the parties in this House have actually said that there is a need for Proportional Representation, do not come and claim that Government is sticking to its guns, that we are refusing to review. Come with your proposals.

There has been no counterproposal and we are, again, urging them to come with their proposals so that we can actually bring this Constitution (Amendment) Bill to fruition. If this Bill is not passed, even they, on the other side of the House, state those good provisions on women and anti-defection will not pass. I do not think they should accuse us of having brought the clauses regarding gender equality and on anti-defection together with PR and the abolition of the Best Loser System. Let me try, here, to say something, because I was quite shocked when I heard the hon. Member for Port Louis East and Port Louis Maritime, who spoke yesterday, stating that there was a thing about 50%, etc.

Again, call my bluff, I would say. Let us first start with the general proposition. The general proposition is that women have become increasingly active and influential in political life in many countries, but yet they remain significantly underrepresented in political decision-making and leadership roles at all levels. I am saying this because I mean to come to the reason why we speak of a third nominee.

Since the 1990s, Madam Speaker, gender quotas have been recognised and endorsed by many countries as the most effective mechanism for increasing women's political representation. And in 1995, a report issued by the United Nations Development Programme concluded that 30 per cent was the 'critical minority' required for 'women as a group to exert a meaningful influence in legislative assemblies'. This was to be achieved through a range of mechanisms, including quotas for women's participation in governance. It is not that this Government plucked the figure of 30%, one for three, out of thin air or it was one of the fantasies of Cabinet. It is because there is a report which concludes that 30% is the critical minority required. Of course, that is why we have put it in terms of a minimum of one for three.

In fact, according to the International Institute for Democracy and Electoral Assistance, half of the world's countries currently have some form of electoral gender quota system. Those systems have had a positive impact in addressing the gender imbalance in national

Parliaments and, more recently, the Inter-Parliamentary Union has noted that women continue to fare better when either legislated or voluntary quotas are used.

In 2012, electoral quotas were used in 22 countries holding elections. With legislated quotas, women took 24% of seats, and with voluntary quotas, they gained 22%. Where no quotas were used, women took only 12% of the seats.

So, all this to explain that the figure of one for three for women is there, is the right one, is not one which is aimed only at women. The actual provision says that the “constituency candidates of a party are not to be of the same sex; not more than two thirds of the total number of candidates sponsored by that party shall be of the same sex”. It can be either male or female. This is to be found in Part II, paragraph 3 of the First Schedule to the Bill.

So much, therefore, for gender. Let me perhaps say a few things, which I believe have to be said regarding other speakers. Some said that panic is looming in; panic is looming in when on this side, we have five times more MPs than them. How can we be afraid? For the Labour Party, it is nine times more MPs on this side than on their side. They are speaking of policies supposedly being brought because elections are looming. This Government has a history of positive policies. You name them! The minimum wage, the negative income tax, Rs12.7 billion voted to build 6,800 houses, nearly Rs25 billion for the budget of social security, a record of Rs17.2 billion for our children’s education, more than Rs7 billion for a Teaching Hospital at Flacq, a modern Eye Hospital in Moka, a new ENT hospital and a new Cardiac Centre, the Metro Express! They are joking! We are not actually panicking or afraid in the slightest. On the contrary, they will be remembered - for those who said that - that, in fact, they are on the wrong side of history. But then again, I am not surprised that the PMSD is again on the wrong side of history - to me, for the third time. The first time is when they were against independence; the second time is when they voted against the Republic, and the third time if they vote against this Bill, especially this Bill. Why is it the third time on the wrong side of history, Madam?

This Bill is about four things: a dose of proportional representation; women’s vote; anti-defection laws, and the abolition of the Best Loser System.

They have said over there; both the PMSD and the Third Member for Stanley & Rose Hill have accepted that the provision on women, although I call it gender equity, and the provision on anti-defection are acceptable. So, there is no reason not to vote in favour of

those two. Remain the other two, proportional representation. Now, the reason given by hon. Duval to me is so flimsy - why 15 duty free cars, 15 salaries. Nonsense! To me, it is just not arguments.

But, for the MMM, I think the point I just made regarding the switch between 12 on our side and 14 on their side shows that there is not much that separates us. The only thing which should be discussed then is the additional seats. Apparently, the MMM, agrees that we must do away with the Best Loser System. So, do we. I must say that the basis for that is actually the United Nations Statement to Mauritius in the case of *Rezistans ek Alternativ*. What is actually the position? The position is that the UN Committee tells us that the Best Losers of this country cannot anymore be appointed by reference to the 1972 referendum. So, it tells us two things –

- (a) either you have a new referendum, or
- (b) you decide whether the Best Loser System has now lived its time and now is outliving its time, and you come up with a new proposition.

And this is exactly what we are doing. Here again, I will the MMM, I will tell this country. The MMM is saying it has a list of six, from which it will choose the candidates required after elections. The list, I understand, is blocked; the list is actually known before elections. Government is also proposing to select six; just like the MMM will select from the six, we also have to choose from six.

However, our list of six is to be taken either from the list of candidates who will have lost elections from the first-past-the-post or from the list of the 24 in the PR list. So, our list is also known, just like their list is also known. Similarly, they will choose from that list, we will choose from our two lists. What is so irreconcilable between us if it is not bad faith of the other side, if it is not petty politics on the other side? Madam Speaker, I must say what I feel in my heart. I feel that they cannot swallow it that we found the solution without them.

(Interruptions)

This is what it is. The Member for Port Louis East and Port Louis Maritime tells us that the hon. Prime Minister, Minister of Finance and Economic Development should have called a round table - he did not. There has been the Sachs Report, the Carcassonne Report, the Collendavelloo Select Committee, and the Leung Shing Select Committee. They came with their proposals in 2014 and we called another round table. That is the way to silliness, they want us to *'tourner même en rond'*, and then say, we have not achieved anything.

(Interruptions)

Please, shut up!

You can appreciate. They cannot swallow it. We did not need them to get the solution and, therefore, what they are saying now....

(Interruptions)

Madam Speaker: Hon. Bhagwan, mind your language!

(Interruptions)

Mind your language!

(Interruptions)

Mind your language! Please!

(Interruptions)

Mr Sinatambou: Ramgoolam *quoi? Kiété? Koze ki to pu dire?*

Yes, they cannot swallow it. I repeat it: they cannot swallow it, because if you look at it from the 14, between 12 and 14 there is such a tiny difference. Between 6 on one list and 6 on two lists....

(Interruptions)

Madam Speaker: Hon. Baloomoody, you will have the opportunity to talk!

Now, this is the last time I am giving warning. From a sitting position, I do not want to hear any comments!

Hon. Minister, please proceed!

Mr Sinatambou: Madam Speaker, I just heard the hon. Member from a sitting position say that we do not believe in reform. What a stupidity to come and allege before this House! It is so close to theirs. In fact, I would say rather, that having come up with a reform which is so close to theirs, it is they who do not believe in the reform. They swallow that we have come up with a piece of work which is reasonable. No one here claims he is perfect, because we said already there is no perfect electoral system. But we are saying it is reasonable and it is high time that the country takes it, because it solves many of the problems that we are having today. But, when you come and say that the hon. Prime Minister should have called a round table, of course, it is a laughable proposition, and I hope that the country

actually sees how those people - in fact, it is those on the other side of the House who are trying by hook or by crook, by fallacious, tendentious, and hypocritical arguments to do their level best for this reform not to happen. Madam Speaker, I would like to say that the only reasons I have heard the MMM state why they will not vote, they said the Government is sticking to its guns of 63 plus 12, plus 6 to 10. So, Government is sticking to its guns and, secondly, *le chiffre est trop bas*. I believe that this is a very lame excuse and I doubt when people will come and say that they are very sad not to vote this law. I sincerely doubt their honesty and their sincerity, because I do not see on the other side any sign of the slightest sadness. What I can see on the other hand is they are putting such negative energy to try and destroy this Bill which is, in fact, bringing so many good solutions for this country.

Here, one thing which has to be said as regards the hon. Member who really disturbed me last night, the hon. Member for Port Louis East and Port Louis Maritime. You know, at some stage, I was wondering whether *nous avons un clown de service, tellement les propos quelquefois* verged on the ridicule, on the insulting, of such lousy communal connotation, but, at least, there is one thing which I retained and which I would like to say. At some stage, he went on to say that the Party - let me just find that because it is so interesting to see what history has retained. He was trying to make out the Muslim Committee of Action actually used the word 'mauritianism' about the Muslim Committee of Action. Let me tell you what Prof. Stanley de Smith, the Constitutional Commissioner for Mauritius had to say in Volume 37 of the Modern Law Review, in an article which goes back to November 1968, more than 50 years ago. He said about the Party you mentioned, that it was the overtly communal Muslim Committee of Action. Not that 'mauritianism' that you tried to make out yesterday and, in fact, I am made to understand, after reading that article, that it is communal reflexes which actually gave rise to the Best Loser System in that way that it exists today. And I would beg this House to vote for this Bill because it allows us to do away with that.

Madam Speaker, before concluding, I would like to say that Prof. de Smith is very often described as the father of our Constitution. There are a few remarks that he made about this country which I think deserve attention. The first one which he said, is that the most regrettable aspect of a Mauritian Electoral System is that candidates must declare, at the time of their nomination, to what community they belong. This is what he had to say and this is what this Government also believes and this is why the cause of also of the Committee we now are trying to change.

I just want to go quickly to two excerpts of his articles of November 1968 where Prof. de Smith, an outsider says –

“Intricate communal problems have stunted the growth of national consciousness and have too often dominated political controversy in our country.”

And this is what the other side wants to see pervading. *Ils veulent pérenniser le communalisme. C'est honteux!* And I just hope that history will retain that if ever they vote against this Bill.

Madam Speaker, first of all, we have to ensure that what we are doing today will make each and every Mauritian proud of ourselves and make Mauritius a better, safer, and more secure place to live for the next generations. We should be the proud and exemplary representatives of the people. We debate on live, each word and action of ours are exposed to the nation. The youth, in particular, should take us as the role models and, therefore, we have a duty of care towards them.

Madam Speaker, without being too emotional or philosophical, let us all take a pledge that the National Assembly retains its decorum, dignity and that we remain hon. Members and perfect gentlemen. This is not what I see when I see the stands taken regarding this Bill. Having said so, I will end by a quote from James Madison, the fourth United States President, I quote –

“But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary.”

I believe, Madam Speaker, that the Constitution (Amendment) Bill (No. XXII of 2018) is an asset and is desirable, if not, necessary for our country. I congratulate the hon. Prime Minister and Minister of Finance and Economic Development for bringing this Bill before the House. I believe that those who will vote against this Bill are prompted by petty partisan politics and will be remembered by posterity for having being on the wrong side of history.

I thank you, Madam Speaker, for your kind attention.

Madam Speaker: Hon. Mrs. Selvon!

(11.41 a.m.)

Mrs D. Selvon (Second Member for GRNW & Port Louis West): Merci, Madame la présidente. Madame la présidente, ce projet de réforme électorale proposé aux votes parlementaires derrière le dos des mauriciens, sans passer par une élection générale, ou même un référendum ne peut pas être voté pour augmenter de 21% le nombre de parlementaires avec ce que cela entrainera de dépenses supplémentaires en allocations, salaires, *per diem*, voitures, réceptions, fêtes et autres privilèges aux frais des contribuables mauriciens. Ces items de dépenses sont déjà sujets à un immense mécontentement à travers le pays, ce qui est suffisant pour qu'on n'en rajoute pas. Les nombres et catégories de parlementaires sont comme suit –

- (i) 63 élus directement sous la *First Schedule Part II* ;
- (ii) 12 élus à la proportionnelle sous la *First Schedule Part III*, et
- (iii) 10 désignés pour 10 sièges additionnels sous la *First Schedule Sub-Part C*.

Total 85 parlementaires dont 22 échappant au choix populaire. En plus de fausses motions, je dirai même de faux arguments sont prétextes pour dire que le communalisme serait causé par des recensements et le *Best Loser System*. C'est archi faux et un grossier mensonge eu égard aux faits historiques.

En fait, Madame la présidente, c'est l'inverse. C'est l'inverse qui est vrai car les pères de notre Constitution ont envisagé ce système pour arrêter et prévenir les bagarres intercommunautaires qui ont ensanglanté le pays durant les années 50 et 60 du siècle dernier, et ils ont réussi.

Depuis la création du *Best Loser System*, aucune, je répète, aucune élection n'a été contestée par les minorités ethniques pour avoir envoyé au parlement des parlementaires non-représentatifs des minorités. L'abolition du *Best Loser* est basée sur le mensonge, sur une affirmation inexacte. Dans l'Article 4 de la *First Schedule*, les pères de la Constitution ont écrit ceci –

- “(4) For the purposes of this Schedule, 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 3 communities shall be regarded as belonging to the General Population, which shall itself be regarded as fourth community.”

Les pères de la Constitution, Sir Seewoosagur Ramgoolam, Sir Gaëtan Duval, Sir Jules Koenig, Sir Guy Forget, Mr Sookdeo Bissoondoyal et Sir Razack Mohamed étaient tous ensemble ; sensibles durant toutes les discussions constitutionnelles à Londres dans les années 50 et 60 aux besoins impératifs de protéger les minorités. Ils avaient été témoins du fait que pas un seul candidat musulman ou sino-mauricien ne fut élu aux élections générales de 1948 et les minorités furent alors sous-représentées.

La chercheuse mauricienne, Amenah Jahangeer-Chojoo, nous rappelle ceci, je cite -

“No Muslim candidate was returned despite the presence of a certain concentration of Muslim population in Port Louis and no Chinese stood for election. Class-based politics that was initiated during the 1930s were swept aside, replaced by ethnic politics.”

Amenah Jahangeer-Chojoo évoque ce dont probablement tout journaliste ou politicien demandant l’abolition du BLS ignore soit que la sous-représentation est une réelle possibilité.

Moi j’ai dit, Madame la présidente, qu’il est dangereux de céder à des ignorants. La recherche de cette historienne s’intitule “*From Minority to Mainstream Politics: The Case of Mauritian Muslims*”, publié par le *Centre for Mauritian Studies* du *Mahatma Gandhi Institute* en 2010.

Le Best Loser System était ainsi nécessaire par respect pour les lois internationales sur la protection des minorités. J’ai été élu, Madame la présidente, sous la *First Schedule* sous laquelle j’ai déclaré comme tout le monde ou presque. Ici mon appartenance a eu une minorité officiellement reconnue dans la Constitution.

En fait, Madame la présidente, selon les Nations Unies, aucun pays qui se respecte, devrait refuser de reconnaître ces communautés minoritaires. Cette reconnaissance est basée, je le répète, sur une exigence du droit international. Ainsi les droits des minorités sont clairement expliqués dans une publication officielle de l’OHCHR ou *Office of the United Nations High Commissioner for Human Rights*. Cette publication datant de 2010 est intitulée : “*Droits des minorités : Normes internationales et indications pour leur mise en œuvre.*” Ce document explique ceci, je cite –

“A. Que sont les minorités au regard du droit international?”

Adoptée par consensus en 1992, la Déclaration des Nations Unies sur les minorités, en son article premier, se réfère aux minorités comme étant fondées sur

leur identité nationale ou ethnique, culturelle, religieuse ou linguistique, et dispose que les États doivent protéger leur existence. (...) Il est fréquemment souligné que l'existence d'une minorité est une question de fait et que toute définition doit tenir compte à la fois de facteurs objectifs (comme l'existence d'une ethnicité, d'une langue ou d'une religion commune) et de facteurs subjectifs (notamment l'idée que les individus concernés doivent s'identifier eux-mêmes comme membres d'une minorité). ”

Il n'est pas acceptable pour moi qu'un groupuscule qui n'a jamais été élu et n'est pas démocratiquement représentatif du peuple mauricien comme nous dans cette auguste Assemblée ait eu le toupet de mettre le couteau sous la gorge des élus que nous sommes pour faire une déclaration dans la Presse menaçant de faire annuler les résultats des prochaines élections par les Nations Unies ou la Cour Suprême si nous ne votons pas ce projet de réforme avant ces élections.

Madame la présidente, c'est un véritable chantage. C'est du *blackmailing*, une insulte et un outrage à cette auguste Assemblée. Nous ne pouvons même pas présenter Maurice comme une société multi-ethnique, si nous abolissons le droit fondamental des individus à une identité culturelle ou religieuse spécifique. Non, Madame la présidente, ce ne sont pas des personnes pareilles qui s'appuient sur le mensonge et le chantage qui peuvent m'enseigner ce qu'est le mauritanisme et ce que dit l'histoire. Oui nous avons eu des gouvernements et des partis qui après l'indépendance ont pratiqué le communalisme et le sectarisme en tout genre pour arriver ou s'accrocher au pouvoir et cela continue et a fallu à ce gouvernement d'être interpellé sur le communalisme à l'égard des minorités mauriciennes. Je ne défendrai certainement pas le gouvernement sur ce sujet et je sais ce que la rue pense du communalisme, du sectarisme, du népotisme officiellement pratiqués.

Pour conclure, Madame la présidente, en mon âme et conscience de législatrice et de légiste respectueuse de l'égalité des personnes, de l'équité et de la philosophie Mauritaniste, je ne peux pas voter un tel projet de loi qui n'est pas passé par une élection générale ou un référendum ; un projet pour augmenter le nombre de parlementaires par plus de 21% et qui ne prévoit pas moins de 22 parlementaires quasiment élus *de facto* par leur *leader* au nom de l'électorat avant même la tenue des élections. C'est inacceptable !

Pour terminer, je refuse de taxer de communalisme un *Best Loser System* qui a préservé l'unité nationale après chaque élection pendant un demi-siècle. Les pères de la Constitution ont utilisé dans cette Constitution le terme: '*way of life*' pour mieux définir les

communautés. Cela détruit *de facto* l'accusation totalement fautive qu'il voulait susciter le communalisme chez les mauriciens.

Je remercie la Chambre de m'avoir écoutée.

Madam Speaker: Hon. Mrs Jeewa-Daureeawoo!

(11.51 a.m.)

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): Madam Speaker, allow me, first of all, to thank the hon. Prime Minister for introducing the Constitution (Amendment) Bill in Parliament. I welcome this important piece of legislation. I am pleased to stand up and participate in this Bill. We are witnessing a historical moment. I must say this is the first time in 50 years since Independence that a Government is proposing an electoral reform, a serious Bill which is before the Assembly today.

Madam Speaker, I must say, as many interveners on this side of the House have mentioned, there is no perfect electoral system anywhere in the world as it has also been mentioned by the hon. Prime Minister. The gender representation of women in Parliament and the disclosure of community as criteria to be a candidate at the general election need to be addressed properly. Many hon. Members have already intervened on other aspects of the Bill, therefore, I will limit myself to these two issues which, to me, are of great concern. The Government is making history. We are honouring our promise made in the Government Programme 2015/2019. Our Government is showing that it has the courage and political will to bring meaningful change whenever necessary. On this side of the House, we believe that gender equality in politics is vital.

Madam Speaker, before going further, allow me to say a few words on the intervention of hon. Mrs Selvon. Our democracy is much more important than the expenses it will incur. There is no need for referendum. We all know that the public is aware of these electoral reforms since there have been many commissions and committees working on electoral reforms since 2002 under various Governments. So, expenses that will incur cannot be a bar to changes. It is this Government which have the political will to bring this Bill in the Assembly today. One must not forget that while there is no single complete set of universally agreed international standards for an electoral system, there is however an increasing

recognition of the importance of issues such as the fair representation of all citizens, fairer women representations and adequate representation of all components of the society.

