



SIXTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

FIRST SESSION

MONDAY 10 DECEMBER 2018

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BILL (*Public*)

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Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Minister Mentor, Minister of Defence, Minister for Rodrigues
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MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 37 of 2018

Sitting of Monday 10 December 2018

The Assembly met in the Assembly House, Port Louis at 11.30 a.m.

The National Anthem was played

(Madam Speaker in the Chair)

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.

The Deputy Prime Minister rose and seconded.

Question put and agreed to.

PUBLIC BILL

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).

Madam Speaker: Hon. Gungah !

(11.34 a.m.)

The Minister of Industry, Commerce and Consumer Protection (Mr A. Gungah): Madame la présidente, permettez-moi d'abord de remercier et féliciter le Premier ministre pour avoir le courage et la volonté de présenter le *Constitution (Amendment) Bill*.

Ce projet de loi est présenté à l'Assemblée nationale après plusieurs mois de discussions. Le Premier ministre avait même présenté les propositions du gouvernement à la nation en septembre dernier et ce n'est qu'après avoir pris note des points de vue exprimés que le projet de loi a été finalisé. Tout a été fait dans la transparence. Madame la présidente, toute nouvelle loi apporte son lot de changements. Mais ce projet de loi est crucial puisque nous allons tourner une page très importante dans l'histoire de notre pays, pour l'évolution de notre système électoral et pour notre démocratie. C'est historique aussi parce que nous faisons un très grand pas pour que les femmes mauriciennes et rodriguaises aient une meilleure représentation dans la prise de décision politique. Ce sera une très grande opportunité pour l'île Rodrigues d'être représentée par une de ses filles du sol après plus de 30 ans. La présentation de ce projet de loi, Madame la présidente, démontre le respect de notre engagement envers la nation. Nous respectons encore une fois notre parole donnée.

D'ailleurs, dans les grandes lignes de notre manifeste électoral, nous avons proposé l'introduction d'une loi anti-transfuge, une réforme électorale qui tient compte d'une stabilité pour gouverner, d'une meilleure représentativité des femmes au Parlement et d'une dose de proportionnelle. Au cours de ces deux dernières décennies, la réforme électorale a toujours été un sujet qui a passionné les politiciens, les observateurs politiques et la population dans son ensemble. Mais il n'y a eu que deux gouvernements qui ont démontré une réelle volonté de réformer notre système électoral, celui de 2000 à 2005, c'est-à-dire l'alliance MSM-MMM et le gouvernement actuel.

Madam Speaker, some Members of this side of the House and also from the other side were in the 2000-2005 Government when a first report was produced. However, a consensus could not be reached between the two parties of the alliance, but it must be acknowledged that it was still a first important step with willingness and good intention of going forward to improve our electoral system. We must admit that both the MSM and the MMM have always been sincere for a reform of our electoral system. Afterwards, we know what happened; the Labour Party and the PMSD were in Government from 2005 to 2014.

Madame la présidente, force est de constater que de 2005 à 2014 aucune avancée n'a été notée sur ce sujet, sauf des rapports qui n'ont jamais été traduits en des textes de loi pour être présentés au Parlement. Le Premier ministre d'alors a utilisé la réforme électorale pour ses multiples jeux d'alliances, et la position prise par le Parti travailliste sur la réforme proposée maintenant, confirme, encore une fois, que ce parti n'a jamais été sérieux sur ce sujet majeur dans notre espace démocratique. L'histoire retiendra les prétextes de certains politiciens qui ont souvent parlé de réforme mais qui dans le fond n'ont rien fait de concret pour que notre système électoral soit revu.

Madame la présidente, le hasard a voulu qu'aujourd'hui, le 10 décembre 2018, soit exactement quatre ans depuis que ce gouvernement est au pouvoir, que le peuple a rejeté la deuxième République avec une présidence de sept ans. Une grande partie de l'électorat Travailliste a rejeté cette proposition de dictature du Dr. Navin Ramgoolam. Et plusieurs membres de la présente opposition avaient soutenu cette proposition et nous savons tous les dégâts qu'aurait fait un Navin Ramgoolam comme Président de la République, avec les pleins pouvoirs et toutes les immunités. Personnellement, je ne pense pas que l'honorable Paul Béranger serait devenu Premier ministre si l'alliance Parti travailliste-MMM avait remporté les élections.

Madam Speaker, 50 years after our Independence it is high time that Mauritius moves towards the modernisation of its electoral system. Elections are the most important and integral part of politics in a democratic system of Government. Despite the fact that free and fair elections are organised in Mauritius, for years now, some people choose not to vote, because they either think that their vote will not make any difference or that their voice will be ignored.

On the other hand, there are voters who have the perception that our current electoral system does not fully provide opportunities for them to be represented by candidates of their choice. This is why I believe that when we have the chance to enhance our democracy, we should take it. This Constitution (Amendment) Bill will create the necessary conditions to consolidate our democracy.

Madam Speaker, however though views differ on the type of reform required, we have to start somewhere, and this piece of legislation is a leap ahead in that endeavour. We must agree that this is a complex matter and it is difficult to come up with a 100% perfect electoral system. An electoral system can bring democracy and can also be levelled to a country. Other countries have experienced dictatorship, political instability and it even occurred that the far right did come into power in some countries. Proudly we can say, Madam Speaker, that our country has known a political stability since independence. The existing electoral system has proven to be a major component for the political and socio-economic stability of Mauritius for the last 50 years. However, there is room for improvement and we have to move forward for a more balanced electoral system.

Madam Speaker, the electoral reform has been part of the political agenda of all parties for decades. Several reports had been published on the matter. Throughout the years, the MSM has been consistent in the type of reform that it has always proposed for the country. As I mentioned earlier, it is nearly impossible to provide a perfect electoral system. However, this Constitution (Amendment) Bill contains the elements for a political stability in the future. The major objective of the Government is to ensure that each and every citizen of this country *jouisse de ses droits fondamentaux dans notre démocratie et ne se sent pas délaissé dans le processus démocratique pour élire ses représentants à l'Assemblée nationale*.

Madame la présidente, permettez-moi de revenir sur les arguments avancés par certains membres de l'opposition sur la discrimination envers les minorités. Je pense qu'on a

tous ici un profond respect pour feu Sir Abdul Razack Mohamed et Sir Gaëtan Duval. J'ai écouté leurs petits-enfants, qui aujourd'hui sont membres de notre auguste Assemblée. C'est aussi indéniable que Sir Abdul Razack Mohamed et Sir Gaëtan Duval ont apporté d'énormes contributions dans la construction de la nation mauricienne. Ils ont été membres du gouvernement, Sir Gaëtan Duval a été même le Vice-premier ministre. Son fils, qui est actuellement leader de l'opposition, a été membre du gouvernement de 2005 à 2014, ministre des Finances, ministre de l'Intégration Sociale, ensuite *Deputy Prime Minister* sous ce gouvernement, et pour des raisons que lui seul connaît, jusqu'à présent il quitte le gouvernement en décembre 2016.

Madame la présidente, je pense que les questions et arguments adressés par l'honorable Adrien Duval et l'honorable Shakeel Mohamed devraient être adressés à leurs leaders respectifs. *If there is minority discrimination, they should ask their respective leaders what did they do when they were in Government.* Ce n'est qu'en 2018, alors qu'ils sont dans l'opposition qu'ils parlent de discrimination.

Madam Speaker, I have listened to the arguments of hon. Dr. Boolell on Saturday, and several times he referred to fire and fury outside. Madam Speaker, I think that he should be focussed on the fire and fury in his party rather than being of bad faith on the social stability of our country. And I can say, Madam Speaker, instead of fire and fury, yesterday itself I was in my constituency throughout the day, and I have sensed the feel good factor among the population.

Madame la présidente, l'introduction obligatoire d'un minimum d'un tiers de candidates est un pas en avant pour une meilleure représentation des femmes au parlement, comme nous avons préconisé dans notre manifeste électoral. Depuis que ce gouvernement a été au pouvoir, plusieurs décisions ont été prises dans ce sens. Pour la première fois, nous avons une Vice-premier ministre et nous avons une femme comme Speaker. Ces positions démontrent clairement la volonté du gouvernement de donner plus d'opportunités aux femmes d'occuper des postes clés et d'avoir une plus grande participation dans la prise de décision pour l'avancement du pays. Le gouvernement et l'opposition, sous ce présent mandat, ont aujourd'hui l'occasion de marquer l'histoire afin que plus de femmes soient candidates aux élections générales et conséquemment d'être mieux représentées au Parlement.

Madam Speaker, it is the right time to bring this change. As policymakers, it is our duty to make sure that we open space for women's political participation. The World Economic Forum suggests that there is no 'one size fits all solutions' to gender inequality in politics. But there is a lot that can and should be done to ensure that women's voices are heard. Michelle Bachelet, Head of United Nations Women, former President and Defence Minister of Chile rightly pointed out in the New York Times, I quote –

“For me, a better democracy is a democracy where women do not only have the right to vote and to elect but to be elected.”

Madame la présidente, l'abolition du *Best Loser System* est la cause de beaucoup d'appréhensions. *Some raised the issue that the choice of the members for the balance of ethnicity in the Assembly will be left to the political leaders.* Mais là, je dois dénoncer l'hypocrisie de certains, car nous savons tous qu'actuellement ce sont les leaders des parties qui ont le dernier mot sur le choix des candidats, et ce sont parmi ces mêmes candidats que l'*Electoral Commission* choisit les *best losers*.

Un leader digne de ce nom, qui est conscient des réalités politiques de notre pays ne pourra jamais se permettre de faire de mauvais choix car il s'agit de l'instabilité politique et sociale. Certains membres de la Chambre ont exprimé des craintes sur la représentativité de toutes les composantes de la nation au niveau du parlement. Le projet de loi n'est pas discriminatoire envers telle ou telle communauté. Et avec la dose de proportionnel et les *additional seats*, c'est une garantie que toutes les communautés seront adéquatement représentées ou mieux représentées au parlement. Les propositions faites par le gouvernement nous assurent que le choix de l'électorat pour l'équipe gagnante soit respecté. Un modèle de proportionnel qui réduit considérablement la majorité de l'équipe gagnante se serait une source certaine d'instabilité.

Madame la présidente, notre système électoral est basé sur le modèle Westminsterien avec le *First-Past-the-Post* qui a toujours été le cas en Grande Bretagne. La plus grande démocratie du monde, l'Inde, a maintenu le *First-Past-the-Post*. C'est clair que c'est un système qui permet une stabilité afin que le gouvernement puisse travailler dans la sérénité jusqu'à terme. Nous ne pouvons mettre en danger la stabilité politique et réduire l'écart entre les partis ou l'alliance majoritaire élue et l'opposition élue.

Madame la présidente, la proportionnelle permettra à la majorité et à l'opposition d'engager des compétences qui ne sont pas forcément des politiciens à se mettre au service de

la nation. Le gouvernement présente des propositions pour revoir les faiblesses de notre système électoral pour que notre Parlement soit le meilleur reflet possible du vote exprimé par la population.

Nous avons un système qui est complexe et au fil des débats qui se sont tenus jusqu'à présent, nous avons entendu des arguments souvent valables et parfois *cheap* et démagogiques. 50 ans après notre indépendance, le gouvernement veut apporter un changement et une partie de l'opposition semble être d'accord pour qu'il y ait un changement de notre système électoral.

Madam Speaker, I have listened to the interventions of the Leader of the MMM and that of the Deputy Prime Minister, who rightly pointed out that we are not far from bridging the gap. But I must say that I was very surprised to note that during his press conference last Saturday, hon. Bérenger stated that the Government had the objective to make *un semblant de réforme*. Madam Speaker, I think, it appears that some are trying to find excuses not to vote for this reform, but I still hope that the party who has always shown interest in electoral reform does not miss the opportunity now because if it is not done today, I wonder if it will ever be done in the coming years.

Je souhaite sincèrement que nous obtenons le vote de trois-quarts. Ce sera une très grande avancée pour notre pays et surtout pour la jeunesse mauricienne. Ce sera un édifice de plus dans la construction et la consolidation de la nation mauricienne.

Madame la présidente, nous avons aussi une responsabilité envers les enfants de notre pays. Leur regard de la société et notre regard de la société sont différents et 50 ans de cela, nos parents et nos grands-parents avaient un autre mode de vie et culture. La mixité des différentes communautés évolue rapidement et dans 20 ans ou plus, on parlera beaucoup moins en termes de communauté et on n'aura sûrement pas à débattre sur la représentativité des communautés de notre système électoral.

Pour conclure, Madame la présidente, ce projet de loi est un premier pas important pour revoir notre système électoral. L'histoire retiendra que le Premier ministre actuel a eu le courage d'essayer de réformer notre système. Il y a eu des critiques et des arguments solides sur le projet de loi. Probablement on passera au vote soit ce soir ou demain, le *Bill* sera donc soit adopté ou rejeté, mais à chacun d'entre nous de prendre notre responsabilité envers les prochaines générations.

Je vous remercie, Madame la présidente.

Madam Speaker: Hon. Ganoo!

(11.54 a.m.)

Mr A. Ganoo (First Member for Savanne & Black River): Madame la présidente, il est de ces projets de loi qui nous fascinent, qui nous défient, qui nous envahissent, qui nous dépassent et qui nous résistent. Le projet de loi devant la Chambre aujourd'hui se retrouve bien dans cette catégorie. Il nous résiste parce qu'il nous apprend plus sur nous que tous nos livres d'histoires. Il nous fascine parce qu'il nous ramène comme une machine à remonter le temps dans les arrières-cours de notre genèse politique. Il nous dépasse parce qu'il nous interpelle pour des réponses que nous semblons ne pas détenir.

En effet, en disséquant ce projet de loi, Madame la présidente, c'est tout un pan de notre histoire qui nous est dévoilé. Aujourd'hui, nous attelons à toucher à notre système électoral qui est le cœur même de notre fondement démocratique. Altérer notre système électoral est aussi complexe que rédiger une constitution. Elle est, en effet, une tâche herculéenne. Dans les autres pays jouissant d'une population homogène, trouver un consensus national et concrétiser une réforme électorale a pris cinq fois plus le temps que nous avons pris dans notre pays, s'étalant sur plusieurs décennies.

Indeed, Madam Speaker, having been a British colony, we inherited an electoral system, political values and norms from our colonial masters. Since those days up to the 2014 elections, all our elections have been based on the First-Past-the-Post system, plurality system. In fact, the FPTP has been the lifeblood of our electoral framework since 1885 although different political formulae had been used in the course of the decades concerned. In fact, four periods have marked our political paths. The first one from 1885 to 1947, 10 elected representatives form part of the Council of 28 members who are elected in our nine districts on a very limited suffrage basis since in those days, of course, the majority of our population was deprived of the right to vote. The second period extending from 48 to 58 on the basis of a valuable multimember constituency, 19 members were elected. Universal suffrages had not yet been elected. Then came 1959, the period of 1959 to 1966, the country was divided into 41 members constituencies and elections were again held on the First Past The Post basis.

Finally, Madam Speaker, in 1959, besides the elected representatives, the colonial power decided to nominate 12 members appointed by Government. In 1967, Mauritius was endowed with a Legislative Assembly of 62 members with a maximum of 8 Best Loser MPs

and elections were, of course, still held under the First-Past-the-Post system and we are presently in the same situation.

Madam Speaker, it goes without saying that the First-Past-the-Post system has served the country reasonably well and has provided it with the political stability that it requires. Nevertheless, what did we find or discover in the course of centuries or years that our system was unfortunately staying with two inherent defects, which have been the subject of so much controversy and disapproval, and these two flaws have continued to haunt us in our history up to today. In fact, the causes of the introduction of this Bill before the House today are precisely because of these two flaws to which I am going to come in a few minutes. I am sure that the House has already understood that, in mentioning these two flaws, I was referring firstly to the BLS system and, secondly, to the disproportionality between the percentage of votes obtained by political parties and the percentage of seats won in Parliament.

Let me say a few words on the Best Loser System first, Madam Speaker. In view of the plural nature of our society as could have been expected, the time came when our electoral system showed its limitation, showed its *essoufflement* by the total absence of representation of one particular segment of the population during one general election with the result that the old system was put in question. Afterwards, several proposals were made to ensure a guaranteed representation of our diverse society. One of them we will remember was a separate electoral role for one particular community. All these took place after the introduction of universal suffrage in 1959, an event which ushered in major social and political transformations in our society.

En effet, Madame la présidente, l'introduction du suffrage universel en 1959 ainsi que l'ébullition politique qu'elle a engendrée n'ont aucunement facilité la tâche de l'administration coloniale qui devrait alors faire face avec une classe de politiciens rodés, combatifs, bouillonnants et ambitieux. Le défi de cette administration était d'instaurer un système politique qui allait permettre l'expression démocratique des intérêts politiques, économiques et sociaux qu'elle représentait. Le pays traversait une période de transition et vivait ses dernières années sous le joug colonial tout en aspirant à s'élever à un autre stade de son statut constitutionnel.

La société d'alors, comme nous le savons tous, était profondément divisée pour diverses raisons, mais principalement dû à un manque d'identification nationale, d'un vrai

national consciousness et, malheureusement, d'une absence de cohésion et d'intégration parmi ces diverses composantes. En tenant compte de ce climat social et politique, cette entreprise était ardue et la conceptualisation et l'aboutissement d'un système politique démocratique inclusif et autonome, tant recherché, se sont étalés sur plusieurs années.

La transition en vue de doter l'île Maurice, Madame la présidente, de ce système politique, démocratique, autonome et inclusif a été généralement conçue sans heurt majeur et se concrétisa par le biais de plusieurs négociations, des *talks*, des conférences, sauf en 1965 et 1967, quand, les plus anciens, les plus vieux parmi nous vont se rappeler, furent dépêchés les soldats britanniques dans le sillage des bagarres communales et sanglantes. Ces événements pénibles et sans précédents avaient traumatisé l'ensemble de la nation mauricienne.

Indeed, Madam Speaker, this task that devolved on the colonial administration was, indeed, challenging and it took many years to come to fruition. It was a long drawn process after the submission of the Banwell Report in 1966, which again some of us will remember, and the controversies that it provoke. I was an adolescent in those days. I remember *les affiches écrivant* 'Banwell go home'. After the publication of this report in Port Louis, came the appointment of Mr Stonehouse, the undersecretary whose intervention helped to break these ongoing deadlocks and to reach a consensus among all the political parties of the day on the Electoral System, including the Best Loser System.

The Best Loser System came as solution, as a panacea, a solution to the objection of the then Labour Party, the CAM and the IFB to Banwell's proposal of an absolute proportional system. It was a concession to the community's demand for a communal role and to increasing concerns of ensuring minority representation. We can easily guess how the task of ensuring political stability before and after Independence in a small island with a fragmented society was a daunting one. Indeed, the main challenge was to adopt an Electoral System based on grounds of political principle and party - and this was the debate - and rather than on ancestry and religion.

The Stonehouse Agreement offered the opportunity to all fractions of the population to elect their representatives in a democratic and fair manner whilst, at the same time, taking into account the strong demand for communal representation. When we go through the historical accounts of this period, when we peruse the historical records, we can conclude that, to a large extent, the issue of representation of minorities has been a dominant issue throughout the constitutional development of our country. The numerous talks, conferences

had to grapple systematically with this thorny issue so much so that with hindsight, Madam Speaker, we can argue that the colonial power proceeded on a trial and error basis until the most acceptable formula was designed and agreed upon.

And looking back, we can safely say that the Best Loser System was *un mal nécessaire, et cela, malgré toutes les critiques dont il a pu faire l'objet*. And one is left to wonder, given the context in which the Best Loser System was designed as a solution to the ongoing tensions and demand for minority representation. What would have happened if it was not invented, it was not devised? Let us acknowledge the wisdom in the Best Loser System. At least, it challenged communal tensions and deep-seated division into democratic expression of interest and in the setting up of a democratic framework to absorb communal tensions and conflicts.

Madam Speaker, little Mauritius managed to avoid the cruel fate that many plural societies have been subject to. We just recall the bloodsheds that many countries, across the different continents, have experienced over long periods of time because plural societies have always been the centre stage of struggle based on ethnic and religious representation. Even homogenous societies, Madam Speaker, all over the world, including in Europe, have been the prey to civil unrest due to this question of political and ethnic representation.

In fact, let us call a spade a spade. The Best Loser System has provided and preserved a sense of stability, of peace, all be it fragile by endowing minorities with a sense of security in our country. It has helped to foster the tolerance, the harmony that exists today and which is appraised by many international observers despite the very heterogeneous nature of Mauritian society. But, Madam Speaker, would this mechanism have stayed with us for so long, 50 years, had we, as one people, as one nation, forged a true Mauritian identity? As you know, the Best Loser System at its inception was never meant to be a permanent feature of our electoral system as it was expected, in fact, to have a lifetime of three general elections.

Mais, Madame la présidente, le fait que le *Best Loser System* a perduré et que nous n'avons pas réussi à l'enlever de notre système électoral, démontre probablement que nous avons échoué quelque part malgré nos 50 ans d'existence et tous nos efforts de *nation building*. A qui la faute Madame la présidente ? Il faut l'admettre qu'au cours des décennies le *Best Loser System* a acquis une dimension symbolique, une charge émotionnelle, intense, probablement dû à un sentiment d'insécurité et de peur et probablement par des propos tenus quelquefois in *certain quarters*, propos dépassant le cadre du débat démocratique.

Je le répète le *Best Loser System* a été une panacée aidant à cicatriser les blessures électorales quoique lointaine. Mais ce sentiment d'insécurité, Madame la présidente, n'est-il peut-être pas le résultat de la peur instillée par d'autres, par des propos malheureux quelquefois dépassant le cadre du débat démocratique. Et maintenant, aujourd'hui, à présent, le désir de la part du gouvernement d'enlever le *Best Loser System* dans nos textes de loi et dans notre Constitution, coïncide fâcheusement avec la publication des rapports des Nations Unies confirmant qu'une catégorie de nos citoyens est sujette à une discrimination dans plusieurs sphères de la vie de tous les jours.

Cette conclusion de la part d'une instance aussi respectée que les Nations unies coïncide, malheureusement, avec un sentiment généralisé de mal-être et de malaise prévalant dans ce même segment. Comment ne pas comprendre que toute cette situation malheureuse alimente ce sentiment qui existe à Maurice, une catégorie de deux citoyens, les nantis, les protégés et les éternels laissés-pour-compte. Il faut que cesse dans notre pays cette perception que certaines responsabilités, certains emplois sont réservés qu'à des âmes bien nées.

L'île Maurice appartient à tous ses fils, à toutes ses filles. Il incombe à nous tous, mauriciens, d'inculquer à nos enfants des valeurs républicaines de justice, d'équité et de partage, ce dont le but principal est de promouvoir subtilement la supériorité de certains groupes doit être surveillé. Il faut que cesse les stigmatisations, les catégorisations méprisantes qui enveniment le climat social de temps en temps. Mais d'autre part, Madame la présidente, il nous incombe à nous aussi, à ceux qui sont animés peut-être par des motifs nobles de se solidariser avec ces opprimés dans leur désir de les protéger, témoins de toutes cette souffrance d'un certain segment de la population aujourd'hui. Il faut que ceux-ci aussi cessent leurs propos excessifs. L'île Maurice juste, libre et prospère doit être unie, Madame la présidente, ou elle ne sera pas.

Having said this, Madam Speaker, I concede that presently, at the time we are debating this Bill, having regard to all the expert analysis that have been made concerning the BLS, we must be dispassionate about the whole problem. The BLS has been qualified as the constitutionalisation of communalism. It has been referred, even in several judgements of our Courts, as undemocratic, as inhibiting mauritianisation, aggravating communal division in our society.

In fact, the loopholes, the anomalies in this mechanism have been the subject of severe criticisms by renowned experts, Mr Sachs, Mr Carcassonne, and even Dr. Sithanen, who have

highlighted its weaknesses and its unpalatable aspects. These experts have scientifically identified, indicated some of the shortcomings, arguing the anachronistic nature of this mechanism, its computation based on the 1972 census and so on.

Our Judiciary has highlighted in different judgements the inherent problems in the BLS. We know, and it has been proved that in our Constitution there are many mechanisms other than that the BLS inherent which, in our system, safeguard certain minority representation. But the irony, the paradox, Madam Speaker, is that despite all these criticisms of the BLS, although recognising the complexity of the situation, up to now, we have been unable to find the right substitute to this mechanism. So many proposals have been made in the past. I remember when I was in one of those Committees, one solution proposed was to give the responsibility to the Electoral Supervisory Commission to decide from the PR list the proper candidates to make up for any communal or ethnic representation and it was understandable that the Commission was not agreeable to this proposal as it did not want to take upon themselves to classify any candidate.

Came the idea of subsuming the BLS into the PR list, Madam Speaker, which was offered as a more credible alternative and which mechanism could provide the same guaranty and assurance to minority representation. The debate today, Madam Speaker, is to change the mechanism but to maintain the objective of the BLS System. And when Dr. Sithanen, in his report, was commenting on what Carcassonne had said in his report, this is what he said –

“It is wrong to state that Carcassonne has recommended the abolition of the BLS, he has kept his objectives while changing the mechanism.”

And he cites Mr Carcassonne, I quote –

« Attention, il ne s’agit pas de supprimer le BLS sans trouver un substitut qui garantit à chaque communauté qu’elle sera normalement représentée, des substituts on peut en imaginer, le droit constitutionnel et la science politique ont fait depuis 50 ans des progrès phénoménaux. Nous avons dans la boîte à outils un nombre d’instruments incomparables avec ceux de nos prédécesseurs. »

Therefore, Madam Speaker, what is the answer today to our solution? I think we should really reflect on a new mechanism dispassionately, Madam Speaker, and I will come to that in a few minutes. But let me say a few words on the second flaw identified in our Electoral System during the course of the years. Indeed, with the holding of several General Elections, another major issue raised its head and started to attract the attention of political leaders and

different stakeholders, the unfairness and injustice of our First-Past-the-Post system due to the level of disproportionality between the level of seats obtained and the percentage of votes won, and from then on, provoked the campaign for an Electoral Reform to ensure more fairness and equity for competing political parties.

As has been said before me, Madam Speaker, it is true, we should bear in mind that no country can and should borrow a copy from another Electoral System because a system that might work in a country, might not work for a different type of society. But we are all aware, it is this high distortion between the percentage of votes and seats obtained by political parties which sensitise the political class in Mauritius and subsequently pave the way for the debate about the advisability of introducing a dose of PR into our First-Past-the-Post system.

The First-Past-the-Post system, Madam Speaker, all of us in this House would agree with me, has been a very unfair formula as shown by the very high differences between the votes obtained and the seats won in many elections. In 1982, with a percentage - I am rounding the figures - of 28% of the votes, the Labour Party did not elect a single Member in the House. In 1995, with 20% of the votes, the MSM suffered the same cruel fate. In 1987, with a difference of approximately 1.8% of the votes between *l'Alliance Bleu-Blanc-Rouge* and the MMM, the former obtained nearly twice the number of elected representatives in the Assembly. I can go on and on, Madam Speaker.

Madam Speaker, how can we allow so much injustice in our democratic set up? There was a need for appropriate measures to be taken to reverse that unfair situation and a tribute should be paid to the MMM and its Leader, who initiated the whole national debate back in 1986. I remember in August 1986, the Leader of the MMM presented the first written document on Electoral Reform. I was then the Secretary General of the Party and together with all other Leaders of the Party by his side, the MMM presented a document called 'A Fair and Workable Electoral System, the MMM proposals for consensus'. The debate made its way. Immediately after the MSM/MMM Government took over in 2000, the Sachs Commission was set up and very elaborate proposals were offered. Then came the Select Committee presided by the hon. Deputy Prime Minister. The matter was not pursued to fundamental differences of opinion.

The failure to reach a consensus was perhaps due to certain vested interests which stood on the way towards modernisation of our electoral system and consolidation of our democratic fabric. This was probably the result of a lack of commitment of the need to

correct the injustices in our First-Past-the-Post system. In the meantime, General Elections came, the new Labour Government took over and it was at the end of its mandate in 2014 that the Labour Government published its consultative paper and before General Elections a Bill was also prepared spelling out in detail the mechanism of the introduction of a PR system in our electoral landscape.

However, Madam Speaker, if there is a lesson that we can draw from the 2014 experience, it is the following that any Government should not wait at the end of its mandate to set such a fundamental issue like the electoral reform on the public policy agenda. Adapting this course tantamount to using the electoral process for purely political electoral interest! The risk, therefore, that this issue derailed from a purely constitutional and democratic issue to a partism and electoral exercise is enormous, and this is what happened.

Let me now, Madam Speaker, say a few words on the Bill itself.

Madame la présidente, ce projet de loi a été introduit à l'assemblée à une portée historique mais dans un premier temps, il nous faut jeter un coup d'œil sur l'objectif principal du projet de loi. L'*Explanatory Memorandum* stipule paragraphe 2 (b) qu'il a pour but que, et je cite –

“to provide with a view to ensuring wider representation of parties (...).”

Ensuring wider representation, of course, of political parties in the National Assembly.

Et plus bas dans le paragraphe 2 (c) –

“to foster better gender representation in the National Assembly (...).”

Et finalement –

“to provide for anti-defection measures (...).”

Pour nous, au Mouvement Patriotique, Madame la présidente, ce projet de loi n'arrive pas à rendre possible ce projet d'intentions indispensables à l'assainissement de notre démocratie. Je m'explique, Madame la présidente, et permettez-moi d'étayer mes arguments sur le chapitre '*ensure wider representation of parties in the National Assembly*'.