Our hon. Prime Minister lays a lot of emphasis on gender equality in politics. We all agree that we need more women in Parliament. We cannot, Madam Speaker, continue with a system where women are underrepresented. The present Bill, therefore, demonstrates serious commitment to the promotion and advancement of women and the goals of gender equality. How can we talk of a fairer society? How can we talk of justice when we do not bring meaningful change in our Constitution to address these issues? I count myself very fortunate to be able to humbly contribute to the present Bill. As Minister of Gender Equality, Child Development and Family Welfare, I am very well acquainted with the challenges women face when entering the male dominated field of politics. The Bill, therefore, seeks to improve the representation of women in the National Assembly by providing that –

- “(i) every party or party alliance shall present not more than two thirds of constituency candidates of the same sex;
- (ii) every proportional representation list (PR list) submitted by a party or party alliance shall comprise not more than two thirds of persons of the same sex;”

Madam Speaker, it is a basic human right for women to enjoy equality of opportunity. A society is poor if it cannot tap the full potential of half of its population. If it does not make an effort to remove barriers, obstacles which very often prevent women from rising to leadership positions in a political system. It is high time, therefore, Madam Speaker, that women who represent more than half of the Mauritian population are given the place they deserve in politics. One must not forget that Mauritius continues to rank among the lowest in terms of women political representation at the level of Parliament. Women account for almost 51% of the population, yet since 1969, they have barely represented an average of 10% of the National Assembly. It is generally believed that a greater participation of women in the political life of any country leads to a stronger democracy. Studies show that having a fair number of women in Parliament at decision-making level generally contributes to drawing more attention to women issues. Therefore, we are duty bound to promoting diversity. We all know women bring new perspectives and experiences to politics. This is why, in my capacity as Minister, I invite all the Members of the House to vote for this Bill and not to find excuses because voting for this Bill is all about democracy.

On this side of the House, Madam Speaker, we are for justice. As I have said how can we talk about good governance, development of a society, a democratic society if women are not fully involved? When women engage in the political process, societies prosper. It is worth noting that Government has taken into consideration the various regional and international instruments and conventions signed and ratified by Mauritius when proposed to increase the participation of women in politics. How can we forget the comments made internationally with regard to the lowest participation of women in our Parliament? At Regional level, in 2005, Mauritius has signed the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa also known as the Maputo Protocol.

Article 9 of the Maputo Protocol entitled 'Right to Participation in the Political and Decision-Making Process' provides –

- “1. States Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that:
 - a) women participate without any discrimination in all elections;
 - b) women are represented equally at all levels with men in all electoral processes;
 - c) women are equal partners with men at all levels of development and implementation of State policies and development programmes.
2. States Parties shall ensure increased and effective representation and participation of women at all levels of decision-making.”

Madam Speaker, at international level, Mauritius has ratified in 2000, the Millennium Development Goals Declaration where goal 3 is to promote Gender Equality, Gender Equity and Women Empowerment. In 1995, Mauritius also adopted the Beijing Declaration and Platform for Action which caused for all governments to take measures needed to ensure women equal access to and their full participation in power structures and decision making forum. It also required Government to set specific targets and implement measures to increase the number of women in politics.

Madam Speaker, but the most important Convention to which Mauritius is a Member State is the Convention on the Elimination of All Forms of Discrimination against Women. It

provides for equality between men and women through ensuring women equal access to and equal opportunities in political and public life, including the right to vote and to stand for election. Mauritius, as you know, Madam Speaker, has recently submitted its Eighth Periodic Report to the CEDAW Committee in June this year. I headed the Mauritian delegation to Geneva where the report was examined on 30 October 2018 by the CEDAW Committee.

Thereafter, the Committee issued its concluding observations and recommendations for Mauritius. On the issue of participation of Mauritian women in political and public life, the Committee, in accordance with Article 4 (1) of the Convention and the general recommendation on women in political and public life, the Committee has strongly emphasised the need for Mauritius to make an effort to address equality of women in all aspects of political life. This is what the experts are telling us. Trained experts, Madam Speaker, so what do we do? Do we continue to ignore these pertinent remarks or do we stand up and take necessary measures to correct this injustice?

This is what the present Bill is all about. We can see that the quota system being introduced by this Bill is in line with the obligation of Mauritius as a Member State and the various international Conventions. We must admit that there are urgent calls for reform.

Having said that, Madam Speaker, let me now come to my second point. Another important historical measure being introduced by this Bill is the elimination of the obligation currently imposed on a candidate to a general election to mandatorily declare his community or else his nomination and *candidature* will be null and void.

This Bill aims at reinforcing and preserving the social fabric of the Mauritian society and stopping the division and put an end to the division of the Mauritian nation into various communities. This measure comes as a result of various past judicial pronouncements where the Courts have highlighted this inconsistency of our present electoral reform within our democratic society. As we know, there are currently two applications pending before the Supreme Court to challenge the constitutionality of these provisions concerning the mandatory declaration of community.

Currently, paragraph 3(1) and 3(4) of the First Schedule of our Constitution provide that every candidate at any general election must mandatorily declare the community to which he belongs. There are four fixed communities to which he must belong according to his way of life. This has been mentioned by hon. Bérenger yesterday. He is right. These four communities are Hindu community, Muslim community, Sino-Mauritian community and

general population. Regulations 12(4) and 12(5) of the National Assembly Elections Regulations 1968 further provide that in case a candidate does not declare his community, his nomination and *candidature* will be void and he will not be allowed to stand as candidate and participate in the general election.

The above provisions of the law are based on an assumption which does not correctly reflect the reality of the contemporary population of Mauritius. Independent of their various origins, our people have developed a Mauritian way of life which cuts across cultural barriers. The Judiciary rang the alarm bell on the issue of classification of community according to way of life and expressed its concern in the year 2000 in the case of *Carrimkhan v Tin How Lew Chin* where Justice Seetulsingh held as follows, I quote –

“Way of life may depend on a serious of factors, the way one dresses, the food one eats, the religion one practices, the music one listens to, the films one watches. External appearance and the name one bears are also pointers as to the community to which one may belong. The expression “way of life” used in the First Schedule has never been put to the test and some 33 years after the Constitution was drafted, one cannot escape the conclusion that a common way of Mauritian life has gradually and steadily developed in Mauritius which cuts across communal barriers.”

In the year 2005, in the case of *Narrain v Electoral Commissioner*, Justice Balancy declared that the regulation 12 of the National Assembly Elections Regulations 1968 which provides that the nomination of a candidate at general election was void if he has not made a declaration as to his Community was unconstitutional. It contravenes section 1 of our Constitution and he ordered that candidates could participate in the general elections without declaring their community. The reasoning of Justice Balancy was that this provision, which imposed as sanction the nullity of nomination for non-declaration of community is tantamount to an unjustified curtailing of a citizen’s constitutional right to stand as a candidate for general elections.

This contravenes section 1 of the Constitution which provides that Mauritius shall be a Democratic State and the right to stand as a candidate at general election is fundamental in true democracy. Later, in the year 2005, the full bench of the Supreme Court in the case of *Electoral Supervisory Commission v the hon. Attorney General* overturned the judgment of Justice Balancy and adopting the older restrictive definition of democratic society as per the judgment of *UDM v Governor General* 1990 held that the provisions did not contravene

section 1 of the Constitution and ordered that a candidate shall mandatorily declare his community or else his nomination will be invalidated as a candidate.

Now, what happened in the year 2010? In the year 2010, Madam Speaker, this issue of mandatory declaration of community arose again before the Supreme Court in another case, in the case of Marie v Electoral Commissioner. In this case, the judge stated that there has been a new wider definition and interpretation of democracy and democratic state under Section 1 of the Constitution, which has now been developed by the Law Lords of the Judicial Committee of the Privy Council in the case of Khoyratty in 2006. The judge held that she is technically bound by the decision of the full bench delivered in 2005, but opined that with a new wider definition and interpretation of democracy and democratic state under Section 1 of our Constitution, the provisions regarding mandatory declaration of community could be unconstitutional.

Madam Speaker, the case of Marie ended up before the Law Lords of the Privy Council in the year 2011. The Law Lords declined jurisdiction on a technical point, but advised the appellants to follow the proper procedure by mounting a proper constitutional challenge of the provisions before the Supreme Court of Mauritius. They would, therefore, rule on it in the future if the case comes on appeal before them.

So, it is important to note that the issue of mandatory declaration of community has been raised before the Human Rights Committee of the United Nations under the International Covenant on Civil and Political Rights also, to which Mauritius is a party.

In the year 2012, the Committee gave a ruling and held that they continued maintenance of the requirement of mandatory classification of a candidate for general election would appear to be arbitrary and violates Article 25 (b) of the Covenant and invited Mauritius to reconsider whether the community based electoral system is still necessary and Mauritius is under the obligation to avoid similar violation in the future.

In addition, Madam Speaker, in the Fifth Periodic Report on the International Covenant on Civil and Political Rights submitted to the Human Rights Committee in May 2016, the latter has been informed that the Government of Mauritius is pursuing discussions and consultations towards an electoral reform that will suit the long-term interest of the country. The Human Rights Committee has been informed that the issue of mandatory declaration of community will be addressed in the coming electoral reform, and this is what we are doing, Madam Speaker.

Taking into consideration the past judicial pronouncement, pending applications before the Supreme Court, challenging the constitutionality of these provisions and our international obligations under the Covenant, this Government is doing away with the mandatory declaration of community. On this side of the House, Madam Speaker, we are serious, we mean business and we are, in fact, addressing these issues.

Madam Speaker, I therefore, commend this Bill, which is coming up with these two historical measures, I must say, 50 years after our independence. The quota system will surely help to increase women participation and representation in politics. The elimination of the declaration of community will reinforce the social fabric of our diverse cultural Mauritian society and also advocate for a common Mauritian community.

The existing electoral system, I must say, has stood the test of time. It is universally accepted that once a system is in place, there is strong resistance to change. However, an electoral system cannot be static; it needs to be adapted over time to respond adequately to new political, demographic and societal trends. This is, in fact, Madam Speaker, why Government is presenting the present Bill to the House.

As I have said earlier, Madam Speaker, this is a historical moment. I urge hon. Members on the opposite side of the House to vote for this Bill and not to find excuses. Voting for this Bill means that in the next general election, we will see the participation of more women in politics and, at the same time, we will do away with the declaration of community to which a Member belongs.

I am done, Madam Speaker.

Madam Speaker: Hon. Barbier!

Mr J. C. Barbier (Fourth Member for GRNW & Port Louis West): Merci, Madame la présidente. Madame la présidente, les amendements constitutionnels présentés par ce présent projet de loi visent à reformer notre système électoral, des propositions qui, hélas, ne répondent pas entièrement à l'attente de nombreux Mauriciens et Mauriciennes, et en fait, contient même des propositions d'amendements inacceptables et dangereux pour notre stabilité sociale et politique. Au fait, il n'y a pas de consensus au sein de l'hémicycle et encore moins au sein de la population *out there*. Moi, je dirais heureusement, que sans une majorité de trois-quarts, le projet de loi ne passera pas.

Madame la présidente, il est vrai que la démocratie n'a pas de prix. Mais à quoi bon augmenter le nombre de députés d'une façon aussi conséquente, et par ricochet aussi le

budget de la Chambre, sans pour au moins atteindre l'objectif principal de la réforme, c'est-à-dire, une meilleure représentation des élus à l'Assemblée nationale, corrigeant l'imperfection et l'injustice constatée par les résultats de plusieurs élections passées où le *first-past-the-post system* a produit des résultats où l'équipe victorieuse eut une surreprésentation, démesurée même, en nombre de députés comparé aux votes exprimés pas en leur faveur par le peuple.

Le peuple n'aurait pas fait état du coût de cette opération si le prix à payer pour rétablir la justice et l'équilibre social du pays y était. Mais dans le présent exercice qu'on nous propose, provision est faite pour que l'écart des votes entre l'équipe victorieuse et l'équipe perdante ou les équipes perdantes ne change pas en fin de compte dans n'importe quel cas de figure. Donc, le problème de rapport de forces injustifié constaté par les résultats des élections précédentes 1982, 1987, 1991, 1995, entre autres, ne sera pas résolu. Les imperfections du *first-past-the-post system* perdurera si on vote les propositions constitutionnelles telles que proposées par ce présent projet de loi.

L'idée d'avoir une dose proportionnelle ne serait-ce que pour équilibrer partiellement le nombre des élus de l'équipe ou des équipes perdantes au cas où il y aurait une disparité importante entre les pourcentages de votes exprimés et le nombre de sièges obtenus ne sera pas corrigé par cette présente proposition d'amendements constitutionnels, Madame la présidente.

L'amendement proposé pour une meilleure représentation de genre et même pour qu'on ait un député additionnel à Rodrigues est bien accueilli, évidemment. Mais étant donné les controverses des autres amendements proposés par le gouvernement, le gouvernement aurait pu venir avec une législation ou deux législations séparées pour favoriser la représentation féminine au Parlement, telle que celle qui a été fait pour les élections municipales, mais malheureusement le gouvernement a choisi de noyer tout au sein de controverses et si ça passe pas, ce sera la faute au gouvernement. Si ce projet de loi ne passe pas, rien n'empêche le gouvernement de revenir avec une législation à part entière pour favoriser une meilleure représentation féminine au Parlement et augmenter le nombre de deux à trois des élues à Rodrigues.

Madame la présidente, qu'on le veuille ou non, une représentation adéquate des différentes composantes de notre société au sein du Parlement joue un rôle important en faveur de notre stabilité sociale et politique. Notre système actuel, et aussi nôtre redécoupage électoral du jour, qui existe depuis 50 ans, a toujours favorisé une surreprésentation de

composante de la communauté majoritaire de notre société mauricienne. Ce système au fur des années a généré une injustice et une discrimination tangible au sein de la société mauricienne. Les conséquences d'une telle situation ont généré beaucoup de malaise au sein des minorités. Une surreprésentation au niveau politique de la composante de communauté majoritaire à engendré *de facto* par ricochet le même résultat discriminatoire au niveau des agences, corps publiques et paraétatiques causant aux minorités des torts immenses. Hier, l'honorable Shakeel Mohamed a fait état de recrutement, de promotion, entre autres. Je ne vais pas revenir sur ce qu'il a fait état dans son discours. Mais c'est un fait, la situation aujourd'hui est alarmante et des fois irréparable. Ce qui a jeté une partie de la population dans des ghettos. Et là, c'est pour vous dire que l'abolition du *Best Loser System*, sans se soucier d'une façon légale de la remplacer par un système pour maintenir la balance ethnique par les amendements proposés pour une meilleure représentation de toutes les composantes de la société mauricienne au sein du Parlement, va causer beaucoup de tort à notre tissu sociale. Au niveau du Parlement, c'est très dangereux pour l'avenir social et politique de notre pays.

Je suis contre l'idée que les leaders des partis politiques aient le pouvoir de décider pour rééquilibrer manquement qui peut surgir après les résultats des élections. Evidemment, moi, j'aurais souhaité que tout soit fait d'une façon claire, *safe* de par la loi et que ces pouvoirs soient octroyés par la Commission électorale.

Je croyais que ce gouvernement, à travers ces amendements constitutionnels, allait amender la Constitution pour rassurer les minorités ou même rééquilibrer les représentations des minorités au Parlement. On s'attendait, par exemple, à ce que le gouvernement rende justice à la communauté créole. Je m'attendais à ce que le gouvernement vienne faire des propositions pour enlever l'appellation 'Population Générale' dans notre Constitution pour être remplacée par la 'Communauté Créole' et faire des créoles de ce pays une communauté reconnue par la Constitution afin d'éliminer au passage les discriminations reconnues aujourd'hui au niveau de l'ONU. On en a fait état hier du rapport international pour l'élimination de la discrimination raciale. C'est vraiment alarmant. Au fil des années, voilà ce que notre système a engendré et la 'Communauté Créole' subit toujours l'indifférence d'un gouvernement qui ne rate jamais l'occasion de la traiter de tous les noms rétrogrades, insultants. Au passage, même les femmes créoles ont pris des coups récemment, des qualificatifs les plus humiliants qui soient par un ex-ministre de ce gouvernement. Voilà comment on est traité, et il n'y a aucun espoir pour que le système actuel qui favorise la

composante majoritaire va changer par ce réforme ; au contraire si ça passe, ça va aggraver la situation.

En attendant qu'un jour on aura une vraie réforme favorisant l'épanouissement, l'exclusivité de notre société vers le mauricianisme, pour l'heure malheureusement, c'est 'Anne ma sœur Anne ne vois-tu rien venir'. Il n'y a rien qui vient dans ce sens-là. Je ne peux, donc, en mon âme et conscience, soutenir un tel projet de loi. Aussi, je voterai contre ce projet de loi et j'espère que le gouvernement, en écoutant les interventions de ce côté de la Chambre, va revoir sa copie et revenir dans un consensus national pour trouver une formule qui répond à l'attente de tous les Mauriciens et Mauriciennes.

Merci, Madame la présidente.

Madam Speaker: I suspend the sitting for one hour.

At 12.26 p.m., the sitting was suspended.

On resuming at 1.42 p.m. with Madam Speaker in the Chair.

Madam Speaker: Hon. Gobin!

The Attorney General, Minister of Justice, Human Rights and Institutional Reforms (Mr M. Gobin): Thank you, Madam Speaker. Madam Speaker, it is an honour for me to be taking the floor this afternoon on the Constitution (Amendment) Bill. It is also an honour to be associated with this historic moment that we are living.

Nous sommes tous dans cette Assemblée, Madame la présidente, devant l'Histoire, l'Histoire avec un grand 'H', et c'est l'Histoire qui va nous juger sur ce que nous avons dit ici et sur ce que nous avons fait en termes de votes pour ou contre. J'espère que mes collègues dans cette Assemblée prendront leurs responsabilités devant l'Histoire.

Madam Speaker, I propose to deal with three points –

- (i) the pronouncement of the Human Rights Committee communication No. 1744/2007;
- (ii) one aspect of the Bill concerning the discretionary power being given to party leaders, and
- (iii) most importantly, what this Bill is really about.

I will start therefore, Madam Speaker, with the Human Rights Committee. It is good to recall that in communication No. 1744/2007, the Human Rights Committee was called

upon to give a ruling on an application made by a number of complainants from Mauritius on alleged violations of the International Covenant on Civil and Political Rights. The pronouncement was handed down and published on 15 January 2013. This document is already public and a number of articles have been written to comment thereon. It is important to set this as a background. The hon. Vice-Prime Minister has also rightly set the background in terms of the pronouncements of the Supreme Court of Mauritius and the Judicial Committee of the Privy Council. It is important also to highlight the pronouncement of the Human Rights Committee which examines the complaints made by Devianand Narrain and others who were the authors of the communication sent to the Human Rights Committee.

In the pronouncement at paragraph 16, the Human Rights Committee was very clear and stated as follows, at paragraph 16 of the pronouncement which is at page 12, I quote –

“The Human Rights Committee, acting under article 5, paragraph 4, of the Optional Protocol to the International Covenant on Civil and Political Rights, is of the view that the facts before it disclose a violation of the rights of the authors under article 25(b) of the Covenant.”

This is the beginning of a number of subsequent pronouncements. The Human Rights Committee also stated in paragraph 17, the last line thereof, I quote –

“The State party - that is, Mauritius - is under an obligation to avoid similar violations in the future.”

This is an added reason why Government has brought this Constitution (Amendment) Bill; because Government is serious about its international commitments taken at the level of the United Nations under the International Covenant on civil and political rights. We have to live up to our obligations and we have, as a nation, to continue to give the good example on the international community.

In paragraph 18 of the pronouncement, the Human Rights Committee has reminded Mauritius of its duties. I quote paragraph 18 –

“Bearing in mind that, by becoming a party to the Optional Protocol, the State party has recognized the competence of the Committee to determine whether there has been a violation of the Covenant or not and that, pursuant to article 2 of the Covenant, the State Party has undertaken to ensure to all individuals within its territory or subject to its jurisdiction the rights recognized in the Covenant and to provide an effective and enforceable remedy in case a violation has been established, the Committee wishes to

receive from the State party, (...) information about the measures taken to give effect to the Committee's Views. The State party is also requested to publish the Committee's Views and to have them widely disseminated in the official languages of the State party.

In case a violation has been established, the committee wishes to receive from the State party information about the measures taken to give effect to the committee's views. The State party also requested to publish the committee's views and to have them widely disseminated in the official languages of a State party."

This is the last paragraph of the Pronouncement. So what is Mauritius doing? This is the question. Are we going to continue to put committees over committees and consider and keep going round? The time has come to walk the talk. The time for committees is long gone. The time for expert reports or select committees is gone. The time has come to walk the talk and this is what Government is doing. This is the first time in the history of this country that a Constitution (Amendment) Bill to reform the electoral system is brought in the House. A number of Bills have been prepared. Yes! The records at my office show. The last one was, I think, in 2004 when hon. Bérenger was then Prime Minister. I have been to check the records. The Bill was prepared; the speech was ready, but it never came to the House.