Comment cela peut-il s'avérer vrai quand d'abord le mécanisme choisit et proposé par le gouvernement pour introduire la dose proportionnelle et le *parallel mode* et le *highest remainder formula compounded* par une autre clause dans ce projet de loi qui n'existe pas, d'après moi, dans aucune *statute book* dans aucun pays. Quand le Premier ministre vient dans

le projet de loi parler de *restore* mathématiquement la différence entre les deux blocs après les élections, Comme l'a si bien dit les autres orateurs avant moi, ce mécanisme précis va privilégier l'alliance gagnante, renforcera les résultats des élections obtenues à travers le *First-Past-the-Post*. Donc, ce mécanisme ne permettra aucunement, nullement au parti lésé, par le bloc lésé, l'alliance lésée par le FPTP de se rattraper puisque le mécanisme du *parallel vote* soit maintiendra le *statu quo* ou élargira le fossé d'avantage, Madame la présidente. L'essence d'une réforme électorale à Maurice que nous avons tous réclamé pendant ces décennies la raison-d'être de toute réforme électorale dans le contexte mauricien, Madame la présidente, a été précisément de corriger la distorsion, le déséquilibre, le *First-Past-the-Post system* comme nous l'a démontré si clairement notre histoire depuis 1982, Madame la présidente.

Donc, appliquer ce mécanisme avec pour objectif de *ensure wider representation* est non seulement une contre-vérité. Il est un non-sens, il accentuera les défaillances de notre système et en référence au rapport Sachs qui appelle ce mécanisme la méthode A, Sachs dit ceci –

"(...) it suffers from grave defect that it would hardly touch on the disproportionality emanating from the present system."

Quand on revoit toutes les élections du passé, je ne veux pas refaire cette exercice ici, je vais prendre trop beaucoup de temps, Madame la présidente.

If we review some of the past elections, you will see how what I am saying is true and what Sachs concluded is undebatable.

Madam Speaker, therefore, the parallel vote would not cure the unfairness in our system. A combination of the relatively high number of the First-Past-the-Post system in a mixed system coupled with a parallel formula to allow the number of PR votes would not significantly reduce the seats/vote distortion produced by the excesses of the First-Past-the-Post system, its impact is small, as it would fail to correct the underrepresentation of the unsuccessful parties. Worse, in many cases, it would widen the majority of the winning party in terms of seat. The Sithanen Report concluded on this issue – 'In the majority of cases the winning party which has already secured an advantage from the First-Past-the-Post formula reaps the benefit of the parallel system, Madam Speaker.

That is not all, it's not only Sachs, it's not only Dr. Sithanen, Madam Speaker, it's also hon. Ivan Collendavelloo. I have in my hands a copy of the report of the Select

Committee on the introduction of proportional measures in our electoral system. This is what Chapter 5, an alternative, the parallel formula in this report, presided by the hon. Deputy Prime Minister said –

“The cohesive and forceful arguments put forward by Sachs should be sufficient to dispose of the parallel system proposed under this alternative. Mauritius must decide whether it wishes to have a stable government with fair representation or whether it wants to perpetuate the present system with just a token representation.”

The hon. Deputy Prime Minister then went on to talk about the compensatory formula which is a compromise between the First-Past-the-Post system and the strictly PR system, but this is what the Chairman said, the Deputy Prime Minister was then chairing this Committee, Madam Speaker.

This is why we beg to differ with Government; this is why this proposal of an electoral reform defeats the whole purpose of the reform; this is why unfortunately we had no choice but to characterise these proposals as a *caricature de la réforme*, Madam Speaker, and adding insult to injury, as I just said, we have this unique clause in our law, in our Bill trying to re-correct what has been corrected by the PR list. So, we have the First-Past-the-Post system, *les résultats des urnes*, we have the PR list, 24 submitted and 12 will be chosen by the ESC, then we have a third tier, the additional list.

We will come and re-establish the difference created by the ballot boxes mathematically, *de millimètre près si je comprends bien*, as a result of the First-Past-the-Post .

Therefore, hon. Prime Minister, when people are saying outside this House - and I do not subscribe to this argument - that what this reform will do, we will just increase the number of MPs in this House, paying each MP I do not know how much, and this will be a waste of public money because it does not fulfil the principle aim of an electoral reform in Mauritius to correct the misbalance, of course, giving the party that has won its majority, its stability. This is not in issue but we cannot allow a party which has won 20% vote, 30% vote, not one single Member in the Assembly or after elections we see the disequilibrium in terms of seat in the Assembly, Madam Speaker. This is the whole point in the debate today, Madam Speaker, and I think we still have time to find another model, and I will come to that in a few minutes.

Not necessarily model C, the compensatory model that has been proposed by Sachs although this model also, according to me, poses no threat to stability but it can be too proportional at the expense of stability. I agree. We can find another blend but time must be given to the House, to the legal advisors, and political advisors of this Government.

Madam Speaker, I'll come to another question now because I am still commenting on this question of ensuring a wider representation of parties in the National Assembly. How can we do that? How can the law encourage and enable that, Madam Speaker? I will make another proposal and I think that if there was a genuine commitment to open the democratic space by widening the representation of parties in Parliament, Madam Speaker, the threshold imposed should have been 5% instead of 10%, and voters should be given the opportunity. Secondly, voters should have been given the opportunity to vote for the PR list, which will allow them to choose a party for its ideology or ideas, that is, a second vote. This would have helped voters to get out of the mainstream or communal voting pattern. The figure of 5 is not a figure chosen at random. It is the threshold applied in some other countries. Furthermore, in the electoral manifesto of *Alliance Lepep*, 5% - I have the electoral manifesto with but I will not bother to read it because I am sure Members of the other side will agree with me, I am not distorting anything.

In the electoral manifesto of *l'Alliance Lepep*, 5% was the threshold proposed in the electoral package, Madam Speaker. We can all verify it. This threshold of 5% will enable political parties with a strong ideological basis, like parties who are not presently in the Assembly, *Rezistans ek Alternativ* and the rest to emerge and contribute in the democratic process.

Similarly, Madam Speaker, allowing the voter to vote the PR list with a second vote will help reduce the weight of communal voting in Mauritius and open the doors of the National Assembly to a blend of different political currents in this country. Madam Speaker, again, I hope the hon. Deputy Prime Minister has not forgotten, in this report I was just referring to at Annex A – Proposed Constitutional Amendment, this is what I can read, as an Annex to the report proposed by the hon. Deputy Prime Minister in those days –

“At a general election, every elector shall, in addition to the votes cast under paragraph 1(3), cast one additional vote on a separate ballot (hereinafter referred to as the “party ballot paper”) which shall be in such form as the Electoral Supervisory Commission may prescribe and which shall contain a list, in alphabetical order, of

parties having submitted a party list together with the symbol allotted to such party (...)"

This is a proposal made, Madam Speaker, by the Select Committee presided by hon. Collendavelloo. Insisting on the figure 10 would constitute a hurdle but we must not forget, Madam Speaker that the objective in designing a new electoral system is not to place undue hurdles in the way of constitutional reform. But we should encourage the degree of give and take that leads to national consensus which is the way to a strong united nation. In this way, the constitutional changes will be invested with a high degree of legitimacy.

I come now, Madam Speaker, to gender representation. In the same vein with regard to better gender representation, although the Explanatory Memorandum has insisted on to seek better gender representation in the Assembly by providing and then we come to the proposal made by Government. But we note that the Bill does not make it imperative that a party or party alliance should fill one candidate per constituency. In fact, the only way to have ensured a wider representation of women should have been to impose on political parties the necessity to present, at least, one woman per constituency. This would prevent certain political leadership to send women candidates where its political following is weaker. The objective of the law is not to have 20% women as candidates, should not be having 20% women as candidates. The objective of the law should have been to secure the election of 20% of women in Parliament. This is why in all the constituencies, each political party has its stronghold; weak, less weak or strong entrenchment. So each woman candidate in each constituency would have ensured, Madam Speaker, that more women would have been elected and it is not a question of presenting only 20% on the list but it should have been 30%, ensuring, Madam Speaker, that they have equal chances as the male candidate to get elected.

C'est pourquoi, Madame le présidente, nous disons qu'on ne sait pas encore quel sera le destin de ce projet de loi, jusqu'ici apparemment. Mais si ce projet de loi ne retient pas les trois-quarts nécessaires. Comme je crois l'ont dit quelques honorables membres avant moi, le gouvernement peut toujours introduire un autre projet de loi pour rendre obligatoire la candidature d'une femme par circonscription. C'est pour cette raison que nous faisons un pressant appel, un appel solennel au premier ministre d'extirper, d'enlever toute référence à la représentation féminine dans le projet de loi et de présenter un nouveau projet proposant un amendement constitutionnel pour garantir une meilleur représentation féminine au Parlement.

Strictly speaking, Madam Speaker, the question of fair gender representation is not linked with the question of electoral reform. We could have a long time amended the Constitution, proposed 30% of women to be candidates in the next general election. This has nothing to do with the electoral reforms, we have the ¾ majority in this House. All the political parties, 100% majority has consensus in this House about promoting gender representation in this House, Madam Speaker. We all know it is a shame on us that we have so little women either in the House or in Cabinet.

Dans ce contexte, Madame la présidente, il nous faut rappeler que légiférer pour combler le déficit de la représentation féminine est un mécanisme indispensable à l'amélioration de la présentation féminine.

In fact, I am not saying this today as an opportunist who is trying to make the most of the situation, that is, affirming firstly that the question of amending the Constitution with a view to ensure fairer and wider gender representation, it is not today that I am saying that, Madam Speaker. In the Private Members' Motion, one and a half years ago which I introduced in this House in July of last year, these was one of the limbs on which I argued that the Constitution should be amended, Madam Speaker. I am quoting from myself. I will ask apologies for that. I said –

“This is why, Madam Speaker, we should delink the issue of a fairer woman representation to the question of Electoral Reform. This is the only way, Madam Speaker, for Government, for all Members of his House and for all political parties to honour their pledge to the woman at large in this country in terms of a fairer representation in our Parliament.”

That is we should on a standalone constitutional amendment vote to amend the Constitution by providing the necessary amendment so that there be a fairer gender representation in our Constitution, Madam Speaker. As I said, the best course would be for the hon. Prime Minister, in case this amendment is not adopted by the House today, to come back to the House with an another constitutional amendment. Madam Speaker, I come to the Anti-defection provisions.

Nous notons que dans le projet de loi, il a été introduit une mesure pour empêcher le transfugisme individuel pour ceux qui ayant bénéficié des sièges alloués aux partis à travers le mécanisme du *PR* ainsi que les *additional seats*. C'est une bonne chose ! Cependant,

Madame la présidente, nous sommes outrés et choqués que le gouvernement veuille promouvoir le transfugisme collectif.

(Interruptions)

Ce n'est pas le viol collectif, mais c'est le transfugisme collectif. Cela nous surprend profondément que le gouvernement qui prétend proposer une loi anti-transfuge dans son manifeste électoral puisse introduire une mesure aussi incohérente dans ce projet de loi. Je m'explique. Ce qui est proposé est inacceptable. Écoutez-moi, Madame la présidente ! Après avoir introduit des mécanismes pour assurer que l'équilibre des sièges alloués sous le *First-Past-the-Post* ne soit pas déranger par le *PR* à travers les *additional seats*, comme je viens de le dire tout à l'heure, comment est-ce que le gouvernement peut envisager que des candidats battus et repêchés à travers le mécanisme du *PR* et des *additional seats* aient la liberté de *cross the floor*, de créer un autre parti et de déstabiliser le gouvernement ou l'opposition?

(Interruptions)

Ceci est une contradiction grossière et condamnable ! MP reste dans l'opposition, mes chers amis, ne vous en faites pas ! Nous ne pouvons ...

(Interruptions)

Madam Speaker: Order !

Mr Ganoo: Nous ne pouvons accepter qu'un parti soit déstabilisé par un autre grâce aux sièges qui ont été alloués à des candidats battus ou des candidats qui n'ont pas été choisis sur la liste *PR*. Cela est un non-sens. Je me pose la question.

Madame la présidente, un candidat non élu par sa circonscription et qui a fait son entrée au Parlement et un candidat choisi sur la base d'un *additional seat* n'aura aucun lien avec son électorat. Il sera épargné de toute pression populaire et sera apte à succomber à la tentative de se servir lui-même et de ce fait, une autre force peut déstabiliser un bloc en encourageant le transfugisme collectif. Mais, Madame la présidente, les plus graves dans les propositions de ce projet de loi concernent les *additional seats*, et je ferai quelques commentaires.

Revenons sur la raison pour laquelle le gouvernement a décidé d'ajouter des *additional seats*. D'abord, dans le document publié, nous nous rappelons, Madame la présidente, que c'était aussi: '*The aim of the allocation of the additional seats was to allow*

Leader of the parties to ensure adequate representation of our rainbow nation in the National Assembly.'

Nous savons tous que suite à la plainte des membres de Rezistans ek Alternativ, nous sommes tous au courant du *ruling* du Comité des droits des Nations Unies, Madame la présidente. Les commentaires concernant le *census* de 1972, après ce *ruling* nos choix sont clairs, soit avoir recours à un nouveau *census* ou éliminer carrément le *BSL* dans sa forme actuelle. Dans le projet de loi, il faut le souligner, le gouvernement ne vient en aucune façon de *subsume* une liste dans une liste de candidats proportionnels. Le gouvernement vient nous proposer une liste de 6 à 10 députés additionnels que seront repêchés après leur défaite, avoir été rejetés par la population ou non choisis pour la première liste de *PR*. Mais dans le projet de loi, Madame la présidente, concernant les *additional seats*, on ne voit rien. *Nothing is referred to as being this necessary condition for fair and adequate representation.*

Cette catégorie de représentants, *additional list*, d'abord ne figure pas sur une liste connue d'avance contrairement à ceux se trouvant sur la liste *PR*, comme c'était proposé en 2014 par la loi travailliste/MMM. Mais l'énormité de cette proposition réside dans le pouvoir, d'après moi - *I might not convince Members of this House* - d'octroyer au leader des partis de choisir à leur guise 6 à 10 candidats battus ou qui ont été laissés sur la touche même si leur nom figure sur la liste *PR*. Est-ce que le gouvernement veut nous faire comprendre que les *additional lists* constituent un substitut du *BSL*, puisqu'il donne au leaders des partis politiques la possibilité de rétablir le déficit au niveau de la représentation ethnique au Parlement ? Est-ce le cas, Madame la présidente ? Rien n'a été dit !

Le gouvernement aurait dû simplement absorber le *BSL* dans la formule du *PR* en augmentant le nombre des sièges sur *les party lists*, cela aurait été plus simple. Par compte, ce que nous propose le gouvernement, c'est de donner à notre système politique des caractéristiques des régimes totalitaires et en éliminant le *First Schedule* de la Constitution qu'il faut *un fair and adequate representation* dans notre pays. Madame la présidente, tout ceci pour moi, affaiblit l'unité nationale dans notre pays. Les propositions d'introduire des *additional seats* sont arbitraires et donnent des caractéristiques d'un régime totalitaire à notre démocratie. Ce projet de loi donne aux Leaders des partis politiques le pouvoir de repêcher des candidats qui ont été battus.

Ce qui explique qu'ils pourront non seulement repêcher leurs proches que le peuple a rejetés mais aussi eux-mêmes alors que le peuple les a rejetés. Quelle légitimité a un leader qui a lui-

même été battu dans une élection pour nommer des représentants de cette même population dans le Parlement, je vous le demande, Madame la présidente. Sommes-nous arrivés à cette période de notre histoire où les leaders politiques ne pensent plus avoir le besoin d’être *accountable* vis-à-vis de la population ? Cela serait très grave.

Le peuple à Maurice, comme dans le passé et plus maintenant, exige que les politiciens soient *accountable* pour leurs actions. Un candidat battu qui rentre au Parlement selon le bon vouloir de son leader sera redevable à qui, à la population ou à son leader ? Le leader qui a été battu et qui se nomme au Parlement ne devra rendre compte à personne et certainement pas à ses mandants puisque ces derniers l’ont rejetés. Nous reculons tellement avec cette proposition. Cela me rend triste, Madame la présidente, que les leaders de notre pays, avec tout leur passé démocratique que je connais, que ce genre d’attaque profonde à notre démocratie a été tolérée par ceux qui ont rédigé ce projet de loi. Nous ne pouvons accepter ce genre de mécanisme dans notre système électoral. Les élections est la prérogative du peuple ainsi que le choix de leurs représentants. N’ayons pas l’arrogance de penser que nous savons mieux qu’eux qui méritent d’être ou de ne pas être au Parlement.

J’ai un document avec moi, M. le président. C’est un document de 1965 : *Report of the Mauritius Constitutional Conference, September 1965*. Vous voyez de votre siège la couleur jaunâtre des pages de ce document, qui, comme je vous dis, est le *Report of the Mauritius Constitutional Conference, September 1965*. Et je lisais dans ce rapport quand nous étions à l’apogée des débats dans notre pays pour choisir un système électoral. Il y avait, donc, le *Constitutional Conference* de septembre 1965. Je lisais que la conférence était tombée d’accord, et voilà un résumé –

« The Commission should be guided by the following principles –

- (a) the system should be based primarily on multi-member constituencies;
- (b) voters should not be registered on a common role, there should be no communal electoral roles etc.”

Et je continue -

“(e) There should be no provision for the nomination of members to seats in the Legislature.”

Depuis 1965, Madame la présidente, le *Mauritius Constitutional Conference* de septembre 1965, voilà une des propositions faites à cette époque-là. C’est pourquoi, Madame la présidente, cette proposition additionnelle, qui a pour ambition de remplacer le mécanisme

du *BLS*, pour nous, il n'y a aucune garantie dans cette proposition que les candidats battus seront nommés et vont apporter une balance ethnique dans le Parlement. Les choses restent trop floues, Madame la présidente. Quelles garanties pouvons-nous avoir, je ne dis pas un, que tous les leaders politiques croient, ou dans un avenir quand tous ces leaders politiques disparaîtront, croiront dans une représentation juste de toutes les communautés ?

Une fois cet amendement adopté, nous ne pouvons compter que sur le bon vouloir des leaders des partis politiques pour faire ce qui est juste pour la représentation de nos diverses communautés. Madame la présidente, évidemment nous ne sommes pas d'accord avec ces propositions. Pour résumer, nous proposons six points. D'abord, que la clause introduisant le *parallel mode* et le *highest* pour le choix des candidats sur la liste de *PR* soit amendée pour faire place à une autre formule qui exprimera l'essence et la raison d'être d'une vraie réforme électorale à Maurice, qui donnera un vrai sens à l'introduction d'un dosage proportionnel dans notre pays. C'est-à-dire, rééquilibrer et restaurer l'équilibre en termes de sièges au Parlement pour permettre au bloc perdant d'avoir un *wider representation*. Mais je répète, sans mettre en cause la stabilité de l'équipe gagnante. On peut trouver ce modèle, Madame la présidente. On a la boîte à outils à notre disposition, comme l'a dit M. Carcassonne dans son rapport. Nous avons des légistes, nous avons des experts en matière de système électoral, IDEA. On peut trouver ce système, pas nécessairement le *compensatory method*, Madame la présidente.

Deuxièmement, que la liste de *PR* soit allongée à 20, ce qui permettra un vrai rééquilibrage entre le bloc perdant et le bloc gagnant et qui traduirait d'une façon plus juste le pourcentage obtenu par ce dernier en termes de sièges au Parlement. C'est sur les épaules des partis politiques que reposera la responsabilité de choisir les candidats sur la liste de *PR* pour une représentation de toutes les composantes ethniques de notre pays et pour permettre l'inclusion, consolider la diversité et répondre aux besoins politiques de notre nation arc-en-ciel.

Troisièmement, éliminer les *additional seats*.

Quatrièmement, réduire le seuil des 10 % à 5 % pour permettre l'émergence de nouveaux partis et favoriser la pluralité politique. Le Chairman Mao avait dit, *let a hundred flowers bloom*, Madame la présidente.

Cinquièmement, lier à ce postulat, permettre aux électeurs de voter pour une deuxième fois pour choisir le parti de leurs choix.

Et, sixièmement, rendre obligatoire la candidature d'une femme par chaque circonscription.

To conclude, Madam Speaker, the International Institute for Democracy and Electoral Assistance (IDEA), a well-known international organisation, expert in electoral reform, wrote in their comprehensive handbook on electoral system the following, and I quote –

“The process through which an electoral system is designed or altered has a great effect on the type of the system which results, its appropriateness for the political situation, and the degree of legitimacy and popular support it will ultimately enjoy.”

I ask the question, Madam Speaker. What has been the process in our case? *Je redis*, the process through which the system is designed has a great effect on the system which results its appropriateness on the degree of legitimacy and popular support it will ultimately enjoy. I ask the question: what has been the process in our case? From start to finish, Government has imposed its model and stubbornly refused to listen to the voices of the opposition since the publication of its position paper in September. Not an iota has changed, Madam Speaker, in its proposal in spite of the flux of the multiplicity of counterproposals.

This is indeed a determining and A sad moment for our country. We have to assist helplessly at the wreck of the ship of electoral reform. I have said it myself, humbly, several times in the recent past, Madam Speaker, no electoral reform can succeed without a consensus, I am personally amazed, Madam Speaker, I am personally baffled by the rigidity, the intransigence of the young Prime Minister, today, in our country, in addressing such a fundamental issue as the reform of our electoral system, an issue which lies at the heart of our democratic set up. But it is never too late; Government can still make amends if the Prime Minister wants to *jeter une bouée de sauvetage à ce projet d'électoral reform. Il faut sauver la réforme électorale. On peut le faire, Madame la présidente*, and the best course I humbly propose to the hon. Leader of the House, so that he be remembered as the father of a modern electoral system for the next years to come or more, is that he refers the whole Bill to a Select Committee to be presided by himself or the Attorney General, which will include which Committee will include the different political parties in this House and this will enable other political parties outside the House to come to depone, to contribute, people who have for 30 years reflected on Electoral Reforms like Rezistans, Lalit and other opinion leaders. The terms of reference of the Select Committee, if I may humbly suggest, should include a

proviso that the deadline for this report should be before Parliament resumes in March next year.

We have waited for four years, we can wait for another three months, Madam Speaker, and each and every party comes, makes the necessary concession and compromise and the long cherished dream of all of us, in this House, with regard to an Electoral Reform, *digne de ce nom*, can then become a reality, Madam Speaker.

Otherwise, if this Bill does not carry the majority of three-quarter, there will be no Electoral Reform in this country which will mean therefore that all political parties will have to comply with the First Schedule of the Constitution regarding the declaration of the communities. In the light of the ruling of the Human Rights Committee, probably Government will have to come with a provisional legislation, as was done in 2014, but, as we all know, even though the legislation was adopted in 2014, recourse was still made by the Electoral Supervisory Commission to the Census of 1972 in choosing the candidates on the BL basis. Will Government adopt the same course when this Bill will be rejected as things seem to be pointing in that direction? The constitutionality of a new amendment along the line proposed in the 2014 amendment runs the risk of being challenged at the Supreme Court in the light of a ruling of the UN Committee on Human Rights. *Il semblerait, Madame la présidente, que nous sommes dans une impasse, dans un borbier juridique.* This is another reason why, according to me, the hon. Prime Minister - and I appeal to him, again - should refer this Bill to a Select Committee to enable us to reach a consensus to vote for a Bill which will usher in Electoral Reform, including the doing away of declaring one's community as required by the Constitution presently and the fulfilment of our long cherished dream of Electoral Reform. I am done, Madam Speaker. Thank you very much.

Madam Speaker: I suspend the sitting for one hour.

At 1.03 p.m., the sitting was suspended.

On resuming at 2.08 p.m. with Madam Speaker in the Chair.

Madam Speaker: Hon. Gayan!

The Minister of Tourism (Mr A. Gayan): Thank you, Madam Speaker. I am very grateful to you for giving me an opportunity to address the House on such an important Bill which the hon. Prime Minister has brought for study and for debate.

We all know that any Electoral Reform that is proposed, whether in Mauritius or elsewhere, carries with it lots of debates, lots of difficulties and it is very hard to obtain a consensus on anything. This is why I believe the hon. Prime Minister needs to be congratulated for having brought it to the House to be debated and, before bringing it to the House, he also gave a Press conference announcing all the measures that he was proposing to put in the Bill. So, there has been adequate opportunity in the country, in the media and in the House since Friday last to debate this issue.

Madam Speaker, it is significant that today is 10 December 2018, exactly four years ago, we had the general elections in 2014. It is also significant that this year is also the 50th anniversary of our independence and we are trying, on this side of the House, to bring major changes to a system that rightly or wrongly has served us well over the years.

Madam Speaker, quite a number of orators, both on this side and the other side have already spoken and I will try to address myself to the basic provisions contained in the Bill, but, of course, I will need to reply to some of the other things that have been discussed in the House.

Madam Speaker, any reform that is brought in any country creates difficulties for politicians and for the public. Even in countries that have a homogeneous population, there are difficulties, but when we bring a reform in a multi-ethnic society like Mauritius, the difficulties are even worse and this is why we have to look at this Bill with a great deal of compassion for what has happened and how we want this country to be taken forward in the future. This is not the first time in the history of Mauritius that reforms for elections are being addressed. In fact, quite a number of hon. Members have spoken about the history of electoral reforms that have been brought.

We are in a democracy and we need to know that, in Parliament, we can have very rigorous debates. We can disagree with what hon. Members are saying, but we need to have respect and this is why I am going to ask a question to this House: who knows what is the distance between the Government benches and the Opposition benches? There is a symbolism about it and there is a philosophy. It is two swords and one inch. The reason being that politicians can be at daggers drawn but they should not draw daggers and this is why I believe that democracy is so important, not only for Mauritius but for all countries and this is why this debate is so important.

Madam Speaker, in 2014, I am referring to this because the hon. Member who spoke before me was instrumental in bringing the alliance between the Labour Party and the MMM to fruition. He was a go-between, he, of all people, knows...

(Interruptions)

I wasn't going to use the word *agwa* but *agwa par excellence*. So, he knows how difficult it is to address the issue of electoral reform.

(Interruptions)

I didn't use the word...

(Interruptions)

Okay, if it going to create any...

Madam Speaker: Yes, please...

Mr Gayan: I withdraw it. But, I want to say, Madam Speaker, that...

(Interruptions)

...when the Labour Party and the MMM alliance published their electoral alliance agreement, there was something there about electoral reform, and I quote from that document –

“Our two parties have reached agreement on introducing electoral reform in Mauritius. The main features of the electoral reform agenda are to ensure government stability, to consolidate democracy, to enhance party fairness, to foster broad based socio-demographic inclusion and to promote fairer gender representation. More specifically, we have agreed as follows:

- (i) to retain the current FPTP formula with 20 three-member constituencies in the Island of Mauritius;
- (ii) to have 3 constituency MPs from Rodrigues; to introduce 20 Party List seats so as to ensure party and gender fairness and to subsume the current BLS into a new dispensation for rainbow representation;
- (iii) to provide that no more than two thirds of candidates are from the same sex;
- (iv) to establish a minimum threshold of 10% of national votes to be eligible for Party List seats;

- (v) to give the option to parties to field double candidacies; and
- (vi) to return Party List MPs from either one single Party List or two separate Party Lists.”

This is what we are saying.

(Interruptions)

A 10%?

Now, hon. Ganoo wants 5%, I can understand why, it is his legitimate right to suggest an amendment to the 10%, but he was party to the 10%. He negotiated that, there must have been a basis for 10% and when we look at all the reports whether from Banwell, Sachs, Carcassonne, Sithanen, everybody proposed 10%. And there are various reasons for the 10%, because 10% prevents the small fringe right wing or radical parties to field candidates and to be part of the mainstream politics. We want to discourage that, we want everybody to be part of the mainstream politics. So, 5%, hon. Ganoo agreed to this, and he defended it...

(Interruptions)

Madam Speaker: Hon. Member, you have already addressed to the Assembly.

Mr Gayan: Madam Speaker, one of the criticisms that have been levelled against this proposal of the hon. Prime Minister is the rule of the party leaders. I must say that the agreement, itself, does not address the issue of party leaders, the role of party leaders; however when the Constitution (Declaration of Community) (Temporary Provisions) Bill was presented in the House in 2014, the then Prime Minister, in his summing up, said the following, as I said, I’m quoting from part of his statement –

“As I said, Mr Speaker, Sir, the Bill is practically ready except on second thought, there are some alternate proposals that we think could be included to give parties options to choose from.”

And that was at a time when the Assembly had been closed for nine months to discuss electoral reforms. Hon. Dr. Boolell was saying they could have brought the reform, but the Assembly was closed. Anyway that is *le passé*. For example, I’m continuing with previous Prime Ministry’s statement –

“For example, we think parties can have the option of double candidacies if they want it, if they don’t want, don’t use it! We also think that for the 20 additional

seats, there could be two lists: a list A and a list B - 14 to be chosen from list A, six from list B by Party Leaders for the list B or alternatively, we think it's possible to have only one list of 20, from which six will be chosen from the Leaders."

This is what he said. So, where is the difference between what we are proposing and what they proposed? This is exactly what they said, and hon. Ganoo was party to this, he voted for this, he supported it fully and today we hear lots of things about party leaders, it is a travesty of democracy, a dictatorship of party leaders, but let us face facts, Madam Speaker.

Since the existing system has been operational, all party leaders without any exception have made sure that, in their list of 60 candidates, there is fair and adequate representation of all segments of all communities.

From 1967 until today, there is that unwritten formula of 36-16-9-1. This has always been the case. Party leaders have been acting responsibly. Whether they are in Government or out of Government, party leaders are party leaders because they have that sense of the nation, because any Parliament must represent what the people want it to be and must represent the composition of the nation. Everybody out there must see reflected in this House their own sense of belonging. This is what Parliament is all about, and this why I believe that the reforms that are being brought, Madam Speaker, are very important for the continued thriving of our democracy. So, I need not dwell more on what hon. Ganoo negotiated with the then Labour Party with regard to electoral reform.

(Interruptions)

Madam Speaker: Hon. Ganoo, please don't interrupt. You have had one hour to talk.

Mr Gayan: But, history being history, Madam Speaker. In fact, when everybody started thinking very strongly about PR, Proportional Representation, it was when we had the first 60-0. Before that, no one even envisaged the possibility of a 60-0, because the Constitution was drafted in such a way that there would be a Government, an Opposition, but the first 60-0 really focussed the minds of all people and this is also important because we need to have a system that is fair, we need to have the system 'First-Past-the-Post' which is the will of the people, they elect the 60 candidates and that will of the people must not be frustrated.

When Sachs reported that we could have 30 PR seats, there were simulations made. When there were only two parties, that could not have frustrated the will of the people. But if

there were more parties, the will of the people would have been frustrated by the allocation of PR seats. So, it is a very sensitive issue. Are we in this House going to frustrate what the people have decided on First-Past-the-Post? It is easy to say that there has to be a fair representation of the votes that have been cast for the Opposition parties. Fair enough! But, not to the detriment of stability. This is what we are saying. We want a system that is stable, that will allow a Government to function, that will not be subject to any kind of *manigance* with a view to having *transfuges*. Since I am talking of *transfuges*, hon. Ganoo, this morning, said quite a number of things about *transfuges*. Hon. Ganoo, in 2014, was a candidate with MMM-Labour Party Alliance. He was elected on that ticket. Where is he now? Is he a *transfuge*?

(Interruptions)

I am going to give you the definition.

(Interruptions)

Larousse!

(Interruptions)

I will give the definition, because *transfugisme* does not necessarily mean...

(Interruptions)

Madam Speaker: Hon. Ganoo!

Mr Gayan: ...somebody from the Opposition crossing the floor to this side!

(Interruptions)

Madam Speaker: Hon. Ganoo!

Mr Gayan: It does not only mean that. Let me give you...

(Interruptions)

Madam Speaker: Hon. Ganoo! You keep interrupting the hon. Minister? He did not interrupt you when you were speaking.

(Interruptions)

Mr Gayan: Madam Speaker, I went to Larousse. Where else should I go to find the definition of *transfuge*? It comes from the Latin word *transfuga*. *De fugere, qui veut dire fuir*.

C'est un soldat qui déserte et passe à l'ennemi. Une personne qui abandonne un parti, une doctrine pour se rallier à une autre.

(Interruptions)

Madam Speaker: Hon. Ganoo, will you continue to interrupt? In fact, this is the second time I am drawing attention that there should be no comments from a sitting position. The hon. Minister has all the right to express his opinion. You have expressed yours and he is expressing his.

(Interruptions)

Mr Gayan: Anyway, I do not mind giving this definition to my friend. Hon. Ganoo is my friend. We were at college together.

(Interruptions)

Madam Speaker: Hon. Rutnah, please do not add fuel to fire!

Mr Gayan: But when I was listening to the debates, I was appalled, Madam Speaker, by what I heard the young Members of the House say. They were harping on communal politics, on the days when people were adhering to a party simply on communal grounds. We have moved from that era. We could also play the communal game. In fact, Madam Speaker, if you go to Hansard, in your Library, there are cases of debates; when the debate was about whether or not to give the right to vote to the coolies, to the Hindus. Do you know what was said? "Are we – we meaning those who were then in power - are we going to sit next to a Hindu whose hair is filled with oil and lice dripping from his hair on his face?"

That was the kind of debate that was being held in this House. We can also play that communal game, Madam Speaker. But we do not want to play it because we want our country to be a modern country where everybody feels that he has a right to be here and a right to participate in every aspect of national life. This is what we want. This is why we are not going to travel on the ground of communalism. And this is why, Madam Speaker, I hope that the young Members of the House will think about their place in history and will make amends by not adopting communal instincts. And I also want to say something about hon. Shakeel Mohamed, who, unfortunately, is not here, but I will wait for him to come back to say it to his face. So, I will come back to him if he comes while I am still speaking, Madam Speaker. This is why, on this side of the House, we think that this Bill is necessary to modernise our electoral system, to undo the injustices of First Past the Post system, to bring a

dose of PR, to allow for fairer gender representation and to have anti-defection clauses. But politics being politics, we will have elections and sometimes general elections are fought while respecting the other side. Sometimes they are fought with a great deal of hostility between the opposing parties.

In 2005, Madam Speaker, there was the MMM-MSM Government and hon. Bérenger was the Prime Minister leading the alliance into the elections. I may disagree with hon. Paul Bérenger on many grounds, but I have a lot of sympathy for him because he suffered as a result of communal comments regarding his Prime Ministership. You know what the Labour Party said in the campaign in 2005? *‘Pouvoir pe sape dans nou la main!’* And that was...

(Interruptions)

Madam Speaker: Hon. Dr. Boolell! Allow the hon. Minister to talk!

Mr Gayan: Now, he is talking. When he went to challenge Navinchandra Ramgoolam, then he should have spoken!

(Interruptions)

Madam Speaker: Hon. Ramano, now it is your turn!

Mr Gayan: I was elected in 1983 in Quatre Bornes.

Madam Speaker: You will have the opportunity also to address the House!

Mr Gayan: Posters like *baap baichoua!*

But anyway, hon. Dr. Boolell should know. You know that this kind of campaign is not what a modern Mauritius wants. Let us fight on ideas. We can fight on so many issues but fighting on the colour of skin of a leader of a party is unacceptable. This is why I express the hope that this kind of campaign will never take place again.

Madam Speaker, I said earlier on, that all countries have different electoral systems and they all are not happy with their system. Let me take the case of the United States. The United States has a mode of election of the President which is based on the popular vote, but also on the Electoral College. At the last presidential elections, Hilary Clinton won on the popular vote. She had about 3 million more votes than Donald Trump, who was the candidate of the Republicans. But Donald Trump was made the President because of the vote of the Electoral College. Now, what is Electoral College? Each State has a number of votes, and the

States need not have the same number of people in each State. In the Senate, there are two representatives from each State, irrespective of the size of the State.

There is now a debate in the United States on how to address this issue, but that is their problem not our problem. We also have other systems. In Fiji, which is very similar to Mauritius, they have a single constituency for the country. For a Party to be eligible to participate in the PR seats, they need to have 5% of the votes. In Sri Lanka, it is a bit like Mauritius. But there are problems everywhere we go because people are never happy with any system and this is why, Madam Speaker, when we address the issue of electoral reform, we have to understand that Mauritians are used to the system that we have. When I read the Papers, when I listen to the media, and on that I agree with hon. Ganoo that there is in the public opinion a degree of hostility, let me say it, about an increase in the number of MPs because of the costs involved. I hoped that the media would address this issue in a responsible way by saying that if we want to correct the injustice of the First-Past-the-Post system, we need to have an increase of MPs because, under the existing system, we cannot do it. But that is not what we see in the media, the media is focusing on how much it is going to cost per MP, how much it is going to cost per year, how much it is going to cost for the 5 years. That is totally irresponsible. This is why, Madam Speaker, I hope that when the time comes for the vote to be taken, everybody in this House will understand the importance of the vote that they will cast and that they will do what they have to do because it is important for the country.

Madam Speaker, there is consensus on lots of issues in this House. I have mentioned some of them. On the issue of the existing system of First-Past-the-Post, we agree. On the PR, we agree. It seems to me that the MMM is not agreeable on the numbers, whether it is 12 or 14, but we do not know whether that is a major impediment for them to vote. We agree that there is a need to subsume the BLS into the system that we are proposing. Now, what does subsume mean? Does subsume means abolition? Does subsume mean absorb in the system? What does it mean? Sachs talks about it, we all talk about it. The MMM/Labour Party agreement talks about it, but we have not defined exactly what we mean by subsume because the BLS, Madam Speaker, is a sensitive issue. Unless all communities in the country feel that they are happy or they will be able to live with the proposals, it will not be something that will be acceptable to everybody. This is why the Party leaders, not only in this Government, but even in the agreement of the Labour Party and the MMM, the Party leaders had that role to ensure that the BLS, if done away with, would not create difficulties for the

adequate and fair representation of all communities in the country. Is this something which is so unreasonable for everybody in this House to accept? Because with the existing BLS system, with the case at the UN Human Rights Committee, with the cases in Court, with *Rezistans ek Alternativ*, it is going to be difficult to do otherwise than to do away with the BLS, unless we have another system, but no one has been able to think of another system yet.

Madam Speaker, this is an issue that I believe the Party leaders, in the way they have conducted themselves since 1967, have shown that they are taking on board the concerns of every community. There is no reason to doubt that this will continue to be the case in the future. I believe that this is something that is important to reassure everybody that we are not doing something which is going to undermine or cause any kind of discomfort to any segment of the population.

Madam Speaker, hon. Adrien Duval said something about the Deputy Prime Minister, that the Deputy Prime Minister had requested or asked the Leader Opposition to come and campaign for him in Constituency No. 19 otherwise he would not have been elected. Just imagine! In fact, I am informed by the Deputy Prime Minister that he did ask the Leader Opposition to come for a meeting, but that was for the candidate of the PMSD who, in fact, was not elected. That was the reason.

(Interruptions)

Madam Speaker: Hon. Rutnah!

Mr Gayan: Madam Speaker, hon. Ganoo, at the end of his statement, made certain suggestions and he thought of having a new formula *parce que la boîte à outils est là*. Carcassonne had said so. But if it was there, why did not Carcassonne put it in his report? Where is that *boîte à outils*? Political scientists all over the world will differ on what is the best system because no country is the same. Mauritius is unique in terms of the system that we have. One just has to go back to all the reports from 1885 until today. Everybody says that there is no perfect electoral system, and now, I understand from hon. Ganoo that it is possible to have a perfect electoral system. Hon. Dr. Boolell said: 'Withdraw the Bill. Let us have another kind of exercise.' Madam Speaker, we must face the music. The Bill has come to the House. People will have to vote. After the debates, we will take the decision that we need to take.

Government considers that this is the minimum acceptable electoral reform that is going to pave the way for a better system, to undo the damage that First-Past-the-Post does

with regard to adequate representation, but there is no magic formula in elections and this is why I believe that the *boîte à outils* is something that will remain a *boîte à outils* because it will not be able to generate any kind of system that will be acceptable to everybody. He also proposed the elimination of additional seats, but I believe that he understands why the additional seats, with the Party leaders choosing, is important for ensuring the harmony and the cohesion of the society. He also suggested the 5% to be eligible for PR, but I think that also is not possible because we all have agreed on the 10%.

Madam Speaker, now that hon. Shakeel Mohamed is here, if I may just ...

(Interruptions)

Madam Speaker, hon. Shakeel Mohamed, when he intervened, he took me to task for having at one stage said that for the first time in the history of the Labour Party a non-Hindu was heading the Labour Party in the House. Now, I said so because it is a historical fact. There has never been a leader of the Labour Party in the House except a Hindu. I am talking of post-independence, but then I started looking at what Shakeel Mohamed, himself, has said. He gave an interview and he was asked: *‘Vous visez une position dans la hiérarchie du parti qu’il s’agisse du leadership ou d’un autre poste ?’* And what does he answer? *‘Ce qui est triste, c’est que vous ne pensez même pas que je puisse devenir leader.’ ‘J’ai tout de même évoqué le terme leadership dans ma question.’ Non, non, non vous n’avez pas pensé leader mais leadership, une position dans la hiérarchie ; vous ne m’avez pas demandé pourquoi ce ne serait pas moi le leader, et vous savez pourquoi ? C’est parce que tout le monde pense qu’il faut un hindou à la tête du Parti travailliste. C’est là où tout est faussé. Quand est-ce que l’ability primera-t-il sur l’aspect community. L’idée que Shakeel Mohamed devient un jour le leader du Parti travailliste ne vous a jamais traversé l’esprit et vous avez raison, moi non plus je ne pense pas que je puisse devenir le leader du Parti travailliste.’*

Then, he gives another interview to Eshan Dinally and to Adila Mohit-Saroar, and he says –

« Dans quelques années si Dieu le veut et si j’ai le soutien de la population et du parti, pourquoi pas aspirer à être le numéro un. »

It is legitimate. It is perfectly legitimate. And then he gives another interview to Cedric Ramasawmy on the leadership du *Parti travailliste* –

« Shakeel Mohamed change son fusil d'épaule, il revient sur ses propos. Shakeel Mohamed affirme que seul Navin Ramgoolam pourra mener le parti à la victoire, contrairement à ce qu'il avait dit en 2015. »

Just like when there was the abortion Bill, you spoke against it and you voted with the Government.

Madam Speaker: Don't address the hon. Member!

Mr Mohamed: I am sorry, on a point of self-explanation. He should check his notes. I never spoke against it and I assume what I did. I voted for it and I spoke for it. He must check his notes back.

(Interruptions)

Mr Gayan: Okay, if I am mistaken, I may correct it.

(Interruptions)

Madam Speaker: Please...

Mr Gayan: But let me complete on hon. Shakeel Mohamed! When he speaks to Cedric Ramasawmy, *il revient sur ses propos, etc* –

« En 2015, il avait dit que Navin Ramgoolam devait céder sa place en raison de ses « casseroles ». Le député rouge affirme désormais que les attaques contre le leader du PTr sont sans fondement (...). »

Now changing from one to the other a matter of principle and talking about communal matters...

Madam Speaker: He opened the debate. That is the relevance, he opened the debate.

(Interruptions)

Mr Gayan: Yes, Madam Speaker. Madam Speaker, he keeps...

(Interruptions)

Madam Speaker: Hon. Shakeel Mohamed, are you defying what I have said.

Mr Mohamed: I am saying I do not agree with you.

Madam Speaker: Yes.

Mr Mohamed: I do not have to agree with you.

(Interruptions)

Madam Speaker: Please resume your seat!

Mr Mohamed: You asked me, I stand up.

Madam Speaker: You opened the debate and that is why he is replying.

(Interruptions)

You can say whatever you want but not from a sitting position.

Mr Mohamed: You want me to stand up? I will do.

Madam Speaker: Yes.

Mr Mohamed: I do not agree with you, Madam Speaker, and I say it respectfully. Thank you very much, Madam Speaker.

Madam Speaker: What I will do is that I will suspend the session. I will check from the records what you said and I will come back with a ruling. I suspend the session.

At 2.46 p.m., the sitting was suspended.

On resuming at 3.28 p.m. with Madam Speaker in the Chair.

Madam Speaker: Hon. Members, I have perused the unrevised version of the verbatim report of the intervention of hon. Shakeel Mohamed in the course of the debate on the Constitution (Amendment) Bill on Friday 07 December 2018. Hon. Shakeel Mohamed is reported to have said, I quote –

“I wonder whether he recalls one of the very first speeches that a Member, seniormost Member of his political party made in this august Assembly, was hon. Gayan, when he pointed at me - sitting in front as the *chef de file* of the Labour Party, as the parliamentary Leader of the *Labour Party* - and said that he finds it totally bizarre, and that really struck him, how come the parliamentary Leader of the Labour Party today is a non-Hindu but a Muslim? How come? And he said that, it is recorded in Hansard.”

In the circumstances, I rule that the hon. Minister is entitled to rebut the argument of hon. Shakeel Mohamed in respect of his good self. However, I would request hon. Members to exercise restraints in their interventions and not to make personal attacks. Thank you.

Hon. Minister, you may proceed, please!

Mr Gayan: Thank you, Madam Speaker, Madam Speaker I wish not to take too long in my concluding remarks, but I need to say a few things because we are dealing with a matter which is pregnant with history. I understand that it was mentioned that the *Comité d'Action Musulman* was always a sort of a party that was not communal-based. There was the report of Banwell, and I am referring to paragraph 22 of that report which reads as follows and there are lots of other things, but –

“We think that the fundamental character of the electoral system should as far as possible not prejudice the issue of whether parties will seek and find support across community lines by assuming that they will not. But it must try to provide some insurance against the failure of parties to do so by removing the fear that the Electoral System will so magnify the power of majorities as to jeopardise entrenched constitutional rights. We were glad to note that with the exception of the MCA, the Muslim Party, the main parties stated the intention of making an appeal to all sections of the population. So, if there was any doubt to be dispelled, I think this is here that the *Comité d'Action Musulman* was a party purely on communal grounds.”

The other thing that I need also to say for the sake of history is that the Muslims and the Chinese were used to having seats in the House as nominated Members and this is why in all the Constitutional Reports that we have been considering, they were asking for reservation of seats for their specific communities and this is something that was rejected by the main parties, at the time, the Labour Party and the PMSD. The Labour Party and the IFB then, accepted that reservation of the seats could be okay if it was a temporary measure, not a permanent feature of the system.

We must also say, Madam Speaker, that we have come so far and we are glad that we have come so far in a spirit of harmony and in full democracy, but it was not always easy and this is why I will urge the hon. Members of the House to learn something about history. Madam Speaker, I have borrowed a book from the Library upstairs, the title is Sir Seewoosagur Ramgoolam battles for a Democratic Constitution of Mauritius and this book covers all the gamut of reports on elections from 1885 until recent times. The Governor was making suggestions, the parties were making suggestions to electoral reforms but there was a lot of things happening which could have derailed the country in terms of communal strife. I just wish to quote with your permission, Madam Speaker, what one Dr. Rohan said and I am quoting from page 110 of this book written by Pahlad Ramsurrun, and I quote –

«Le Dr. Rohan considère que les propositions faites par le Gouverneur au sujet du cens électoral sont libérales. La Constitution de 1886 a été l'objet de beaucoup de critiques venant, de la communauté indienne. Avec ce que propose le Gouverneur, la population indo-mauricienne obtiendra le droit de vote dans une mesure de plus en plus grande, avec l'expansion de l'instruction dans la colonie. Le Dr. Rohan dit que, tout, dans la nature, se développe par degrés successifs. L'évolution graduelle est une loi biologique. Le Dr. Rohan s'excuse de faire des comparaisons d'ordre scientifique, mais cela est dû à la formation de son esprit et aussi aux observations qu'il a faites dans la vie politique. Le Dr. Rohan parle des phases de développement dans le cas d'un insecte, le papillon : la larve informe devient chrysalide et la chrysalide, en s'ouvrant un jour, donne naissance à un petit insecte qui s'essaie à voler et qui deviendra bientôt un beau papillon. L'évolution politique d'un pays doit se faire par degrés »

Madam Speaker, and then he goes on to say –

«Le Dr. Rohan dit que le cens de l'instruction, tel qu'il est contenu dans le plan du Gouverneur est une chose qui a sa nécessité. Il est nécessaire que le votant puisse lire son bulletin de vote, qu'il puisse exercer quelque discernement afin de ne pas voter des charlatans et des non-valeurs. Il ne faut pas encourager à l'élection des charlatans politiques »

This is the kind of language that was being used when we were developing the Electoral System of Mauritius.

Madam Speaker, this is why I believe that it is very important for all of us to understand that, from property qualifications to be an elector, from literacy tests, from all sorts of other tests, we have come a long way and this is why we should not jeopardise what we have achieved and this is why I think that what the PMSD is trying to do with regard to a census for the BLS is very dangerous. All the main political parties have rejected that, and I am glad that that is the case and the census will be a backward, retrograde step which is not consonant with what Mauritius is today.

Madam Speaker, let me say also that the hon. Leader of the Opposition was chairing the Ministerial Committee on Electoral Reform, I was a Member of that Ministerial Committee. He chaired it until he resigned. We had lots of meetings, lots of discussions and, at no stage, during the time when he was chairing that Committee, did he raise the issue of the census or

boundaries? At no stage, and had he done so, we would have convinced him but he did not. So, I think that he is...

Mr Mohamed: On a point of order, Madam Speaker. This hon. Minister has just referred to the workings and the deliberations in a Ministerial Committee. If I am not mistaken, this report of the Ministerial Committee and the ministerial proceedings were never made public. So, he is now divulging confidential information to the House. If he has done so now, so I'll request that he tables the document for us to be able to verify what he is saying because he cannot divulge....

(Interruptions)

Madam Speaker: Now, it's for the hon. Minister who was a Member of that Committee to decide whether he wants to provide that information to the House or not. If he wants to provide that part of information, he takes his entire responsibility. This is my ruling and it is final, and I would ask the hon. Minister to proceed with his speech.

(Interruptions)

Mr Gayan: Well, if I am not speaking the truth, the hon. Leader of the Opposition is there, he will be able to correct me. He will have the opportunity to say that but I have said what I have said from personal knowledge and I am saying it Madam Speaker because the PMSD, today, is adopting the stand it adopted at the Banwell Commission Report.

I am referring to paragraph 25 of that Report, and I quote –

“It is true that Muslims and Chinese have grown accustomed to special representation by means of nomination. Moreover, we accept the view that in a country which is contemplating the prospect of independence it is undesirable that any section of the population should feel that its legitimate political aspirations are frustrated by the Electoral System. We do not, however, think that legitimate aspirations should include a mathematically exact representation of communal groups in the Assembly, still less one secured by reservation.”

That was the stand being adopted then by the PMSD. So, I believe that there has been no change with regard to the thinking, with regard to the progress that has been achieved in that country and this is why I am very happy that all the major political parties have rejected the census issue.

Madam Speaker, in the Bill that is before us, there is a provision regarding the mandatory declaration of community when you stand as a candidate for the general elections. I think this is in keeping with what is happening at the United Nations and before the courts and it is also important that we build together the Mauritian nation and we do not give any assistance to any person who wishes to incite communal hatred of any kind at this stage in the development of our country. We have reached a level of development which is, I think, very appreciable, which is envied by all the countries in Africa and in the world.

We should not take any decision that might derail that progress by adopting things which are communal or antipatriotic. We believe that we need really now to work for the next 50 years on a system which would be fair, which will give to any Mauritian a sense of belonging to its Members in the House and a system of elections that will really be responsive to the needs of future Mauritius.

Madam Speaker, I am sorry, if I have, in the course of my address, said a few things which were tough, but they have to be said, because it is important for the whole of Mauritius to understand that when we are adopting a system for elections, we want it to stand the test of time, we want it to be accepted by everybody, so that everybody understands it, and a system that is not understood by the people will not be workable. So, we want a system that is simple, that is fair, that provides adequate representation to all segments of our population. But it should also make sure that by the adoption of a PR system, the will of the people is never frustrated. So, this is why in the Bill we ensure that whatever has been the result of the First Past the Post must not be disturbed by the application of any other system.

Madam Speaker, of course, in a Bill of this nature, we cannot have consensus in the country and in the House. But this is a very important Bill for the future development of our country and I will certainly be voting in favour of the Bill.

I thank you, Madam Speaker.

Madam Speaker: Hon. Baboo!

(3.43 p.m.)

Mr S. Baboo (Second Member for Vacoas & Floreal): Thank you, Madam Speaker.

Madam Speaker, we have heard passionate speeches, on this side of the House, which shows the love we have for this country and the outcry of all the Opposition parties further to

the fear of this manipulative strategy of so-called reform of this Government for our multi-ethnic population.

Fifty years after its Independence, Madam Speaker, Mauritius is now going through a critical period, whereby we are witnessing that our freedom is being baffled. It is, indeed, a dark period of our history and this will be forever engraved in the next 50 years. When we will celebrate the centennial of our Independence, this Reform Bill, if ever, it passes the voting stage, will be used as one of the best case study of a worst example in Universities and the academic world. Generations to come will laugh at us and at the inheritance we have left for them.

Madam Speaker, while there is a consensus in this House that our electoral system has served its purpose for half a century, this present Bill will in no way improve or enlarge our democratic space. On the contrary, it will bring more problems than it is attempting to solve. It will bring more frustrations and disappointment among the electorate. Members from the other side should hear what is being said outside this House. Maybe they do not know, since some MPs are not being able to show their faces in their constituencies. Let me, therefore, convey a few of the comments. This is a reform to shoot a hidden agenda of the Government. It is not representative of all sections of the Mauritian nation. The electoral and demographic profile of the country has changed. The majority of the 60's, 70's and 80's are no longer the majority of this millennium. We are in 2018 and not 1976, Madam Speaker. The whole system has been lopsided since 1972, because it is precisely the census of 1972 that has been used in the various elections that followed, especially for the nomination of best losers.

For 10 General Elections, for almost 40 years, we have been made to believe that the demographic profile based on communities had been static. No, Madam Speaker! Demographic is dynamic and we know it. Why in some quarters there is a lot of resistance for a new population census? For how long will we keep swiping the dust under the carpet? We certainly cannot fool all the people all the time, Madam Speaker. The Fathers of our Constitution in their wisdom had very thoughtfully decided that all the sections of the population have to be fairly represented. Our present electoral system has served us well. Let us please, not show ingratitude, let us be grateful to those who left us with a system that has stood the test of time.

Madam Speaker, there have been changes. The Mauritian citizen of today is more alert, more informed, more educated and more intelligent to understand where this

Government is taking us. In fact, the MSM, in all Governments, has already been resistant to changing the present system, because it has always suited their purpose then. There is a fear among Members of this Government today, because people have realised that the tides have turned. They are now asking some serious question as to why we should always have a specific community and a specific cast at the helm of the Government. What in real terms make the majority of the Mauritian population today, in 40 years? Several generations have come up and the population today wants to know who really holds the majority. Besides, we agree that the clarification of the communities in Hindus, Muslims and Chinese is in itself rather obsolete, absurd and even anachronistic to say the least. This is an opportunity to do away with the adversity, Madam Speaker.

We have all along being decrying the electoral boundaries, the way they are now. The statement of the Leader of the Opposition to the Electoral Boundaries Commission last September as per section 39 of our Constitution to decline the largesse and the distortion of the democratic will of our population being baffled due to the inappropriate electoral boundaries. Certain people in and outside this House have expressed the dangers of gerrymandering but, in fact, we all know that what has been happening in the past is a disguise from gerrymandering. You can just look at the density of the population in some constituencies and the number of voters and their communal profile to reveal that demarcation line of our boundaries have been carefully and shrewdly crafted and calculated to further the gains of whoever wants to stay in power.

Madam Speaker, in spite of all this, we should admit that the First Past the Post and the Best Loser System have brought stability to the country and our complex multi-ethics society. No system is perfect, but any democratic system that brings more and fairer representation and stability cannot be bad. Moreover, Madam Speaker, this proposed system, I will refer here to subpart (c) of the First Schedule of the Bill, provisions which intends to give enormous power to some political leaders, the leaders for life, who are already very powerful.

Madam Speaker, when we look at this Bill, it creates havoc in the mind, as if bits and pieces of some sort of reform have been collated and presented to this House to show that the Government means business, only this Government has been able to present an electoral reform. It is, indeed, a *caricature*, as rightly pointed out by hon. Ganoo. Madam Speaker, a bit of gender equality here, a bit of anti-defection provision there, a sort of twin of the Best Loser System. That is what is being presented to this House by this Government, when it

promised in its electoral manifesto for a full-fledged anti-defection law to deter the politics of opportunism, not only for those turncoats or unreturned candidates who backstab their mother party and obtain a seat in this august Assembly, but also who prove a serious disrespect to the mandate of the people in lieu of office, ministerial trappings and power.

Madam Speaker, coming back to Sub-Part C of the Bill, the fear is that Party leadership has been the cause of splits and disaffection. Now, it is being requested to have the Party leaders to nominate Members on the Party list and for the best losers. If we look at the current stance of this Government and with this provision, we shall not be surprised to count among the powerful advisors of the PMO on the PR list, like what is happening in Constituencies Nos. 6 and 7. It will not be abnormal if we find '*Prend Cash*', with his super powers getting through the backdoor! Madam Speaker, this provision is a knife in the back of those MPs and candidates who toiled their constituencies day and night, went through the pole and are democratically elected and having nominees in waiting to bleed the population wide. This provision, Madam Speaker, is more a regressive one, allowing leeway for corruption, the increase in 'yes-men', bootlickers. We ask ourselves: where are we heading with this blunder towards our democracy, the blunder towards the voters. For sure, the response of the electorate in the next General Elections will be of corrective nature.

Madam Speaker, if we look at Sub-Part C Section 8 - Allocation of Additional Seats, the increase in the number of seats to 85, once again, the Government fails to hear the public outcry. Already our Members and the outrageous number of Ministers for such a small country are beyond imagination! The salaries and perks of our Ministers, including their pensions, have, for years, been a bitter pill for the electorate and taxpayers. Now, we are being told that we need 23 more Members. It shows clearly that this Government does not have the interest of the country and its population at heart. They are far from that *gouverner pour le peuple, avec le peuple, et dans l'intérêt de toute la nation*, but more unashamedly governing for themselves.