This Bill is before the House now with a solution which is realistic. Once again, *nous sommes devant l'histoire. Nous ne sommes pas devant la Chambre, nous sommes devant l'histoire. L'histoire s'écrit maintenant!* I am very honoured to be on my feet this afternoon to take part in the debates. I fully subscribe, Madam Speaker, to what has been stated by the hon. Prime Minister, the hon. Deputy Prime Minister, the hon. Vice-Prime Minister, my colleague hon. Sinatambou and hon. Minister Mentor yesterday. I fully subscribe to what has been stated before. I fully subscribe in terms of the object of the Bill. I fully subscribe to the philosophy behind, to the vision that we have in bringing this Bill. We are talking about this country for the next 50 years and beyond. I do not understand why some still continue to evolve in petty politics, *les clivages*. I do not form part of this generation which functions like that. I don't! I form part of this new generation who wants to see change and meaningful change in this country. I am not only talking just for the purpose of making a speech here. I am not only talking because I form part of Government or that I am a Minister in Government. When one will read this Pronouncement in the case of Narain & ors versus Mauritius, when the Human Rights Committee was considering, at page 6, on the question of admissibility whether the complaints were admissible or not. At pages 6, 7 and 8, the Human

Rights Committee makes reference to a previous case against Mauritius on the same matter, Madam Speaker.

In paragraph 5.1, for example, the Human Rights Committee makes reference to a previous case against Mauritius itself challenging the Best Loser System. That case is called Gobin versus Mauritius. Today, I am stating in the House that Gobin is Maneesh Gobin. I was then sitting for my law examination. Why am I stating so because the walk of the talk had started back then for me.

(Interruptions)

We will! We will keep walking because we will bring meaningful change in this country. We will!

I was unfortunate then. It was not admissible for some technical reasons which I do not want to explain now. So, this is the third reason why I am honoured today to form part of this reform, it is because I have a personal interest in the matter. I want to see reform and now I have the opportunity under the leadership of the hon. Prime Minister to take part in this Bill and bring the reforms which I have been looking forward to do many, many years ago. I was so unfortunate because it was inadmissible then. I was again unfortunate in 2005 when the applicants Narain & ors - *pour la petite histoire, il faut se rappeler* when it started. It started when they wanted to stand as candidates in 2005. They went to the Returning Officer in several constituencies and they filled in their nomination papers and filed them with the Returning Officers. One of the applicants, I remember, Mrs Pavitree Dolah, is also an applicant in this Human Rights Committee case. So, Mrs Dolah, I recall, fills in her nomination papers together with her colleagues and files her papers in Constituency No. 8 in 2005. You know what, Madam Speaker? I was the Returning Officer in 2005 in the election at Constituency No. 8. I had this very painful duty - this is what the regulations prescribe - to write on the verso of the paper "invalidated by the Returning Officer" because of regulation so and so. I had this painful duty of doing that. This prevented them from standing as candidates and they started all their legal applications to challenge the system in Mauritius. *Nous sommes tous devant l'histoire. Tout cela c'est l'histoire.*

I form part of this generation who want to see change. You know what, Madam Speaker, change begins with you. I am proud to form part of this team bringing this reform. It gives me this honour to say thank you Prime Minister, thank you all colleagues sitting on this side. We are on the right side of things, we will bring change and I say thank you to you. *Je*

vais mettre tous mes collègues devant leurs responsabilités. I will say it may be for the third time - *vous êtes devant l'histoire.* Rise above petty politics and rise above *clivage communal* and vote for this Bill. Otherwise, thy shall regret! It will be too late.

I come to the second part I want to address. A lot has been said about this discretionary power being given to party leaders. Unfortunately, *les démagogues ne lisent pas les textes* as if it is for the first time that party leaders are going to be given some discretionary power. I am going to read from the existing provisions in the Constitution of this country. In the First Schedule, paragraph 5 deals with allocation of 8 additional seats.

Then, paragraph 5, subsections (1), (2), (3) and (4) deal with the nomination of the first 4, and then, the remaining (4), (5), (6) deal with the second 4 to restore balance. And then, we come to paragraph 5 subsection (7), I will quote paragraph 5 subsection 7 of the First Schedule, Madam Speaker, I quote –

“(7) Where at any time before the next dissolution of Parliament one of the 8 seats falls vacant, the seat shall as soon as is reasonably practicable after the occurrence of the vacancy be allocated by the Electoral Supervisory Commission to the most successful unreturned candidate (if any) available who belongs to the appropriate community and to the party to whom the person to whom the seat was allocated at the last election belonged”

This is the important part –

“Provided that, where no candidate of the appropriate community who belongs to that party is available, the seat shall be allocated to the most successful unreturned candidate available who belongs to the appropriate community and who belongs to such other party as is designated by the leader of the party with no available candidate.”

As is designated by the leader of the party with no available candidate. This is the existing provision. It has been in the Constitution since 1968. This a discretionary power given to the leader of the party. And now, as if what we are doing seems to be outrageous, undemocratic because we are giving power to the Party Leader. Who chooses candidates for First-past-the-post? I remember - my learned friend, Adrien Duval is not here - in 2014, we were in *L'Alliance Lepep*, he was going around publicly stating, even in the newspapers, that he wanted to be a candidate in No. 6. I think he still wants to be candidate in No. 6.

But, he ultimately was not a candidate in No. 6, he is my MP. In fact. I live in No. 17. How did that happen? It happened by some magical formula? Oh, no! The Leader of his party knocked some sense into him and told him: 'You go and stand over there'. This is the discretion given to Party Leader. Well, he has been so lucky, he was elected together with my good friend, hon. Toussaint and hon. Ms Sewocksingh. So, it is the Party leader who has that discretion. I wanted to stress that this power given to the Leader of the Party is already albeit a residual discretionary power, but it is and it has been for 50 years in our Constitution.

We are not inventing anything new. I do not find anything objectionable with that. I do not want to canvass again what has already been canvassed by the hon. Vice-Prime Minister on the number of pronouncements given by the Supreme Court of Mauritius and the Judicial Committee.

My third point, Madam Speaker, is about the real issue. Of course, the real issue is about what sort of democracy do we want in this country and what sort of electoral system do we want. And I address myself to my colleagues in this House. Your role is not only in your constituency, your role is for the whole country for the next 50 years and more and beyond, rise above *les clivages*, be a beacon of light and become a true leader, show the way.

Of course, it is the first time that such a Bill is coming before the House, so maybe there is a fear. I do not want to say resistance to change, it is a fear, it is a human feeling, but in these trying times, true leaders emerge and they become that beacon of light which the nation needs. This is History in the making. I appeal to one and all. A number of political parties have faced difficult times in this country, but have provided leadership. These times are trying times, and *on va être jugé par l'Histoire*. There is a leader of a particular party who likes to say: '*L'Histoire s'écrit avec un grand H*'. *L'Histoire s'écrit avec un grand H*.

It is for us to decide today and in the coming days how we are going to shape the History of this country. I will vote for this Bill together with my colleagues on this side.

And I say thank you once again to the hon. Prime Minister, to all my colleagues in the House. Thank you, Madam Speaker.

Madam Speaker: Hon. Abbas Mamode!

(2.06 p.m.)

Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East): Thank you, Madam Speaker, I feel proud to participate in this debate and defend the

Best Loser System today. For the little anecdote, the Best Loser System first came into debate in September 1965 in the Lancaster House Conference, which is the month and year I was born.

I will address the Assembly today, first of all, of course, as a Member of this Parliament, but I shall also put myself in the shoes of that citizen who has a lot of expectation from us politicians, paying his taxes, following political debate, voted in the previous election and will surely vote in the next one.

The Vice-Prime Minister, hon. Mrs Fazila Jeewa-Daureeawoo, has not even understood what the amendment really is. *Je pense plutôt qu'elle a suivi les instructions venant de son leader et de son colistier.*

May I remind her that during her last campaign, she herself canvassed the electorate of Rose Hill that she was in favour of keeping the Best Loser. I think she forgot that this was one of the promises of *l'Alliance Lepep*. I shall not beat around the bush, Madam Speaker. I might sound repetitive, but I will affirm my position on the number of MPs – 85 MPs - Madam Speaker, more or less 15 MPs, more than what we have actually. Really, is it what the Government sought is needed for equitability? I am sure that my friends, on the other side of the House, will express their exasperation with what I am going to say.

But, at the same time, it is of my duty to analyse and express my point of view accordingly. 15 more MPs, we want it or not, will cost a lot more. Hon. Adrien Duval already elaborated lengthily on this issue. What the Mauritians are desiring at this time? The salary with all the allowances will weigh too much. And do not forget, this is *d'actualité en ce moment, retraite de députés, pension de députés*. Instead of increasing the number of MPs, of putting time and effort for coming up with such an amendment, the Government should have put this precious time and effort in reviewing the actual system and proposed to the House ideas of how we can improve on what we have actually. And above all, Madam Speaker, we come up with ideas of how we can have equitability with the number of MPs we already have. For example, question time should be increased, and so much more can be done so that this can be for the betterment of the nation.

Moreover, increasing the number of seats can also create what we call mismanagement. We are not here talking about two or three more seats; we are talking of much more than that. With such an increase, there can have a problem of overlapping of posts. I believe we should seriously ponder on this aspect also. Of course, the population needs a fair representation in

the National Assembly. I am not denying that. However, a fair representation is not equal to over 85 seats. It is not only according to me, being a politician of proximity. This is the echo that I am getting from my people; people whom we should not forget, we are accountable to.

I shall explain briefly what I mean by overlapping of posts. Having too many representatives can cause confusion, not only among the elected or nominated Members, whatever we may call it, but also among the population. The latter may feel confused to whom he should refer to for particular cases, for particular issues. Therefore, we will promote the politics of *fer dimoune balance dan tous les sens*.

Moving on, I shall express how the amendment is against the principle of a Republic. Once again, not only from my point of view, but also from what I gather from the people, *les gens sur le terrain* in the actual system. I am not saying something new, *pas pe decouvert l'Amérique lor map*. It is the Electoral Commission that decides upon the Best Loser seat. In this proposed amendment, we notice that it is the leader who will decide from the list submitted, who is going to occupy those additional seats. Has the Government of the day got a problem with independent choices, democratic choices? I wonder why this sort of decision crops up each and every time. It seems like instead of going forward, they want to move backwards. Why, in the wilderness of thoughts, should leaders be the ones who decide who will actually occupy the seat? It is not my intention to address the House today only to negative critics which have been presented in the Bill. *Ce n'est pas critiquer pour critiquer. Il y a certains, comme la représentativité du genre féminin* to balance ratio concerning ladies and gentlemen. I respect; maybe this is fair, but I respect maybe not a second the attempt of clearing the image of a Mauritius directed to ideas of community at international level. But at the same time, we are sending the wrong type of message about our country; we are promoting a regressive politics by allowing Party leaders choosing instead of an independent Commission.

Looking at the number of Ministers, Madam Speaker, we know that Muslims represent 17% and *Population Générale* represents 33%, reaching 50% or perhaps more, according to the 2011 population census. Here itself, the lack of equity is noteworthy. This is a sheer example of their inability to respect equitability. We cannot, therefore, trust them when they shout out their willingness to let the leaders choose from the Party list to readjust fairly the representatives in the National Assembly. Who chooses Members of the Cabinet? Is it not the Prime Minister, the Leader of the House, the leader of the ruling party? How can we trust

leaders then to nominate? Yes, to nominate MPs. Will we bear injustice? Will we bear more injustice, more imbalance?

The objective, from what I understand, is to endorse a mechanism of compensation. On the other hand, mathematically speaking, we are not promoting same. I shall not go into detail, but with the proposed way of calculating how to distribute the PR seats, it is clear that the majority will gain even more seats and, hence, creating once again a disparity in the number of seats between the majority and the Opposition. I have done my homework; I hope all of us here have done same, and thus will not disagree that there is in reality an inconsistency in what is being presented to us and what it is in real.

Besides, if we go to the previous election, the 2014 election, the then *Alliance Lepep* won the election based on the projects and electoral promises which have not been kept, of course. They also committed - we, in fact, also committed not to abolish the Best Loser System. Therefore, I will not be wrong in saying that there is yet another one more time that the Government is doing the exact opposite of what they were elected to do. It is my duty, Madam Speaker, to voice out the views of my constituents, the injustice they face daily. They do not feel secure in having jobs, for example, in the Cargo Handling Corporation and in the Ports Authority next to my constituency. Yet, people coming from far, remote, distant are the majority being recruited these days.

Je me souviens que Sir Anerood Jugnauth, le ministre mentor, fut traité - c'est l'histoire - de bombe communale par nul autre que l'honorable Paul Bérenger lui-même. Raison : en 1987, on a eu un cabinet sans même un ministre musulman. C'est l'histoire ici de la communauté musulmane. Aujourd'hui, on est en train d'essayer de régler le problème des marchands ambulants, mais laissez-moi rappeler à la Chambre que ce fut le résultat des discriminations successives du gouvernement MSM. Est-ce que quand je m'exprime au nom ma circonscription, je suis communal ? Est-ce que quand je dénonce l'injustice sociale, je suis communal ? Quand je parle au nom de mes mandants, est-ce que je suis communal ? Je suis obligé de le faire, Madame la présidente. Est-ce que Bissoondoyal, lorsqu'il a défendu le droit de la communauté, fut traité de communal ou est-ce qu'il fut communal ?

Aujourd'hui on est à la croisée des 50 ans après l'indépendance. Il y a eu un semblant d'unité nationale, mais celle-ci est très fragile dû au multiple entêtement du gouvernement de reconnaître l'existence d'une nation multi-ethnique et de reconnaître à leur juste valeur la contribution de chacune des composantes de la nation mauricienne.

L'élimination purement et simplement du *Best Loser System* est aujourd'hui vue comme une atteinte à la reconnaissance de leur contribution au développement du pays.

Madam Speaker, while referring to the previous elections, which open the door to the actual Government, - door or window, we do not know - I would like to point out that the MSM, together with the PMSD and the ML won the elections with a 49%. I would like to emphasise on that. I would explain, Madam Speaker, why I am pointing out on the figures here. For a Government to come up with an amendment of this dimension to amend the Constitution, they must have, at least, 75% of seats in the House, but this is not at all the case. It was not the case even when l'Alliance Lepep won the elections back in 2014 because it got only 49%. Today, we have a Government with a Prime Minister at the head, who, the population did not even vote as Prime Minister. We have a Deputy Prime Minister, again, who, the population did not vote. In addition to that, Madam Speaker...

(Interruptions)

When you speak the truth, you see what happens. When you speak the truth, they cannot even hear it, Madam Speaker.

Madam Speaker: No! I believe that the hon. Member has to relate it directly to the Bill. Please, do so!

Mr Abbas Mamode: I am referring to the people.

(Interruptions)

Today, we have a Government...

(Interruptions)

Madam Speaker: Order! Order, please!

Mr Abbas Mamode: Madam Speaker, how can we let such a Government decide and apply amendment of such magnitude. First of all, they do not have even any moral right to amend the Constitution of Mauritius.

Madam Speaker, I have experienced lots of elections in our country. Since independence, we have had around 10 elections. We should use those experiences for the best to come up with innovative ideas in order to benefit the democracy. With all these experiences we should be able to recognise weaknesses that we had in the past and overcome them. What is being done here is completely the opposite. 50 years after Independence we

are talking about adopting a system which I think was abolished decades ago. I am here referring to the nominee system. A system which was abolished because I believe was obsolete, is now being presented to the House as being innovative and a system that will fit in 2019 and the coming.

Furthermore, I would like to express myself on the timing of this electoral reform, the Constitution (Amendment) Bill. I have to agree that the hon. Members of the majority will be happy to agree, they will be happy to hear this. I do agree that the Government, in fact, talked about coming up with reform. Nevertheless, this is not the appropriate timing. An election is expected soon. Of course, if they do not want to postpone it like they postponed the Village Election, *pou pran pays en otage*....

(Interruptions)

Madam Speaker: Hon. Jhugroo! Please! Don't interrupt the proceedings!

Mr Abbas Mamode: Therefore, we cannot come with such an important change at the eve of an election. We have to admit, it is not even debatable that all these changes would eventually impact on the voters. With all the scandals that have been happening recently, the Mauritians have to some extent already lost faith in the democracy and now introducing a change of this magnitude at the eve of an election will, in no way, improve the situation. People will not be motivated to vote, Madam Speaker, or maybe that is what the Government of the day is aiming at, discouraging people to go and vote.

In the same line, I would like also to highlight my fear of having a parallel system. While analysing the PR seats attribution system, we can note that the Parties will be allowed those seats proportionally to the percentage of votes they have as a whole.

Hence, Madam Speaker, the voter will not only be voting for his/her chosen candidates of his/her constituency, the voter will, at the same time, be choosing which Party he/she wants those seats to be allocated. To make it short, Madam Speaker, the voter will be voting for a candidate and at the same time bearing in mind, he is giving the candidate Party the chance to have more seats in the National Assembly. I firmly believe this is unfair towards our voters, as first and for most, the time given to the population to assimilate all this is not enough.

The hon. Prime Minister in his speech rightly pointed out that there is no perfect electoral system and that we should design our own model according to our historical, social, political and cultural values, but, Madam Speaker, while reading this Bill, the amendment,

there is not at all the reflection of all these aspects. It is a mere statement without any strong foundation. I will invite Members on the other side of the House to explain to the population rationally how this electoral reform shall be a blessing to them. How is it taking into consideration the historical, social, and cultural values? I shall not be able to explain this to the people of my constituency.

Since the debate of the Reform Electoral has started, Members of the majority are, time and again, putting forward that they are shutting down communalism - what a joke! - by changing the Best Loser System. But, our concern, Madam Speaker, here is firstly not about communal issues, it is social justice. It is social justice, Madam Speaker, that we are debating about. Madam Speaker, it is our duty to make the Mauritians feel secure and we must do so; besides, the essence will be the same at the end, the only change will be that the leaders who will decide and this is what I fear, knowing how bias some political leaders are.

The Prime Minister further stated that it is the first time since independence that a Bill on Electoral Reform of this magnitude has been introduced in the National Assembly. Therefore, we can deduce that he is aware of the importance and the impact that such a reform will have. Also, following this logic, it becomes even more important to ask and involve the opinion of the public. Why not a referendum in this case then?

Je ne vais pas m'attarder sur le propos de l'honorable Collendavelloo - je ne dirai pas raisonné, c'était dénigrant. A entendre parler le *Deputy Prime Minister*, qui, à son âge, aurait dû représenter la sagesse, l'humilité, mais malheureusement il est l'arrogance personnifiée, croyant détenir la connaissance et l'intelligence. A écouter l'arrogance, les insultes du DPM, cela nous donne une indication sur le pouvoir, l'attitude de certains leaders. Aujourd'hui, on nous dit de voter un projet de loi pour donner pouvoir aux leaders de décider de choisir ceux qui vont entrer comme membres au parlement. Comment peut-on voter un tel projet de loi ? Le fait d'entendre le DPM, tout au long de son discours, du début à la fin, supplier l'opposition de voter avec le gouvernement démontre clairement à quel point le gouvernement est en difficulté.

(Interruptions)

Hon. Collendavelloo, we do not need lessons from you. Thank you but no! Give your previous advice to your own party Members!

Madam Speaker: The hon. Member must address the Chair...

Mr Abbas Mamode: To hon. Rutnah for treating ladies, as you know how he treats ladies. We have no lesson to learn from you. So, please spare us!

J'aimerais rappeler au DPM, lui rafraichir en fait la mémoire, que pendant les élections générales, il suppliait le Leader de l'Opposition alors, pour participer au meeting à Rose Hill pendant la campagne électorale

Madam Speaker: What does this have to do with the Bill?

(Interruptions)

Mr Abbas Mamode: No, he gives us lessons.

Madam Speaker: No...

Mr Abbas Mamode: I am telling what he said, Madam Speaker. This is unfair!

Madam Speaker: Please sit down! Now, you have to restrict yourself to the Bill. What does that have to do with the Bill? What happened when there were the general elections, how he came to you, this has nothing to do with the Bill.