Madam Speaker, how will there be any improvement to the lot of the lower middle class and the down trodden citizens of this country by such an increase in the budget of the House and Government, or they just find a parade, just trying to justify the *raison d'être* of this reform? If you go out on the streets and ask 10 people who the PPSs of such and such constituencies are, you will be surprised, Madam Speaker, of the number of people who will be in a position to answer you, even some Ministers, in spite of appearing on local TV day in, day out, are not known. Madam Speaker, if you go in town now and ask the common man

who is the Minister of Environment, I bet 9 out of 10 will not know. If you are lucky, they may remember hon. Dayal as the Minister of Environment!

Madam Speaker, why do we need so many seats now to add to the burden of the taxpayers? Will more Members mean more Ministers? More PPSs? Are these jobs for cronies, Madam Speaker, like what has been and still is happening with nominations in the Parastatal bodies and Government Corporations? They keep creating authorities on authorities, commissions on commissions, Ombudsmen to make space for the cronies! Madam Speaker, we are almost at the end of a mandate and almost on the doorstep of the next election, this Government hidden strategy pervades this electoral Bill and reform.

Madam Speaker, coming back to the Bill, I must say that the proposed PR and its mode of allocating the seats look complex and murky for the common man. It is a fact the voter should be at the centre of our preoccupation and not some hidden agenda. For some people it makes sense because for them, politics is more of a game or gamble, and this is why the electorate answers back by seeing politics as a dirty game or they are all the same, or everything is possible in politics. No, Madam Speaker, everything is not possible in politics! When we hear some of the orators on the other side of the House, we get the feel of their frustration that the proposed Bill is not digested, even getting to animosity as if the Bill has been gasted in store. You would recall how the PMSD left this Government in December 2016, the hastiness with which the Prosecution Commission Bill was being brought forward without diligent examination or consultation of concerned stakeholders and the Bar Council, History is doomed to repeat itself with this Government, Madam Speaker.

This side of the House is only voicing out what our multi ethnic population is saying when no consultation is made with political parties, no concern shown towards the voters' opinion and when manipulating our Constitution becomes the parody of a one-man show Government, the Constitution (Amendment) Bill (No. XXII of 2018) is doomed to fail. Those who drafted this Bill did not have in mind the voters or the electorate as such. But now, they can assure a victory in the next election. How? They can win the maximum number of seats when this Bill should have been a completely dispassionate and disinterested one.

Madam Speaker, we have had so many reports and Commissions; the Carcassonne Report, the Sachs reports, the Select Committee, the Sithanen Report, to name but a few, Madam Speaker. What has happened to them, if not all gathering a thick coat of dust in some Government drawers! This one, Madam Speaker, looks more like a mismatch done hastily

and *au petit bonheur* just because we are getting nearer and nearer to the next election, and because of the UN. If this Government really means business, this should have been its priority. On this side of the House, we take strong exceptions to the way the PR and the additional seats will be manipulated.

This Government is playing with fire, Madam Speaker. If this Bill passes, come next elections, we will find ourselves with numerous Court cases of candidates and other stakeholders contesting these nominations.

It is clear that the whole exercise looks rather flimsy and has no strong foundation. In some countries, such reforms have caused havoc over an election, countries nearest to us like Kenya and Zimbabwe. If we do not have a better system to propose, let us not sacrifice the stability of this country on the altar of a so-called electoral reform or enlargement of democracy. This system has worked. If it works, why are they trying to fix it with these four pages?

Before ending, Madam Speaker, let me come to the thorny issue, the apple of discord. The core and the very reason for this Bill in front of the House today, is the Best Loser System. All along, the PMSD has been for the maintenance of the Best Loser System. We are consistent on this. We have not changed an iota, Madam Speaker. When we took our stand on this, there were loud cries of disapproval from various quarters. We were termed reactionaries or *passéistes*, that we were against progress. What have we seen now, Madam Speaker? The Best Loser System has become additional seats. In fact, we are making a fool of the electorate. This clause of the Bill smacks of hypocrisy, Madam Speaker.

This Government is known for changing names of things from *Métro Léger* to Metro Express. Today, what message is this Government sending outside this House? That we have no alternative to the Best Loser System, except by changing its name! They have only changed the package to make it more edible, more marketable and more saleable. Madam Speaker, on what basis are we going to nominate the additional seats, if not, on the same old system of communities, race and religion, with the same census and statistics of 1972 with the minority and so-called general population taking a backseat in all spheres of political, social and economic life of this country. For too long, Madam Speaker, the general population has been neglected in some quarters like the backyard of a warehouse for keeping goods not good enough for the showroom. It is high time they are brought back to the showroom and the only way to do this is by having a real population census. For too long, we

have been made to believe that religion, race, colour, creed, community are the essentials of our democracy. We have classified people by what we think of them, difference based on obsolete, 40 years old figures. The electorate is watching every move of ours during the debate, Madam Speaker. This is a golden opportunity to address this issue of majority and minority once for all. It is better we debate and quarrel among ourselves in this House instead of the whole thing spilling out of this House into the crowds in the course of an election campaign or after the proclamation of the results.

Madam Speaker, today is a sad day for democracy. The nation builders of this country and the fathers of our Constitution and democratic system should be turning in their graves when they see this mockery of a reform brought in front of this House by this Government. I wonder, Madam Speaker, if the Prime Minister himself and his Government are sincerely convinced about the validity and success of this reform. We, on this side of the House, are against a reform that will bring more ill will and disappointment among the people. Controversial manipulation may be risky for our small island with our multiracial and multicultural context, which may flare up social tension and sweat our island's peace and harmony, which we have been enjoying for the past 50 years, Madam Speaker. 50 years down the line, Madam Speaker, we should already have enough maturity to come up with a world consulted new electoral system that takes care of the democratic expectations of the people. The common men, the workers, the civil society, the youth of this country are all indifferent to what this Government is doing unless there is mass consensus and public commitment and sincerity of purpose on behalf of this Government. We just cannot go along with this Bill

Before I end, Madam Speaker, I will not go along to say against what my dear colleague, hon. Gayan, said. For us, I just want to say that we will not accept this Bill on this side of the Opposition and with that, I thank you, Madam Speaker.

Madam Speaker: Hon. Leopold!

(4.07 p.m.)

Mr J. Leopold (Second Member for Rodrigues): Thank you, Madam Speaker. Having heard from great leaders from both sides of the House talking about the historical background of our electoral system, those leaders who have witnessed the pre-independent era and are still in the House, now, I understand the inherence of our political system.

Having said that, Madam Speaker, I have listened to those experienced leaders from both sides of the House, I have understood that the configuration of the electorates here on mainland Mauritius is different from that of Rodrigues. In this respect, my speech will base on a broad principle of the electoral reform, that is, representativeness, fairness and stability to govern unless if there is any political party here, which wants to interfere in the internal political affairs of Rodrigues and I will proudly call them as my opponents. As I have said, I am not going to interfere with the ideal of any political parties in Mauritius in regard to my speech on this Bill.

One of the objects of this Bill is to do away with the Declaration of Community. I just want to say that we do not have minority groups in Rodrigues. We have only one community which is called Rodriguan community. We do not mix up community with religions. I can give you examples of that. In the 2010 general elections, we chose Mr Soobrayen Soobramanien and my friend hon. Francisco François to represent the constituency of Rodrigues in the general elections of 2010.

Today, Madam Speaker, we are debating on choosing an electoral system. It is very important because it is dealing with the issue of governing of a country. When it comes to electoral reform in such a multicultural society as ours, we need a system which provides a representation of all communities, which promotes proportionality in the distribution of seats in the PR alignment. It has to be crafted in such a manner that it assures long-term political health so as to prevent the disastrous consequences of democratic prospects. Therefore, changing an electoral system necessitates public awareness and widespread collective agreement.

It is good to say here that our democratic system provides necessary framework for the electoral reform to be amended with an approval of broad consensus.

The law, itself, is deeply rooted in our Constitution so as to ensure that the design of the electoral system is accepted as legitimate which can be necessarily implemented. Electoral system is an institution in itself, so cross party and public support is of utmost importance when it comes to any change made to it. All groupings which make our nation need to have an electoral system which when they take part in the democratic process must feel that the system is fair and give them the same chance as anyone else.

In many neighbouring countries, time and again there are disappointments of the public and candidates after election process. Well, after they lose elections, they do always

translate their disappointment on the electoral system – this should never be the case here in the Republic of Mauritius. Tonight we are having the opportunity to debate on our electoral system for amendment. At the time of conclusion of the debate every representative of this House needs to make sure, if ever there are amendments to be made, that the electoral system be fair and brings stability to govern. So, this will allow any party to accept the verdict of the Ballot Box.

We are one of the most stable countries in the region due to our democratic election process. There are so many things that we can learn from our neighbouring countries but the system differs from country to country. It is important for us to have an electoral system which is inclusive and provide representation across the board in our multi-cultural communities. I strongly believe, Madam Speaker, that our electoral system depends on a great extent of the structure of our society and our regional demographic differences. Therefore, Madam Speaker, over and above the criteria that have been and will be canvassed in this august House during the debate on the Constitution (Amendment) Bill, I will recommend among others some of the criteria maybe it won't be in the amendments but which has a direct relation with electoral system.

Why the law to make sure that all Constituencies and the plurality of the whole nation be presented fairly in Parliament, this will be possible by combining the system First Past The Post with a fair dose of proportional representative. But, Madam Speaker, when we talk about proportional representation the calculation must be done in such a way that the wish of the electorate is respected. The proportional calculation will in any way affect the result of the First Past The Post system. The winning party must always maintain its majority; failure to do that will bring instability and difficulty to govern.

A clear example of that are the results of the two consecutive Rodrigues Regional Election of 2012 and 2017 respectively. In 2012, out of the six electoral regions of Rodrigues OPR won at a majority of 4 electoral regions out of 6. The result was clear that the electorate had chosen OPR party to govern. However, when it comes to proportional calculation the OPR party found itself from a majority of four and then that slimmed down to a difference of only one representative in Parliament, Madam Speaker. The same scenario happened in 2017, Regional Election, the OPR won an unprecedented victory of five electoral region out of the 6 with a result of a majority of 8 and then after the calculation of proportional system representative this slimmed down to only a majority of three members in Parliament.

And you know Madam Speaker; the leader of MR Party, the opponent, our opponent in Rodrigues party had even taken advantage of the system and he offered himself the luxury of being first on the proportional representative list as he knew, as a leader, that he was going to lose election. This is not fair Madam Speaker. A true leader needs to get into the fight. As I said the result reflects the wish of the electorate. It is true that it is not easy to identify an optimal electoral system but we can still identify a system which is fair, which will bring both accountability and representation.

Madam Speaker, in Rodrigues, the minority leader is not accountable to any electorate region as he was saved by the proportional representative system. There were only two members and there are only two members who are accountable for the region from the Opposition side in Rodrigues. The rest do not represent anything.

Madam Speaker, therefore, for this electoral reform, we are obliged to take valuable lessons from what happened in Rodrigues. A system like that must not be introduced to the legislative election.

Government needs to have the trust of the population and the population needs to perceive that a Government is legitimate where the Government has the necessary support to efficiently enact legislation and govern. This reform, Madam Speaker, needs to enhance an inclusive electoral process. It has to be a sustainable process in order to maintain our society peaceful as clearly stated in the 16 Sustainable Goals of the United Nations. Therefore, this amendment needs to further promote participatory and representative decision-making to allow the effectiveness of all institutions.

It is good to note that this amendment is bonded to gender quota; this is a very good step forward as it fits the ideology of all political parties in the House. Like it or not, we are all social democrats here, the system of right, centre, left does not exist in Mauritius. We are all here supporting the principle of equality of opportunity and equality of result, but we have to go beyond that. This electoral reform must also enhance accessibility to disabled people.

Madam Speaker, the right to vote is universal and every vote counts during election. So many debates have taken place in this House on the rights of disabled and elderly. Those laws allow citizens to more and more seek their place in our society. Therefore, we have more and more enhanced strategies to set the standard of removing barriers for voters with disabilities by addressing all arising issues, including accessibility to polling place.

Madam Speaker, the system needs also, in regard to disabled persons, encourage them to stand as candidates in election and also to take part in the running of election as well. I am glad that in this Constitution (Amendment) Bill, due consideration is given to the diversification of the electoral picture of the Republic of Mauritius. I am talking here, of course, about the devolved Rodrigues Regional Administration. In order not to be in conflict with the basic principle of its autonomous status, the new PR System that is being introduced in this amendment will not be applied in Rodrigues. I welcome that move as this will prevent also political parties other than those parties which are based in Rodrigues and run by Rodriguans to interfere with the election process in Rodrigues.

I welcome also, Madam Speaker, the Anti-defection Law. As representative of OPR Party in Parliament, OPR Party has always and fundamentally to not allow any Member getting elected under the banner of another party to join our party in the same mandate. We totally disagree with that, same as we are a non-alliance party. Madam Speaker, in adaptation to the digital age, we need to take lesson from what had happened in the USA before considering Electronic Voting. But something which needs to be dealt with in the digital age is the use of fake news via social media by political parties.

Most young voters use social media as a participatory process to have sufficient information on their parties. Social media is an important tool in the democratic election because social media are being used widely in the electoral digital campaign, appropriate guidelines to all political parties are needed to prevent the occurrence of fake news which may confuse voters and undermine faith in democracy.

Madam Speaker, all that a country like the Republic of Mauritius needs in an electoral system is to make sure that elections are done free from intimidation, no challenge, fair and non-violent. For this to happen, we need to have a good electoral framework with meaningful electoral integrity with a new approach when it comes to financing of political parties.

To conclude, Madam Speaker, as I have said, we need to have an electoral system which is very representative and fair. Madam Speaker, I think we need to take due consideration as well from some definition like religions, community, ancestral origin and culture. I think they have different definition and we need to get it right and we need to correct it in our Constitution, so as we can separate religion from community. What is community itself and what is ancestral origin.

On this note, Madam Speaker, I thank you for your kind attention.

Madam Speaker: Hon. Ramano!

(4.25 p.m.)

Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes): Madame la présidente, nous sommes tous d'accord sur un point. Cet amendement constitutionnel est peut-être un des plus importants dans l'histoire politique du pays. Ce gouvernement est le premier à avoir porté une telle proposition formelle, on le reconnaît; ce mérite ne diminue en aucun cas ses devoirs et obligations devant l'histoire du pays et devant la population.

Après 50 ans d'indépendance du pays, nous apportons un amendement peut-être pour les prochains 50 ans. Notre devoir c'est avant tout d'assurer le consensus de la classe politique, l'adhésion de la population, l'arrogance des chiffres, la dictature de la majorité ne nous mènera à rien sans l'adhésion de la population. Il est dommage que le gouvernement soit venu de l'avant au mois de septembre avec des propositions sans consultation, il faut le dire. Une fois les propositions faites, les critiques et les contre-propositions ont été nombreuses, toujours pas de consultation. Le gouvernement persiste et maintenant ces propositions sont formalisées, le tout dans le présent amendement constitutionnel.

Faire des consultations, Madame la présidente, ce n'est pas un signe de faiblesse, c'est démontrer son sens d'autorité, son sens de leadership et ses valeurs pour la démocratie. Petite parenthèse ici, Madame la présidente, avec la crise des gilets jaunes en France, l'heure est grave pour la France, la porte de l'Élysée et celle de Matignon ont été ouvertes pour des consultations avec toutes les sensibilités politiques et sociales du pays, même avec son pire adversaire du Front national, Marine Le Pen. C'est là, où on reconnaît un leader, un dirigeant, un sens de leadership pour le pays. J'appelle cela *values above politics*.

Je ne suis pas un naïf politique, mais si on sait mettre l'intérêt collectif du pays avant son intérêt personnel, souvent dicté par son ego, je dirais qu'ici aussi, à ce stade des choses, il n'est pas trop tard. Madame la présidente, merci de me donner la possibilité d'intervenir sur le présent amendement constitutionnel. Pour commencer, je souhaite faire un bref survol historique. La force des lois canoniques était imposée au peuple, le roi qui se présentait comme le représentant de Dieu sur terre, le passage de la souveraineté de droit divin à la souveraineté de la nation ou du peuple a été un passage long et difficile dans de nombreux pays.

Accepter le régime représentatif comme synonyme de la démocratie serait un non-sens sans considérer les différentes formes qu'un tel régime peut prendre. Des fois, des

perversions de la démocratie nous amènent à penser que les systèmes électoraux ne servent qu'à légitimer les détenteurs du pouvoir. Je n'irai pas aussi loin que Karl Marx pour qui les élections ne sont que les moyens qui permettent aux opprimés de choisir tous les quatre ans leurs oppresseurs.

Notre histoire politique du pays recouvre une grande richesse. La Constitution de 1885 apportera un nouveau souffle avec la naissance des partis politiques. Les candidats étaient élus au scrutin majoritaire, uninominal à un tour, un candidat par conscription. Le droit au suffrage était limité par le sens, le système censitaire, le droit de vote était réservé aux contribuables versant un minimum d'impôt, l'âge et le niveau intellectuel sont là les critères pour pouvoir avoir droit au vote. Ainsi, pour une population de 360,000 habitants à cette époque, seulement 4,000 avaient le droit au vote. Lors d'un conseil du 18 décembre 1947, élargit le droit de vote. Ce vote est ouvert à ceux pouvant lire des phrases simples en français, anglais, gujrati, hindi, tamoul, télégou, urdu, mandarin et le créole. Le nombre de lecteurs passa à 71,723.

Le conseil du 30 juillet 1958 marqua une étape importante, où on accorda le suffrage universel. Pour la première fois, les femmes ont le droit au vote. Les limitations se limitaient seulement à la nationalité, l'âge, la domiciliation, les limitations relatives à la dignité et à l'état de facultés mentales. En 1959, le nombre d'électeurs passe à 208,684, mais les réformes de 1947 et de 1958 laissaient toujours aux mains du gouverneur général les charges et les recettes de la colonie et aussi le droit de nomination. Le scrutin uninominal, un député par circonscription dans 40 circonscriptions est maintenu. Il y a eu subséquemment les conférences constitutionnelles, le rapport Banwell et nous sommes arrivés, avec la nouvelle constitution, avec ce présent système électoral, à 60 députés élus au *First-Past-the-Post*, 3 par circonscription et un maximum de 8 *Best Losers*.

Un système électoral, Madame la présidente, c'est une règle du jeu démocratique. On désigne des candidats, on peaufine sa stratégie en fonction du système électoral. Il y a pire, Madame la présidente, certaines personnes considèrent aujourd'hui comme des acquis communaux et politiques d'avoir son quota dans le fait d'avoir trois députés par circonscription. Un tollé s'est soulevé dans la population parce qu'on augmente le nombre de députés : combien cela va coûter ? Sommes-nous d'accord aujourd'hui que le débat semble compliqué par le fait qu'il y a urgence de reformer le système électoral, d'apporter une dose de proportionnel, mais en même temps on se retrouve avec un nombre exagéré de députés par circonscription, un des ratios les plus élevés au monde, un député pour chaque 10,000 à

15,000 électeurs. Les trois députés par circonscription que personne ne veut toucher, ne peut toucher de peur que cela menace certains préjugés communaux et castéistes !

Madame la présidente, le système électoral c'est un tout. Il n'y a pas de système idéal. Faire une fixation sur le point qui nous interpelle nous mène nulle part. Pour arriver à un consensus, chacun doit être animé par le dialogue, par un esprit de consensus, y compris, avec le respect, le ministre mentor. Faire une fausse fixation sur un semblant de stabilité, c'est fausser l'esprit même du débat sur la réforme électorale. Il faut savoir trouver le juste dosage entre le *First-Past-the-Post* et la liste proportionnelle. Ni le *First-Past-the-Post*, ni la proportionnelle pris en isolation ne constituera la solution.

La déclaration communale, Madame la présidente, un des objectifs de ce présent amendement constitutionnel, c'est *to do away with the requirement for the mandatory declaration as to the community to which a constituency candidate belongs to*. Pour notre élection, nous sollicitons le vote de tout un chacun, de la bénédiction de toutes les composantes de la population. Nous sollicitons le plébiscite de l'électorat, mais notre appartenance communale est une obligation légale pour pouvoir poser sa candidature. Nous savons tous que cette aberration est due à l'existence du *Best Loser System*, dont la désignation est basée sur l'appartenance communale du candidat. Cette obligation est une condition *sine qua non* à l'état actuel de la loi.

L'amendement de 2014 a rendu optionnelle la déclaration communale pour les élections générales pour les élections de 2014 seulement. L'heure est grave, Madame la présidente, il y a d'une part cette louable initiative de Rezistans ek Alternativ devant la Cour de justice, le regard des Nations unies sur les législateurs mauriciens qui semblent préconiser le rejet du *Best Loser System*, le rejet de toute tentative de remettre à jour le recensement communal de 1972. Sans un consensus sur un sujet aussi grave, Madame la présidente, j'ai bien peur que nous nous retrouvons avec un nouveau mini amendement constitutionnel qui rendra optionnelle la déclaration communale des candidats pour les prochaines élections générales. Sur un sujet aussi grave, le consensus est primordial.

La représentation féminine, Madame la présidente, il va sans dire en tant que progressiste, j'accueille favorablement la lutte contre les préjugés. L'égalité entre homme et femme *is long overdue*. Une société qui se respecte doit se rendre à l'évidence simple que la femme n'a rien à prouver, ni à la femme un pouvoir décisionnel. C'est se mettre au même rang de ces pays qui croient avoir fait un espoir historique en permettant à la femme de

pouvoir conduire un véhicule. Mais, Madame la présidente, j'ai trop de respect pour la femme pour la ramener à un chiffre, pour l'a ramené à un pourcentage. Cela ne me dérange nullement de me retrouver avec trois candidats femmes dans une circonscription. Un Parlement à dominance féminine ne me dérange nullement. Mettre la femme sur un pied d'égalité avec l'homme suppose qu'elle a les mêmes chances d'assumer ses responsabilités. La méritocratie sera égale pour l'homme et pour la femme. Le fait que le législateur vient avec l'obligation d'avoir un minimum d'un tiers de femmes, c'est reconnaître que notre société est encore basée sur des réflexes patriarcales, sur des préjugés et ce n'est qu'à travers la loi qu'on changera cette mentalité rétrograde qui nous gouverne, nous, en tant que mauriciens.

Mon rêve, Madame la présidente, c'est qu'un jour nous atteindrons ce niveau de raisonnement, ce niveau de maturité, où, sans aucune obligation légale, le mauricien considérera la femme à pied égal avec l'homme pour assurer les pouvoirs décisionnels.

Madame la présidente, la grande nouveauté de ce présent projet de loi est l'introduction de la représentation proportionnelle, précisons bien, une dose de proportionnelle dans le système électoral mauricien. La définition de la représentation proportionnelle procède de l'objectif qu'elle poursuit, attribuer à chaque parti ou à chaque groupement d'opinion un nombre de députés proportionnels à sa force numérique. L'Assemblée doit être un microcosme, une réduction parfaite du corps de représenter exprimant toutes les variétés, toutes les nuances physiques, idéologiques, économiques du corps social considéré. Ce système a toujours déchainé des passions. À la fin du 19ème siècle, au début du 20ème siècle, il y a eu le *Proportion Representation Society* en Grande Bretagne ou encore le Comité Républicain de la Représentation Proportionnelle en France. La représentation proportionnelle est nécessairement un scrutin de liste, les partis sont appelés à dresser les noms des candidats soumis au suffrage. Un premier inconvénient surgit ici, les candidats indépendants, les petits groupuscules qui forment parti du folklore électoral disparaissent, à moins qu'ils se regroupent. Dans le cas présent à Maurice, leur seul recours demeure le *First-Past-the-Post*. Ils sont *de facto* exclus de la liste proportionnelle ou de l'*additional list*.

D'un point de vue historique, Madame la présidente, il est bon de souligner qu'entre les deux guerres mondiales, l'Europe occidentale a été critique face à la représentation proportionnelle, face à la situation en Allemagne et aux Pays-Bas. En effet, la montée du fascisme du national socialiste a été imputée en grande partie à la représentation

proportionnelle. Il est reproché au Parti socialiste en France d'avoir permis la montée de l'extrême droite de Jean-Marie Le Pen avec l'introduction de la proportionnelle pour les élections générales de mars 1986.

L'Italie avec un système proportionnel basé largement sur le *Proportional Representation* a eu 40 gouvernements en 44 ans. En 2017, l'Italie adopte un système mixte avec 37% de sièges alloués selon le *First-Past-the-Post* et 63% aux proportionnelles. Le garde-fou, dans le contexte mauricien, ce qui est aujourd'hui présenté à l'Assemblée, Madame la présidente, c'est l'existence du *First-Past-the-Post* pour la constitution d'une majorité stable et aussi la caution électorale d'un parti est de 10% pour être éligible à être recueilli dans le *Party list*. J'aurai l'occasion de venir sur le seuil des 10%.

Madame la présidente, il convient de préciser que le mode de représentation proportionnelle préconisé par le présent projet de loi est très simplifié. Le nombre de suffrage exprimé par tous les partis est divisé par le suffrage obtenu par chaque parti politique, et si le pourcentage dépasse les 10%, le parti est éligible à élire des représentants selon la liste proportionnelle.

Madame la présidente, je souhaite ici faire une parenthèse avant de continuer mon analyse sur la représentation proportionnelle. Le poids démographique des circonscriptions est un élément essentiel pour notre démocratie. La section 39 (2) de la Constitution prévoit qu'il incombe à l'*Electoral Boundaries Commission* de présenter un rapport chaque 10 ans après le 12 août 1966. L'idée est de s'assurer que le poids démographique des circonscriptions soit plus ou moins égal afin de s'assurer qu'aucune circonscription ne soit favorisée ou défavorisée. Les inégalités sont flagrantes. Nous avons des circonscriptions avec plus de 60,000 électeurs, d'autres avec seulement environ 25,000 électeurs. Ils se retrouvent avec le même nombre d'élus.

Première remarque : est-ce que la période de 10 ans n'est pas trop longue ? Deuxième remarque : est-il envisageable d'augmenter le nombre de circonscriptions ou encore est-il envisageable d'augmenter le nombre d'élus par circonscription à fort poids démographique ? Il est vraiment dommage qu'on s'est réfugié derrière le rôle de l'*Electoral Boundaries Commission* pour ne pas aborder, d'une façon dépassionnée cet aspect de nombre d'élus et poids démographique des circonscriptions maintenant qu'on aborde après 50 ans d'indépendance la question de réforme de notre système électoral.

Aux États Unis, nous savons pertinemment bien que pour l'élection présidentielle le nombre de grands électeurs diffèrent d'un État à un autre. Si les rédacteurs de ce présent projet de loi auraient fait leur *homework* comme il se doit, ils auraient vu qu'il existe un mode de calcul qui s'appelle la représentation proportionnelle intégrale, qui préconise tout simplement, à part du calcul du pourcentage de vote recueilli par chaque parti politique, le calcul d'un quotient électoral national calculé en divisant le nombre de suffrage national par le nombre de siège à pouvoir qu'on applique dans chaque circonscription. Ainsi, dans les grandes circonscriptions, comme Savanne-Rivière Noire ou même Triolet, les partis qui auront dépassés le quotient électoral auront un siège additionnel et le parti qui aura dépassé le double du quotient électoral aura 2 représentants additionnels. Ainsi, on aurait résolu ce problème de sous-représentation des circonscriptions avec de fort poids démographique.

Madame la présidente, s'il y a un point aujourd'hui qui nous converge dans la même direction, c'est que nous sommes unanimes aujourd'hui dans cette Chambre à reconnaître que le *First-Past-the-Post*, hérité de la Constitution de 1968, tout en assurant les règles du jeu des élections générales démocratiques a été à la base des injustices flagrantes des règles de base de la démocratie. Chaque parti politique, chaque homme politique a été à un moment ou un autre, victime de ce système. Certains vous diront pourquoi changer un système qui existe depuis 1968 ?

Le progrès, Madame la présidente, c'est la remise en cause. C'est le courage qu'on a à identifier nos faiblesses, les faiblesses de notre système et d'apporter les mesures correctives. Si on aime son pays, si on considère que la démocratie est la règle de base de notre respect et de notre succès, on ne peut faire preuve d'opportunisme politique et croire qu'il n'y a pas lieu de changer la règle de jeu d'un système qui a porté au pouvoir malgré les imperfections flagrantes contraire à la démocratie.

Quels sont ces imperfections de notre présent système, Madame la présidente ? Le premier signal d'alarme, Madame la présidente, a été les élections générales de 1982 où l'alliance MMM-PSM rafle 100% des sièges où le PAN mené par le PTR n'a aucun siège. Différence de pourcentage, certes, mais différence totale en ce qui concerne le nombre de sièges.

En 1987, l'alliance MSM-PTR-PMSD avec 48,8% a 39 sièges contre 47,3% à l'alliance MMM-MTD-FTS avec seulement 35% de sièges. En 1991, le MSM-MMM avec 54,4% a 57 sièges, PTR-PMSD 39,3%, 3 sièges, une différence de 59% de différence de

sièges. En 1995, l'alliance MSM-MMM, 19,85% - 0 siège ; l'alliance PTR-MMM 65,17% - 100% des sièges. En 2000, 51,7% l'alliance MSM-MMM a 54 sièges, PTR-PMXD 36,57% - 6 sièges, une différence de 80% en termes de nombre de sièges. En 2010, l'alliance PTR-PMSD-MSM 49,69% - 41 sièges ; 68,33% de sièges et 18 sièges seulement pour le MMM en 2010.