Mr Abbas Mamode: Madam Speaker, but everybody will remember that he did seek the help of the PMSD.

Madame la présidente, nous pouvons comprendre pourquoi le gouvernement propose des amendements concernant une loi anti-transfuge, qui sont à demi-cuit. Nous pouvons comprendre pourquoi le gouvernement n'a pas pris une décision courageuse, n'est pas allé jusqu'au bout de ce problème de transfugisme. Car ce gouvernement, Madame la présidente, reste au pouvoir grâce à 5 transfuges.

Madame la présidente, je serai curieux d'apprendre qu'est-ce que les transfuges auront à dire sur cette loi puisque je les vois sur la liste des orateurs. On souhaite, Madame la présidente, pour eux, que vient un moment comme le dit Daniella Ferriere : « l'on ne se reconnaît plus dans le miroir à force de vivre sans reflet ». *I will wait.*

Before I conclude, Madam Speaker, I would like to humbly request the Prime Minister, to ponder in the idea of asking the opinion of the public on these amendments, on these reforms, Madam Speaker. This is quite ironical, as I am requesting the Prime Minister of a democracy to ask the opinion of the public. But the opinion of the public must be sought. The Prime Minister has time and again reminded the House that he is not afraid of asking and taking into consideration the public opinion. I think it is time that he puts into practice what

he preaches. This is a good opportunity to show that his Government and himself have not totally given up the principle of democracy.

On an ending note - unfortunately, hon. Dr. Husnoo is not here - I believe it is important that I mention my colleague, hon. Dr. Husnoo, who was also candidate in the same constituency, Constituency No. 3, for the 2014 elections. Together, hon. Dr. Husnoo and me, we publicly conveyed the idea of protecting the minority and promised to maintain the Best Loser System. I cannot speak in his name, but for my part, I shall keep my words as I am answerable to those people. I will conclude by simply saying and asking to vote 'No' to the amendment.

Thank you, Madam Speaker.

Madam Speaker: Hon. Sawmynaden!

(2.35 p.m.)

The Minister of Technology, Communication and Innovation (Mr. Y. Sawmynaden): Thank you, Madam Speaker. Madam Speaker, first of all, I would like to congratulate the Prime Minister and the Ministerial Committee who have worked very hard to bring this piece of legislation before this House.

However, let me say a few words after hearing hon. Salim Abbas Mamode. I was quite surprised. Why? Because *on vient de la même école politique, l'école du MMM. Mais le langage de l'honorable Salim Abbas Mamode, parlant de transfugisme, renvoi des élections générales, mais il le sait très bien que c'est grâce au gouvernement MMM-PSM...*

(Interruptions)

C'est grâce au gouvernement MMM-PSM à l'époque sous l'honorable Sir Anerood Jugnauth et l'honorable Paul Bérenger qui étaient là, on a fait passer une loi pour dire plus au renvoi des élections générales. Et il a même entendu son leader la semaine dernière dire que le PMSD et le Parti Travailleuse avaient renvoyé les élections générales, ils étaient fiers de cela. Mais venant de l'honorable Salim Abbas Mamode, ancien membre du MMM, je suis quelque peu surpris. Bon. Peut-être comment dire, PMSD ine détint lor li. Anyway! And then, second thing that he mentioned, he is saying that giving the power to the political leaders to appoint additional seats. It will cause more injustice and more imbalance.

Madam Speaker, is hon. Salim Abbas Mamode stating that he does not trust his leader, that his leader is not going to appoint someone from a different community on the

additional seats? We all know hon. Pravind Jugnauth will do it. We all know that hon. Paul Bérenger will do it. Maybe he does not trust his leader. This is what he is stating himself.

Madam Speaker, I would like also to point out that I was a member of that Ministerial Committee and we had several meetings, and who chaired most of these meetings? The hon. Leader of the Opposition himself!

Et les grandes lignes de ce projet de loi étaient débattues à l'époque. Ce n'est pas quelque chose qui est arrivé là du jour au lendemain. C'était un travail de longue haleine et hier j'ai été estomaqué à écouter le discours de l'honorable Adrien Duval. Venant d'un jeune politicien, qu'on voyait comme l'avenir des politiciens de demain. Je suis entré en politique en 1998. J'étais très jeune à l'époque, je suis toujours très jeune, mais je voulais vraiment contribuer au développement de ce pays. Mais j'ai passé par la petite porte. J'ai été un agent politique, j'étais membre de l'aile jeune du MMM, je suis devenu membre du MMM, j'ai fait mon entrée en politique au sein du MSM au 2006 et candidat en 2014. Alors, je connais la réalité mauricienne. J'ai été sur le terrain. Je connais toutes les composantes de la société mauricienne, contrairement à lui. Je le comprends, il est très jeune, il n'a pas vraiment d'expérience politique, il a été *born with a golden spoon*, c'est sa chance à lui.

Mais, Madame la présidente, nous sommes réunis aujourd'hui dans cette auguste Assemblée pour marquer l'histoire encore une fois. En effet, notre pays, la République de Maurice, est très jeune. Et nous, membres élus par le peuple, nous devons être en mesure de proposer des changements nécessaires pour construire la République de Maurice de demain.

Nous nous sommes tous engagés en politique et nous voulons être les acteurs de cette transformation. Nos électeurs nous ont accordé leur confiance pour fabriquer un pays meilleur et nous devons absolument pouvoir honorer cette confiance.

Il est bon de rappeler que depuis 50 ans, ce pays a toujours su évoluer dans une stabilité politique, qu'à chaque élection, la transition a été souple malgré les alternances.

Nous avons la chance de vivre dans une démocratie et nous sommes fiers de notre Constitution. Mais il est aussi clair que certains aspects de notre système électoral ne sont plus conformes à nos aspirations modernes.

Cet amendement à notre Constitution, proposé par le Premier Ministre, l'honorable Pravind Jugnauth, contient tous les ingrédients nécessaires pour rendre notre système électoral encore meilleur, renforcer notre espace démocratique et surtout consolider l'unité nationale.

Madame la présidente, avant de m'expliquer sur les aspects les plus importants de cet amendement à notre Constitution, permettez-moi de faire un petit rappel. Dès le début, le *Best Loser System* fut inscrit dans notre Constitution et le système a fait ses preuves mais, aujourd'hui, il montre des signes d'essoufflement. Nous savons tous que ce *Best Loser System* a été mis en place en 1968 pour rassurer toutes les composantes de la population de par leur représentativité au Parlement. Cependant, en 2018, il est clair que, pour construire une République de Maurice moderne, nous devons faire évoluer notre système électoral.

Le pays compte aujourd'hui une population de 1,3 millions contre 798,000 au moment de l'Indépendance en 1968! Aux élections de 1967, il y avait 314,000 électeurs et à présent, en 2018, nous avons 925,000 électeurs. Il est de ce fait tout à fait normal de vouloir porter le nombre de députés à 81 avec un maximum de 85 alors qu'en 1968, il y avait 1 député pour 12,800 habitants. L'augmentation portera la proportion à 1 député pour 16,250 habitants seulement.

Madame la présidente, je vais axer mon intervention sur les *additional seats*. Nous savons qu'au moment de la décolonisation de l'empire britannique, une des priorités des Anglais, s'agissant de l'octroi de l'indépendance à Maurice, était la garantie d'une représentation au Parlement de l'arc-en-ciel mauricien. De ce fait, les bagarres raciales de l'époque nous avaient fait craindre le pire s'agissant de l'avenir du pays. Je ne reviendrai pas sur cette page sombre de l'histoire mais le principe que les minorités devaient être présentes d'une manière juste dans l'hémicycle est un acquis inscrit tacitement dans notre Constitution. Cependant, à la sortie des scrutins en 1948, aucun candidat de la communauté musulmane ne fut élu comme l'a expliqué l'honorable Paul Bérenger hier. *Does what happened in 1948 reflect in Parliament today?* Non, Madame la présidente! *Look at us!*

Aujourd'hui, la communauté musulmane de Maurice a la garantie d'avoir un minimum de 6 députés via les circonscriptions 2 et 3 de Port-Louis et je parle bien d'un minimum. Venons-en maintenant aux autres minorités telles que les Tamouls, les Télégous, les Marathis et les Sino-Mauriciens. Hier, en écoutant l'honorable Shakeel Mohamed, je ne l'ai pas entendu parler de ces minorités et il ose parler d'unité nationale ! Il oublie, sans doute, la campagne infecte que son Parti travailliste avait faite contre l'honorable Paul Bérenger de 2003 à 2005. En jetant un coup d'œil à la configuration de notre parlement aujourd'hui, il est clair que toutes ces minorités sont sous-représentées. Est-ce que le Parti travailliste et le PMSD s'en soucient vraiment ? Non ! l'honorable Santaram Baboo sait de quoi je parle.

Madame la Présidente, nous, députés, nous ne représentons pas une communauté mais le peuple dans toute sa diversité. Le système des sièges additionnels ne tue pas le « *Best Loser System* » mais l'améliore bel et bien. Je fais un appel aux députés du PMSD, on se souvient encore de vos deux rendez-vous manqués de l'histoire, la première quand vous aviez voté contre l'Indépendance de notre pays et la deuxième quand vous aviez voté contre la République de Maurice. Vous avez aujourd'hui la chance de vous racheter. Ne sacrifiez pas encore une fois vos électeurs pour des questions d'égo !

Madame la Présidente, cinquante ans après, la volonté de ce Gouvernement, à travers cet amendement à la Constitution, en particulier l'introduction d'une dose de proportionnel, est plus que jamais de garantir la représentativité de tous. Je m'explique, Madame la Présidente. Le rapport Sachs mentionna clairement que le but derrière l'introduction de la proportionnalité dans le système électoral était de corriger les déséquilibres excessifs créés par notre système de *First-Past-The-Post* qui ne sont que très marginalement compensés par le *Best Loser System*. Si l'harmonie et la paix sont toujours les éléments fondateurs de notre démocratie pluriethnique, il est de ce fait normal que ce désir soit retranscrit d'une manière mathématique au sein de notre Assemblée Nationale.

Il faut savoir que, dès 2002, le rapport Sachs avait clairement indiqué que, parfois, bien qu'en obtenant un nombre de votes substantiel, l'opposition était totalement ou presque complètement éliminée du Parlement et là je parle de 1982, 1991, 1995 et 2000. La formule qui nous est présentée aujourd'hui pour être votée fait d'une pierre deux coups. Elle peut à la fois ramener les partis ou alliances perdants à avoir un nombre de députés correspondant mieux à leur score et, tout à la fois, agir comme un compensateur des manquements du *Best Loser System*.

C'est pourquoi les avantages des *PR lists* vont bien au-delà d'une simple garantie de proportionnalité entre le nombre de sièges obtenus par un parti ou une alliance et la part des votes obtenus. Telle que préconisée par l'amendement, une *PR list* est établie et publiée à l'avance et les noms y figurant sont classés en ordre de priorité. De plus, la proposition impose d'avoir des listes avec pas plus de deux tiers de personnes du même sexe, en d'autres mots, des listes avec un nombre conséquent de femmes. Il est aussi concevable d'avoir deux tiers de femmes sur une liste contrairement à ce que l'honorable Shakeel Mohammed a indiqué hier.

Les leaders des partis politiques de Maurice auront également tout intérêt à présenter des listes qui transcendent les divisions régionales, ethniques ou religieuses tel que cela a toujours été le cas pour les choix de candidats, la composition du gouvernement ou même le *frontbench* de l'opposition. Permettez-moi, Madame la présidente, de m'appesantir maintenant sur cette notion essentielle de sièges additionnels. Le système proposé permet d'avoir entre 6 à 10 députés supplémentaires dans le Parlement. Ces personnes seront désignées par les *leaders* des partis ou d'alliances ayant récolté plus de 10% des votes afin de rétablir, si nécessaire, un équilibre dans l'hémicycle.

Notre gouvernement, dans son manifeste électoral avait clairement indiqué la chose suivante -

« Une réforme électorale sera adoptée en tenant compte des impératifs de stabilité pour gouverner.»

Nous avons clairement donc un mandat pour réformer notre système électoral. Nous pensons que notre proposition de 12 députés proportionnels et de 6 à 10 députés additionnels donne de meilleures garanties en ce qu'il s'agit d'un parlement équilibré et d'un gouvernement stable.

Permettez-moi, Madame la présidente, de revenir sur les résultats des élections générales de 2014 pour illustrer mon propos. Lors de ces dernières élections, nous étions quatre, des hindous de foi tamoule, de foi télégou et de foi marathi, à être élus. Par contre, huit partageant la même culture, ne furent pas élus et ne furent pas repêchés par le *Best Loser System* malgré que trois d'entre eux avaient plus de 30 % des voix. Il est clair que 12 députés proportionnels et de 6 à 10 députés additionnels, c'est-à-dire un maximum de 22 députés correctifs, donnent beaucoup plus de marge de manœuvre que les 8 repêchés du système *Best Loser*. Aujourd'hui, nous avons un seul tamoul, un seul télégou et pas de marathi au Gouvernement. Est-ce que c'est normal ? C'était aussi le cas en 2010. Qui l'aurait cru qu'un candidat Tamoul allait tomber dans la circonscription numéro 19 en 2014 ? Dans mon cas, sans l'apport et le soutien de mon leader et colistier, la situation aurait pu être autrement et la communauté tamoule aurait pu se retrouver sans représentant au Parlement. Il est donc plus que nécessaire de réformer le système électoral. Assurément, cette proposition aurait obtenu l'aval des grands Mauriciens qui ont contribué à construire la République de Maurice où nous vivons tous aujourd'hui. Je pense ici à des personnes telles que comme Jean Ah-Chuen, Renganaden Seeneevassen et Sir Abdool Razack Mohamed.

Madame la présidente, permettez-moi encore une fois de mettre en avant la volonté de notre gouvernement de rendre meilleur notre système électoral, maillon essentiel de notre espace démocratique. Dire que certains esprits chagrins avaient dit : «*Tant qui Sir Anerood Jugnauth là, pas pou éna réforme électoral*». Voilà, c'est là aujourd'hui !

Je tiens à rappeler qu'en 1983, à la formation du Mouvement Socialiste Mauricien, Sir Anerood Jugnauth avait choisi comme slogan «Unir pour Bâtir». Cette volonté d'unifier toutes les communautés a toujours été une des priorités.

Vingt ans après, en 2003, lors d'une visite officielle aux États-Unis dans le cadre du «United States-Africa Business Summit», Sir Anerood Jugnauth, alors Premier Ministre, eut un entretien avec le Président américain George Bush. Celui-ci qualifia Sir Anerood Jugnauth de «Père de la Démocratie Mauricienne». Aujourd'hui, on vient dire que c'était une bombe communale.

La preuve : il passa le flambeau de Premier ministre à Paul Bérenger, seul non-hindou à occuper ce poste, malgré la campagne infecte de l'Opposition de l'époque.

Aujourd'hui, notre Premier ministre, l'honorable Pravind Jugnauth, montre au peuple mauricien qu'il partage ces caractéristiques de grand visionnaire et de grand démocrate.

La réforme électorale a longtemps été un souhait, un rêve, pour beaucoup de nos leaders politiques. Mais hélas, beaucoup ont préféré botter en touche ou abandonner leur rêve au profit de petits arrangements pour alliance politique.

De ce fait, cette réforme tant attendue était devenue l'Arlésienne de notre paysage politique ! L'Histoire, avec un grand H, retiendra que c'est Pravind Kumar Jugnauth qui a eu la détermination de venir de l'avant avec ce projet de loi pour élargir notre démocratie.

En cela, le Premier ministre réussit deux prouesses -

- (1) préserver la stabilité politique et avoir une majorité stable à l'Assemblée nationale, et
- (2) assurer une meilleure représentation des différentes composantes de la société mauricienne en termes de genre et d'ethnicité.

Je dois souligner que ce projet de loi contient aussi un antidote contre le transfugisme. Notre système actuel est tel qu'il encourage trop les jeux d'alliance et des attelages politiques.

Madame la présidente, je viens maintenant à l'effort significatif que cette loi préconise en faveur d'une meilleure représentativité féminine dans l'hémicycle. Là aussi, nous devons saluer la vision du Premier ministre, l'honorable Pravind Jugnauth. Il perpétue ainsi la volonté de l'Alliance Lepep d'attribuer encore plus de place aux mauriciennes dans la politique.

Nous avons la chance de vivre dans un pays où les femmes ont les mêmes droits que les hommes. Notre pays a grandement évolué par rapport à la condition féminine et il est temps de faire ainsi à notre Parlement.

L'introduction de la formule dite «Zebra System» garantissant plus d'élues femmes est une avancée démocratique indéniable.

Madame la présidente, je terminerais mon intervention en affirmant que ce projet d'amendement de la Constitution s'inscrit dans une mouvance. En effet, notre pays est actuellement un grand chantier avec des développements tous azimuts dans tous les domaines.

Ce gouvernement n'est pas un gouvernement qui fait des promesses en l'air. Nous agissons selon un mandat clair: faire avancer le pays, le moderniser et, en même temps, rendre notre démocratie plus solide.

La vision de notre Premier ministre, l'honorable Pravind Jugnauth, un homme d'action, est de transformer Maurice en un pays à haut revenu et inclusif bien avant 2030 et cela nécessite de passer par ces étapes.

A n'en point douter, notre projet de la réforme de système électoral est une étape importante de cette vision afin de garantir la représentativité de toutes les couches de notre population au Parlement.

Un gouvernement doit gouverner avec et pour le peuple.

Madame la présidente, chaque membre de ce Parlement doit mettre de côté son ego quelle que soit sa couleur politique et réfléchir à l'importance nationale de moderniser notre système électoral.

Dans un passé proche et ce, malgré 27 ans d'emprisonnement, Nelson Mandela avait choisi, dans toute sa sagesse, d'unifier toutes les composantes de la nation Sud-Africaine en composant un gouvernement incluant des blancs, des noirs, des indiens, des métisses.

L'amendement proposé de notre Constitution est dans le même esprit. L'objectif est de garantir que toutes les strates de l'arc-en-ciel mauricien se retrouvent au Parlement.

Madame la Présidente, nous, politiciens, avons trop tendance à adopter des stratégies tribales.

En 1983, lorsque l'alliance Bleu-Blanc-Rouge, menée par Sir Anerood Jugnauth, avait proposé le nom de Sir Seewoosagur Ramgoolam comme Président d'une nouvelle république de Maurice, l'Opposition d'alors était contre.

De même, en 1991, lorsque nous avons proposé le nom de l'honorable Paul Bérenger comme premier Président de la République, l'Opposition d'alors avait voté contre.

Mais, en quelques années après, en 1995, le même Paul Bérenger devient le partenaire privilégié du Parti travailliste qui avait voté contre lui comme Président de la République.

Cette tendance à toujours vouloir «voter contre», en s'affranchissant d'une indépendance d'esprit et contre l'intérêt général n'est pas raisonnable.

Les membres de l'Opposition ont maintenant une chance unique d'inscrire leurs noms à l'Histoire de notre pays en mettant de côté leur égo.

Je lance un appel à mes amis de l'Opposition quel que soit leur bord politique, l'heure n'est plus à la politicaille, mais bien à une réflexion profonde sur la manière de changer le destin de notre République.

Permettez-moi de faire un appel aux députés du MMM ainsi qu'aux anciens militants, tous ceux qui ont été à l'école du MMM. Je pense aux députés Alan Ganoo, Kavydass Ramano, Jean-Claude Barbier et Salim Abbas Mamode.

Souvenons-nous de notre vision commune d'une Ile Maurice *ene sel lepep, ene sel nation*. Ne ratez pas ce rendez-vous avec l'Histoire. Ne le faites pas pour vous, ne le faites pas pour nous, mais faites-le pour vos enfants, vos petits-enfants et tous les enfants de Maurice.

Hier, le PMSD avait avancé l'argument que plus de députés impliqueraient plus de dépenses pour l'État. Mon opinion est que c'est un prix à payer pour avoir plus de garantie, de stabilité et de paix sociale.

Je m'adresse aux honorables Paul Bérenger, Vedasingam Baloomoody, Rajesh Bhagwan, députés provenant des circonscriptions avec beaucoup de minorités non-officielles

de Mont Roches, Stanley, Cassis. Ne pas voter pour cet amendement impliquerait fatalement un sacrifice de cet électorat dont la présence au Parlement diminue à chaque élection.