Madame la présidente, les élections générales qui se sont succédées après l'indépendance se sont toutes déroulées sous le système du *First-Past-the-Post*. La règle du jeu est simple. C'est de se retrouver coûte que coûte à n'importe quel prix parmi les 3 premiers. On ne considère même pas le pourcentage recueillis par les perdants. Comment se retrouver parmi les 3 premiers ? La règle du jeu du *First-Past-the-Post* oblige les partis politiques à rallier le maximum de vote pour que leurs candidats figurent les 3 premiers. Comment rallier le maximum de vote, Madame la présidente, c'est le jeu des alliances ; les alliances forcées, les alliances de raison, les alliances incestueuses ; qui critiquent un parti pendant un mandat pour ensuite *koz kozé et s'allier* pour les prochaines élections générales. Ce dégoût de la politique de la population, Madame la présidente, est fait avec ce raisonnement des alliances contre nature. Aucun programme commun, aucune philosophie commune mais un objectif commun, le pouvoir. Le pouvoir à n'importe quel prix, on peut se permettre de le dire.

Le *First-Past-the-Post* a largement contribué à créer cette perception de dégoût, de rejet de la population des alliances de complaisance. Le *First-Past-the-Post* favorise ainsi des alliances pré-électorales. Faire des alliances après les élections générales sous le *First-Past-the-Post*, c'est ridicule. Qui voudra s'allier avec vous pour former un gouvernement que seul vous n'avez été même pas capable de faire élire quelques députés. Donc, l'alliance post-électorale avec le *First-Past-the-Post* est ridicule tout simplement, Madame la présidente. Les alliances post-électorales sauf le cas des élections de 1976, n'existent pas. Aucun parti politique ne peut prendre le risque sous le *First-Past-the-Post* d'aller seul aux élections. Ainsi, lorsqu'on entend les leaders politiques dire qu'ils iront seuls aux élections générales, qu'ils sont en train de préparer leur liste de 60 candidats, nous savons tous que c'est faux. Nous savons tous que c'est un énième leurre de la population. Cela s'applique pour tous les partis politiques dans cette Chambre, Madame la présidente.

Cette population n'est pas dupe. Il sait pertinemment bien que les *koz kozé* ont commencé, que les réunions secrètes à Riverwalk, à La Caverne, à Grand Gaube ont déjà commencé et tout cela sous la bénédiction sous *First-Past-the-Post*. Le pouvoir à tout prix,

c'est le *First-Past-the-Post*, Madame la présidente. Prendre le pouvoir à tout prix, quitte à ce que l'alliance se casse après quelques mois de gouvernement. En 1983, *zenfant là pas encore né, mariage là ine fini kassé après 9 mois*. Le mariage de 2014, que ce soit le mariage travailliste-MMM, que ce soit le mariage MSM-PMSD, *film là pas enkor développé, mariage là ine fini cassé*. La population aujourd'hui en a marre de ce système pourri. Ce jeu d'alliance contre nature soutiré par le *First-Past-the-Post*.

Madame la présidente, les effets pervers du *First-Past-the-Post* ne s'arrêtent pas là. Nous avons tous été candidat sous le *First-Past-the-Post*. La course pour se retrouver parmi les 3 premiers candidats, ce n'est pas seulement d'un parti à un autre, la course c'est aussi parmi leurs candidats d'un même parti. Là nous avons tous été candidats pour les élections générales.

Nous savons pertinemment bien - nous avons mille et un exemples de ces comportements de ces colistiers *ki alle rode enn la vie personnelle*, de faire bande à part le soir pour dire à certaines familles spécifiques *pas blier mwa* comme si ces colistiers n'étaient pas sa priorité. Les colistiers qui ne se parlent plus, les colistiers qui attendent le départ de l'autre pour venir à une réunion, ce n'est pas seulement dans la circonscription numéro 12, Madame la présidente. Le comportement de l'électorat, le comportement des candidats, le comportement des partis politiques sont guidés par la règle du jeu. On s'adapte à un système qui est le *First-Past-the-Post*. Si on veut changer le regard de la population face à la classe politique, si on veut changer le comportement des partis politiques, le comportement des candidats, il nous appartient en tant que législateurs de changer la règle du jeu, ce jeu pervers qui est le *First-Past-the-Post*.

Si on est honnête dans notre approche, on ne peut apporter des changements cosmétiques. On doit être convaincu que les amendements proposés apporteront un changement dans le comportement politique dans le pays. Que nous propose le gouvernement aujourd'hui pour pallier à ces manquements du *First-Past-the-Post*? On nous propose 12 membres à être élus de la liste de la représentation proportionnelle; 6 à 10 *additional lists* à être désignés par des leaders. Les résultats des élections de 1991 sont flagrants, 57-3; 95% et 5% de sièges. Même si on utilise la proposition qui est proposée aujourd'hui 12 + 6, on se retrouvera avec une différence de 81%, 18%. Les résultats de 1995, 60-0, 65.7% et 19.85%. On applique le 12 + 6 selon la liste qui est proposée, on se retrouvera toujours avec une différence de 85% et 14.63%. Est-ce cela le but de la réforme, Madame la présidente? Maintenir, aggraver la disparité entre le pourcentage de suffrages recueillis et le nombre de

sièges, on est en train d'aggraver la différence entre les gagnants et les partis minoritaires alors que le pourcentage de différence est moindre.

Le ministre Mentor nous dit qu'il ne faut pas *undermined the verdict and wish of the population*. C'est tout le contraire qu'on est en train de faire, Madame la présidente. On dénonce les injustices du *First-Past-the-Post* mais, en même temps, on applique un système vicié de la proportionnelle et de l'*additional list*. Le chiffre de 12 est non seulement dérisoire, mais ce qu'on oublie de dire au niveau du gouvernement, Madame la présidente, c'est que le gagnant puise lui aussi de ce quota de 12 + 6. Venir dire qu'on est en train de *undermine the verdict and wish of the population* du *First-Past-the-Post*, c'est ne rien comprendre ou faire semblant de ne rien comprendre en faisant une fixation sur la sauvegarde de la majorité du *First-Past-the-Post*. La peur de la liste proportionnelle aurait été justifiée si le nombre de sièges alloués par les partis minoritaires est fait en addition des sièges recueillis du *First-Past-the-Post* en tenant compte du pourcentage recueilli. Or, il est clair que cette addition de sièges est allouée aussi aux partis majoritaires en compensation aux sièges alloués aux partis minoritaires. Donc, le risque de perdre la majorité n'existe même pas. On est en droit de se poser la question aujourd'hui, Madame la présidente, quel est le but de la réforme ? Est-ce que le gouvernement est sincère dans la raison d'être de la réforme ?

Madame la présidente, autre item important de cette réforme, c'est le devenir Best Loser System. Madame la présidente, le présent amendement à la Constitution abolit purement et simplement le *Best Loser System*. Avec le cas de Rezistans ek Alternativ en Cour, le gouvernement devrait choisir entre d'une part faire un recensement communal qui soit plus à jour que celui de 1972 et par la même maintenir le *Best Loser System* et la déclaration ethnique ou choisir d'abolir la déclaration ethnique et d'abolir purement et simplement le *Best Loser System*. Le gouvernement à travers son amendement à la Constitution a choisi d'abolir la déclaration ethnique et le *Best Loser System*. Est-ce que le gouvernement a choisi cette voie par peur de recensement communal ou par le fait qu'il est convaincu qu'après 50 ans d'indépendance il est temps de penser en tant que mauricien et que le *nation building* passe nécessairement par cette voie. L'avenir nous le dira Madame la présidente !

Avant de poursuivre l'analyse, suivant l'abolition de *Best Loser System*, il est bon à mon avis de se poser des questions quant à la raison d'être du *Best Loser System*. Quelques questions, Madame la présidente, en ce qui concerne le *Best Loser System*. En quoi la nomination des *Best Losers* sur une base ethnique a contribué à assurer l'harmonie sociale

dans le pays ? Les députés correctifs élus par le *Best Loser* se considèrent-ils comme des représentants d'une communauté spécifique lorsqu'ils siègent dans le Parlement ? Est-ce qu'une communauté spécifique considère-t-elle que ses députés correctifs sont leurs dignes représentants dans le Parlement ? Est-ce que les suffrages obtenus par ces candidats ont été déterminés par l'apport spécifique d'une communauté ou les autres communautés ont-ils eu raison de faire confiance à un candidat issu d'une autre communauté ? Est-ce que la République de Maurice qui préconise l'égalité devant la loi doit se poser des questions quant à l'impartialité du député élu sous le *Best Loser System* lorsqu'il sera appelé à déterminer l'intérêt général et l'intérêt de la collectivité ? Est-ce que l'existence du *Best Loser System* encourage l'électeur mauricien à voter sur une base communale ; augmenter le pourcentage de vote d'un candidat pour qu'il puisse se retrouver sur la liste des huit nominés ? Est-ce que les quatre communautés - hindoue, musulmane, population générale et sino-mauricienne - sont représentatives des autres communautés existantes à Maurice ? Combien de candidats - Tamoul, Telegou, Marathi - ont été élus comme *Best Loser* ? Combien de candidats - anglican, adventiste, pentecôtiste - se retrouvent dans la liste de population générale ? Combien de candidats amadistes ont été considérés sous le *Best Loser System* ?

Madame la présidente, un parti politique qui se respecte a la responsabilité d'avoir une politique rassurante pour toutes les composantes de la population. Cela se reflète au niveau de son projet de société où les valeurs universelles transcendent les intérêts sectaires. Cela se reflète dans une distribution des responsabilités qui fait montre que la méritocratie est la base de tout pouvoir de décisions et d'exécutions. Cela se reflète au niveau de la définition de l'intérêt collectif. L'intérêt collectif, Madame la présidente, n'est pas la somme des intérêts particuliers, mais le creuset qui reconnaisse que les hommes et les femmes sont animés par des valeurs universelles. Un État démocratique met l'homme au centre de sa priorité et non pas des intérêts particuliers.

Madame la présidente, à un moment donné, le *White Paper* du gouvernement sur la réforme électorale faisait mention du *Best Loser seats*. On avait l'impression qu'on avait imaginé un autre système d'allocation de sièges sur une base communale. Dans la politique, Madame la présidente, il faut avoir la force de sa conviction. Caresser la bête dans le sens du poil, c'est tombé dans la facilité. Prendre une décision rien que pour faire plaisir à une section de la population sans conviction personnelle relève du populisme. Faire plaisir à la population tout étant convaincu qu'on a tort, c'est la définition même du populisme, Madame la présidente. Exacerber la peur des communautés pour sa survie politique relève d'un jeu

dangereux qui doit être rejeté par la population. Venir dire qu'après 50 ans d'indépendance, il est temps de se débarrasser de ce mode de désignation des députés sur une base communale relève du courage ; il faut le reconnaître.

Ceci dit, Madame la présidente, le présent amendement ne fait aucune mention que le leader de tout parti qualifié pour l'attribution des *additional seats*, le leader en question n'a aucune obligation à procéder à des nominations pour rétablir une quelconque balance communale. La seule condition attachée c'est qu'il doit désigner son candidat, des *additional lists*, *unreturned candidates* ou encore du *party list*. Le *party list* d'un parti ou les *unreturned candidates* peuvent très bien comprendre les candidats sans appartenance communale ou être de la même communauté. La question qu'on est en droit de se poser, Madame la présidente, c'est la raison d'être de la section 8 du *First Schedule* concernant les *additional seats*. Dans un tel cas de figure, la question qu'on est en droit de se poser : pourquoi maintenir la désignation par les leaders des *additional seats*? La loi prévoit déjà un mode de désignation par la liste proportionnelle.

Il va de soi qu'un parti politique qui se respecte, un parti politique qui a une vocation nationale, un parti politique qui a une ambition de former un gouvernement, inspirant la confiance de toute la population, fera de sa priorité de s'assurer que toutes les composantes de la population, les composantes du sexe, d'orientation sexuelle, de classe, de toutes les strates de la société civile, de toutes les composantes communales de la société font partie d'un *party list* qu'il soumettra à l'*Electoral Supervisory Commission*, cette liste sera rendue publique avant les échéances électorales. Le votant mauricien fera son choix libre à la base de la transparence, son choix au *First-Past-the-Post* sera aussi guidé par son accord au *party list* de chaque parti.

Madame la présidente aucun système démocratique ne peut sacrifier le choix de l'électeur au profit du choix d'un leader, qui fera son choix selon ses préférences, ses caprices. On se retrouve sur le retour, Madame la présidente, au réflexe monarchique. Madame la présidente, un leader politique ne peut se substituer au droit de vote, au choix de l'électeur. Il n'y a aucun compromis à faire à ce niveau-là. Cela constitue un net recul de la démocratie.

Madame la présidente, notre pays a acquis son indépendance il y a plus de 50 ans de cela. Nous sommes passés d'un *income capital* en 1968 aux environs de 350/400 dollars à 10,000 dollars aujourd'hui. Notre *PIB* est arrivé est arrivé à R 425 milliards aujourd'hui. Les

investissements en capitaux sont impressionnants, mais le parent pauvre de notre développement, de notre épanouissement, au niveau local et international, Madame la présidente, c'est notre sens d'éthique, le sens d'éthique des mauriciens, le sens d'éthique des politiciens mauriciens.

Un ministre, faisant face à des accusations criminelles, refuse de démissionner parce qu'il y a pas encore de charge formelle contre lui. Un parlementaire exhibe ses parties intimes/ses parties privées sur les réseaux sociaux, sur la toile, tout en étant dans l'enceinte du Parlement, est toujours en place, parce que la procédure n'a pas été suivie, semble dire. Le ministre, à qui une PNQ a été adressée, arrive avec 15 minutes de retard, il s'excuse de son retard et le débat est clos. Dans le *House of Commons*, un ministre arrive avec seulement deux minutes de retard, il soumet sa décision.

Le sens d'éthique fait appel à notre respect, à notre *self-esteem*, à notre respect pour l'institution, à notre respect pour le pays. Les leaders politiques ne sont pas exempts de ce besoin de sens d'éthique, Madame la présidente.

Madam Speaker: Can I know how many more minutes you have before you are done, please?

Mr Ramano: Cinq minutes.

Madam Speaker: Cinq minutes, d'accord.

Mr Ramano: Le sens d'éthique requiert que lorsqu'on perd une élection, lorsqu'on est désavoué par une élection, on se retire de la politique et on se retire des instances dirigeantes de son parti. Madame la présidente, il y a eu un cas dans le passé à La Caverne, Phoenix - le *DPM* - il faut le reconnaître, un des rares cas, où il soumet sa démission parce qu'il considère qu'il est blâmé, parce qu'il a osé signer le formulaire de passeport pour un dirigeant sud-africain de l'apartheid, il soumet sa démission, il provoque une élection partielle.

Les exemples à l'international sont nombreux, les exemples à l'Ile Maurice sont très peu, Madame la présidente. David Cameron, bien que n'ayant pas terminé son mandat, soumet sa démission après le référendum sur le Brexit. Lionel Jospin se retire de la politique active après sa défaite aux élections présidentielles...

Madam Speaker: Hon. Ramano, can you tell me what this has to do with the Bill?

Mr Ramano: Je vais vous dire, Madame la présidente, donnez-moi une seconde.

Madam Speaker: Because you have to say what this has to do with the Bill, what is the relevance of what you are saying?

Mr Ramano: Je demande votre patience de quelques secondes seulement, Madame la présidente, vous allez comprendre le bien-fondé de mon raisonnement.

Lionel Jospin se retire de la politique active après sa défaite aux élections présidentielles, le jeune David Miliband se retire du leadership du Parti travailliste anglais après la défaite du Labour Party aux élections législatives. A l'île Maurice c'est *lev paké resté*. Je parle en ce qui concerne le rôle du leader politique qui est appelé à élire des représentants au Parlement. A l'île Maurice c'est *lev paké resté*, Madame la présidente. On passe du statut de leader à propriétaire de partis. Madame la présidente, le présent amendement semble vouloir perpétuer, glorifier ce manque d'éthique de la politique mauricienne Madame la présidente.

A la section 8 du présent *Schedule* devant le Parlement, on demande aujourd'hui à un leader, souvent autoproclamé, qui, peut-être, n'a pas été élu, un leader qui a été désavoué par son électorat, par la population et un leader qui a amené son parti à la défaite, et qui se permet, s'il vous plaît, de choisir qui sont les députés qui sont aptes à siéger dans le Parlement. Est-ce qu'on se rencontre aujourd'hui de l'énormité de la situation ? Le sens d'éthique, cela ne se connaît pas à Maurice, malheureusement, Madame la présidente. Pour un amendement constitutionnel, on essaie, aujourd'hui, à légitimer ces leaders à vie, ces leaders qui, malheureusement, ont été désavoués par la politique. Madame la présidente, l'amendement de la Constitution, la loi suprême du pays tend à reconnaître le leader.

Le leader se substitue à l'électeur. Le lecteur désavoue un candidat. Le leader élit le même candidat. On appelle cela un gros pas de la démocratie. Du côté du gouvernement, on nous explique que, sous l'ère coloniale, le gouverneur, un non-élu, un représentant de la reine le faisait, alors, aujourd'hui, le leader le fera. Le leader, Madame la présidente, est investi d'un rôle suprême, celui de faire élire des candidats. Madame la présidente, posons-nous la question suivante : qui est cette grande autorité que la Constitution tend à investir de grands pouvoirs ? Qui est cette référence de la démocratie à qui on va donner de si grands pouvoirs, Madame la présidente ?

Là aussi, dans cette Chambre - à part peut-être de MMM – posons-nous la question, Madame la présidente, quand les leaders des partis politiques, présents, dans cette Assemblée, ont été élus leaders de leurs partis ? Quand ? Leader du MSM, du PTr, du PMSD, du ML ?

(Interruptions)

Du Mouvement Patriotique, ils n'ont pas de leader, ils ont un président. Donnez-moi...

(Interruptions)

Cela fait mal! Cela fait mal, Madame la présidente, mais la vérité n'a pas de prix.

(Interruptions)

Écoutez!

(Interruptions)

Madame la présidente, on est en train d'amender la Constitution.

(Interruptions)

Madam Speaker: Order please!

(Interruptions)

Order!

Mr Ramano: On est en train de donner de pouvoir à un leader. Mais qui est ce leader ? Qui est ce chef suprême qui sera investi d'autant de pouvoir pour pouvoir élire des représentants pour siéger au Parlement, Madame la présidente ?

(Interruptions)

Donnez-moi la date de la réunion où vous avez été élus démocratiquement leader de votre parti ? A quand remonte les dernières élections ? A quand les prochaines élections des leaders ? Combien de partis politiques ont une constitution et combien de parties politiques respectent leur constitution ? Aujourd'hui, Madame la présidente, on nous demande de substituer l'électeur, de bafouer le choix de l'électeur, à la place de désigner un leader qui lui-même n'a pas été élu démocratiquement, un leader autoproclamé, un leader qui, très souvent, doit son autorité de leadership à son patronyme.

C'est cela la réalité historique du pays, Madame la présidente ! Mais il faut bien se rendre à l'évidence, nous avons une occasion en or de changer cet état des choses, Madame la présidente. Le choix d'un dirigeant, le choix de celui qui mènera son parti aux échéances électorales se fait aujourd'hui, Madame la présidente, nous n'inventons pas la roue. C'est quelque chose qui existe dans toutes les démocraties au monde, dans les grandes démocraties au monde, le choix d'un dirigeant, le choix de celui qui mènera son parti à échéances

électorales se fait, aujourd'hui, dans les grandes démocraties du monde à travers les élections primaires.

Chaque échéance électorale engendre l'organisation des élections primaires du parti. On désigne celui qui mène son parti aux élections. Si le parti remporte les élections, le dirigeant dirige le prochain gouvernement. Et s'il perd les élections générales, ce sens d'éthique le guide de démissionner, de se retirer des instances dirigeantes de son parti. C'est cela le sens d'éthique, Madame la présidente !

(Interruptions)

Cela me fait plaisir que cela fait mal, parce que ça force certaines personnes à réagir, Madame la présidente. Dans les présentes situations de ce présent projet de loi, on le félicite, on le glorifie, on lui arrose de nouveaux droits, celui de désigner des députés qui sont aptes à siéger au Parlement. Je termine, ici, Madame la présidente. La réforme électorale nous tient tellement à cœur qu'on ne peut se permettre de terminer sur une note négative. Le seuil des 10% doit refléter la réalité politique du pays.

Le dynamisme de la politique fait qu'aujourd'hui aucun parti politique ne peut se chiffrer son pourcentage de popularité. Même le MSM doit reconnaître qu'il y a six ans de cela, sa cote de popularité était peut-être moins de 10 %. Aujourd'hui, on se retrouve avec une population avec moins de partisanerie politique, moins de fanatisme politique.

Mon appel au gouvernement, c'est aussi de rejeter purement et simplement cette aberration d'*additional list* par les leaders et d'avoir une liste unique à la proportionnelle d'au moins 20 députés. Chaque parti politique assume ses responsabilités de s'assurer que la liste comprend toutes les sensibilités du pays. Si on est sincère dans son analyse du *First-Past-the-Post*, qui est injuste, la mesure corrective que représente la liste proportionnelle doit être suffisamment conséquente pour absorber les injustices du *First-Past-the-Post*. À part des positions de grandes divergences qu'on a entendu dans cette Chambre, j'ai quand même la conviction qu'une grosse majorité de députés dans cette Chambre sont d'accord sur un fait, qu'il faut corriger les injustices, et la convergence fait qu'un consensus est possible à conditions qu'il y ait de bonne volonté et qu'il y ait ce devoir et ce souci de dialogue.

Madame la présidente, la démocratie, c'est de permettre à tous les courants politiques de s'exprimer et aussi d'être présents dans les instances décisionnelles du pays. Une réforme électorale, c'est la protection des minorités face à l'hégémonie d'une majorité issue des élections. Madame la présidente, il va de soi de par ma conviction politique, que lorsque je

parle de minorité politique, je parle des courants d'opinions politiques minoritaires. C'est aussi cela la démocratie plurielle. C'est cela, à mon humble avis, la démocratie. Madame la présidente, je vous remercie.

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

At 5.13 p.m., the sitting was suspended.

On resuming at 5.49 p.m. with the Deputy Speaker in the Chair.

The Deputy Speaker: Hon Bodha!

The Minister of Public Infrastructure and Land Transport (Mr N. Bodha): Mr Deputy Speaker, Sir, it is always a great privilege and an honour to address the National Assembly on historical occasions where we bring to the House a legislation, a Constitutional Amendment which will change the history of Mauritius, the future of Mauritius, shaping up the institutions which will govern the livelihood of our citizens in the years to come.

A lot has been said, Mr Deputy Speaker, Sir, in all the debates, I will raise a number of fundamental differences between this side of the House and what has been said by the Opposition, but I would like to set some records straight about why the MSM led Governments yesterday and tomorrow, have always put its faith in the First-Past-the-Post democracy and why we have, as a matter of conviction, adopted the parallel mode. I think I have to explain this. It is not something that we have chosen out of the blue, out of incoherence, we have been steady on this for the last 20 years and I will explain why.

What I want to do, Mr Deputy Speaker, Sir, is to leave the dark alleys of our political history because there are so many incidents, events, debates, arguments which have been presented in the House. But I, on this side of the House, say: let us look at the sunroof and break the glass ceilings and remake history, Mr Deputy Speaker, Sir.

As I said, let us leave the dark alleys of political history, look at the sun roof and break the glass ceilings and remake history, Mr Deputy Speaker, Sir. First of all, I would like to answer about this issue of the number of MLAs. If we were to have a fundamental change of the number of constituencies, of the number of MLAs to be returned in each constituency, we can move to 40. We have had it in history. We can move to 20 x 2 where we can say that the First- Past-the-Post will elect two MLAs and the third one will be elected on a PR list. This can be done as well. But there is something fundamental, *on ne peut pas, M. le président, tout chambouler, on ne peut pas tout changer*. Somebody said that we cannot

throw the baby and the bath water. We have to keep the baby. Why? And the baby is the First-Past-the-Post. *On a besoin d'un socle sur lequel nous allons construire les institutions de demain.* We need a base and when I go through all the reports, Mr Deputy Speaker, Sir, everyone says that the First- Past-the-Post with 20 constituencies and three Members returned to Parliament have given us the stability and the representation to build Mauritius for the last 50 years. Everybody says so, in all the reports this is said.

When we come to the Westminster system of Parliament, in Britain even with 35% of the vote, we can have a large majority because we have the First- Past-the-Post and we have three parties contesting the election. In countries like Canada, Australia, India and New Zealand, we have the Westminster system where the First- Past-the-Post has proven that it provides the stability to govern a country.

Mr Deputy Speaker, Sir, I found among the reports one sentence which I think is very interesting. It says: 'representative Government must not only represent, it must also govern'. Let me finish on the number of seats. If we were to have a system of PR with the third Member, we would still be within the 60-70. But, in Mauritius, the way we have been doing elections since 1967, it is no issue to go with 20 constituencies and two MLAs. So, if we were to bring, as we have promised in our manifesto, a dose of PR and proportional representation, and if we were to address the issue of the Best Loser system, we have no other issue than to increase the numbers. And all the reports which have come, Carcassonne Report, Sachs Report, what we have done, they all come to a PR list and a list where we can do away with the Best Loser system as it is today. So, as regards the numbers, we have also said that the percentage of the number of people who are voting as regards the ratio, Mauritius is among the highest. Yes, it may be true.

Mais la démocratie de proximité qu'exige l'île Maurice, la demande qui est faite par chaque électeur et chaque électrice dans la circonscription, M. le président, ce que l'électorat exige, dans combien de pays, M. le président, quelqu'un peut-il venir chez un ministre ou un député le matin, il trouve ça normal et c'est naturel parce que c'est la spécificité de notre démocratie. Il faut que tous les mercredis on soit dans la circonscription, il faut qu'on soit dans les fonctions, il faut qu'on soit dans les mariages, dans les funérailles, mais en même temps il faut qu'on aille pour les *Durga Pujas*, il faut qu'on aille aussi pour toutes les autres fonctions religieuses, nationales, régionales et dans la circonscription. La demande de la démocratie mauricienne est telle qu'il faut une proximité en dépit des réseaux sociaux. En dépit de tout ce qu'on est en train de faire aujourd'hui, dans beaucoup de cas, la démocratie

aujourd'hui est règlementée par les réseaux sociaux comme ça se passe en France. Même au moment où il y a l'internet, les réseaux sociaux, l'exigence de la population est une exigence de proximité, que je dois pouvoir venir vous voir, vous expliquer ma doléance et faire ma demande. Je peux lui demander de voir mon *Constituency Clerk*. Non, il veut voir le député, il veut voir le ministre.

So, the demand of our democracy is such that if we want to have a party list, and we want to replace the BLS as it is, we have to increase the number of MLAs. That is the first thing. Why have we chosen the parallel mode? I said this is not at all just like this. I have gone through all the reports, there is something which is fundamental, Mr Deputy Speaker, Sir, it is the stability to govern. We can have a Parliament which is the mirror, exact mirror of the number of votes after the election, and we come to this House where there is, in fact, a perfect mirror image of the percentage of votes and all the votes which have been casted. But, will that Assembly be able to govern the country for the next five years? This is the question, Mr Deputy Speaker, Sir. They have said: yes, that the First-Past-the-Post has an inherent injustice, that with a percentage of votes which is low, you can have a higher number of seats and there is a perversion of the 60- nil or 53-7 or 57-3.

Now, I am going to tell you, Mr Deputy Speaker, Sir, when the Sachs Report was published, it provided the Sachs' method to calculate the number of percentage of votes. I am going to take a year because that year is a perfect reflection of what can happen. That was 1987 where the MMM collected 48.12% of the vote and the MSM /Labour Party /PMSD collected 49.86% of the votes and in some constituencies, the MLAs were returned by 400, 500, 300, with a very slim margin. Mr Deputy Speaker, Sir, in that year, the *Bleu-Blanc-Rouge*, MSM /Labour Party/PMSD got 39 seats and the MMM got 21 seats. Now, when you apply the Sachs formula, the 39 of the *Bleu-Blanc-Rouge* becomes 41, and the MMM from 21 they become 39. So, a majority of 18! 39 against 21! So, by a majority of two, how can you govern a country? How can you govern a country with that formula?

This was, Mr Deputy Speaker, Sir, in 2005 and 2010? This was the report of Sithanen. In 2005 and 2010, elections which had the same problem; for stability, after the apportionment of the compensation seat, the seat majority comes from 15 to 4 in 2005 and from 21 to 4 in 2010. So when we say that we should correct the injustice with the Sachs method, the C method. This is what we have. Now, let me tell you something else, Mr Deputy Speaker, Sir. We have Governments and parties with alliances; that was the case in 1983, 1987, 1991, 1995, 2000, 2005, 2010, 2014, and that is why I say we have to bear in

mind what is the Mauritian reality. In most of those cases, the Alliance was broken, and one party left the other. In 1983, the Labour Party left and came back; in 1987, the PMSD left; in 1991, the MMM left; in 1995, the MMM left; in 2000 and 2005, that is an exceptional year, and we always talked about it, of all that we had shared together; and 2005-2010, there was a continuity, but 2010 and 2014, the PMSD left, and in 2014, the PMSD left again.

Now what would have happened in 1987, just because the PMSD is going to leave the Government in 1989? We have to go to elections. So, each time you apply the C method, and there is one party leaving the alliance, you have to go to the polls. So, instead of having the stability to govern, we will have the instability of going to the polls. Can we go to the polls each time? For example, in 2014, we would have had to go to the polls.