J'espère de tout cœur que vous, mauriciens, patriotes, élus par le peuple, voteront en faveur de cet amendement à notre Constitution afin de créer une République de Maurice encore meilleure.

Nous avons tous la possibilité de changer l'Histoire et de graver nos noms dans la Mémoire Collective de Maurice. Nous pouvons être les députés qui ont eu le courage de faire avancer notre pays.

Ne laissons pas passer cette chance unique !

Merci, Madame la présidente.

Madam Speaker: Hon. Baloomoody!

(2.57 p.m.)

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Thank you, Madam Speaker.

Madam Speaker, this morning when I entered the House, the hon. Minister of Environment was addressing the House. His speech was polluted with the word 'honesty'. Honesty, we were dishonest when we proposed X, Y and Z. Let me ask them a simple question. In 2012, we had the ruling from the UN Committee and in 2012, we were aware - at least, all respected politicians and respectable political parties - that if we want to reform the electoral system, we have to do away with the past, the Best Loser System. Since that ruling, in 2010, we are all well aware. In fact, we debated in that House in 2014. We amended the Constitution in 2014, just to comply with that ruling or observation of the UN Committee, and yet, the *L'Alliance Lepep* who present themselves to be honest person, went in their Manifesto, *noir sur blanc c'est écrit: 'Une réforme électorale sera adoptée, etc, une dose de proportionnelle sera introduite, le système de Best Loser System sera maintenu.'*

And you call yourselves honest people! Go down in your heart, down your own belief, that if we want to have an electoral reform we have to do away with the Best Loser System; misleading the people, misleading certain community just to get the vote. And today, hon. Sawmynaden is talking about *garde nou promesse*. Are they keeping their promise? Are they maintaining the Best Loser System? Are they having a system...

(Interruptions)

I will come to the hon. Member later. We have listened to him. Please listen to me...

(Interruptions)

We have been criticised by all names this morning, *hypocrite*, etc. Now, listen! If the hon. Member wants some water, I can give him with the biscuit.

Madam Speaker: Hon. Baloomoody, address yourself to the Chair, not to an hon. Member.

Mr Baloomoody: Yes. My question is whether they are honest when they campaign to certain community especially. Even in certain parts of Constituency No. 1, telling them that they will maintain the Best Loser System when they know deep inside that this cannot be done. And today, listening to hon. Sawmynaden making a speech - we know everybody is watching on TV -, mentioning *communauté tamoule*, *communauté Marathi*, *communauté telegou*, and he was in the Ministerial Committee! Does this law mention anywhere, be it in on the PR, be it on the additional seats, that these communities can rest assured that they will be represented? Just making a speech *pour la galerie*; just making a speech for those who are watching the TV to listen, when we know as a fact, in this document, in this Bill we have today, it goes, in fact, contrary to the document which was circulated prior to that Bill in September 2018. I will come one to one to show how this Government not only is dishonest but they do not keep their promise.

Madam Speaker, electoral reform is not a thing we can take *à la légère*. The electoral system which we inherited since independence 50 years ago comprises of two parts. The first part, the Post system, where we have 20 constituencies and we elect the first three candidates, and the second is what is known as the Best Loser System. The MMM, which was created in 1969, was not a party to the adoption of the present electoral system, but we recognise that the system that was bequeathed to us has been the bedrock of political and social stability in our country. We also recognise that there is a need to strengthen this democracy, this electoral system.

Although we were not party to it, we went along with it, but at the same time, we were in the forefront to strengthen our democratic foundation and to consolidate national unity. In fact, it is worth noting that in 1982, it was the MMM led Government that amended the Constitution to entrench the holding of general elections every five years and holding of by-elections. Most importantly, consistent with its struggle against communalism, the MMM led Government in 1982 abolished the holding of census to determine communal *appartenance*

of each and every Mauritian prior to be a candidate in the general election, and this has been recognised by each and every party leader as a *pas*. If I may quote the ex-Prime Minister who, in 2014, said: “Mr Speaker, this was a farsighted decision.” It was a great decision to take; it was in the direction that I am going to speak about. We were talking about the amendment to the Constitution - temporary amendment.

The Best Loser System, especially the Ruling of the Human Rights Committee on the issue of declaration of one’s community in order to be a candidate for the general election, the Committee concluded that it is clear that the BLS in its present form is no longer tenable and invites the State of Mauritius to come with effective remedy. We will see whether this Bill complies.

Further, we were all brutally shocked in 1982 by the results of the election, the 60-0 - that was the first one - and it demonstrated the inherent unfairness, injustice in the actual first-past-the-post system in our electoral system. The Labour Party then, with nearly 30% of the popular vote, gained no seat in Parliament, and a year later, the MMM alone gained 46% of the popular vote with only 19 MPs represented. But we, in the MMM, we did not sit down. We started a reflection as how to go forward to ensure a more representative system of parliamentary democracy. And it was in 1986, the first document coming from a political party. The MMM released a document entitled “A Fair and Workable Electoral System”; 1986, after the two general elections of 1982 and 1983, before the 1987 election, whereby we proposed a 80-Member Parliament consisting of 42 MPs elected according to the first-past-the-post, that is, to the Constituency, and 30 MPs on a PR basis for a party obtaining more than 10% of the popular vote. But, at that time, we kept the Best Loser System.

Subsequently, we had the 1987, 1991 and 1995 elections. In 1991, with 73.3% of votes, the MMM/MSM Alliance secured 57 seats, and worse was to come. In 1995, the MSM with the RMM Alliance, with 20% of the popular vote, had no seat in Parliament, not even a Best Loser seat. But with the actual system, the PGD, Parti Gaëtan Duval, with less than 6% of the votes, obtained a Best Loser seat, and the Hizbullah Party, with less than 2% of the votes, obtained one seat, and then, with 20% of the votes, no seat from the MSM/RMM Alliance.

So, Madam Speaker, this clearly testifies the perversity of the first-past-the-post system. This is why the MSM, having been victim, the MMM has always been victim of the system, in 2000, when we were together, the MSM/MMM, once in office in the same year, the Sachs Commission was appointed, with a specific mandate to make recommendation with

regard to representation in Parliament on a proportional basis within the existing electoral system. Already in 2000, we started to think seriously. The MMM started in 1986. We had the first document. Together with the MSM in 2000, we had the Sachs Commission. The Commission came forward with a proposal consisting, and I quote -

“Fairness, stability, simplicity, familiarity and impact on national harmony and social progress.”

This is what the recommendation of Sachs was based on, and the Sachs Commission, strongly, I emphasise on the word ‘strongly’ - my friend hon. Collendavelloo is looking at me, he will see that we as well, when we went on the Select Committee, we strongly rejected the parallel system in the PR.

The Sachs Commission in 2000 - I will spend some time on the Select Committee because the report of that Select Committee was very important, and is still more important today. Its recommendation was never debated in Parliament. Now that we are live, it is good that people know that we had a Select Committee where intelligent propositions came but, unfortunately, we could not go ahead with them. So, fairness, stability, simplicity, familiarity and impact on national harmony and social progress! The Commission recommended 62 plus 30 on PR, with 10% threshold, and although we did not have the UN Committee’s ruling or comments, the Sachs Commission even went further on the Best Loser System. This is what it had to say, and I quote -

The Sachs Commission in 2000 - I will spend some time on the Select Committee because the report of that Select Committee was very important, and is still more important today. Its recommendation was never debated in Parliament. Now that we are live, it is good that people know that we had a Select Committee where intelligent propositions came but, unfortunately, we could not go ahead with them. So, fairness, stability, simplicity, familiarity and impact on national harmony and social progress! The Commission recommended 62 plus 30 on PR, with 10% threshold, and although we did not have the UN Committee’s ruling or comments, the Sachs Commission even went further on the Best Loser System. This is what it had to say, and I quote –

“It is the opinion of the Commission that the BLS has outlived its original purpose (...)”

And it goes on to say -

“At the same time, the Commission believes that the symbolical reassurance given by the BLS is something which should not be ignored.”

This is very important, ‘symbolical reassurance given by the BLS should not be ignored. And it further recommended, amongst others –

“Subsuming the BLS into the new Constitutional arrangement while divesting it of unacceptable features (...).”

So, have a system which will not ignore the symbolical reassurance given by the BLS and, at the same time, have it incorporated subsuming in the new electoral reform that we are having. The Government of that day, MMM-MSM Government, took the recommendation very seriously and, on 23 April 2002, Parliament appointed a Select Committee on the following terms of reference. This is to show the importance we attach to the Sachs Commission. It is good to note that today we have at least three Members in this House who sat on that Committee. Hon. Collendavelloo was the Chairperson, I was a Member and hon. Mrs Dookun-Luchoomun was also in that Committee.

Let me quote the terms of reference - which were clear -

- “(a) to examine further to the Commission's report and the recommendations in the matter of the introduction of a measure of proportional representation in our electoral system;
- (b) to make recommendations, without prejudice to the existing Best Loser System, regarding the modalities for the implementation of the Commission's recommendations that the National Assembly should be composed of 62 Members as at present and of a further 30 Members chosen proportionately from parties having obtained more than 10 per cent of the total number votes cast at a general election; and
- (c) to propose appropriate legislative (...).”

So, in 2002, we appointed that Select Committee which made recommendations that were published in a report, I think, in February 2004. We have already worked a long way, but without touching the BLS. We have worked a long way to introduce it and it is good to note that, in that report, there was also a draft Bill for amending the Constitution. But, unfortunately, the hon. Deputy Prime Minister did inform us yesterday that for one reason or the other we could not go ahead; there was no agreement, especially from the MSM - as far

as I can recall - for implementing the recommendations of the Select Committee Report. In 2004, the Bill was already drafted. The amendment Bill was in that report but, although we had the majority, MSM-MMM, there was some reluctance on the other partners to go ahead.

So, what does that report say? I will quote some paragraphs. Like I said, this report unfortunately was laid on the table, it went in the drawer, nobody read it. Most of those who are not interested in electoral reform did not read it, but it is good that I read certain paragraphs of that report, because like I said, what was proposed is still relevant today.

Section 1 - we talked of stability and fairness. Much had been said, especially by the Rt. hon. Minister Mentor and the hon. Prime Minister about stability. But that report took into consideration stability and fairness.

Paragraph 45 –

“All political parties have been victims of the present system. Everybody finds in this system an element of unfairness in that it ousts from the system a political party which rallies a substantial portion of the electorate. The huge disproportionality between votes polled and seats received is such that every Mauritian, at one stage of his electoral life, can say that, at least once, he has felt frustration with the results of general elections. The chance that we have is that, today, the need for reform is felt also at Government level. No reasonable Mauritian can be heard to say that a political party ought to be expelled from political life when a substantial portion of the electorate had voted for them.”

Fairness, stability!

Paragraph 49 –

“The problem with our FPTP system is that it breeds within itself an inherent perversity (...).”

Breeds within itself an inherent perversity! Are we correcting that today? In fact, with our additional seats, we will reintroduce that inherent perversity.

I continue -

“(...) which if left unchecked, may one day lead us into severe civil commotion. And it is in order to rid the system of this inherent perversity that the political class now wants to find a fairer way of ensuring democratic representation through a fair electoral reform.”

Paragraph 63! We make reference to the constant worry of the Rt. hon. Minister Mentor about Rodrigues, always referring to Rodrigues when we talk about PR in Mauritius. So, this is what the report has to say under the Chairmanship of the Deputy Prime Minister –

“But the huge difference between Rodrigues and Mauritius is the size of the electorate and the size of the Assembly. One needs not be a great mathematician to understand that the relative percentage applied to a larger figure yields a greater margin in its absolute result.”

I hope the Rt. hon. Minister Mentor has read this paragraph.

“In Rodrigues, the OPR gathered 55% of the votes and the MR, 44%. But the OPR won two thirds of the seats. When applied to an Assembly of 62, the margin would be greater and would ensure stability while guaranteeing fairness to the losing party.”

We also addressed what was proposed in the Select Committee on the issue of Rodrigues -

“The Sachs recommendations strike a balance between the need for stability and the need for fairness. Germany strikes the balance right in the middle with 50% of the seats for both modes. New Zealand opted for 55%/45% while in Wales it is 67%/33% in favour of FPTP. The Sachs recommendations where only 30 out of a maximum of 100 seats (including 8 BLS) would emanate from a party list ensures that the results of the constituency polls will not be frustrated.”

Paragraph 66 says –

“The issue, therefore, is not to install “corrective” measures as in the best loser system, where losers win on the sole basis of community. The issue is to design a system which respects the will of the electors, who make a democratic choice for the party they wish to be in power. And this system requires that a compromise be found between fairness and stability by applying a compensatory formula based on actual votes polled. This is probably where the Sachs Commission has paved the way for an advancement of democracy in Mauritius. Let it be said, with respect, that the Sachs Commission was not acting on a frolic of its own and has not made of Mauritius an experimental station in democracy. Sachs based himself on proven experience in other countries.”

So, the Sachs Commission recommended and the Select Committee recommended that, and today we are having proposals by this Government which go both against the Sachs

Committee recommendations and the recommendations of the Select Committee of the MSM-MMM Government.

Then in 2012, came the views of the Human Rights Committee under Article 5 of the Optional Protocol to the International Covenant on Civil and Political Rights. So, the issue changed completely now. We were always thinking about the 60 elected First-Past-The-Post. Now, reflections have to move towards seeing how we do away with the declaration of one's community before standing as a candidate for the general elections and indirectly or directly, we have to do away with the Best Loser System because the sole purpose of declaring one's community is to participate for the Best Loser System.

It is to be noted because there is a perception that the *Rezistans ek Alternativ* entered a case against the Best Loser System. No! They did not enter a case against the Best Loser System; they entered a case, again they did not want to declare their community. So, when the Committee came with that conclusion that we should do away with that declaration of community, so, we have to look for a system which will do away with the Best Loser System.

Hence, we have the White Paper of 2014, entitled 'Modernising the Electoral System'. The main objective was to introduce a dose of PR and to do away with the Best Loser System, but to have same, I repeat, to have same subsumed into the proposed electoral reform; a good electoral system for a plural society where all components of our rainbow nation must secure adequate Parliamentary representation. So, this is where we were in 2014. There was that White Paper.

Then came the proposals of the Labour Party/MMM Alliance in 2014. The hon. Minister of Environment this morning when addressing the House, he seems not to be confused where the MMM was, what we have, what we wanted exactly. But had he done his homework properly, he would have known. We, the MMM, wanted 20 on the PR, 8 instead of 6 on the party list and 7% instead of 10% to qualify to participate in the PR. This is the stand of the MMM.

(Interruptions)

7.5! We started with 10% as well. Then, there was consultation with other parties, we came to 7.5% However, when you are an alliance, you have to make concessions from 20, it becomes 14, and from 8, it becomes 6. But there, it was clearly stated that the Best Loser System will be subsumed in the Electoral System. It was clearly stated that we have to ensure

representation of each and every community of our nation, which is not in our case, in the case of the Government.

Now, let us come to the Bill! We believe, in the case to introduce a PR system to do away with the inherent injustice contained therein, perversity, as mentioned in the Select Committee Report but, most importantly, whilst doing away with the BLS, to keep that symbolic reassurance. This should not be overlooked. Now, amending a Constitution especially when a Government has a majority, assuming that - thanks God it does have a three-quarter majority, but to amend our Constitution with regard to the Electoral System, this is fundamental. This is going to the root of our democracy, and this is why the maker, the father of our Constitution made it clear. Section 41 (3) of our Constitution, it is in our Constitution, it says clearly that –

“Every proposed Bill and every proposed regulation or other instrument having the force of law relating to the registration of electors for the election of members of the Assembly or to the election of such members shall be referred to the Electoral Supervisory Commission and to the Electoral Commissioner at such time as shall give them sufficient opportunity to make comments thereon before the Bill is introduced in the Assembly (...).”

This is not taking an advice from X, Y and Z. This is a duty on Government to refer the matter to a Constitutional institution, the Electoral Supervisory Commission, and for them to give a report. This is a protection to ensure that there is no abuse from the party in power, especially if he has 45% of the votes to abuse its position to amend the electoral system. And if you have nothing to hide, why do not you render public so as to give confidence to the nation so that the people can trust you, can believe in your sincerity, if you have any? Have these documents published, have it on the Table of the Assembly! Let the public at large know what is the opinion of the Electoral Supervisory Commission on such an important amendment! What is wrong. The way the hon. Prime Minister dismissed the Electoral Supervisory Commission as if he was a member of their lakwizin. Sorry I have to do the kitchen again! He has given a report. This is a constitutional institution. It is a duty on the Government before coming with such a Bill to seek their advice. Why don't you want to guide all of us, Members of this Assembly, with the advice? What cannot we benefit from the advice of the Electoral Supervisory Commission? This would have been true democracy. This would have proved that you sincerely want to go ahead with the reform which we have doubt with, about your *sincérité d'aller de l'avant* with the reform. So, why not render public

that document? It is not a simple advice. It is an advice from the institutional post and it is not even a legal advice. In fact, in the UK, for legal advice, the Government has been in minority, has been helped into contempt recently, two days ago, for not giving the proper legal advice to the House. Here, we are not talking about legal advice; we are talking about an opinion of the Electoral Supervisory Commission on that important reform which you think you are bringing, which we do not feel is serious.

Now, with the way the PR is being selected - the percentage - you are proposing the parallel reform and look what the Commission Sachs has to say on the parallel reform. In fact, the Committee agreed with the opinion of Sachs and we rejected the parallel reform because the parallel reform makes *l'écart* even wider between the winning and the losing parties, that is, why we rejected it. It was rejected by Sachs. It was rejected by the Select Committee under the chairmanship of hon. VPM. And today, you are introducing that system again! So, the hon. Minister of Environment, he said: 'We are very close (...)'. It is not a question of numbers, 14 to 20. You are proposing 12. We are proposing 14. There are fundamental differences between what you are proposing and our stand. There is a difference of principle; a fundamental difference, not *12 - 14, on est à côté, on est prêt, on est ici, on est là-bas* Non! *Il y a la différence fondamentale* between what you are proposing. You are proposing a system that will encourage *l'écart* between the winning and the losing parties on the parallel system. We are saying: 'No!' Let us have system 'C' as was proposed by the Sachs Committee and the Select Committee.

Coming now to the 6 or 10 additional seats; this is even more serious. What does Government want to do with these 6 or 10 additional seats? Hon. Sawmynaden told us he was in that Ministerial Committee. I will repeat it again. It is good that I repeat it again: 'Tamoul, Marathi, Telegou and Sino-Mauricien, that now they will feel secure.' Where is it written in that Bill? Where is it written in that Bill that you will ensure that each and every component of the nation as mentioned by hon. Sawmynaden is in that Bill? Where is it mentioned? Yes, in our statute book, we recognise; we have English Speaking Union, French Speaking Union, Tamil Speaking Union, Telegu Speaking Union, Marathi Speaking Union, Creole Speaking Union, Urdu Speaking Union and Arabic Speaking Union. Where is it mentioned in that Bill any other community? What is worse, Madam Speaker, when the Government release a document on 21 September 2018, entitled: 'Propose Amendment to the Electoral System', what was the objective, at paragraph 2 -

“to provide a more equitable representation of parties in the National Assembly, while ensuring stability and governability; to do away with mandatory declaration of community;”

Look at objective 3 -

“to ensure that the majority arising from the First Past the Post (FPTP) system remains the same after the allocation of PR and additional best loser.”

Of course! This is the problem with the First Past the Post system. It does not represent the wish of the people. It does not reflect the wish of the electorate with 20% of the vote, you get zero. With 30% of the vote, a political party get zero seat. With 2% of the vote, they get one seat. This is the problem with the system and you want to restore it. After taking that objective - just for the eyes only, just for the tongue only - allocation of additional seats at paragraph 5, this is what is said in that document -

“(1) to establish the majority obtained by the winning party or party alliance over other eligible party or party alliance by ensuring the balance between stability and fairness.”

Restoring! When he talks about scrapping the Best Loser System, it says –

“This system (...)

That is the additional seats system

“(...)would also allow leaders of parties or party alliance to ensure adequate representation of our rainbow nation in the National Assembly.”