So, Mr Deputy Speaker, Sir, I totally agree, we all agree that the First Past the Post has an injustice. The way is how do we correct this? It is not the C method and it is not also the method which had been proposed by Rama Sithanen. In 1987, the First-Past-the-Post, when we had what he proposed, we move from 45 to 35, so it is a majority of 18 reduced to a majority of 10. So what I am trying to say is we have been working through this formula for a long time. Now, if we cannot apply the C method, that is why we have come with the parallel mode. Now, as for the parallel mode, we are not applying the parallel mode per say because the first 12 seats are being computed on the parallel mode but the seats which come later, they compensate the inherent difference when we calculate the PR seats, which favour the winning party. So, in fact, we are not applying just the parallel mode. We are applying the parallel mode and a compensatory system, which we call the additional seat and the additional seats have two legs, one is to correct this imbalance in the PR seats and to see to it that there is a true representation of all the segments and all the constituents of our rainbow nation and our country, Mr Deputy Speaker, Sir.

Now, what have we proposed? I will come to the issue of the leader of the party. We have proposed that those six seats can be allocated to all those unreturned candidates on the First-Past-the-Post, and the candidates which were not nominated on the party list. It gives a wide range of choice so that we can have not only the different segments, constituents of our rainbow nation but we can also have competencies and expertise. Now, I come to the issue of why is it the leader who is going to choose those seats? We are moving away in the BLS from a constitutional assurance to a dictatorship of the leader of the party.

Now, what are the other formulas? We have been working on that as well. We thought about *un Comité de Sages*, we thought about the Electoral Supervisory Commission, but that is a burden on them. Now, to be able to say 'A+B=C', you want to reach 'C' but you need to have the 2 figures of 'A' and 'B'. We need a census and all the reports say. How can we, in modern Mauritius, today, come with a census about the different components of our rainbow nation? I am very happy about that, that there is a majority in this country, in our nation that would not like to have a census for that purpose, for the purpose of electoral reform.

En France, l'Insee fait des recensements pour qu'on puisse discuter, décider sur les grandes politiques socio-économiques de la nation, pour savoir comment la population démographiquement, socio économiquement a évolué, pour faire un constat de ce qui se passe dans le pays.

But can we have a census just for the sake of the calculation of the Best Loser System 50 years after it had been implemented? So, I am very happy about that, that we do not have this. What is left? First of all, as I said, we were thinking about having *un Comité de Sages*, we were thinking about the President being involved, we were thinking about the Electoral Supervisory Commission. The Electoral Supervisory Commission would need the figures, the figures are not there. So we are left with the party. Now, even we know this and the hon. Deputy Prime Minister mentioned this. There is one instance in the Constitution today where the leader of the party can make the choice, and that is in Section 5 subsection 7 –

'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.'

It is the leader of the party who decides. Now, some opinion leaders have said that the different leaders of the parties can have consultations, whether we can make this mechanism such that we have this feel good factor, that we ensure that everybody feels that they are heart of this nation and they are represented in Parliament. These are ideas which have been promoted and we can always think about some ideas which can help about consultations.

Mr Deputy Speaker, Sir, the BLS has two limbs. The first one is a straight PR system, that is, we choose the four independently of their communal belonging, we choose the four

according to their score, that is, the number of votes they have. And the second one is compensatory. Why? Look at this wisdom. The first one is the first four are given on merit, that is, the number of votes which have been casted, but the second four they are given to give back the balance. Why? Again it is because of stability. They did not want the first four to disrupt the majority of the winner.

So, the second four was given, in fact, to rebalance the majority and that is how you have a mechanism which is two-tier. The first one is on the number of votes and the second one is on a compensatory mode. It is exactly what we are doing. The first one, you will have a PR system and the second one will be a compensatory system. We have been asked - we don't have in the Bill – what was said about ensuring. What is the intention of the legislator? What is intention of Parliament? What is the intention of the mover of the Bill, of the Prime Minister? It is to ensure a fair and adequate representation of each community. Those additional seats, it is to do that and at the same time to compensate this disproportion in the way the PR seats have been calculated.

Mr Deputy Speaker, Sir, we have had a long history over years. We have had a long history of stability in spite of alliances being broken. This is also a specification; this also goes in the Mauritian political culture. That is the way it is. We have to take into account this. But the only time where *une cassure de l'alliance* has led to general elections was in 1982, which means that in spite of all the problems that alliances have had over the period of 1982 to 2014, the Prime Minister, the Leader of the House has had a majority to be able to govern this country. The most important thing for us is the stability. Of course, it is a question of fairness, but fairness with a mirror image of the Parliament that comes here on the first day that we are swearing. That is fairness. But then, there is the whole issue of governing the country. You cannot govern a country like Mauritius with a slim majority. You will never be able to do that. We know how Mauritius is. So, to provide the stability for a Prime Minister to be able to come forward with policies to change the life of people, we need this stability and we need a comfortable majority and that comfortable majority can come only from the Westminster system together with a dose of proportional representation and a list where we bring in this feel good factor amongst all the communities.

Mr Deputy Speaker, Sir, there has been a lot of arguments about a lot of negative things in our political history. There were lots of arguments mentioning a number of things about what the MSM did, what the MSM did not do, what Sir Anerood Jugnauth did and what Anerood Jugnauth did not do. There was a lot of politicking. But when I said, Mr

Deputy Speaker, Sir, let us look at the sunroof and break the glass ceiling. We have been able to break the glass ceiling in this country. We have been able...

(Interruptions)

I said the roof! We have been able to break the ceiling and reach new frontiers in our democracy. We did it for making Mauritius a Republic in 1991 in spite of what happened in this Assembly in 1990. We know what happened in this debate here. How MLAs were made not to participate in the votes? We broke the ceiling then. We broke also the glass ceiling when the MMM/MSM alliance made hon. Paul Bérenger become the Prime Minister in this country. This was a glass ceiling. We are talking about communal politics. We stood up. We went to the whole country in spite of all the criticisms from the PMSD and the Labour Party. We stood by this decision. Sir Anerood Jugnauth stood by this decision and we were proud the day we stood to the sworn-in with Paul Bérenger as Prime Minister. We did break that ceiling. So, we can do it, Mr Deputy Speaker, Sir, because this country is able to do it. I totally agree we can be very idealistic. Some people are cynical, but they say they have a dream. But I say that we have a vision and we can move forward. Democracy with the fundamental political reform can come only incrementally.

This is why my appeal goes to the MMM. The MMM has been consistent on political reform. They have also been consistent on a number of things. We have been together. What separates us today is how we calculate the PR seats. That is the only difference. Hon. Baloomoody said it is an issue of philosophy. Yes, but I explain why we are convinced that we should promote stability more than fairness. Hon. Shakeel Mohamed started to make a debate about being fair. No, this is fundamental politics. This is what the Assembly that comes in to govern this country because we have to make decisions for the better future of our country. My appeal to the MMM is that we have always had a sentence: *qui peut le plus, peut le moins*.

Today, in this Bill, we have the representation of women. Rodrigues will have a representation of three MLAs, including one or two women MLAs. We will have, at the next election with two alliances, at least, 40 women running in the 20 constituencies. We are going to have a legislation, maybe it is not the best legislation with regard to anti-defection because the best legislation with regard to anti-defection does not exist. We have tried to inspire ourselves from India. We have to learn. This process is incremental. There is no ideal political reform in Mauritius. Because of all the differences between the different parties, we

should have a consensus. We should move forward incrementally. I have mentioned the issue of women. I have mentioned the issue of bringing a dose of proportionality. I have also mentioned the anti-defection. Now, we did not want to bring an omnibus legislation as was the case in the past where the financing of political parties, new powers to be given to the electoral commission, about the declaration of assets, everything came in an omnibus legislation. That is why we have come with a legislation with regard to the National Assembly. Some hon. Members from the MMM have said why we did not bring a legislation for women and one for anti-defection, we would have voted because we are not agreeable with the way in which the PR system is being allocated.

This legislation is a legislation with regards to representation in Parliament. So, we have to bring everything together. I have explained why the MSM, over the years, has been consistent. Maybe the MSM all the time thinks in terms of governing, of being at the head of the country, of being able to have a comfortable majority. Maybe, it is within the DNA of the Rt. hon. Sir Anerood Jugnauth, the new Prime Minister, hon. Pravind Kumar Jugnauth. Maybe it is in our DNA because we want to have a majority to run this country to be able to make it better.

At the same time, Mr Deputy Speaker, Sir, I believe that the legislation that we have brought is not ideal. All that has been said with regard to ethics in politics, with regard to how parties are governed, we have lived with that. *On ne peut pas tout chambouler. À ce propos, M. le président, je souhaiterais quand même vous dire que le MSM à son bureau politique qui se réunit régulièrement. Ce que je voudrais dire, M. le président, c'est une avancée de la démocratie. Qu'est-ce qui s'est passé ? C'est la première fois qu'un Premier ministre a eu le courage politique d'emmener une réforme et de ventiler la réforme.*

Au début, on était en train de nous critiquer pourquoi on n'amène pas la réforme, on n'a pas le courage d'amener la réforme, on n'a pas de réforme à amener, on n'a pas de proposition à faire. Mais le Premier ministre a fait la conférence de presse et a annoncé la réforme. On a ventilé la réforme, on a attendu les propositions de la réforme. Nous n'en avons pas eu beaucoup. Je pense qu'on attendait beaucoup du MMM pour nous dire, on n'est pas d'accord avec ceci, on n'est pas d'accord avec cet élément-là, on n'est pas d'accord avec cette façon de faire le calcul.

Aujourd'hui, l'honorable Alan Ganoo a fait un certain nombre de propositions, mais nous voulions voir parce que nous voulons que cette législation passe. Nous savons que nous

n'avons pas les trois-quarts, mais nous savons qu'au plus profond de nous, nous voulons changer fondamentalement la façon dont ce Parlement est constitué.

We have this conviction and we want to change it, Mr Deputy Speaker, Sir. Let me now come to this issue of how we can replace the Best Loser System and ensure a fair and adequate representation of each community. If we do not have, as I said, the mathematical figures, this cannot be done. There have been a number of options; we talk about subsuming that list into the main list. We talk about a separate list. I also heard all the arguments for those who want to have a census and who want to keep the BLS as it is with the mathematics of it. But I would like to say that if we go down memory lane and with the Hansard, we have the impression that they are speeches which date back to 50 years. I am very sad about that, that a new generation of PMSD - MLAs - should adopt that type of speech. But anyway, time is running, Mr Deputy Speaker, Sir. We took time to bring this because we had to work on the different aspects of this legislation. Mr Deputy Speaker, Sir, we have the will, we have the determination and we believe that we have come with a piece of legislation which answers a number of queries within our population and also its legislation which answers to our promise for a dose of proportional representation, for the enhancement of women representation, for an anti-defection law and, today, we know that the Opposition has been very critical about it. But I would like them to think about it again and to understand why we need a system that we can govern because we cannot go to the Polls after an election, 6 months, 1 year, 2 years down the road and each time we have a problem. A slim majority is a very dangerous thing, Mr Deputy Speaker, Sir. We cannot give to our Constitution an instrument which will be of chronic instability in the country. We are builders, we want to build this country and we do have a stable majority to build it and to have a feel good factor in the country.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Uteem!

(6.25 p.m.)

Mr R. Uteem (First Member for Port Louis South & Port Louis Central): Mr Deputy Speaker, Sir, allow me at the very outset, to state the position of the MMM on this Bill. Despite the very clear and unambiguous interventions of hon. Paul Bérenger and hon. Veda Baloomoody on this Bill, it would appear that there is still some confusion in the mind

of certain Members on the other side of the House and I have in mind particularly the intervention hon. Dr. Zouberr Joomaye.

This Bill proposes to make several changes. I will take one by one and state clearly the position of the MMM. On the issue of increasing the number of seats to 63 and one additional seat to Rodrigues, we are in favour. On the issue of doing away with the requirement for anyone to declare his community, we are all in favour. On the issue of amending the Constitution to ensure better representation of women in Parliament, we are all in favour. On the issue of having an anti-defection law although it could be improved, we still vote in favour. But what we are not in agreement with the Government today is only on the issue of the seats to be allocated on the PR list and the 6 to 10 additional seats to be allocated pursuant to the additional seats. And this is why we had urged the Government to separate the issues instead of lumping everything in the First Schedule as it is the case today.

Today, if you agree with 90% of this Bill, but not with the allocation of seats, the whole Bill falls apart. So, it is as we are being done like *un chantage*, that if you want to have better representation of women, if you want 3 seats in Rodrigues, if you want anti-defection vote for PR, vote for additional seats. This is what we do not agree. This is why despite what hon. Bodha has just mentioned, we still believe that the Government should come before the House with a separate Bill covering the anti-defection, covering a better representation of women.

Mr Deputy Speaker, Sir, the Bill before this House is a very serious one. We are amending our Constitution, we are amending our Electoral System, we are amending the way we will elect our representative, and for us to be able to do that, the Constitution is very clear. Section 47 says that the Bill must, at the final voting in the Assembly, be supported by votes of not less than three-quarters of all Members of the Assembly. Three-quarters! And if this Bill goes through, any Bill to change what we are going to do now, to unwind whatever we do, will take again three-quarter majority. And we know that the very purpose of this Bill and introducing the dose Proportion Representation is precisely to make it more and more difficult for any single Party to command three-quarter seats, three-quarter majority. So, we should not underestimate the very important decision that we are about to take, because what we will do at the moment of voting, will bind not only us but probably many generations to come. And that is why we have to be absolutely convinced that what we are doing today is an improvement in our democratic system.

Mr Deputy Speaker, Sir, any Bill on electoral reform requires consensus, it requires broad-based support of all. I repeat, all components of our rainbow nation. And after three days of debate, listening to hon. Members from both sides of the House, it is clear that there is no consensus, it is clear that today the Government who has 45 MPs, even assuming that all 45 MPs vote in favour, because certain MPs have left a doubt that, maybe, they are not going to vote. But even assuming that all MPs from the MSM, from the ML, from Rodrigues Party, from the defectors, even if they all vote in favour, they have only 45 votes and you need 52 votes to get this Bill. So, when you know you have only 45 votes and you need 52, what do you do, you talk, you discuss, you compromise. But what has this Government done? We know, as far back as 21 September 2018, after the hon. Prime Minister did his Press conference and announced to the public what he has in mind in terms of electoral reform - that was live - unlike what hon. Bodha said, we commended, but not just the MMM.

I know that most political parties, not even political parties, members of civil societies expressed their views. We did it loud and clear in the Press conference that we do not agree with what is being proposed. We stated that this is not what the MMM wants and we said it so, that we are not agreeable with the number of seats allocated to PR because it is too low and we are not agreeable with this - they use the term *accordéon* - thing about adding six to ten MPs to fix any imbalance which results from the allocation of PR seats and we stated what was our position. Back in 2014, our position was that we needed 20 PR plus 8 to subsume the Best Loser.

After compromising with the Labour Party, we reduced that figure to 20; 14 on the PR and 6 on the system to subsume the Best Loser System. So, we repeated that. Our proposal was a minimum of 20 PR seats while ensuring that all the components of our rainbow nation is fairly and adequately represented by the new Bill and this has not changed, Mr Deputy Speaker, Sir. When we see the Communiqué of Cabinet of 28 September 2018, the Cabinet does repeat whatever the hon. Prime Minister said and still said that despite whatever comments the Opposition has been making, they are going to go ahead with the Bill and when this Bill was presented before this House under a Certificate of Urgency, giving MPs only a few days to read it and to debate it, the hon. Prime Minister knows that what he is proposing today, has been criticised by the Opposition, has been rejected since September 2018 and yet not an iota of change in what they had announced in September which we have said we have already rejected and now today, they want to make the population believe that it is the MMM who is unreasonable and not voting this Bill! We told Government we don't

agree, we have fundamental differences with you and instead of proposing amendments, they come forward with the same Bill, same wording knowing that they don't command a majority. So, why are they coming with this Bill when they know that they were not going to secure the majority of 52? I have asked myself and many other people, does the Government genuinely want electoral change? Do they genuinely want to change a system that has benefitted them so far?

Mr Deputy Speaker, Sir, I listened carefully to the Rt. hon. Minister Mentor. We may not agree with what the Rt. hon. Minister Mentor says all the time. Some of us may think that he is too conservative, some may call him *rétrograde* and hon. Bérenger even referred to him as having *une obsession mystique* with the problems in Rodrigues and their experience in proportional representation, but, at least, he has the courage of his conviction, he has always believed in First-Past-the-Post and he will always believe in that system. A system that has served him well and if it was left to him alone, he would not change the system and this is why, even if, this Bill is proposing to modify the First-Past-the-Post system by adding a dose of proportional representation, what is the Bill also doing immediately, whatever they are giving in one hand, they are taking back in the other hand. This is exactly what they are doing. This is what clause 8 (2) of the proposed Constitutional Amendment is saying in very clear words. If after the allocation of a PR seat, the difference between the number of seats of the majority party and the minority party and the second loser is increased or decreased, then six to ten additional MPs would be designated by the Leaders to restore mathematically that difference.

So, you can't be clearer than this. We don't want to change. If we are forced to change, we will change it, we will give you PR seats, but immediately we will take it back to where it was before giving you PR seats. Then what is the point of giving you PR seats? Is the whole point about proportional representation to cure an unfairness in the system, to cure an unbalance that results from First-Past-the-Post with a party being disproportionately advantaged, 50% of votes, giving them 70/80% of votes and of seats! Is the First-Past-the-Post system a system that unfairly discriminates against another party who may have got 30/40% of votes but only 10%-20% of seats? Isn't it precisely to correct this imbalance that we have, the proportional representation? And let me quote, Mr Deputy Speaker, Sir, how this was ably put in the Report of the Select Committee on the introduction of the measure of proportional representation in our Electoral System, commonly known as the Collendavelloo

Report because he chaired it, the Select Committee. What did that Committee say at paragraph 6 (2) –

“At the end of the day, we need to know what we want. It does appear incongruous to clamour against the unfairness of the present system and we agree that we require a dose of PR to mitigate the rigours of the system. We ought not therefore to be surprised when a dose of proportional representation precisely achieves this result.”

This is what the Select Committee says. If we believe that the First-Past-the-Post system creates unfairness and that a dose of proportional representation is meant to partially cure this unfairness. So, why should we be surprised when the dose of proportional representation does precisely this? And this is where I don't understand the Government.

All the Members who have intervened on the other side, have said that it is unfair, First-Past-the-Post is unfair. We need a dose of proportional representation; we need to reduce this unfairness. And then, they all agree with these additional seats to nullify any impact which the allocation of PR seats may have on the election results. So, it is like, my kids usually, when they are among themselves, they like to say, *donner c'est donner, reprendre c'est voler*. You have given PR seats and then you are taking it back through additional seats. This is why we say it is a no reform, *c'est une non-réforme*, because you are not doing any reform by adding these additional seats.

Mr Deputy Speaker, Sir, the hon. Prime Minister, the Rt. hon. Minister Mentor, several Ministers on the other side and we heard hon. Bodha just now, trying to justify this *non-réforme* by repeating *ad nauseam ad infinitum* that the First-Past-the-Post ensures stability. It ensures stability. Therefore, we need strong, stable Government and you should not allow the PR to have any negative impact on the stability of the Government.

I was very fortunate, Mr Deputy Speaker, Sir, 15, 20 years now ago, I studied, I read politics and law and I studied political system as part of the core of my political subject and back then - and I went back to my books to check whether I was wrong - and till now, there is nothing inherent in the First-Past-the-Post system that ensures political stability. It is simply just not true. First-Past-the-Post system has resulted in hung Parliament. We have seen what happened in England twice. They had to do a coalition and then had to fall apart. We see on the other side, even UK now going on PR to elect its representatives on the European Union. That is on one side of the spectrum. But we have also on the other side of the spectrum, countries who have adopted proportional representation system in one way or the other and

had very stable Governments. One example is South Africa who has an almost pure PR System and the ANC is ruling the country since apartheid without any major upheaval in the system.

Mr Deputy Speaker, Sir, in fact, according to Electoral Knowledge Network which is the largest online resource on elections, there are 12 main electoral systems currently used in the world. 92 countries used plurality voting which includes First-Past-the-Post, but also variation. For example in France they have *les deux tours* and in Madagascar also. 92 used the plurality voting, but 73 countries use some sort of proportional representation. 29 have mixed system combining plurality and PR and there are six others. So, clearly, Mr Deputy Speaker, Sir, if really the First-Past-the-Post system was ensuring political stability, all the other countries also who are using PR of some sort would have gone with the First-Past-the-Post system.

No, Mr Deputy Speaker, Sir, it is not the First-Past-the-Post that has assured stability in this country. It is the political alliances. The First-Past-the-Post system forces free electoral alliance, and that is what resulted in a stable Government. Not the system itself, it is the alliance, the pre-electoral alliance. It favours a two-corner fact. Since independence, Mr Deputy Speaker, Sir, we all know there has been only one true three-corner fight in this country and that was in 1976 when the MMM won 30 seats, the Labour Party with CAM won 25 seats, PMSD won 7 seats, including two from Rodrigues. After allocation of Best Losers, the MMM had 34 MPs, the Labour party with CAM: 28 MPs and PMSD: 8 MPs. The MMM won fair and square. But what did the Labour Party and the PMSD do? They formed a coalition and denied MMM the right to govern.

So, this First-Past-the-Post system that is being hailed by the holy grail in this country has resulted, in 1976 with a party having obtained the greatest number of votes, with a party having obtained the greatest number of seats, with a party having the most popular support being denied the legitimate right to govern. This is the First-Past-the-Post. It does not ensure stability. Since then, Mr Deputy Speaker, Sir, what have we seen? No one have dared contest the election alone except for the MMM. No one! Now, let me say it clear to the Nation that despite what hon. Kavi Ramano may think, if we have to do it again, if MMM has to go alone to the elections, we will do it.

(Interruptions)

The MSM never! MSM, you have to clap! You have to clap, hon. Prime Minister, you are totally right to clap. You are totally right to applaud because the MSM have ruled this country *père et fils* for decades. Never, once in their history, have they had the courage to stay and face the electorate alone. Never! So, that is why you have to applaud.

(Interruptions)

Yes, I don't blame you, Rt. hon. Minister Mentor. This is precisely what I am saying. This system has served the MSM well by making sure that each time they are returning to power by having political alliance. As the Rt. hon. Minister Mentor said, he is practical, there is no problem compromising. As long as they are the Prime Minister, then all things are negotiable. We are practical. I don't blame them for that.

(Interruptions)

This is another matter!

Mr Deputy Speaker, Sir, the MSM has run this country for so many years, for so many decades and they have never brought any electoral reform. When the MMM was in power with the MSM between 2000 and 2005, we had the Sachs Commission on constitutional and electoral reform which recommended electoral reform. We had a Select Committee of the Assembly chaired by hon. Ivan Collendavelloo, who was then in the MMM, to implement the recommendation of the Sachs Commission. The Select Committee of which hon. Baloomoody and hon. Mrs Dookun-Luchoomun were also Members. They submitted their report to the Speaker as far back as February 2004. The Select Committee drafted the amendment to be brought to the Constitution. The MMM-MSM Government had the required three-quarter majority to have that implemented, but were we able to bring Constitutional Amendments. The MMM were all for it. Was the MSM ready for it? I still remember this sentence - I was still young, I was not in active politics - that made the news, what the then Attorney General stated: 'If it ain't broke, don't fix it'. If a system has worked so well for us, is working so well for us, why should we change it? Why change a winning formula? As long as you are a winner, okay, what about all the losers? What about the hundreds and thousands of electors of this country whose votes are wasted because their votes are not represented in Parliament? We are practical and the Labour Party is no better. They also did not introduce any Bill on political reform. In fact, in 2014, they proposed and voted the Constitutional Amendment to do away with the requirement for a candidate to declare his community, what they call the mini-amendment. Let it be remembered. It is the

MMM, it is hon. Paul Bérenger who first came with this formula to amend - they call it the mini amendment - the Constitution, replacing 'shall' by 'may' so that someone, a candidate does not have to declare his community.

Le PMSD n'en parlons pas. Elles sont plus intéressées à se faire belles, joli mamzel to write on the back of next major party. I don't blame them, don't get me wrong. I don't blame them. They are so used to what in our good old creole we say: *les cinq sous ki manqué pou faire enn roupie*. I am not criticising them. They are used to pre-electoral alliance. They know what is being practical, hon. Minister Mentor. They know that on their own strength they will not rally sufficient support to have an MP elected. Therefore, what they do? *Maquillage, faire zot vinn zoli*.

Mr Deputy Speaker, Sir, you can understand the deep sense of anger that we hon. Members on the MMM had to endure, listening to hon. Sinatambou on Saturday and then hon. Dr. Joomaye trying to blame us for not supporting the electoral reform when in truth and in fact, the MMM is probably the only political party who has ever since 1986 fought for electoral reform. And how wicked to assert that what separates the Government from the MMM is just a question of numbers! No, Mr Deputy Speaker, Sir, it is not a question of numbers! We have compromised in the past on numbers. We can compromise on numbers. Number is not an issue. Of course, we would want to have the maximum number of PR, and really, the Commission Sachs recommended 30 Members of proportional representation. We are not going, you know, as higher as 30. We have asked for 20. But there are more fundamental issues.

Hon. Bodha is right to say that one of the big differences between the MMM and the MSM is on the mode for allocation of those PR seats. We, in the MMM, have always favoured the compensatory formula, which is what was recommended by Sachs, model (c), and which is also incidentally what was recommended by the Select Committee chaired by hon. Collendavelloo, a formula which in the words of the Sachs Commission, and I quote –

“(...) would allow for a greater degree of fairness whilst still heavily favouring stability.”

So, when we are talking about stability, this is also preserved by the compensatory formula. The Select Committee went further at paragraph 104 of its report, and I quote –

“The system is not a complicated system, except if one stubbornly refuses to understand it.”

I do not know who he had in mind when he says ‘someone who stubbornly refuses to understand it’. But this is what the Committee says. And now, today, what we are proposing in this Bill is not the compensatory formula, it is the parallel for the system. The same parallel system that was rejected both by the Sachs Commission and by the Select Committee. This is what the Select Committee had to say about the parallel system at paragraph 119 of the report, and I quote –

“Mauritius must decide whether it wishes to have a stable Government with fair representation or whether it wants to perpetuate the present system with just a token representation. The people want to see their votes represented in Parliament. The compensatory formula is by itself a compromise between First Past the Post and strict PR. The parallel system is only a way of providing us with the beginning of the debate but not with the solution to the problem.”

I totally, entirely agree with what was stated by the Committee. What we are having today is not a solution to our problem. It is only the beginning of a debate, and I hope that this debate evolves to a solution to the problem of First Past the Post, and it does not remain at the level of debate only. Very strong language used to reject the parallel mode of allocating PR seats. And this is why, Mr Deputy Speaker, Sir, after reading this report, I really would have expected the hon. Deputy Prime Minister, when he intervened on Friday on this Bill, I really wanted him to tell us why he changed his mind. Why he had felt, he and other Members of the Committee, had felt so strongly against the parallel system and today he is defending it all out. Even trying to convince us to become convert like him, even telling us: ‘You know, come join the background; I have changed’. Yes, I know you have changed, but why should we change? We believe that genuinely the compensatory method is better than the parallel method. And, as I have stated, when I started my intervention, if today we adopt a parallel system of allocation of PR seats, God knows when we will be able to change that system! God knows when we will have three-quarter majority in this House to change what we are doing today!

So, Mr Deputy Speaker, Sir, there are fundamental differences. But having said that, the MMM, some of us, most of us, believe that something is better than nothing. Some dose of proportional representation is better than nothing. Adopting the parallel mode of allocation of PR, with all its shortcomings instead of the compensatory mode of allocation as recommended by the Sachs Committee and the Select Committee, is better than no dose of proportional representation, and we would have considered it. This is why a lot of criticisms

has been levelled, a lot of *faux procès* a été fait au MMM when hon. Paul Bérenger stated that we are considering to vote under protest. That is what he had in mind. If you come up with an electoral reform, we may not entirely agree with it, but if, at least, it improves on what we have, we will consider voting it under protest. That is why on the PR issue, there is room for compromise. But where there is no room for compromise is we, in the MMM, would never vote for an electoral system which does not ensure a fair and adequate representation of all the components of our rainbow nation.

Mr Deputy Speaker, Sir, we should be proud of our diversity. Our diversity is not a weakness, it is our strength. People all over the world want to see this harmony, just like in the rainbow nation, you can see colours standing next to each other and doing a beautiful hall, just like this community is one next to the other in Mauritius making a beautiful hall. And the other day, someone was asking me, you know, when we travel we meet other people and there are these receptions that you are invited in and they ask you to wear a national dress – and always I wear suit.. So, they ask me what is the national dress? What should I say? Is it a saree? Is it kurta? Is it a flowery shirt? Is it a suit? I say it is all of it. When they ask me what is my national dish; is it *dholl puri*? Is it *briani*? Is it *rougaye*? Is it *mine frire*? It is all of it. That is the beauty of Mauritius, this harmony, this mixture of colours. So, if we agree that the diversity that we have is our strength, so why cannot we agree that any political system should reflect that diversity in our nation? This is why I repeat it, the MMM will never compromise until it is satisfied that any electoral reform that is presented before this House will ensure a fair and adequate representation of all, call it section of that population, call it component of that population, call it community of Mauritius.