This is in the proposed document. Where is it in the Bill? Where is it written in the Bill? Section 8 deals with mode of allocation of additional seats. Section 8 (1) (ii), finish by saying –

“(...) has after the allocation of PR Seats, it’s hence increase or decrease, the Electoral Supervisory Commission shall in order to restore mathematically that difference allocate in accordance with paragraph 6, additional seats among those parties.”

Where does it say in the Bill that these additional seats would also allow leaders of party or party alliance to ensure adequate representation of our rainbow nation in the National Assembly? Where? Mislead the people again! Send a document and tell them: Okay, we are

going to have an amendment. We are going to ensure that each and every community is represented in Parliament, but when we come with the law, this is not in the law. You want people to trust you, people; to give you a blank cheque to choose between 6 and 10 people of your choice, which members of the public have rejected, the electorate has rejected. You choose! You decide who you want to be in Parliament, who you do not want to be in Parliament, which community has to be in Parliament, which community does not have to be in Parliament. Hon. Minister of Environment, this is another fundamental difference we have with this Bill between the MMM and the Bill presented by this Government. It is not only a question of numbers. There are fundamental inherent differences between what the Government is proposing because it does not cure the ill of our system.

Madam Speaker, there have been a tendency by those in power, the other side, trying to tell us: 'If you do not vote the Bill etc., the women will be upset. You are against women. You do not want women to be in Parliament, etc.'

In fact, if there is a party in this House, it is the Government who does not want by linking gender representation with Electoral Reform, by linking gender representation with the Bill. You are showing clearly that your interest is not in gender representation. You should have come forward with a Bill. And you know that had you come forward with a different Bill, there would be unanimity in this House for gender representation.

Why do you link it - *chantage*? Why do you link it with that Bill? Let me say, Madam Speaker, we, in the MMM, do not have any lesson to learn from any political parties when it comes to women. Since our creation, we have fought for *l'émancipation de la femme*. In 1982 we had a Minister for *la femme* and the first duty was to look in each and every law of our country to do away with elimination against women. In political parties, we had the first woman Lord Mayor, we had the first woman Mayor in Curepipe, we increased women participation in politics, first woman councillor in Black River, hon. Mrs Danielle Perrier. These are all MMM.

The first opportunity we had in November 2011, when we were amending the Local Government Act to ensure that there was gender representation, at least, to one candidate of opposite sex in each and every ward, the then Leader of the Opposition, hon. Paul Bérenger came forward with an amendment. It was nearly one o'clock in the morning, I remember that, we came forward with an amendment to say we are amending the law: 'Let us amend the law

for general election as well. Let us have one candidate per constituency', but then, of course, it was rejected.

But, we, in the MMM, did not wait for the law to come. We have already adopted a Constitution. In our Constitution, it is written that we will make sure by the year 2030, we will have parity among the candidates and we are working to have, at least, one-third candidates for the next general election. So, we are not waiting for the law, we are putting it in practice.

Now coming with the *transfuge*. *Transfuge*, you are not serious again. You are not a credible Government to come with the law of *transfuge*. In your Cabinet, you have *transfuge* people, among your PPS you have *transfuge* people.

I do not want to hurt the Chairperson, I would not mention the Chairperson. *Transfuge* is everywhere. Your *porte-parole* on Saturday is a *transfuge*. So, do you feel you are credible when you come to *transfuge*? And why this difference between those who are elected and those who are not elected? Why this difference? I do not know. Anyway, it is not easy to have a law on *transfuge*. But had you come with a proper independent law, even with this one which is not perfect, we would have voted it. What is the difference between an elected? I see hon. Dr. Sorefan is looking at me.

Let us take one or two examples in this House now today. We have three candidates who stood on the MMM/Labour Party Alliance. Three of them have left, our alliance has gone on the other side. Two of them have been elected, one of them has been a Best Loser. Let us assume that the Best Loser one was on a party list or you have *la pêche li* after the election. All three have campaigned against your Manifesto. All three have campaigned against what you have presented to the electorate. Why is it when the three moved from here and went there, one has to go out, you can see it in the House.

What is the logic? Hon. Dr. Sorefan will be out, but the other two, one will remain in the Deputy Speaker Chair and one will continue to address the nation on every Saturday on behalf of the Government. What is the logic? So, here again, we would have voted it if it was different. *C'est un pas en avant, peut-être, oui*, but it is not perfect and it is not serious what you are doing. Anyway, your credibility, at least, does not allow you to come with a perfect anti-defection law.

So, Madam Speaker, I do not want to say everything. I know that my friends, hon. Adil Ameer Meea, hon. Reza Uteem will address the House on this issue after me.

For today, I have done. Thank you.

Madam Speaker: Hon. Dr. Joomaye!

(3.44 p.m.)

Dr. Z. Joomaye (Second Member for Rivière des Anguilles & Souillac): Thank you, Madam Speaker, to give me the opportunity to speak on this historical piece of legislation.

Electoral Reform has been on the table for so many years, subject to debate in so many forums, political, sometimes apolitical, in the Press, in the editorials everywhere, many people have been talking about Electoral Reform.

Electoral Reform used by so many leaders of parties for different agenda, sometimes to create diversion or to seek attention, Electoral Reform used as a tool to suit some in their pursuit to maintain or to gain power. Today, Electoral Reform, *qui a eu bon dos*, is taking its revenge. Revenge on those who have used it for a specific agenda. Who has not criticised our present Electoral System? Until now, people are still criticising, on the other side, our Electoral System. But when we are coming with a Bill, there is no response. Who has not criticised the misrepresentation or under-representation of losing parties?

The under-representation of minorities, the MMM, we know at its best in 1987, having 47% votes, had only 27 candidates returned. We all agree that the current system has done its time; it has ensured stability, allowed us to grow. The Best Loser System has been useful; no one is denying the fact that it was needed when it was created. I thank those who have pointed out the historical facts, which led to the creation of the Best Loser System. But, are we in the same context? Today, we have the moral obligation following the recommendations of the United Nations Human Rights Committee to do away with the mandatory declaration of community of a candidate. A representation lodged against the State of Mauritius by the *Rezistans Ek Alternativ*.

A lot of experts have thought, we have had committees, reports: Sachs, Collendavelloo, Carcassonne, but no one came with a Bill, no Government, no Prime Minister. Everyone had it in their Manifesto at some point because no one has dared, no one has been courageous enough.

Today, we have one Prime Minister, Pravind Kumar Jugnauth, who has done it. Whatever happens, whatever be the outcome, he will be remembered as the first Prime Minister to present to this House a Bill on Electoral Reform, this cannot be changed.

The first Prime Minister to propose something serious to enhance the representation of parties in the National Assembly, the one who is walking the talk about gender representation, where we would have - and hon. Mohamed has misinterpreted yesterday - at least, one-third women in this House as per Constitution, proposing a system that will ensure better than the Best Loser System, the representation of minorities in the National Assembly. I will come back with that at a later stage. We are this time having, Madam Speaker, the opportunity to correct a divisive Constitution, where discrimination has been instilled in our constitutional genes. Our population has been divided and is still divided into four categories or communities for electoral purpose: Hindu, Muslim, Sino-Mauritian and the others not, according to their lifestyle, belonging to these groups I just mentioned, and thereafter called General Population.

The question today is: Should we continue to categorise Mauritian citizens in this way? I agree that all segments of the population should be represented and feel comfortable with the electoral system. But are all segments comfortable today? The Best Loser System ensured comfort mainly to two communities, the Muslim and the Creole communities. But what about the others? We should admit and accept our differences; we should stop political hypocrisy. We are diverse and have learnt to live side by side. The Tamil speaking minority has since long been claiming the right to Best Loser representation. We are proposing today a system which is better than the Best Loser System to ensure the representation of minority groups in the Parliament.

Of course, as hon. Baloomoody stated, it is not written in so many words in the law; it cannot be. This reform provides two legs of correction possible to ensure fair representation. Firstly, the PR list, and secondly the allocation of additional seats. Let's see first for the PR list. This list is a formidable tool to ensure minority representation. The names which would be presented on this list will be known before elections and will, therefore, have popular legitimacy; it will be validated by people's vote. The onus will be on the leaders and decision makers of each party to represent a PR list where the order of precedence would be of utmost importance. Names reflecting minority community should appear in such order that any communal imbalance be redressed automatically under the supervision of the Electoral Supervisory Commission.

I am appealing here to all decision makers to make sure that in the first six names on the PR list, there is a blend of all communities. If this is respected, it would be enough to produce the same results as the Best Loser System. Of course, some would say that this is not mandatory, but the list would be presented before elections, and should one section of the population feel neglected on this PR list, the corresponding party would have to face the consequences in the polls.

If the PR list together with the returned candidates fail to provide adequate representation of minorities, the allocation of additional seats can be used as correction method. There is no chance that one section of the population would not be represented. But furthermore, these additional seats can be used to allocate seats to a category of citizens who would never be able to sit in the National Assembly. Let's say, tomorrow, a leader can decide to allocate a seat to a person bearing a physical handicap. In all cases, as I have demonstrated, this system can give guarantees to minorities for adequate numerical representation.

So, the Muslim community or any other community have nothing to fear about underrepresentation. The Best Loser System has till now benefitted only three minorities, the Muslim, the Sino-mauritian and Creole, under the wrong appellation of General Population. It is an exclusive system for these three communities. We are proposing, with this Bill, an inclusive system where under representation of other communities can be tackled. We all know how Mauritius is made of; unity in diversity. This system will allow, tomorrow, a member of the Tamil speaking community to be allocated a seat if the situation requires.

Today, voting against this Bill, hon. Baloomoody will carry on his shoulders the responsibility of not giving this opportunity to the Tamil community of having the equivalent of nominating on an additional seat. Same reflection would go to hon. Ganoo and hon. Ramano for the Marathi and Telegu communities. Today, some people in the Opposition are missing a great opportunity to create history.

Hon. Baloomoody who is not there has said that nowhere in this Bill is mentioned - I am repeating - that minorities can have the guarantee of representation. But it is precisely that point which cannot be done and what the United Nations Human Rights Committee pointed out. We can no longer mention communities in the Constitution because we are all Mauritians.

Madam Speaker, I have been deceived by the attitude of Members of my former Party, the MMM. It was so, and it remains even more so. The main Party which has been talking about electoral reform is today prisoner, hostage of communal lobbies. Who would imagine an MMM voting against proportional system of correction? Who would have thought that MMM would vote against a Bill, bringing at least 30% women in the National Assembly? Where are the ideals? Where is the philosophy? Hon. Bérenger, champion of electoral reform, today against electoral reform!

(Interruptions)

The Bill is not good enough for his case! There is no perfect system. There will be room for improvement. There can be room for improvement. We need to start somewhere. *Il n'y a pas de système...*

Madam Speaker: Order, please! Hon. Member, please proceed!

Dr. Joomaye: The Bill is not good, not enough good for his case. There is no perfect system. There is room for improvement, but we need to start somewhere. *Il n'y a pas de système parfait, mais nous ne faisons que proposer la solution la moins imparfaite.* The MMM, today, is on the wrong side of history, just like the PMSD. The PMSD has always been on the wrong side of history. The PMSD is missing an opportunity to clearly get rid of the appellation General Population attached to the Creole community and to lay the foundation of a true Mauritian society. Those in favour of the Creole identity would appreciate. The two female elected Members of the PMSD have also failed and are unable to express themselves till now in favour of fair feminine representation.

Hon. Mrs Perraud, former Minister for Gender and Equality, today voting against women representation. This is very sad. Today, it is very sad, condemnable and unbelievable. Both the MMM and the PMSD are denying an additional elected Member for Rodrigues. You have to bear the responsibility.

(Interruptions)

Deux pou vine trois!

This responsibility when facing our sisters and brothers of Rodrigues, this is a shame and a backward stand. A lot of orators, Madam Speaker, have been mixing issues. Recruitment in the Public Sector or Equal Opportunities has nothing to do with this Bill.

Hon. Shakeel Mohamed talked about recruitment in the Cargo Handling Corporation, the Port and the inhabitants of Roche Bois. The Port has been under the purview of hon. Xavier-Luc Duval for a very long time. And would it make sense tomorrow if the inhabitants of Vallée Pitot and Plaine Verte, backed by the MP, claimed that they should have priority to work in Government offices in Emmanuel Anquetil Building, for example, because of proximity?

(Interruptions)

Pena pu pay transport li p dire. Look at that!

We should learn to stop playing petty politics. The population will sanction those who continue to do so. Some are talking about social justice - a Member of the PMSD, hon. Abbas Mamode. *C'est un aveu de défaite, un certificat d'incompétence!* If you feel that we do not have social justice, then, who is responsible since 2005? How many years the PMSD has spent in power? What have they been doing? What have they done to limit social injustice?

(Interruptions)

Madam Speaker: Hon. Rutnah, you cannot engage in conversation!

(Interruptions)

Dr. Joomaye: Anti-defection law! *Transfuge!* You need to have it where it needs to be to become one.

(Interruptions)

At one point in time, if you do not agree with your party line, you have to resign. I chose to change allegiance rather than to stay a *beni-oui-oui*. *Un payassion, comme on dit dans la presse.* It is a constitutional right of a citizen to be free to think and change opinion. It is the duty of an elected Member to think. Some do not have the courage to go against their leaders; some are weak. Five Members of the Labour Party sitting there have preferred to stay and condone the coffers. There is a need to have possible mobility inside the House. This favours democracy and that is why I agree that the anti-defection law clause does not apply to elected Members.

Today, this Bill is the biggest gift Government is giving to the future Labour and PMSD in the coming General Elections; when they won't have any elected Member, at least, they would have some PR Members.

(Interruptions)

Madam Speaker: Order!

Dr. Joomaye: A lot can be said as well about the increase of number of Members that is proposed, but there is a price to pay for a functioning democratic system what will enable us to shine internationally.

I wish here to thank the hon. Prime Minister for bringing this Bill to the House; we have a straightforward, no nonsense Prime Minister. We had to get rid of communal declaration of candidates; it was in the electoral manifesto. We are coming with the Bill. History will judge all those who have been against. It is interesting to look in the past, but it is more challenging and audacious to make history. We are proposing to write history with a golden pen with the reforms which are landmarked for a new democratic era.

Thank you for your attention.

Madam Speaker: I suspend the sitting for half an hour.

At 4.04 p.m., the sitting was suspended.

On resuming at 4.40 p.m. with the Deputy Speaker in the Chair.

The Deputy Speaker: Hon. Dr. Boolell!

Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes): Mr Deputy Speaker, Sir, I have been in this House since 1987 and through the grace of God and the will of the electorate, I have always returned in this House, except, of course, when we had a big hiccup and when our ship sank in 2014. I came back after the by-election and I may say that this is one of the most difficult Bills to intervene upon; highly sensitive, and we have to err on the principle of caution though I have no problem speaking without fear, without favour or prejudice. But as I say, we need to err on the principle of caution because a small sparkle can create a communal towering inferno, which we want to avoid at all costs. It is our country, we love our country, and we have to see to it that it remains a democratic sovereign State which shall be known as the Republic of Mauritius. And the Prime Minister, when he moved the Bill at Second Reading, I expected him to make a speech with an informed decision.

Unfortunately, the whole country and the House was dismayed when he refused to lay on the Table of the Assembly the comments made by our friends from the Electoral Supervisory Commission, the Electoral Boundaries Commission and the Office of the

Electoral Commissioner. And if I refer to section 41 (3) of the Constitution of the Republic of Mauritius –

“Every proposed Bill and every proposed regulation or other instrument having the force of law relating to the registration of electors for the election of members of the Assembly or to the election of such members shall be referred to the Electoral Supervisory Commission and to the Electoral Commissioner at such time as shall give them sufficient opportunity to make comments thereon before the Bill is introduced in the Assembly or, as the case may be, the regulation or other instrument is made.”

The report shall be laid before the Assembly.

Mr Deputy Speaker, Sir, the Prime Minister has missed a golden opportunity; an opportunity which had been knocking, an opportunity which this side of the House gave him; gave him an opportunity to establish dialogue, to exchange views, to come up with an electoral reform which reflects the wish of the nation. Unfortunately, the Prime Minister is stubborn and is intransigent. There are times when a leader is called upon to be humble, to lend his ears and to take stock of views expressed by one and all. Of course, then in his better judgement, he can draw conclusion and come with a, what we call, an informed decision. And out of desperation - and the Prime Minister is desperate, his Government is desperate - we do not know what some of the backbenchers will do; we do not know what one of his Ministers is going to do; whether he will abstain and be faithful to what he said during the electoral campaign or will take a sabbatical leave or simply join the fray.

And I ask a simple question, Mr Deputy Speaker, Sir. Had our friends from the MMM made a U-turn and be supportive of this reform, what would the Minister, whom I would not want to name, would have done? And what have they been trying? What have we heard? Trying to sweeten the pill of the MMM; layering this pill with casting sugar and so many layers have been cast upon this pill to sweeten it. Of course, you will avail there is no U-turn on this side of the House. For the first time, Opposition will have its way and Government will not even have its say. This is the harsh reality, and they have to reckon with this harsh reality.

Mr Deputy Speaker, Sir, out there is fire and fury and it is not fire and fury based on fake news, based on outrageous campaign. Today, as I have always stated in this House, access to information is a right and no longer a privilege. People can read; people can infer or draw conclusion. And what is it that they want? They want to live harmoniously in a plural

society. They want Government stability, they want party fairness, they want broad-based socio-demographic inclusion, gender representation, accountability, avoidance of communal parties.

Let me remind our good friend, hon. Dr. Joomaye, that beyond the shores of Mauritius, the Human Rights Committee is looking at this Government and is looking at us. It is true that they want us to move away from community-based electors and electoral system. But failure to have a consensus, failure to have established dialogue, not to live up to your expectation, but to live up to the expectation of the country, of a nation which is making a plea to become a cohesive society of equals. What are you doing? You have chosen to run away from your responsibility. And make no mistakes; we are not only under the gaze of the Human Rights Committee. From the bank of the Thames, we do not know what will happen following an appeal to be made after the case is heard before our Supreme Court, case lodged by *Rezistans ek Alternativ*.

What are they going to tell us, that we, as legislators, have failed to legislate and yet we should legislate, but for legislation to take place, there is a call for harmonious blending on one issue, on an issue which will decide the faith of this country, on an issue which is relevant to the harmonious blending of our nation, on an issue which is relevant to build a cohesive society of equal. We are given an opportunity to bring our block to the edifice of a new society. It is a new dawn, but they have chosen to make this dawn a false dawn. They have chosen to make a false start and yet, the Prime Minister will remain stubborn. Humility, Mr Prime Minister, is a soul of the wit. What does this reform hinge upon? The reform hinges upon the compensatory formula for a dose of proportional representation.

If, as a responsible Government, you choose to shy away from your responsibility, then there is no future for present and future generations. That is why the Deputy Prime Minister cannot have a compensatory formula which does not compensate and the whole proportional representation which is the bedrock of the electoral reform, if it collapses the whole electoral reform collapses. They have chosen to make it collapsible.

That is why, Mr Deputy Speaker, Sir, I appeal to Government to withdraw this Bill. Let us come together, find a way forward and the way forward, we spelt it out clearly in 2014, but there are lessons to be learned. In the maze of trying to sort out powers which should be vested upon the President and powers of Prime Minister which should be whittled away, the reform which we come up with unfortunately got lost in the maze. It was not an

issue that was discussed at the bar of public opinion, but in spite of it all, we assumed our responsibility fully. Despite the fact that prior to the election, there was a loyal Opposition to the Government. We could have introduced the Bill in the House and we would have mustered the three-quarter majority vote needed, but we believe in people's power. We believe people have right on crucial issues of national interest. I believe and I subscribe to the power of the people and subscribe to what our friends said in their electoral manifesto. What was said, Mr Deputy Speaker, Sir?

If the Constitution needs to be amended to give the people a better voice, let us do it by way of referendum. They said it. My good friend, the Parliamentary Leader of the Labour Party, put the question to the Prime Minister and the Prime Minister choose to dillydally. He did not express any interest, but, out of there, the people have a right to be heard. Whether he lives in the main street, in the back street or in the side street, whether he hails from Deux Frères, Quatre Soeurs ou Belle Rose, the voice of the people is the voice of God. On this issue, the lesser Gods have to be heard, Mr Deputy Speaker, Sir. What did they say? *Il y aura des referendums obligatoires pour des questions cruciales concernant l'État*. This is what was stated in the golden letter of their manifesto.

As I have said what did they do during the electoral campaign? What was their campaign based upon? Ethnic division! Saying that we are not going to do away with Best Loser System! When they moved in the rural areas, what was the campaign that was waged, I will not elaborate, but a sinister campaign. Of course, they do not do it frontally, but they do it through third parties. Let us not be hypocrites about the issue. The core electorate of all political parties are to a large extent ethnic oriented. When we leave Parliament and when we are on the campaign trail, I would advise Government, once campaigns start, to assume its responsibility fully because they have provoked anger. Let me tell you don't tread on a path to be mined by the *pyromane de la politique mauricienne*. We have to be careful. So, there is a risk whether we like it or not. There is a risk of over representation and underrepresentation of specific communities.

Over the last 50 years since Independence, there have been demographic changes. As a small country, we have to tread cautiously and sometime act without fear or favour *vis-a-vis* those who believe in proselytism; who will use and leverage the means they have to embark upon conversion. This is a small country. We believe in harmonious blending. We believe in good neighbourhood. We believe in tolerance, in accepting each other's differences, in saying to the world at large that we are a shining example of a world in miniature, that this is a

country where there is rule of law, where there is decency and all Mauritians when they are abroad speak with candour, but speak with pride. That is why I make an appeal to the Prime Minister.

I am not going to talk of whether the Prime Minister has a legitimacy or not, but, as a young Prime Minister, at least, make sure that he helps in the building of an edifice of a new Mauritian nation. What this Government is introducing by way of legislation is to bring an electoral reform goes against national unity. Be careful, we know what the outcome would be. Be careful! We know what the outcome would be in Geneva. Experts from Geneva gave us an early warning sign when the Attorney General appeared before the Committee on the Elimination of Racial Discrimination. It was an early warning sign. It is not a question of axing to grind. They have no bone to grind with this, but the fact remains, as I have stated earlier, and my friends will elaborate on this. They have impressed upon us to move away from a community based electors.

If we fail lamentably and if we fail to assume our responsibility, what are the consequences? They will tell us: 'You need to come up with an updated census'. I am not here to apportion blame as to whether when the MMM/PSM was in power, whether this census should have been updated. Of course, they deserve congratulations for making sure that elections are not postponed, for making sure that there is provision for referendum with respect to postponement of election and that Mauritius shall remain a sovereign democratic State.

But, do we know the consequences of an electoral census? It is a tinderbox. And here, the Government, with all due respect, I will ask them to keep their matches in a damp place of the kitchen cabinet. Make sure when they strike it, it would not light, that there is no fuse to this time bomb. This time bomb has to be defused, but the Government is refusing to defuse this time bomb. And do you know what will happen? Earlier, I heard our good friend, Dr. Joomaye, you know, talking very lightly with a flip-flop attitude that we have to care and cater for different communities. But deep down, when you look in the inner recess of your heart, when you feel changes are bound to happen, when you look at your gut instincts, try to make sure that rational thinking overwrite gut instincts.

That is why I say this is a Bill that can send cold shivers down our spine. We have to err on the principle of caution on this Bill because we do not want an updated electoral census. And let me tell you, there is already an updated electoral census conducted by certain

institutions which have unravelled to the last fibre, our DNA. They know who we are, where we are, what we eat, where do we go, what are our tendencies. I do not know whether this census has been conducted for marketing purposes or conducted by certain institutions which want to have a hold upon the Mauritian nation. Be careful! That is why my appeal today is not to talk about the nitty-gritty bit, is not to dwell upon the technicalities of the Bill; that has been done fully, Mr Deputy Speaker, Sir.

Who is not for fair gender representation? And I always say women rights are human rights. But what was proposed by our friends on the Opposition bench? Why do you not come with separate legislation? My good friend spoke lengthily about the merits of having women in decision-making process. I am not going to highlight what SADC countries have said with respect to our inadequacy. But yet, as a Government, as Members of former Government, need we move a Bill which was binding upon all of us and where there was absolute consensus? *La loi Aimée!* Hon. Aimée did not go to the best Universities, but he was a down to earth politician who worked tooth and nail to listen to the voices of the people. Perhaps, because he was a humble man, that is why he was able to get this legislation through. This is the privilege of being a humble person!

You surf on the waves of rational thinking and you do not live in a world where there is oblivion. You see if you want to see. But sometimes don't they say: 'The blind sees better than those who have allegedly good eye-sight'. Why is it? Did not we make provision for anti-defection? Did not we make provision for fair gender representation in each ward? So, do not come and say that "you are dead against fair representation of women, that you are against anti-defection." I have been a Member of the party and my loyalty to my party, irrespective of fair weather or foul weather, has been unflinching and I am proud of it.

And I can say the time has come for us to do away with discrimination, to do away with stigma, to do away with taboo. I have a legitimate right as anybody else in this Parliament. I have a legitimate right irrespective of the community I belong to. I am a Mauritian and I can flex my political muscle, I have the clout to do it, but I am a decent man. For the sake of my party, for the sake of this country, Mr Deputy Speaker, Sir, I can measure up, size up anybody, live up to their expectation...

(Interruptions)

The Deputy Speaker: Silence, please!

Dr. Boolell: ...of our people. Mr Deputy Speaker, Sir...

(Interruptions)

The Deputy Speaker: Silent, please!

Dr. Boolell: Mr Deputy Speaker, Sir, when I walk, I cast a decent shadow. There are some people in this House who when they walk, their shadow does not even follow them. This is the difference between them and us. There is a vast difference between them and us. We are staunch democrats, Mr Deputy Speaker, Sir.

(Interruptions)

Say that again! Did I hear some unwarranted remark from some non-specific quarters?

(Interruptions)

The Deputy Speaker: Silent, please!

Dr. Boolell: What did he say? He wants to be stuck in spaghetti junction. That is what he wants to do, to be stuck in spaghetti junction?

The Deputy Speaker: No crosstalking, please!

Dr. Boolell: He is already stuck in spaghetti junction. *Non?* Try your luck elsewhere and not with me my good friend. I have helped him by the hand, took him all over the constituency. He knows better, he is a good man. Alright!

Mr Deputy Speaker, Sir, if there is no adequate and fair representation of community, we know what the consequences would be. So, that is why my appeal is not to opt for what we call 'travesty of democracy'. If we do not address this problem of electoral injustice, it can tantamount to community rigging and we have to be very careful. That is what we do not want in this country, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, on the issue of travesty of democracy, let me remind you that a leader should not be given unfettered powers. The time has come for us to change. It is not because a leader can pull the string of the war chest!

(Interruptions)

You want me to make some uncalled remarks towards Sun Trust? No!

(Interruptions)

Does it hurt? So, what is it now? Because you have a war chest ten times the size of money which fell off the coffer, you think you can asphyxiate the Opposition! Do you think you can

asphyxiate the Opposition? I challenge you to do so! The will of the people shall prevail. The will of the people...

(Interruptions)

Mr Deputy Speaker, Sir, on such a matter of national interest, financing of political parties, this is an issue that should be decided by the people. So, I was talking about travesty of democracy. And I say that time has come for us to change within all political parties. Why is it that the Labour Party, or for that matter any other Party, should not widen their circle of opportunities? Why not?

(Interruptions)

Why should we not widen the circle of opportunities? At least, with respect to Labour Party, you can speak up. You are heard. Within the rank and file of parties which have formed this Government, I ask a simple question: Can you speak your mind? Can you go against what has been preached by Rt. hon. Minister Mentor? Despite the fact that he suffers from the Rodrigues Regional Assembly syndrome or from the syndrome of the Rodrigues Regional electoral reform, who has stood up and told him with all the respect, even the reverence that the Rt. hon. Minister Mentor deserves, that what he is doing is wrong? Who has conveyed the message delivered by our friends from the Electoral Supervisory or Electoral Boundaries Commission? Nobody! Because they don't dare! If they do, they will lose their trappings; they will lose all the privileges attached to the status of Minister! Even the then President could do whatever she wanted to do, despite the fact that advice had to come from the Cabinet.

So, when you live in a country where institutions have been devalued, where there is no governance, where there is no transparency and accountability, it is a free fall. Ministers can do whatever they want; it is a Government of special purpose vehicle! But on this issue, there is no financial gains; it is a political, social issue which will touch the life of one and all!

My appeal to you on the other side: listen to the voice of reason. You stand to lose nothing by withdrawing this Bill. And on the advice given by my good friend, our friends, leaders of different political parties, together with advice from expert, let us come with a proposal which meets the aspiration of a nation on the move. Let me tell you one thing. Not only will you not have your way and we will have our way, you won't even have the say, but

out there, there is fire and fury. And the fact that this Bill will not go through, it is a motion of no confidence in this Government and it should resign.

Thank you very much.

The Deputy Speaker: Hon. François!

Mr F. François (First Member for Rodrigues): Merci, M. le président. M. le président, chers honorables membres de cette auguste Assemblée, ce projet de loi que nous débattons aujourd'hui est un grand acte de responsabilité devant l'histoire de notre République, car l'enjeu va au-delà de nos sensibilités et couleurs politiques. Il s'agit ici d'un parmi ce qu'il y a de plus grand que la somme de nos intérêts personnels et stratégies politiques.

J'ai bien écouté attentivement les deux côtés de la Chambre, et avant d'aller plus loin dans ma réflexion sur ce projet de loi, j'ai en tête une question fondamentale qui est comme suit : pourquoi sommes-nous les politiciens engagés à faire de la politique ?

Quelles sont nos dispositions et éthiques politiques par rapport à notre société et ce monde globalisé ? L'humain ou l'homme, est-il toujours au centre de nos actions et préoccupations ?

Quelle est la responsabilité de chaque politicien aujourd'hui, surtout nous ici dans cette Chambre qui ont la responsabilité de protéger le bien commun et de gouverner démocratiquement ?

Quelles sont les degrés de confiance qui existent au sein de notre société aujourd'hui ? Cette confiance qui a pour première condition le respect de l'autre ?

C'est incontestable que chacun de nous veut le meilleur pour notre peuple, pour notre pays, pour notre République.

M. le président, permettez-moi de citer une expression de Saint Paul VI, qui rappelle le lien entre la charité et la politique, et je cite –

« L'engagement politique est l'une des plus hautes expressions de la charité qui porte le souci de l'avenir, de la vie et de la planète, du pays, des plus jeunes, des grands, des plus petits, dans leur soif de réalisation. »

M. le président, voilà la dimension philosophique de ma pensée et conviction politique avec laquelle je participerai à ces débats, tout en me limitant à la cause rodriguaise et à Rodrigues, vu que je ne veux pas répéter les arguments des orateurs qui m'ont précédé.

Je souligne que c'est avec un petit pincement au cœur, vu que l'opposition ne votera pas - ils ont signifié leur intention de ne pas voter ce projet de loi.

Ceci dit, M. le président, je dois quand même féliciter l'honorable Premier ministre pour son engagement et volonté politique d'introduire ce projet de loi au sein de cette auguste Assemblée. Et c'est très important vu que la société mauricienne a besoin de continuer de construire ensemble une vraie culture d'unité non pas que par la parole, mais dans l'action. Je crois que c'est ce que fait le gouvernement et ce que veut tout le monde au sein de cette République.

Mr Deputy Speaker, Sir, any amendment to the Constitution, except for the most ordinary, is a serious matter and ought to be carefully scrutinised in the context of its Constitutionality. I have to say that the circulation of this Bill in the public, prior to its introduction in this Assembly, must have allowed mainly the electorate not to believe that deciding which electoral system to adopt is merely a game of mathematical figures or just a vote catching move towards election.

M. le président, l'OPR, notre parti, sous le *leadership* de l'honorable Serge Clair - moi et mon collègue, l'honorable Léopold - est aujourd'hui le seul parti politique de Rodrigues, présent ici, qui contribuera à ce débat sur les amendements constitutionnels. Historique !

M. le président, je dois souligner que les amendements que propose le Premier ministre par rapport à Rodrigues, démontrent un très, très grand respect envers le statut et fonctionnement de l'autonomie et du peuple de Rodrigues.

Je dois féliciter tous les partis politiques qui ont compris que Rodrigues est autonome au sein de La République de Maurice. Pour ceux qui ne veulent pas comprendre, je leur dis que Rodrigues n'a pas besoin d'un ou des partis politique de Maurice pour venir s'ingérer dans nos affaires locales, surtout ceux qui persistent dans une spirale de non-respect envers l'autonomie de Rodrigues.

Rodrigues ne veut pas reculer politiquement et socialement. Nous avons fait une rupture depuis plus de 36 ans de cela avec la création de l'OPR en 1976 sous la direction et le *leadership* de Serge Clair. De plus, nous avons franchi une nouvelle étape importante de notre

destinée.

Aujourd'hui, Rodrigues est debout. Le gouvernement OPR travaille pour son avancement. Nous voulons aller encore plus loin pour notre pays et le peuple de Rodrigues.

La semaine dernière, un quotidien, ici, par rapport à ce projet de loi, a fait mention d'une alliance MSM-ML-OPR. Non, c'est inexact ! L'OPR n'a jamais contracté une alliance avec aucun parti politique mauricien. Nous ne sommes pas en alliance avec aucun parti mauricien. Oui, nous sommes au gouvernement et nous travaillons, comme toujours, avec le gouvernement du jour dans l'intérêt de Rodrigues et du peuple de Rodrigues. L'OPR travaille toujours avec le gouvernement du jour, peu importe quels sont les partis politiques au pouvoir.

Mr Deputy Speaker, Sir, as a matter of principle and respect towards Rodrigues, I have to reiterate my commitment to the people of Rodrigues that I will support any Constitutional amendments that are not conflictual, be it institutional, political and democratic towards Rodrigues Island and the Rodrigues Regional Assembly's Autonomy.

This Bill, historically provides for 63 candidates, thus, for the Constituency 21, Rodrigues, 3 candidates instead of 2 candidates. This is simply an alignment of Rodrigues constituency magnitude with all the other 20 constituencies of Mauritius. I believe that all Members in this august Assembly must support this and, I am sure, that in the future, 3 votes from the candidates from Rodrigues will be vital for the future of our Republic.

Mr Deputy Speaker, Sir, as our electoral system is making progress, the OPR party welcomes this additional National Assembly seat for Rodrigues for the First-Past-the-Post seats, inclusive of a fair gender representation with at least one woman, and surely to be elected from Rodrigues. And, let me remind the House, that, late Zita Jean Louis, has been so far, the only Rodriguan woman, who represented Rodrigues in our National Assembly. She was elected during the general election mandate of 1987 to 1991 with 58.317 % votes, out of a total of 14,435 valid votes.

M. le président, dans sa quête d'un développement durable et de modernité, nous valorisons la contribution de la femme, surtout la femme Rodriguaise et surtout la jeunesse Rodriguaise. Et là, M. le président, quelle coïncidence cet après-midi ! Permettez-moi de féliciter notre compatriote Melle Murielle Ravina, qui est actuellement en finale de *Miss World* 2018 à Sanya en Chine. Actuellement, elle est dans le *Top 12 among the 118 contestants*. Quelle fierté pour la République de Maurice et, en particulier, pour l'île

Rodrigues et le village de Crève-Cœur ! Again, let us give her a very good round of applause as we are all proud of her! Bravo Murielle, bravo la République, bravo Rodrigues! M. le président, voilà une de nos espérances et le symbolisme de la jeunesse Rodriguaise, la grandeur de l'esprit et de l'âme Rodriguaise qui guidera notre chemin vers notre destin et pour les générations à venir. Mr Deputy Speaker, Sir, coming back to the Bill, I acknowledge the Constitutional (Amendment) Act of 2016, introduced by the then hon. Prime Minister, Sir Anerood Jugnauth, to provide "for a minimum number of candidates for election to the Rodrigues Regional Assembly to be of a particular sex, with a view to ensuring adequate representation of each sex in the Rodrigues Regional Assembly". And thus, the Section 16 of the Constitution was amended. Also, Section 8 of the Rodrigues Regional Assembly Act was amended by adding the following new subsection (8) (a), which reads as follows –

"Each registered party presenting more than 2 candidates at an ordinary election shall ensure that not more than two-thirds of the total number of candidates of that party in the 6 local regions are of the same sex."

Gender parity!

Mr Deputy Speaker, Sir, I believe that our Republic requires for a new political trend to ensure that women have equal access to Parliament as well as leadership opportunities within party organisations.

Mr Deputy Speaker, Sir, let me remind again – and I will pay a particular attention to the Regional Assembly – that for the last 6 Regional Assembly elections, where the system provides for 12 First-Past-the-Post seats and 6 PR seats or 5, there are an average of around 3 women, that is, 25% women elected, representing a gender gap in the representation of women in the Regional Assembly.

When I look at the figures, Mr Deputy Speaker, Sir, and I am citing this so that the other colleagues, Members of the Assembly, reflect well, despite it has been sufficiently canvassed about the Mathematics and all the figures during the past regional elections since 2002. In 2002, with regards to women, there was only one woman on the 12 First-Past-the-Post seats to be elected. Then, the PR seats came to correct that and the number was 3 seats. That is in 2002. In 2006, 2 First-Past-the-Post seats. Then on PR: 3; 2012: 3 First-Past-The-Post women, and then PR allocation: 2. Recently, in 2017, 3 women, and all of them from the OPR Party; 3 from the First-Past-The-Post and then 1 from the Opposition side were elected after PR allocation. And this brings us to the reflection that there is around only 27% of

women within the Assembly, despite the system, which has been sufficiently discussed and canvassed.

What I can say, Mr Deputy Speaker, Sir, with regard to the PR system, there is no electoral system that is perfect. And I can say we have all witnessed trade-offs that involved, for example –

- (a) Candidate/personal influence versus party coherence;
- (b) accountability to voters versus accountability to the party;
- (c) short-term advantage versus long-term stability;
- (d) minority representation and ensuring fragmentation of party system versus Government coherence and durability, and
- (e) incentives to obtain votes, and all that; *aster vote avec take-away manzer, boîte pilchards, barique du vin la cloche, etc.*, versus corruption.

(Interruptions)

I do not know whether it is macaroni or not, but I know *du vin la cloche, takeaway manze*.

Nowadays, Mr Deputy Speaker, Sir, most democratic countries in the world use electoral systems with proportional representative rules for parliamentary elections. There is a general trend towards proportional representation over time. Mr Deputy Speaker, Sir, we all know the rationale underpinning all the proportional representation systems, as sufficiently been canvassed from both sides of the House, which is to consciously reduce the disparity between a party's share of the national vote and its share of the parliamentary seats.

It is argued that the main advantage of the proportional system is the ability to minimise the distortion between the number of votes cast and the number of seats in the Parliament.

Mr Deputy Speaker, Sir, I have also read intensively the various international and especially local electoral expert publications from Dr. Sithanen on electoral reform, be it for national or for local level for the Regional Assembly, and I won't go into all the mathematics of the PR as proposed and as discussed. But one thing I have to say, Mr Deputy Speaker, Sir, is that Government is proposing substantial changes to the electoral law, aiming to achieve a greater proportionality of representations in Parliament and in parallel additional seats to assure a stable Government. Again, the words 'stable Government'!

One fundamental aspect as we propose the PR system, as per paragraph 6 (1) of the First Schedule, is that the party lists is not open. But a closed party list of 24 candidates where the ranking of candidates is in the hands of the party leadership and political party structures and is decided prior to the elections. Yes, I have got no quarrel, it exists, it could be closed.

But closed party lists, certainly and surely, means that voters can only express preference for a party, and parliamentarians elected on PR will be more accountable towards party coherence and leadership. And it is important, each and every party, I belong to a party, OPR, under the leadership of Serge Clair, Serge Clair is my leader. And this is quite correct and I think this is just basic simple politics; the leadership of a party and the coherence and discipline of a party. But, again, political parties need to be internally more coherent because party discipline is essential to further, I would say, a politician's career. Though the PR exercise should not caution politician traditionally called '*bane roders boutte au détriment de vrais politiciens*'. We have seen that, we know that, it exists, it is a reality.