And it is not just today that we are taking the stand. This stand has been in the forefront of anyone who proposed electoral system to Mauritius, as far back as 1948. Why 1948? Because, as hon. Bérenger explained: 1948, the first true election *digne de ce nom*. The Muslim five candidates. No one is returned, no Muslim is returned as elected member. And it created an uproar. I know people who were there, who went to demonstrate, who attended, I know, people have explained to me what was the tension. And that is why the colonial Government, in those days, made sure that any proposal for electoral system should ensure a fair and adequate representation. And that was entrenched also, Mr Deputy Speaker, Sir, in the London Agreement of 1957, the Second Principle, and I quote –

“any system of voting should provide an adequate opportunity for all the main sections of opinion in Mauritius to elect their representatives to the Legislative Council in numbers broadly corresponding to their own weight in the community”.

One year later, Sir Malcom Trustram Eve advocated 41 member constituencies, but he also insisted that there should be up to 12 additional members to be nominated by the Governor General. Sir Malcom Trustram Eve even wrote to the Governor and told him, and I quote –

“To exercise his powers of appointment in such a way that each of the three main sections of the population is so far as possible represented in the Legislative Council, a number broadly corresponding to their proportion of the population as a whole.”

After Sir Malcom Trustram Eve, in 1965, there is the Lancaster House Conference called by the Colonial Secretary, Sir Anthony Greenwood, this time there is no agreement. Why? Because the Muslim community asked for a separate ballot, a separate voting list, separate reserved seats for them. In 1966, the Banwell Report, first time referred to the term best loser. The Banwell Report was also rejected because it proposed some sort of corrective variables, which is a sort of proportional representation that enables Parties that have received more than 25% of votes to get additional seats to make their total equal to, at least, 25% of seats in Parliament. So, this dose of proportional representation was represented back in 1966. After Banwell, we had the Johnston House Report and he came up with the Best Loser System as it is today.

Now, why did Mr Johnston House devise the Best Loser System which was accepted by all political parties? For only one reason, to ensure a fair and adequate representation of all communities. Today, Mr Deputy Speaker, Sir, this is entrenched in our Constitution. It is at paragraph 5 of the First Schedule –

“In order to ensure a fair and adequate representation of each community, there shall be 8 seats in the Assembly additional to the 62 seats for Member.”

In order to ensure a fair and adequate representation of each community, this is what is entrenched in our Constitution. This is the constitutional safeguard. This is the safety net. What is this Bill doing today, Mr Deputy Speaker Sir? It is precisely repealing that First Schedule. It is precisely repealing that section of the Constitution, the only section of the Constitution which expressly provides that you need to ensure a fair and adequate

representation of each community. And the Government is surprised that there is an outcry! The Government is surprised that the MMM is not supporting this Bill.

Mr Deputy Speaker, Sir, I listened carefully to the hon. Prime Minister, the Rt. hon. Minister Mentor and the others. They seem to suggest that the present system would ensure a fair and adequate presentation, but I would like to be proven wrong. I would like hon. Rutnah, who is intervening after me, to show me where in the Bill that is before the House, it is stated, for example, that in choosing the 12 PR seats, we need to ensure a fair and adequate representation of every section of Mauritius. I want him to show me where it is stated that in choosing the 6 to 10 additional seats that the Leader needs to ensure a fair and adequate representation of all components of the rainbow nation.

Mr Deputy Speaker, Sir, the Cabinet decision of 28 September 2018, has a whole paragraph dedicated to this issue. So, it was very live in the mind of the Ministers who attended Cabinet on 28 September 2018. It was very live in their mind that there is a need to reassure all communities. This is what the Cabinet Paper reads –

“The proposed reform ensures that all minorities are adequately represented in the National Assembly. Party leaders will be entrusted with the responsibility of ensuring that PR list provide for broad-based and inclusive representation. It stands to reason that leaders will field candidates who are likely to correct any under-representation.”

This is what Cabinet had agreed. Cabinet agreed that Party leaders will be entrusted with responsibility of ensuring that PR list provides for broad-based and inclusive representation. What happened between the times Cabinet adopted this and the Bill was presented? What happened to the requirement that the Party leaders must ensure broad-based and inclusive presentation? Why was it thrown away?

(Interruptions)

Being practical!

Mr Deputy Speaker, Sir, the hon. Ministers and hon. Members of the MSM want us to put the trust in political leaders to ensure a fair and adequate representation of all communities to ensure a broad-based and inclusive representation, without anywhere in the Bill setting the criteria which the political leaders need to apply when choosing the PR, when appointing the additional Members. And they are surprised that people do not want to support this Bill out there! Why do people out there not want to trust political leaders? What happened in 1953? In 1953, it is the first time that a Muslim is elected. Sir Abdool Razack

Mohamed is elected by the slimmest of majority over his Party *camarade*, Alex Bhujoharry. We are not talking about an opponent; we are talking about someone from his own Party standing as candidate. He was elected, he beat Alex Bhujoharry.

(Interruptions)

3 and then they recounted it to 5! He was then not member of *Comité d'Action Musulmane*. He was not CAM like hon. Gayan was reading about CAM. He became CAM because precisely of what happened at that election. What did the Leader of Parti Mauricien do? What did Koenig do? He asked for a recount! Can you imagine what Abdool Razack Mohamed felt? Can you imagine what his supporters felt? Can you imagine what the whole Muslim community felt? And then, we are surprised that people do not trust political leaders! I am not saying that they are right in not trusting, but history is not on their side. What happened to 1983? What happened to late Kader Bhayat together with Paul Bérenger, and Anerood Jugnauth, he was not 'sir' yet? They formed the triumvirates of MMM, *les têtes pensantes*. After the 1982 election, they were together in Government. In 1983, there was a break up out of allegiance to Anerood Jugnauth. Kader Bhayat left the MMM, joined Anerood Jugnauth and formed the MSM. Founder of the MSM party! He left his Constituency No. 2 and went to stand as candidate in No. 10 and he got elected. Kader Bhayat got elected. What was the theme of the campaign? He will become the Deputy Prime Minister. What happened after the election? It was Sir Gaëtan Duval who became Deputy Prime Minister. And you want people today to have faith in all political leaders! They have faith in some political leaders, but not all of them.

What happened in 1987? In 1987, after the general election, the MSM/Labour Party get one MP elected again in Constituency No. 10, hon. Azize Asgarally. And then through Best Loser, they have an additional seat allocated to hon. Showkutally Soodhun. People may be surprised but as far back as 1987, hon. Soodhun was already a Member of Parliament. So, the MSM/Labour Government had two Members from the Muslim Community. Yet, the leader who chooses his Cabinet, the leader of the Party did not think fit to have any member of the Muslim community in Cabinet and today we are surprised that some people out there don't trust political leaders. More closer to us, Mr Deputy Speaker, Sir, what happened in 2014, in the general election? What happened? *L'Alliance Lepep, gouverner pour le peuple, avec le peuple, manifeste électoral, novembre 2014*, paragraph 5 –

“(...) le système de Best Loser sera maintenu.”

They campaigned on it; they went village to village, town-to-town, houses to houses targeting a particular community. And what did they do, what did they say, I have it, it's on internet – now with internet, you can have everything. I can still see Members from the MSM saying, I won't say name because there was more than one person, I don't like to point fingers on only one person because they are most of the people of the Muslim Community of the MSM use the same language. What they say, the choice is clear on the one hand you have the MMM/Labour Party, it is going to abolish Best Loser System, a system that has served us well, a system that we receive from Abdul Aleem Siddiqui; a sacred system, on the one hand you have MMM/Labour Party who is going to get rid of our sacred Best Loser System and on the other hand, you would have L'Alliance Lepep/MSM/Mouvement Libérateur. We are going to preserve the system. So, the choice is clear, who do you vote.

And they went houses to houses and it did have an impact, it did have a definite impact. After the election, there were more Muslim candidates elected under the banner of Alliance Lepep than there were under the MMM/Labour Party Alliance. This is the truth. They had 6 Muslim MPs, we had only 5. So, it worked, So then, Mr Deputy Speaker, Sir, today not a word of Best Loser, not a word of our Best Loser, we are abolishing Best Loser System and they are surprised that certain people don't trust political leaders and really we should have seen it coming, Mr Deputy Speaker, Sir, because only one month after the Government took office only one month, in the Government Programme 2015/2019 - Achieving Meaningful Change, the Address of the President of the Republic of Mauritius, what we call the *Discours du Trône* on 27 January 2015, paragraph 264 –

“Our electoral system would be reformed to introduce a dose of proportional representation in the National Assembly and guarantee better women representation.”

Not a word on Best Loser! They have just won the election, they have just campaigned to maintain Best Loser, they come first opportunity to show their program one month later, not a word on maintaining the Best Loser System and you really want some people in Mauritius, some section, some community to have faith in all political leaders to ensure fair and adequate representation. Mr Deputy Speaker, Sir, the hon. Vice-Prime Minister and also the hon. Attorney General mentioned that we have to do away with the Best Loser System because of the ruling by the United Nations Human Rights Committee and the action of Rezistans ek Alternativ.

They are absolutely right. Since that decision, there is a big uncertainty about the future of the Best Loser System, but that was as far back as 2012, that was before the election, that was before 2014. So, if before 2014, they had already agreed, they already knew that they will have to do away with Best Loser, why go to an election and fool a section of the Community.

Mr Deputy Speaker, Sir, I intervened in 2014 on the Constitutional (Amendment) Bill. And when I intervened on that Bill - that was a mini amendment - I was very much conscious of the implication of the decision of the United Nations Rights Committee, and the case lodged by Rezistans ek Alternativ and this is what I said, and I quote –

“We must resolve politically any issue relating to the Best Loser System, we must bring Electoral Reform and it is for us, politicians, it is for us, Members of the National Assembly to bring Electoral Reform and not wait for us to be dictated by the Supreme Court or by the Privy Council.”

But I also went on to say, Mr Deputy Speaker, Sir –

“But let me reassure hon. Members of this House and the population at large that the MMM will never, never agree nor vote any electoral reform if it is not to enhance democracy while assuring a fair representation of all the components of our rainbow nation.”

Unfortunately, Mr Deputy Speaker, Sir, the Bill before the House today falls short of ensuring a fair and adequate representation of all the components of our rainbow nation and I will vote against it.

Thank you.

The Deputy Speaker: Hon. Rutnah!

(7.18 p.m.)

Mr S. Rutnah (Third Member for Piton & Rivière du Rempart): Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, as I stand here, I want to say to my country that I love my country and I love my people to death and I will not engage into a speech today that is going to sound politically correct instead I will be politically blunt and I will speak the truth as they are. I am not going to speak double language like those imperfect speakers in Macbeth who said -

“Hail Macbeth, hail thane of Cawdor, you shall be the thane of Glamis and shall be king hereafter.”

And Macbeth was saying –

“You imperfect speakers, stay here, I want to know more because of the double language that those imperfect speakers used to speak.”

Mr Deputy Speaker, Sir, I will respond to my friend, hon. Uteem in a minute but as introductory remark, I am shocked, appalled by certain interventions in the House since last Friday in particular, from the youngest representative of the PMSD and from the representative of the Labour Party, namely hon. Mohamed who went on a crusade to make communal speeches of dangerous nature. And I am going to deal with them.

On the one hand, before 1968, 1967 we heard in the 60s words like *envelopeur mo pas oulé, bato langouti mo pas oulé* campaign against independence of this country. Then similarly in February 1968 in Birmingham, one conservative MP of Birmingham, Enoch Powell was delivering a speech highly inflammatory against immigrants, the speech commonly known as the River of Blood speech, synonymous speech, and prior to 1968 in Mauritius and in February 1968 in Birmingham, England. Then what we had? We had, in 1967, election and then we had the first riot in Mauritius. Why? Because then, the PMSD did not want this country to be independent. Then, they came again across the history in front of them when this country was to become a Republic. Again, they were against the Republic. On every occasion, when this country decided to go a step forward, the PMSD try, as we say, to put *bâton dans la roue*, and today history is repeating when you hear hon. Adrien Duval talking; the manner in which he delivered his speech, dangerously. But one thing I noticed is that none of the editorialists, the great journalists, wrote anything about the manner in which he delivered the speech. Had it been me, had it been someone from this side of the House making an inflammatory speech like that, *mama mia*, disaster.

Mr Deputy Speaker, Sir, when we get elected into this House, we don't come here to represent a particular community, we don't come here to represent a particular caste or a particular creed. When we come here, we come here to represent our village, our Constituency, our country and when we became a Republic, what was it all about? It was all about becoming Mauritian, this Mauritian blood that we have and why? We talk about pre-independence, the British. In fact, do we really think that the British wanted this country to be

stable when they gave independence? Do you think the Best Loser System was designed by the British to give us a country that is going to be stable?

In fact, what they did is what we call *la ke fer blan*, that's what the British did. Remember, at first, the British capitulated with the people of Mauritius. Why? Because the majority of the population in Mauritius, at that time, were immigrants from India. In 1834, they came with their Ramayan, their Gita, their Quran, their Hadees to work the land. When they were persecuted, they were oppressed by the colonial masters, they were together and they started to capitulate as from 1936 when there was this big rally demonstration in Mauritius. Then, at that time, there were no Hindu, no Muslim, no Christian, *ene sel lepep ene sel nation*. Those were the real days and that is when the British Government started to capitulate and namely when India got Independence in 1947 because the trend was that you can no more play around you, British, in the colonies; because people started to build up struggle and resistance.

The Best Loser System was designed to bring any stability; the Best Loser System was designed to perpetuate communalism because the philosophy of the British was to divide and rule. I heard hon. Uteem earlier on; I heard hon. Mohamed talking about communities, a particular one; I heard hon. Duval talking about a particular community and when I look on this side of the House, we are talking about the nation and this nation building, this philosophy, this wisdom, this idea, this vision of nation building, come from this side of the House when in 1963, Sir Anerood Jugnauth was elected in Pamplemousses/Rivière du Rempart and came to this House. I have the honour, in fact, I am ever so grateful, that he accepted me as his *collistier* in Piton/Rivière du Rempart during the last election. Let the people of Mauritius hear what he had to say, back in 1963 and I will remind Sir Anerood Jugnauth, gracefully what he said. He said this amongst other things –

“We must try to think about the future, the future of our children, the future of all Mauritian children. We must stop thinking about communities. We must stop thinking in terms of Hindus, Muslims or General Population. We must try to think in terms of Mauritian because everyone born in this country, who is a citizen of this country, has got equal rights and we have got to see to it with progress and independence those rights are respected be it the right of a Creole, of a Muslim, of a member of the General Population or of a Hindu. There is no question of the majority ruling over the minority, we all know that the majority had the right to form a Government but that does not mean that because, that right is exercised, the

minorities will be trampled down. That should not be because the duty of the Government is to see that justice is done towards everybody and we sincerely believe and hope that by voting for this motion, that by helping this country to move forward, our rights in the future will not be trampled down but, on the contrary, there will be more power to redress, to ask for justice and remedy.”

This is what Sir Anerood Jugnauth said in 1963, perhaps he forgot himself. And this is what we are doing now. From 1963, no Government had the courage, the boldness to bring such a Bill in this House like hon. Pravind Jugnauth, the current Finance Minister and Prime Minister, brought to this House, Mr Deputy Speaker. It reflects the philosophy of a man in 1963 who had a vision for his country, who had a dream for this country.

Now, in today's date, in my generation, in the generation of hon. Sinatambou, of hon. Maneesh Gobin, they use speaking in terms of community. We are one community as far as I am concerned. Hon. Baboo, having been elected, has left this side of the House and gone on the other side of the House and if, tomorrow, his community will not be represented or will be subject to any abuse or any infringement of the Human Rights, I will be here to defend his community because he had left. I am sure the Prime Minister will defend his community because we are one community, we are one nation. I remember when I was in *Jeunesse Militante*, those days, I used to interact a lot with Rama Poonoosamy and Steve Obeegadoo and you know what Rama Poonoosamy told me – ‘You know, I wrote that song *Ene Sel Lepep Ene Sel Nation* together with Siven Chinien and why? Because since its inception in 1969, the MMM always fought for unity in the country. And it was the MMM that started campaigning for proportional representation. But proportional representation, Mr Deputy Speaker, Sir, as far as Mauritius is concerned, the debate, the real debate started back in 1956-1957 in the United Kingdom and I will come to that. So, MMM was the first party. I was born Militant. I was the generation of hon. Reza Uteem. When we were growing up, when our generation was listening to Michael Jackson, we were listening to *Enn Sel Lepep Enn Sel Nation* of Siven Chinien and we were listening to *Crapo Crier*. That's what we were listening when our generation were listening to Michael Jackson.

(Interruptions)

And Michael Jackson copied so, says the Prime Minister.

Mr Deputy Speaker, Sir, I was still in my tender age when in 1982, the MMM-PSM sought power. Because of the kind of oppression that people were suffering with the then

Labour Government pre-1982, there was in Mauritius a unity just like in 1936. People were united as an *Enn Sel Lepep Enn Sel Nation*, which reflected in our National Anthem, *Enn Sel Lepep Enn Sel Nation*. Those were the days when in 1982, there was a demonstration here, in Port Louis, in La Rue La Poudrière. I was in my tender age then. Why? Because the people of Mauritius wanted to abolish the Best Loser System. The then Leader of MMM, he was the Finance Minister, he said: ‘No, we can’t do that because we don’t have a mandate to do that, because it was not in the Government Programme’. But, who suffered a lot? Who suffered a lot as a political party in this country due to lack of proportional representation? It is MMM. I will come to these things in a minute, in details, because today I have to tell the truth to the people, to my nation, to the people who are watching today and the children of this country should know, the record should be set right.

Mr Deputy Speaker, Sir, as I said earlier on, the British did not make any concession to us when they gave us the legacy of the Best Loser System, and I will read part of an article, with your permission, dated 13 September of 2012 in the ‘Economic Intelligence Unit’, and it says the following –

“By enshrining ethnicity in the voting system, the BLS is controversial and some claim it merely perpetuates communal divisions.”

And it went on to say –

“The UN criticism will add further pressure (...)”

That is the United Nations’ criticism, the case that Rezistans ek Alternativ brought to the United Nations.

“The UN criticism will add further pressure on the government finally to table its Electoral Reform Bill, which has been in the offing since the beginning of the year. While the Bill is expected to preserve a mechanism for minority representation, the BLS is likely to be modified.”

Furthermore, in relation of the criticism of the Best Loser System, I have an article from Africa Focus Volume 28 of 2015, the Article is entitled ‘Is it time to let go The Best Loser System in Mauritius’, and this what they say about the Best Loser System –

“One of the main criticisms levelled against BLS is that it crystallises ethnic identity and ultimately promotes communalism in Mauritian society. Some describe the system as the “*consecration of communal considerations in constitutional terms*”. It is

an electoral system that, for many, *'legitimises/institutionalises the process of political ethnicisation'*. At the centre of this claim is the obligation that BLS imposes on every candidate to indicate community affiliation in the nomination paper.

For BLS to function properly, every candidate must declare to which community he or she belongs. According to the law, the candidate's nomination, as mentioned earlier, is declared invalid if the candidate has failed to declare on the nomination papers the community to which he or she belongs."

And interestingly, there is a case referred. And the case that has referred in relation to the criticism is the case of Sir Gaëtan Duval v. Francois in 1982, and the ratio of this case was quoted in the case of the the Electoral Supervisory Commission v. The Honourable the Attorney General in 2005, and also in the case of Kadima & Kasenally.

So, Mr Deputy Speaker, Sir, the British did not make any gift to us, no concession was given with Best Loser System. In fact, Mauritius as it is, Mr Deputy Speaker, Sir, according to the same Article, listen to this beauty, I get fascinated, what people think about our country and what Members of the Opposition try to convey from this House, in particular hon. Mohamed. I will come to it his discourse in a minute. Listen to the beauty –

"The mosaic nature of the Island (...)"

That is Mauritius.

"(...) cannot be overemphasised. As one author observed, "(a) leisurely walk through the capital, Port-Louis, may bring one past, within half an hour or so, a Buddhist pagoda, a Sunni mosque, and Anglican church and a Catholic one, and two Hindu temples – one North Indian, one Tamil" "

This is our country. This is our people. This is our nation. This is how we want our children to grow. We do not want our children to grow thinking in their mind that they belong to a certain community or to a certain caste or to a certain creed.

We want this country to be for the Mauritians, just like when we go out there in Europe, in England. When I was in England, I used to meet Mauritians there. When they come there, then they do not have a job, when they want to work in Pizza Hut, when they want to work in McDonald's, when they do not have a place to live, when they are there either studying or staying, somehow to obtain a job or to obtain citizenship or permanent residence, you when you ask them: 'Where are you from Mauritius?', then they will tell you:

‘Yes, I am Mauritian.’ Then, they do not tell you: ‘I am Muslim’, they do not tell you: ‘I am Christian’, they do not tell you: ‘I am Buddhist or I am Hindu or I am Babuji or I am Maraz, or I am Rajput or I am Tamil or I am Telugu’. There, they are Mauritians.

So, why when we are in Mauritius we cannot think like Mauritian? Why we need to have young people who are representative of the House, like hon. Adrien Duval, like hon. Shakeel Mohamed to say that I come here to represent a particular community? We are Mauritian!

Mr Mohamed: Mr Deputy Speaker, Sir, on a point of order. This hon. Member has just pointed out to hon. Adrien Duval and myself as having supposedly said that we are here to represent one particular community. Now, this is not what hon. Adrien Duval said, neither have I said that and there is nothing that we have done in this Assembly to indicate that. This is imputing motives clearly and goes against the Standing Order. So, I wish that the hon. Member withdraws it.

The Deputy Speaker: Let me say something, hon. Members. This is an important piece of legislation that we are discussing. We have spent a lot of hours on this piece of legislation, and I agreed to arguments being made in a very forceful manner and also I agree that Members talk without fear and favour in this House. But it has to be in the ambit of the rules of the debate of this House.

This is not a Point of order, hon. Shakeel Mohamed!

Hon. Rutnah, you can continue your speech!

Mr A. Duval: If I may, Mr Deputy Speaker, Sir, since we are being asked to give explanations. Let me just say that my grandfather used to say all the time that ‘when you denounce racism and discrimination, you are always the first one to be called a racist’, like in the USA for Martin Luther King, like in South Africa for Nelson Mandela...

(Interruptions)

The Deputy Speaker: Hon. Adrien Duval!

(Interruptions)

Hon. Adrien Duval! I am on my feet! Please, sit down! Please, sit down! This is not a point of order.

You can resume your speech, hon. Rutnah!

Mr Mohamed: Mr Deputy Speaker, Sir, Standing Order 40, paragraph 3, this is my point of order. And you have just overruled me on what basis? Standing Order 40, paragraph 3 is very clear: 'do not impute motives'. Is that not clear enough?

The Deputy Speaker: What I can understand is that hon. Rutnah is rebutting the arguments that both of you had made when you made your speeches.

Mr Mohamed: The hon. Member said that I am here to represent one community! That is not rebutting arguments!

Mr Rutnah: Mr Deputy Speaker, Sir, in order to maintain the dignity of the House and the sanctity of the kind of debate that we are having, let me say this to make both of the hon. Members happy, that in general terms when they spoke, they spoke about a community that they represent, but not of other communities. In their speeches, there was no mention of other communities. So, Mr Deputy Speaker, Sir...

Mr Mohamed: On this particular issue, on which point of my speech did I make reference to only one community? When? When did I do that?

(Interruptions)

The Deputy Speaker: Take your seat, hon. Mohamed. I have given my ruling. You have taken a Point of Explanation. Then, I requested hon. Rutnah to resume his speech.

Mr Rutnah: I am grateful, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, let us not waste time. Let me delve now into a bit of how this proportional representation came to our country. I was saying earlier on, the first serious debate started in 1956 in the United Kingdom. It was on 10 February 1956 that the Secretary of State to the Governor despatched a document saying that he suggests proportional representation for Mauritius...

(Interruptions)

The Deputy Speaker: Can you take your seat, hon. Rutnah? I said I do not want any disturbance in the House. Please, keep quiet! Resume your speech, hon. Rutnah!

Mr Rutnah: On 01 March 1957, debates in the House of Commons, that is, in the United Kingdom, rejected the suggestion of the proposed proportional representation. Then, in 1957 itself, the London Conference attempted to set up an electoral system that encourages voting on grounds of party affiliation and the real debate in Mauritius started in the 60's. Earlier on, hon. Uteem referred us to Sir Malcolm Trustram Eve, who chaired the Commission in 1957 on the London Agreement, and he suggested that Mauritius to be

divided into 40 constituencies that would return one Member by First-Past-the-Post. He also recommended the appointment of nominees and those nominees at the time would be appointed by the Governor General of the country. So, then the Governor General, who had the power to appoint nominees, now we have the leaders of the parties who are going to be given the power to appoint, not best losers but proportional representation on the basis of which constituency you are from.

Hon. Uteem referred us to the relevant paragraph of the Trustram Eve Commission, which I do not propose to repeat. So, this is how we developed the concept of proportional representation for Mauritius. The debate started in 1956, 1957, extended in the 60's, then when we came to 1982, when the Labour Party obtained 30% of the votes, they did not even manage to get one MP in the Legislative Assembly. Instead, the 4 best losers on ground of communal ground were nominated and they were not from the Labour Party. Similarly, in 1991, the MSM-MMM with 944,521 votes, that is, 55.36%, secured 57 votes, whilst PTR-PMSD with 670,631 votes obtained 39.3%, secured only 3 votes. 57 votes against 3, 67 seats against 3 seats in 1991.

In 1995, the MSM-RMM obtained 20% of national votes, and they could not get someone in to the Legislative Assembly. Whereas Parti Gaëtan Duval with a mere 6% vote, got one best loser, and interestingly Hizbullah, an MMP, with less than 2% votes, managed to get one Best Loser in the House. So, if we look at history, are we seriously saying that this is fair and that we, as a Government, who has promised in our manifesto to abdicate, and to pretend that everything is rosy, is okay and we do not do anything about it? No! It is high time to bring meaningful change and we are at a junction, we are at a crossroad insofar as the future of our children is concerned.

Let me now take the nation to the history of the seats allocated to best losers! In 1967, out of 8 best losers, there was only one Muslim candidate who was allocated best loser and he was Mohamed Abdul Razack Hajjah, whereas the second went to *population générale*. In 1976, 3 Muslims out of 8 and the rest 5 were from *population générale*. In 1982, no Muslims and 4 to *population générale*. In 1983, 2 Muslims, Kamil Ramoly and Noor Ismael Hassenjee, out of 8 best losers, 6 to *population générale*. Interestingly, Mr Deputy Speaker, Sir, in the 1983 election, Dr. Swaley Kasenally obtained 47% of votes, whereas Kamil Ramoly obtained 16% of the votes and guess what, Dr. Swaley Kasenally did not make it whereas Kamil Ramoly made it.

Then we have got the 1987 election and this is marvellous because this election, I remember vividly. Out of 8 best losers, 4 Muslims: Said Maudarbaccus, Kasenally Ahmad Swaley, Showkatally Soodhun, Peerun Mohamed Jeelani. You know what is fascinating in regard to the 1987 election, Regis Finette obtained 47% of the votes and he made it, whereas Paul Raymond Béranger 49% of the votes, he did not make it. More examples – 1991, out of 4 best losers, again 2 Muslims and 2 *population générale*; in 1995, out of 4 best losers only 1 Muslim and 3 *population générale*; in the 2000 elections out of 8 best losers 2 Muslims and 6 *population générale*; in the 2005 election, out of 8 best losers, 2 Muslims 6 *population générale*, then in 2010, out of 7 best losers, 2 Muslims and 5 *population générale*.

So, this has been the trend, and if this has been the trend, is it really serving only our community? Is it really reflecting the reality on the ground? But I see the *aboyeur de service* de Navin Ramgoolam is here, hon. Mohamed.

Let me deal ...

(Interruptions)

The Deputy Speaker: Please!

(Interruptions)

Hon. Member, I request you to withdraw what you have said, please.

Mr Rutnah: Mr Deputy Speaker, Sir, when I am called *aboyeur de service*, it is okay. I am called *aboyeur de service*. My wife is attacked. I am denigrated virtually every week, then it is okay!

The Deputy Speaker: I have given my ruling, hon. Rutnah! I request you to withdraw that word.

Mr Rutnah: I am glad that the words '*aboyeur de service*' hurts.

(Interruptions)

I withdraw, but I am glad that the words hurt, '*aboyeur de service*.'

(Interruptions)

The Deputy Speaker: The hon. Member has withdrawn the words.

(Interruptions)

Mr Rutnah: Mr Deputy Speaker, Sir, this is Mauritius. This is not the Chile of General Pinochet. This is not the Malaysia where there is discrimination against minorities. This is not the Spain of Francisco François. This is not the Pakistan where there is discrimination against minorities. This is not Burma where there is discrimination against the Rohingya. This is not Bangladesh where there is discrimination against the minorities. This is not South Africa during the apartheid time. This is not Morocco where we had positive discrimination against minorities. This is not Israel where we have discrimination against the Palestinians. This is Mauritius!

Now, let me remind hon. Mohamed, what he said during 2014 debate in relation to the Best Loser System –

“As long as there is no underrepresentation of any community, there is no issue. Forgive me, this is not doing politics. I am only trying to clear minds of people. I am trying to collaborate and contribute to the whole debate. It is precisely because of such instinctive reaction such as that of hon. Jugnauth that I believe that it is about time that we come up with a law as soon as possible.”

What law was he referring to?