Again, this is where, Mr Deputy Speaker, Sir, I will ask what kind of politicians do we want for the future of our country, or our Republic? Do political leaders want to favour a one-mandate politician or knowledgeable politician, or in certain cases, *ce que j'ai dit, des politiciens vases à fleurs? Non*, we need politicians. We need responsible people, we need politicians with a vision, with a committed sense to change the life of the people, the change the country, the change the future of our young generation.

Mr Deputy Speaker, Sir, for the last 50 years, throughout our 20 National Assembly Elections, including 10 by-elections, can we say we are operating in a weak electoral system that cannot guarantee our democracy? I think this is not the case. But, however, over 50 years since independence, we have witnessed a few avenues that require imperative change and adjustment. We all agree on that. I won't go into the arguments of the Court cases against the State, but rather the historical reality of what we are handling today with this Constitution (Amendment) Bill.

Surely, we all agree for the emergence of a new political culture and electoral system in our Republic, which is not characterised by, for example communalism, monetised politics, and I believe when I say 'monetised politics' it is one of the reasons why the Prime Minister has circulated the Government proposals on the financing of political parties which

will be debated in this House. And the low political accountability and, in certain cases, abuse and personalisation of power, we have seen it. I have seen it.

Mr Deputy Speaker, Sir, our present electoral system is being changed to a mixed one with 63 seats distribution based on the First-Past-The-Post majority system, and the remaining 22 seats to be distributed by the PR and the additional seats. Again, I have to flash that out, the proposed proportional representation system is based on parties and not on candidates. There is an electoral threshold of 10% of total votes as a legal guarantee for the stable functioning of our democratic system.

However, we should keep in mind that there is no absolute equality between preferences and distribution of seats since there is a threshold of 10% criteria as I believe from both sides of the House we agree on this 10% threshold. Now, I have a question, whether our political system could provide for not only 1 but 2 thresholds. Let us say a threshold of 8% of the total votes polled for stand-alone political parties and 10% for political alliances, which must be met respectively by a party or an alliance in order to be eligible for gaining a PR seat. Let us speak about it!

Mr Deputy Speaker, Sir, as per the First Schedule, paragraph 7 (2), it is stipulated that

-

“No party shall be eligible to be allocated PR seats unless the constituency candidates sponsored by that party have, in the aggregate, polled at least 10 per cent of the total votes polled by all the candidates, including candidates not belonging to any party, (...) in all the 20 constituencies in Mauritius, (...) other than in Rodrigues.”

Mr Deputy Speaker, Sir, I absolutely, like the gist and bearing of these words ‘other than Rodrigues.’ You will notice that the words ‘other than in Rodrigues’ are used five times in this Bill.

Mr Deputy Speaker, Sir, I reiterate that whoever alliance or party who will win the next general election, the OPR party from Rodrigues will be there to work with them, to serve the interest of Rodrigues and the people of Rodrigues.

(Interruptions)

I don't know!

Now, let me come to a very important point, community declaration to do away. The Bill provides –

“(b) to do away with the requirement for the mandatory declaration as to the community to which a constituency candidate belongs to;”

This is the right step to bury, communalism within the Mauritian society.

Mr Deputy Speaker, Sir, I have to say it saddens me when I still feel the psychological influence of communalism in the action and speech of some people, yes. Be it here in this august Assembly or outside, it saddens me, as a Rodriguan, within the Republic of Mauritius.

In 2014, in my response to the Declaration of Community Constitutional (Amendment) Bill, I stated and I will repeat it again –

“We are in the process of consolidating the accessibility of any citizen of our Republic to general nomination, without any obligation to declare his community.”

I’ll say a very important phrase –

“It is equality of opportunity for all citizens.”

I pointed out also that –

“The Republic is moving forward in an equal future as we are all born equal, either as Mauritian, Rodriguan, Agalean or Chagossian in the Republic of Mauritius.”

I further mentioned that –

“Any person born in the Republic of Mauritius is Mauritian, Rodriguan, Agalean or Chagossian, whether he is yellow, black, blue, brown, white, Creole, Hindu, Muslim or Sino-Mauritian, we are all Mauritians.”

In Rodrigues, hon. Rutnah, the exemplary case of Soopramanien Sooprayen, an Hindu born Mauritian, elected twice at the Regional Assembly Elections as well as late Ismael Valimamode of Muslim ethnicity elected to serve the people of Rodrigues to whom I am thankful for their devotions.

At no point in time, they were either perceived to represent their community. Not at all! But, what prevails was their human and political quality and that is what we valued for them and to give them the opportunity to serve the people of Rodrigues as politicians and Commissioners of the Regional Assembly.

Mr Deputy Speaker, Sir, I said it and I would again say that Rodrigues society is based on an exceptional Rodriguan model. There is no such thing as Creole, Muslim, Hindu, Sino-Rodriguan. We are simply Rodriguans and this is what I dream and want this Republic to be. You, Mauritian, be and have the courage to say you are Mauritian without having to say: I am Creole, I am Muslim or whatever. No, we are all Mauritians. Be proud to say that! That is why each and every Rodriguan always values the specificity and identity of Rodrigues within the Republic of Mauritius. The hon. Prime Minister, the hon. Minister Mentor, hon. Bérenger, hon. Barbier, during their speeches, I noticed, have all shown great respect and caring attitudes towards Rodrigues. We do appreciate that and value same.

Today, Mr Deputy Speaker, Sir, in addition to Rodrigues specificity, I will add the following new words, the Rodrigues characteristics. Hon. Dr. Sorefan is laughing and he knows why I am using this word. He knows why I am inspired. Mr Deputy Speaker, Sir, you know why I am inspired by this Rodrigues characteristics. Mr Deputy Speaker, Sir, many still fail to understand the specificity and characteristics of Rodrigues. They think they can just go to conquer Rodrigues as if they think Rodrigues is still in the dark period before 1976. However, I will not discourage them to try their luck though.

Mr Deputy Speaker, Sir, allow me again through my deep belief and conviction to make this plea to the House and to the nation. Let us be innovative enough in our beliefs for a new and modern Mauritian society to make the Mauritanism model truly a reality and that without communalism and other societal ills. Let us dissociate community and politics in the Mauritian society despite our diversity. Let us dissociate from the saying of minority and majority groups. Why have we to still consider a majority/minority? We are all Mauritians. Minority/Majority what's for? We, in Rodrigues, whoever you are, you are a Rodriguan. Be whatever social classes you are, but you are Rodriguan once for all. Let us dare do it to build a new inclusive and collective Mauritian society. This is the chance of a lifetime for our Republic.

Mr Deputy Speaker, Sir, I am reiterating this plea as I expressed in 2016 by believing that this could be materialised through this constitutional electoral reform as presented by the hon. Prime Minister otherwise it is a miss-opportunity.

I seize this opportunity also to raise what this electoral reform should also encourage, in addition to gender mainly women candidates, to pay attention to the nomination of youth candidates and also, very important, to disabled candidates. Allow me to say a few words on

disabled candidates - a new issue. On the 03 of December this year, we celebrated the International Day of Persons with Disabilities under the theme 'Empowering persons with disabilities and ensuring inclusiveness and equality'.

Mr Deputy Speaker, Sir, we all know how traditional methods of campaigning for election such as door-to-door canvassing is tough, exhaustive and demanding. It is and will be difficult for potential disabled candidates. However, I have to say, any potential disabled candidate should not be viewed as being marginalised to stand for elections.

The UN Secretary General stated and I quote –

“It is critical to ensure the full and equal participation of persons with disabilities in all spheres of our society and create enabling environments by, for and with persons with disabilities”.

This has greatly influenced me as a responsible parliamentarian. I believe that our electoral system should look seriously into the representation of disabled candidates in our Parliament. Its modality is debatable.

For our Parliament to be truly representative of the 1.264 million people inclusive of around 60,000 disabled people in our Republic, my question is: what will be the right parliament representation for disabled MPs?

In terms of seat allocation, their elections, I suggest, could be done either by nomination as is the case and I cited Rwanda electoral System with a parliament of 80 members out of which 24 seats are reserved for women, two seats for the youth and one seat for the disabled.

Mr Deputy Speaker, Sir, I also like the provision of Article 78(1)(c) of the Constitution of Uganda - the composition of Parliament where the Constitution requires that parliament shall consist of such numbers of representatives of persons with disabilities as may be determined.

Further, in Article 78h (3) of the Uganda Constitution, it is further stipulated that “parliament shall, by law, prescribe the procedure for elections of representatives referred to in clause (1) (c) of the article”.

Uganda has enacted the parliamentary statute of 1996 that provides for five seats for representatives of persons with disabilities. I find that extraordinary.

If we adopt the mathematics of our Electoral Reform in this Bill, I will propose that the representative persons with disabilities, be allocated the seat on the basis of Special Disability Seat, that is, one seat to the Winning Party or Alliance and the second seat to the party having obtained the second highest number of constituency seats.

Mr Deputy Speaker, Sir, I propose at least a threshold of 2% out of the proposed 85 Assembly Members to physically challenged candidates for the whole Parliament, that is, at least two physically impaired candidates. And that could be one for the Government and one from the Opposition side. Well, let us think about it.

Nowadays - and I think the hon. Prime Minister talked about inclusiveness, the word 'inclusive' - we are now required to engage in Inclusive Politics for the representation of the disabled person in political decision-making and our electoral system.

Let us create a New Pathway to our Electoral Political System to allow disabled candidate to become mandatory parliamentary representative. That will be Meaningful Change and democratic commitment for our Republic and shall allow disabled person to participate fully in decision-making.

And surely, the Financing of Disabled Candidates through whatever mode of funding should also be considered in the Government's proposal of Financing of Political Parties.

Last point: anti-defection

Mr Deputy Speaker, Sir, this Bill portrays the desire of political leadership for meaningful Electoral Reform that will stop or curtail the political phenomena of '*transfuges*', crossing the floor.

Respectfully, the Prime Minister's proposed amendments to the Constitution to stop Member of the Assembly to cross the floor by amending the Constitution at paragraph 10 of First Schedule to say -

“(1) Subject to this paragraph, where a member of the Assembly who was allocated a PR seat or an additional seat leaves the party to which he belonged when he was so allocated that seat, that member's seat shall become vacant.”

Mr Deputy Speaker, Sir, we, the OPR party in Rodrigues, know well about the episode of '*transfuge*' and the blow to our regional Government in 2006 to lose power dishonestly, and not as the wish of the electorate and the people of Rodrigues.

I listened carefully and well to hon. Bérenger as well as hon. Baloomoody – no, that was hon. Bérenger - he argued that OPR lost power in Rodrigues in 2006, is not a question of the weaknesses of the PR System, but for some other reasons. Yes, I beg to disagree and to agree as well. Why?

Yes, the weaknesses were the Rodriguan politicians themselves, it is true. However, the PR system opened doors to allow politician to weaken the political configuration through its overdose of proportionality, which overtook the First Past the Post results in the different regions by compensating seats allocation as per island-wide percentage of votes poled by the parties through the six local regions.

Can we say that the Regional Assembly elections result of 2002 and 2006 delivered a fair, inclusive and representative majority Government? Mr Deputy Speaker, I maintain that there was an overdose of PR for such a small regional electoral magnitude as Rodrigues.

In 2012 election, the PR system threw off balance the three parties contesting the elections. OPR Party won 8 seats of the 12 First Past the Post seats, MR Party: 4 First Past the Post seats. After PR exercise, OPR obtained 3 PR seats and ended with 11 seats overall, MR: 4 PR seats and FPR: 2 PR seats. Thus, led to an Assembly of 21 seats instead of 18, with OPR: 11 seats, MR: 8 seats and FPR: 2 seats.

The formula of Allocation of Additional Seats in Rodrigues did compensate both the PR and First Past the Post seats to allow a stable and efficient Government, as rightly pointed out by the hon. Prime Minister and the Rt. hon. Minister Mentor.

Mr Deputy Speaker Sir, you will recall that the Select Committee, under the Chairmanship of hon. Collendaveloo, stated: “we need to ensure that we retain the degree of stability which will ensure stable and efficient Government as part of the democratic process”. Rightly so!

I believe that the PR System opens and may open doors for unethical and unacceptable practices of crossing the floor which certainly may threaten the stability of Government and to become fragile. Again, the Rodrigues’ experience of additional seats allocation is the answer to correct and balance this situation. This is what, I believe, no one wants to see happening again.

Mr Deputy Speaker, Sir, I agree that the PR System of the Regional Assembly is a good benchmark for the National Assembly election, not to fully adopt a system that may

lead to unstable Government after any general election where a majority may become minority and vice versa.

Let us refer to the last 2018 regional election, OPR won 10 seats out of the 12 First Past the Post seats with 56.07% votes and MR party: 2 seats, yes, 42% vote island-wide. After PR allocation, OPR won no PR seats and MR was allocated the 5 PR seats to compensate the island region-wide votes. Thus, OPR ended with 10 seats and MR 7 seats. Today, we have a Regional Assembly with 17 seats. You see since 2002 how the number of seats within the Regional Assembly has been, I say, fluctuating - 18, 21, 18, 17 - and God knows what next?

Mr Deputy Speaker, Sir, be mindful that the MR Party in 2006, I have to say that, formed a Government as a result of '*transfuge*'. This should not happen again and, in the same breath, I humbly appeal that the Regional Assembly Legislation be amended for anti-defection provisions.

While improving the integrity of Electoral Reform in many areas, let us also acknowledge the integrity of our Electoral Supervisory Commission, a cornerstone of our electoral process, under the command of the Electoral Commissioner, Mr Rahman, who deserves our total respect.

Mr Deputy Speaker, Sir, to conclude, on behalf of the people of Rodrigues, I was duty bound to voice out and speak freely my mind as a true patriot for the betterment of our society and our republic.

I will end up on this note by saying that *status quo* is not the right option for meaningful change for our Mauritian society.

Thank you very much for your attention.

The Deputy Speaker: Hon. Gungah!

Mr Gungah: Mr Deputy Speaker, Sir, I move that the debate be now adjourned.

Mr Hurreeram rose and seconded.

Question put and agreed to.

Debate adjourned accordingly.

ADJOURNMENT

The Prime Minister: Mr Deputy Speaker, Sir, I beg to move that this Assembly do now adjourn to Monday 10 December at 11.30 a.m.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo) rose and seconded.

Question put and agreed to.

The Deputy Speaker: The House stands adjourned.

(6.00 p.m.)

MATTERS RAISED

The Deputy Speaker: Hon. Uteem!

CARER'S ALLOWANCE

Mr R. Uteem (First Member for Port Louis South & Port Louis Central): Thank you, Mr Deputy Speaker, Sir. I have an issue addressed to the hon. Minister of Social Security, who is not in the House, which relates to Carer's Allowance.

Mr Deputy Speaker, Sir, there is a gentleman in my constituency who was bedridden and was receiving Carer's Allowance. Earlier this year, in August, the Doctor examined him and found that he was still bedridden.

However, as from September, he ceased receiving Carer's Allowance. So, I wrote to the Ministry and enquired why he was not receiving this allowance, and the answer I received prompted me today to raise this matter at Adjournment Time.

The Ministry acknowledged receipt of my complaint, and they stated that this gentleman was indeed entitled to Carer's Allowance. However, due to a technical issue in the computerised system, the award of the allowance could not be updated in the system and, hence, from September till November, he did not receive any Carer's Allowance.

Of course, in the case of this particular gentleman, they promised to rectify the system. But the issue I wanted to raise is addressed generally to the hon. Minister to look into the matter, to see if there are other people in a similar situation who, because of a technical issue in the computerised system, have been denied their Carer's Allowance since September of this year.

Thank you.

The Prime Minister: I will, Mr Deputy Speaker, Sir, pass on this remark to my colleague. Obviously, if we can have the details, I am sure he will look into that and see to it that if ever there is any error in terms of the record that is kept, we will have to rectify.

The Deputy Speaker: Hon. Ameer Meea!

(6.02 p.m.)

BOIS MARCHAND CEMETERY – GRAVES DESECRATION

Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East): Merci, M. le président. Ce soir, je vais soulever le problème de profanation des tombes au cimetière de Bois Marchand dans la section destinée à la communauté mauricienne d'origine chinoise. Je dois rappeler à la Chambre que j'avais déjà soulevée ce problème le 30 octobre de cette année-ci, mais malheureusement rien n'a été fait par rapport à ce que j'avais dit. Cela a été publié dans la presse, dans *l'Express*, le *Defi Quotidien*, que le 05 décembre dernier, il y a eu la profanation de cinq tombes et du plomb a été emporté. Mais il n'y avait aucun respect des morts ; même les ossements ont été emportés. J'en ai parlé avec l'association chinoise 'United Chinese Association', et leur demande officielle - ça a été adressé de façon officieuse, mais j'essaye de relayer ça ici à l'Assemblée nationale - c'est qu'il faut rehausser les murs du cimetière et contrôler l'accès ; y mettre aussi des gardiens de sécurité avec des patrouilles régulières ; l'installation de caméras de surveillance, et d'une façon plus générale, l'amélioration des infrastructures et l'environnement du cimetière, parce que c'est un problème qui date depuis très, très longtemps, et ça a assez duré. Donc, Madame la ministre, aujourd'hui, je vous lance un appel pressant, et j'espère que ça va être remédié au plus vite.

Merci.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): Mr Deputy Speaker, Sir, when this issue was raised last time, the stakeholders were made aware of this particular issue. I do know that there is an ongoing inquiry, but as we can see, this is becoming a recurrent feature. So, I will pass on the message to the relevant authority. As I have said, there is an ongoing inquiry. I will let the hon. Member know the outcome.

The Deputy Speaker: Hon. Quirin!

(6.04 p.m.)

CANOT – FOOTBALL PITCH

Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière): Merci, M. le président. Ma requête ce soir s'adresse à l'honorable ministre de la Jeunesse et des Sports et concerne l'aménagement d'un terrain de foot à Canot. Je vais brièvement faire l'historique de ce projet, afin que l'honorable ministre des Sports comprenne où en sont les choses exactement.

Donc, en 2012, la propriété sucrière de Médine avait offert trois arpents de terrain au conseil de district de Rivière Noire pour l'aménagement d'un terrain de foot à Canot. Le conseil de district aussitôt sollicita la NDU, qui leur fit savoir qu'il n'y avait pas de fonds disponibles et, en 2015, le conseil de district de Rivière Noire toujours s'adressa au ministère de la Jeunesse et des Sports afin que ce projet puisse être concrétisé. En effet, le ministère de la Jeunesse et des Sports prit possession du terrain et les travaux débutèrent quelque temps après.

Malheureusement, après que le terrain fut nivelé et aplani, les travaux furent abandonnés. Donc, trois années se sont écoulées depuis. Vu que le ministère de la Jeunesse et des Sports, paraît-il, n'est plus disposé à concrétiser ce projet, le conseil de district de Rivière Noire, en particulier les conseillers du village de Gros Cailloux/Canot souhaiteraient récupérer le terrain en question et ainsi poursuivre et compléter l'aménagement de ce terrain de foot tant souhaité par les jeunes de la région. Donc, d'après les informations qui me sont parvenues, le conseil de district de Rivière Noire dispose actuellement d'un budget de 5 millions pour ce projet. Je fais, donc, un pressant appel à l'honorable ministre afin que le nécessaire soit fait dans les plus brefs délais. Merci.

The Minister of Youth and Sports (Mr S. Toussaint): M. le président, permettez-moi de remercier l'honorable membre pour cette demande. Je suis tout à fait au courant de ce projet, et je dois dire qu'après consultation avec l'honorable PPS Aliphon, le ministre Gayan et même le président du *District Council* qui était venu me voir au bureau, nous sommes tombés d'accord que la NDU va procéder à un projet dessus, et les choses sont arrivées assez loin. Donc, il y a un projet d'aménagement d'espaces sportifs dessus, c'est-à-dire, un mini foot, foot five, terrain de pétanque, etc. Mais, éventuellement, je pourrais vous faire avoir les renseignements concernant tout ce qu'il y a. Donc, le projet *is ongoing* comme on dit, et c'est la NDU qui va finaliser ce projet.

At 6.07 p.m., the Assembly was, on its rising, adjourned to Monday 10 December 2018 at 11.30 a.m.