“In order to be able to remove such base thought from the debate, this is what has to be done. If I, the grandson of Sir Abdul Razack Mohamed says so, it is because I honestly believe that we should embark on modernity.”

What did he mean when he said that we should embark on modernity? What do we do with the Best Loser System? He said something very interesting along the line. Listen to this - perhaps he forgot himself -

“There is fear among the Muslim community that if we touch the Best Loser System eventually, there will be something else that will be touched. It is their right to go to Friday prayers. This is only a perception.”

Of course, it is only a perception! I agree with him. Unfounded! Very much founded!

“Because as long as this party is in power, the Labour Party with the Prime Minister like Dr. Navinchandra Ramgoolam, no way will any minority be in any way affected. This is my pledge and this is the pledge of this Government. It has always been the vision and the pledge of this Government, the Labour Party.”

He goes on -

“What I am trying to say here is the Best Loser System is not a monster. I compare it to a mother who has managed to open its arm and take all communities in and hold the country together as a nation. Now, it is time for this mother that has been the Best Loser System that has nurtured us during stability, it is now time for us to fly with our wings. I believe we are ready to do it.”

(Interruptions)

You see, Mr Deputy Speaker, Sir, when Dr. Navinchandra Ramgoolam was in power, they have the wing to fly. The way they want, even with coffers, they will fly! But what when hon. Pravind Jugnauth is in office, why cannot he give this wing to our children to fly and change the system which has perpetrated really communalism in this country.

The Deputy Speaker: No crosstalking please!

Mr Rutnah: Mr Deputy Speaker, Sir, when hon. Mohamed was on his feet, when he was going on about all the gibberish for one and a half hour and he has got a habit also hon. Mohamed whenever they intervene in any debate after me or before me, they always refer to my party and then they refer to a function where I went. I am a MP of my Constituency, I am invited in functions held by Hindus, by Muslims, by Tamils, by Telegous, by Christians - I go and attend I don't have control over what some punk are going to come and say. So then I get accused that I attended somewhere a function where I took part as if to say and why? To create in the mind of the people that I am anti-Muslim and this is what they do when hon. Abbas Mamode and hon. Mohamed take the floor, but Mr Deputy Speaker, Sir, I am not a fool. I have grown up in a village where there is no difference between whether you are a Hindu or a Muslim. When a Hindu family, at the end of the week or at the end of the month before the ration is over, needs some salt, some sugar, some flour, you go to a Muslim family and borrow, they happily give it to you, and that's vice versa.

In villages, this is how we have grown up, this is how we have lived as family, as one people, as one nation. And it is wrong for him to say that I didn't condemn what that man said on the microphone on that day. Listen to what one of the journalists who asked my reaction said –

« Propos sectaires tenus par un policier : Ravi Rutnah s'en dissocie, ce discours hautement condamnable a été tenu en présence du député Ravi Rutnah. Ce dernier cautionne-t-il ce genre de propos? »

Mind you, I don't speak French –

« Interrogé, le député du ML nous répond par la négative. 'J'ai assisté à cette fonction car je suis le député de l'endroit. Mais cela ne veut pas dire que je suis d'accord avec ce qu'ils ont dit. Je n'ai pas porté attention à ce discours. J'ai préféré parler à une personne plus intelligente qui était assise à côté de moi', nous a dit Ravi Rutnah. »

I propose to table this electronic copy of *Sunday Times* so that it is on the record of the Assembly, so that hon. Abbas Mamode and hon. Mohamed will not try to *sème la zizanie*.

(Interruptions)

I told you, I don't speak French.

(Interruptions)

Mr Deputy Speaker, Sir, one more thing. Hon. Mohamed, referring to my leader, referring to my party, said that hon. Rutnah insulted a journalist in public as if I am the first one to insult journalists. I agree that there are journalists who are intellectually dishonest in this country, but I will never tell a journalist that he is *semi-intellectuel*. I will never treat a journalist *de zaimo*, I will never...

(Interruptions)

Yes, that's why earlier when I said *l'aboyeur de service de Navin Ramgoolam* that hurts. *L'aboyeur de service de Navin Ramgoolam* hurts. But listen to this hon. Duval...

(Interruptions)

Before you defend your friend, look at this. On the 13 of April 2012, you know Mr Deputy Speaker, Sir, whenever I do my job, whenever I come and stand on my feet in his House I do some preparation because I get paid from public purse to come and represent my country. Do you know what I found, hon. Mohamed –

« Interrogé par Florian Lepoigneur, journaliste à *l'express.mu*, le ministre n'a pas commenté les incidents, mais a menacé de s'en prendre à ce dernier s'il publiait un compte-rendu des incidents qui ont émaillé la réunion. «*Mo conne to nom, to l'adresse...* »

Mr Mohamed: Mr Deputy Speaker, Sir, he is totally entitled to say what he is saying and I thank him for giving way, but if he so wishes I can even produce a letter from that same

journalist who said that never happened, please continue and assume the responsibility. But the hon. Member wants to be factual I will show him the letter where he signed it with his hand that nothing happened. Thank you.

(Interruptions)

Mr Rutnah: Mr Deputy Speaker, Sir, let me – no, there is a *bande sonore* in this article. Let me read what he has said - first quotation - because there was no action in defamation –

‘Mo conne to nom, to l’adresse to mette ene l’article lors moi, mo pou « graine » toi, mo pou fini toi », a déclaré le ministre du Travail, selon Florian Lepoigneur.’

(Interruptions)

« Dans l’élément sonore que lepress.mu a en sa possession,... »

(Interruptions)

Go and ask *l’Express* now, we don’t...

(Interruptions)

You don’t agree with this? Has anyone seen the pornography of violence when he was at Rajabally’s place, the way he was treating Inspector Rengha? Why? Have you seen the clip on defi.mu, the pornography of violence? Hon. Abbas Mamode and hon. Armance were there as well making way. They were condoning everything that was going on there and not only that, have you listened to how he treated Raj Busgeeth telling him to fuck off...

(Interruptions)

Mr A. Duval: On a point of order, I direct you to the Standing Orders, I refer you to them rather with regard to offensive language; pornography of violence, in the words first of all, the words ‘fuck off’ and all this you are letting it go on record? You should be ashamed for that.

(Interruptions)

The Deputy Speaker: Hon. Adrien Duval, will you withdraw what you just said regarding the Chairperson, please.

Mr A. Duval: Mr Deputy Speaker, Sir, if you make the right ruling, then I will gladly do so.

The Deputy Speaker: I requested you to withdraw what you said, please.

Mr A. Duval: Because it is a constitutional debate...

(Interruptions)

Well, let me explain.

The Deputy Speaker: Please!

Mr A. Duval: Because it is a constitutional debate, I will withdraw but I still refer you back to it.

The Deputy Speaker: Please sit down. Hon. Rutnah please, I said you should ...

(Interruptions)

Wait, hon. Adrien Duval. I told you that you should speak within the rules of the debate. Please do not use provocative language when you make your speech.

(Interruptions)

And you withdraw what you just said.

Mr Rutnah: Mr Deputy Speaker, Sir, I withdraw but I was quoting what hon. Mohamed said in public and that's in public domain, why did he abuse...

Mr A. Duval: Mr Deputy Speaker, Sir, do you realise, on a point of order...

(Interruptions)

The Deputy Speaker: I said take your seat hon. Adrien Duval! Take your seat!

(Interruptions)

No, please take your seat. I told you to withdraw what you have just said. Withdraw!

Mr Rutnah: Mr Deputy Speaker, Sir, I withdraw again but I say, I was quoting hon. Mohamed.

The Deputy Speaker: He has withdrawn what he just said.

Mr Rutnah: Mr Deputy Speaker, Sir, I withdraw but I was quoting what hon. Mohamed said to Raj Busgeeth which is in public domain on Defimedia.mu. Why did he say that?

Mr S. Mohamed: Now, just on a point of explanation! Please, you know, what has this got to do with electoral reform? What has it got to do? And secondly...

(Interruptions)

And secondly, what he has said is not correct. I never said any insulting words to Mr Busgeeth, he is wrong about that. *Il se trompe de personne au fait.*

The Deputy Speaker: Please, take your seat. You will resume your speech, but please be relevant to the piece of legislation we are debating today. You have made your point with regard to what hon. Mohamed said. Get back to your speech now!

Mr Rutnah: Mr Deputy Speaker, Sir, he opened the can of worms and he has to swallow the can of worms. I did not open this can of worms. He opened it, the pandora's box is wide open and the gloves are off, as far as I am concerned. But now moving on, and he said something else on that Bill but I am not...

(Interruptions)

Okay, I preserve the dignity of the House again.

(Interruptions)

We have heard a lot about the census. Now, hon. Uteem quite properly, he has asked me a question whether where in choosing the six to ten MPs fairly and adequately represent the rainbow nation. Where? In fact, when he asked this question, it goes to the argument of the PMSD and the Labour Party in relation to census. We can't go back to square one because then we have to define communities and we don't want that. We don't want to define communities because there are no communities, there is only one community. If ever we have to define community, we have to define the Mauritian community, one people, one nation. And that is why in the Bill, you will not see anywhere mention expressly that such and such community will be represented. But, what this Government is proposing is that the six up to a maximum of ten will be allocated in an open and fair manner and, of course, the Leader of the Party will ensure that the mosaic nation, the rainbow nation is there without letting the people out there know that Mauritius, we are a country that positively discriminate. Do you think there are any Leaders in Mauritius who will not give consideration to all the segments of our society? Do you think so? It is wide open for everybody to be represented, but given that some have hammered a lot on the census, let me say again and refer to this Article of Africa Focus.

According to the 1972 population census, the last census which the Mauritian people were requested to declare the ethnicity, 52% of the population is Indo-Mauritian which

includes the Hindus, the Tamils, the Marathis, the Telegus, the Gujaratis, 27% of population is Creole while Muslims account for 16% of the population, the rest of the population is divided between people of Chinese origin accounting for 3% and the Franco-Mauritian accounting for 2%. The ambiguity of this classification, however becomes immediately clear when one examines the reality on the ground, for example, the Hindus, far from being a homogenous group are divided by caste, religious affiliation, place of origin and language. Among the Creole, there is a divide between fair skin and French speaking Creole, on the one hand, and dark skin and often less educated Creole speaking Creole. On the other, these ethnic differences are further complicated by religious affiliation. So, if we go down the census, if we down the Best Loser System, this is how the country will be divided. Do not think that the *population générale* will be homogeneous *population générale*, it will also be divided amongst white, half-white, Creole, according to this.

(Interruptions)

I do not to this. If I would have said this, it would not have been right, but I am quoting.

So, Mr Deputy Speaker, Sir, we have to be careful. We are in the process of nation building and we have to build this nation in order to ensure that the future generation live in peace and harmony and do not have the same event that we had in 1967 and the *Kaya* event in this country.

Mr Deputy Speaker, Sir, what is this Bill all about? Hon. Reza Uteem told us quite rightly, even if the MMM vote, we are not going to get the three-quarter majority, and we know that, but we do not want today. You know, when you are born a Militant, you know, I did not leave the MMM because of Bérenger or Uteem or Bhagwan or Baloomoody. I left MMM because of Ramgoolam. I went and campaigned in No. 4, No. 5, No. 6, No. 7, No. 8, No. 9 and told the militants to *viré mam*, it is because of Ramgoolam not because of Bérenger or Uteem or Baloomoody or Bhagwan.

And today, the party, which has always campaigned for proportional representation, is standing right here before history. Right here! And what is our difference? Numerical difference? 90%, hon. Uteem said he will agree, 90% we agree, these is 10% that we do not agree. And what is that 10%? According to their calculation, 82; according to ours, 81. They are counting on 7.5%; we are saying 10%. Is this...

(Interruptions)

That also, he agrees.

(Interruptions)

No, because hon. Baloomoody also spoke. But let say something, even if you vote, we are not going to get the Bill passed because the PMSD and the Labour Party are not voting, but hon. Dr. Husnoo is voting.

(Interruptions)

But we are, as a Party, we owe a duty to our country, we owe a duty to our children, we owe a duty to the future of this country, we owe a duty to shape this country as one people, one nation, *enn sel lepep enn sel nation*, as Rama Poonoosamy told me. And this is the occasion, this is the time, at least, to let the PMSD be the PMSD, debark from them, demark from the Labour Party. Labour Party was never interested in making Mauritius a Republic, but the MMM has always been, the MSM has always been, the ML has always been. and we make an appeal to respond to the call of history. We are not begging, but for the sake of the country, for the sake of the children of this country, for the sake of the future of this country, for the sake of shaping the future of this country, if we have to ask, we will ask, but to beg, we won't. But then, assume your responsibility! Assume your responsibility, as a Party, which has always fought for proportional representation!

Mr Deputy Speaker, Sir, on this note, I thank my population, my country, people who have today listened to me, and I anticipate I have contributed positively to the debates.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Members, I suspend the sitting for one hour.

At 8.22 p.m., the sitting was suspended.

On resuming at 9.29 p.m. with Madam Speaker in the Chair.

Madam Speaker: Hon. Rughoobur!

(9.30 p.m.)

Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or): Madam Speaker, thank you for the opportunity given to me to comment on this extremely important historical Bill which is in front of this House tonight.

Madam Speaker, I have had the opportunity to listen to many hon. friends on both sides of the House. I would like to say that there has been some very valuable contribution on the Bill, but what we can deduce from what we have heard from both sides of the House,

is that we have got a three-quarter majority on at least five issues. One is the need to bring, after 50 years, a reform in our electoral system. Second,, we need an electoral system that promotes stability. Third, an electoral system that is more or less fair to the unsuccessful parties, but fair in general and the need for gender parity, the need for more women representation in Parliament, and finally also the need for a Bill like we are bringing in front of the House, *une loi sur le transfugisme*. I think on these five issues that I have just mentioned, we have a three-quarter majority, at least on this.

I am not going to dwell on those two issues, Madam Speaker, that is, on the issue of women representation and *le transfugisme* because there is unanimity already. We are going to narrow down issues and I will come to the three important components of the Bill that, I believe, is at the very essence of what the Government wants to promote with the Bill, which is in front of this House today. And what are those three essentials issues? Those are the issues of –

- stability;
- fairness, and
- how do you strike the right balance between stability and fairness.

Madam Speaker, I have listened to the Rt. hon. Minister Mentor, he has been the longest serving Prime Minister of our country and I have listened to him carefully on this Bill, insisting on the need for stability, but also insisting on the need to strike the right balance between stability and fairness. And I have also listened to hon. Bodha, who has gone in the same direction and has explained in detail as to the objectives of this Bill.

Madam Speaker, when we look at the current electoral system that we have, we have to ask ourselves a question: Have we ever sat and asked ourselves about the strength of what we were to forgo if we had to forgo the system that we have today?

Madam Speaker, for the last 50 years, the electoral system that we have had, had contributed significantly to bring about an element that has been the determining factor in bringing about the phenomenal transformation of our country. This economic development that today we enjoy, this substantial improvement in the standard of living of our nation, the one single factor that has contributed to this, Madam Speaker, is stability. I can understand the Rt. hon. Minister Mentor when he keeps insisting on stability. He has been the longest serving Prime Minister of this country, he knows what he is saying. He knows because he has been sitting on the hot seat, Madam Speaker.

And as I was saying, when we talk about stability with our electoral system, we should not look at this electoral system that we have had for the last 50 years in a vacuum. I believe that we have around this system to look at a series of components that are also important, that I have not seen many hon. Members mentioning.

Hon. Bérenger referred to the importance of institutions. He talked about the importance of the Electoral Supervisory Commission. As I am saying, this electoral system that we have should not be looked at on a vacuum. What has contributed to this stability?

The first issue which I want to elaborate is this issue of stability. The electoral reform around it, there has been a series of elements with the electoral system, of course, that has brought about this stability. We are talking of the role of institutions. The contribution, the role of institutions, the role of the ESC, we cannot forget. We should not take it for granted. We know what is happening in other countries, how people have lost confidence in institutions, and the chaos that it has brought about. But we have taken for granted the ESC, that the ESC, it is here, it is doing the work. It is an important institution but the role that this institution has played around to bring stability along the electoral system, we have to mention it in this debate, Madam Speaker. Along with the role of the ESC, apart from the system, we have to understand when we talk of electoral system, it is not only a question of system, Madam Speaker; it is also a question of people.

We have to understand one important thing. I have been elected in Constituency No. 6. When I am talking of people, I am talking of the maturity of the electorate, of the population that we have today. This also is important. I have been elected in Constituency No. 6 and I am proud, Madam Speaker, where I have got almost 20% of the electorate, which is *population générale*. I have got almost 12%-15% of the electorate which are Muslims. I have never felt that I am having affair whenever I am in the constituency. If I go in Vale, where most of the Muslims are concentrated, or if I go to Grand Gaube, what I feel, what they are interested with, Madam Speaker, is the results. They have not chosen me because of the colour of my skin, they have not chosen me because I come from a rich or a poor family, they have not chosen me because I belong to such and such community, Madam Speaker.

So, the role of people in the system is also important and we have to mention it. and when we are talking of people, the role of leaders as well, in the system, what the leaders of the mainstream parties have been doing over the years, Madam Speaker, in the choice of candidates for different constituencies? Yes, we have to take some reality into consideration.

When we talk of Constituency No. 3, for example, how far have these leaders been promoting communalism? I do not agree. There are certain realities that we have to face, Madam Speaker. No. 1, no. 2, no. 3, I am mentioning a few constituencies. When these leaders sit and have to determine the profile of candidates that they are going to put in specific constituencies, this is a reality that you have got to accept. Later on, I will come to it. If you want a perfect model, you will never be able to get a perfect model Madam Speaker.

The third important issue in this stability, when we talk of stability, the current electoral system that we have, the hon. Minister Bodha was right in mentioning briefly but what an important issue that he raised about the duration of Governments. Since 1967 until today, Madam Speaker, I think that there have been almost eleven elections. If we exclude 1982, almost all the Governments during these elections have more or less completed their mandate, and this is important for stability in a country. And this has happened because of the system that we have today, the First-Past-the-Post system. Whether you talk of 1967, 1975 - 1982 was an exception - 1983, 1987, you name it! During all these elections, all those Governments completed more or less their mandate 4-5 years. Can you imagine if we come with a system and you disturb that stability? What would have happened to this country, Madam Speaker? This is the question that the population, this House, has to ask itself, duration of Government.

Then, of course, on this issue of stability, the electoral system completes the surrounding components that bring about the stability in our country that we forget, that we take for granted, the vibrant parliamentary democracy that we have. What happened in several elections, but if I take only two cases –

- MSM in Government then moving to Opposition after 2010, and
- in last elections, PMSD in the Government, but went into opposition after 2014.

This has not disturbed the stability of the Government and, with this model of parliamentary democracy that we have, sometimes you feel that, with this system, it is like the seats in the Opposition bench have been filled naturally because it is sort of a battle of ideas and this is what makes the beauty of the electoral system that we have today, Madam Speaker. So, it was important for me to lay emphasis not only on this electoral system that we have today, but to understand properly what makes the strength of this electoral system. For it, we have to analyse the surrounding components that contribute to the stability.

Now, stability, one, Madam Speaker, but stability is not enough, I agree. We have to ensure that there is also fairness and this is the second issue that I wanted to dwell upon, fairness. How far can we go with this system that we are proposing? Here, Madam Speaker, I wanted to raise two issues, one is the suggestion that possibly - I heard one or two Members mentioning the proposal that the LP/MMM alliance did in 2014 and why not adopting that system if I am not wrong, but I am sorry, Madam Speaker, *on ne peut pas faire un bébé sur le dos de l'électorat*. That was a proposal that was rejected in 2014. We have to be very careful. That was a proposal in 2014 that was rejected by the electorate.

Coming to this issue of parallel versus compensatory mode, Madam Speaker, after the proposal of the Government was made public; Rama Sithanen has been closely involved into making a series of proposals as he is an expert in the field. I would like to quote what he stated in April 2014 and that relates to the compensatory mode, that is, Sachs C. This is what he had to say in April 2014 –

“Sachs C could pose a serious threat to what many consider the most important criteria of an electoral system. Stability, governability and decisiveness have, by and large, been the hallmark of our First Past The Post system since independence. The population expects a winner once the votes are counted. This will not be the case with Sachs C in many elections.”

This is what Rama Sithanen stated in April 2014, Madam Speaker. He had a reason to state this. In the counterproposal that he did to the Government, he spoke of the different scenarios under the parallel mode and the compensatory mode. Let us have a look at what happened, Madam Speaker, elections of 1995 when LP/MMM alliance secured 60 seats with zero seats to the MSM/RMM. Under the parallel mode that we are proposing today, the LP/MMM alliance would be allocated 9 PR seats bringing the total allocated seats allocated to 69 and the MSM/RMM alliance with only 3 additional instead of zero. The disparity under the parallel mode, therefore, increases from 60 to 66 and 3 seats for MSM/RMM. For the same election, 1995, under the compensatory mode, the results of the election would have been as follows -

- LP/MMM alliance, no PR seat, that is, it stays with its 60 seats, and
- the MSM/RMM alliance wins 12 PR seats.

Now, it has worked. It would be working for this particular election. You get the possibility to reduce, as some hon. friends have been saying, the major seat difference and allow the

unsuccessful parties to secure 16.2% of seats in Parliament for 19.7 of votes poll in its favour. Instead of zero, it gets 16.2% of seats. This is under the compensatory mode. This works here for the election of 1995.

Madam Speaker, if we were to do only one election in the history of our country, this would have been okay, but the elections are held every five years. This is exactly what hon. Bodha was explaining earlier, that you have to do the different permutations to see where it works and where it does not work.

Now, I come to election of 1987. What happens under the two modes of computation? What happened in 1987, Madam Speaker? MSM/LP/PMSD got 39 seats and the MMM got 21 seats. After application of the compensatory mode, which is the preferred mode supposedly, as proposed by some hon. Members, the new allocation of seats would be as follows: most, if not all, of the 12 PR seats would be allocated to the unsuccessful party, that is, the MMM. The new results, therefore, would have been as follows under the compensatory mode: MSM/LP/PMSD 39 seats and MMM 33 seats. Madam Speaker, clearly what happens? You have a drastic fall in the difference from an 18 seats difference under the First Past The Post to 6 seats only. During this comparison, Madam Speaker, what happens? You can see clearly that, at this stage, with the compensatory mode, you have a problem of fairness, this could give rise to instability and this is what we have to prevent. Mr Rama Sithanen goes further to explain that, in such a case, what we have to do and this is what he quotes -

“Introducing a rider to prevent such risks by having provision that the majority cannot be lower than a threshold in such cases.”

He is proposing that we need to have a threshold. I think he was proposing ten. If the party has more than 10 seats than the unsuccessful bidder in any elections then there is a need to provide for a rider in a compensatory mode. What I want to explain here, Madam Speaker, is that finally you do not have an exact formula and we have to be very careful when we are to bring a reform to our electoral system. It has taken us 50 years to bring this country where it is today and we have to ensure that the next thing that we have to do is to strike the right balance between stability and fairness. To conclude on the proposal of Mr Sithanen, as conclusion, this is what he said –

“There is no perfect model. However, some are better than others at striking a reasonable balance between fairness to parties and the stability of Government.”

This is what is the objective of the Bill that is in front of this House today Madam Speaker, how do we go about striking the right balance between stability and fairness. We are not fighting only for stability or for fairness, but we have to strike the right balance between stability and fairness. How do we do this, Madam Speaker? Over the years, the electoral system that we have today has been a system that has contributed significantly, as I said earlier, to the development of our country. Now, Madam Speaker when we talk of striking the right balance, this makes me think of an entrepreneur, Madam Speaker, that has to strike the right balance between when he has to offer, when he has to sell a product to strike the right balance between an acceptable quality of product and a reasonable price.

A real challenge for an entrepreneur, not an easy thing to do. It is a real challenge, Madam Speaker, and in this particular case, for our country as a political entrepreneur, whether it is the hon. Prime Minister or the Rt. hon. Minister Mentor. Madam Speaker, for what Pandit Jawaharlal Nehru did to promote democracy in his country, he was often named as a 'political entrepreneur'. We need the vision of a political entrepreneur, Madam Speaker, to ensure that today we have a system that strikes the right balance between stability and fairness, and this is the major challenge that the Government is exposed to.

Madam Speaker, I will vote for this Bill, because it is the least we can do for the generation to come to ensure the stability that the Best Loser has been providing during the last 50 years, and which has been the hallmark of the phenomenal transformation in the standard of living of our nation, as I said earlier.

Madam Speaker, we have to understand that we have to solve a problem today, with the need for us to solve the problem that we have had with United Nations and their proposals. We will have to put a system, an electoral system in place; we do not say do away with the Best Loser System because the current system that we have, as I am saying, is a system that has produced results, but to try to find an acceptable solution with what we are proposing. Madam Speaker, I believe that it is going actually to strike the right balance between stability and fairness – and, Madam Speaker, to conclude, before resuming my seat, I would like to quote John Adams from a statement entitled "Thoughts on Government" dated as far back as 1776, and this is what he had to say –

"The principal difficulty lies, and the greatest care should be employed, in constituting this representative assembly. It should be in miniature an exact portrait of the people at large. It should think, feel, reason, and act like them. That it may be the

interest of this assembly to do strict justice at all times, it should be an equal representation, or, in other words, equal interests among the people should have equal interests in it. Great care should be taken to effect this, and to prevent unfair, partial, and corrupt elections.”

Thank you, Madam Speaker.

Madam Speaker: Hon. Mrs Perraud!

(9.56 p.m.)

Mrs A. Perraud (First Member for Port Louis North & Montagne Longue):

Madame la présidente, c’est avec un sens de très grande responsabilité, avec un élan patriotique et une pointe de fierté que je me tiens devant cette assemblée pour apporter ma contribution au débat sur le projet de loi, *the Constitution Amendment Bill*.

Il y a eu beaucoup d’orateurs avant moi, donc, 27 orateurs avant que je ne prenne la parole. Beaucoup de points ont été soulevés, débattus en profondeur. Donc, je ne vais pas répéter tous les autres points. Je vais me contenter, au cours de mon discours, de parler sur deux points qui me tiennent vraiment à cœur. Donc, pour aller droit au but, je commencerai avec une citation de Robert Badinter, je cite –

« Quand on touche à la constitution il faut le faire avec les mains tremblantes »

C’est une immense responsabilité qui nous incombe aujourd’hui, chacun d’entre nous. Madame la présidente, comme l’ont fait d’autres orateurs avant moi, je vais mettre en perspective la position du PMSD face à ce projet de loi. Aujourd’hui, encore une fois, le PMSD se retrouve à la croisée de l’histoire face à la réforme électorale et, encore une fois, le PMSD, fidèle à son habitude et intransigeant à ses valeurs et ses principes, ne peut voter pour un tel projet de loi et cela pour plusieurs raisons que je vais expliquer, que je vais développer au cours de mon discours.

Madame la présidente, le PMSD n’a jamais raté le rendez-vous avec l’histoire. Nous avons laissé des empreintes indélébiles dans ce pays. C’est faux et malhonnête de la part de certains membres du gouvernement de nous traiter de rétrogrades, d’antipatriotes et de communales. Car, il faut se rappeler, c’est bon de le dire, que c’est grâce au PMSD que l’île Maurice a connu une période poste indépendante sans effusion de sang, contrairement aux autres pays africains. Le PMSD s’est sacrifié pour le pays. Le PMSD a mis les intérêts du pays avant les siens.

Si Sir Gaëtan Duval n'avait pas accepté de faire la coalition pour l'unité nationale après l'indépendance, où en serions-nous aujourd'hui ? Ce que le PMSD a fait, fait de nous, nous qui sommes là, de vrais patriotes. Tous vos efforts, pour gommer l'histoire, pour effacer l'histoire, pour réécrire l'histoire à votre avantage, sont vains, car personne ne peut effacer la grande contribution du PMSD dans la mémoire collective de ce pays.

Madame la présidente, le PMSD n'a aucune leçon d'unité nationale, de patriotisme à apprendre de qui que ce soit, ici, de personne. Si j'en avais le temps, avec plaisir, j'aurais fait pleuvoir sur cette assemblée des exemples pour démontrer qui a agi de façon communale, antipatriotique et pourvoirisme, ici. Sûrement pas le PMSD !

D'ailleurs, les membres de ce côté de la Chambre ont déjà donné quelques exemples. Madame la présidente, on ne peut, nous, le PMSD, donner notre assentiment à ce projet de loi en notre âme et conscience. D'abord, on ne peut voter pour une réforme électorale à la veille des élections, surtout lorsque les propositions reçues ont été toutes balayées d'un revers de main. Cela démontre un semblant de démocratie. D'ailleurs, un ministre nous a déjà dit - malheureusement, il n'est pas présent ce soir - *Government is Government and the Government decides*. C'est une dictature déguisée ; on nous a dit, donnez vos propositions, mais à la fin, le gouvernement décide.

Comment voter pour une réforme *piecemeal* que pour les besoins électoraux, en négligeant et en faisant abstraction de beaucoup de faiblesses, de lacunes, de manquements, pour ne pas dire d'erreurs de notre système électoral ! Ces amendements proposés ne s'attaquent pas à la racine, à la cause du problème, on nous propose un *Panadol* pour un mal qui gangrène notre société. Oui, Madame la présidente, je n'exagère en rien lorsque je dis que cette société est gangrénée par un système qui crée beaucoup d'injustice, de discriminations et d'inégalités. Notre système électoral est dépassé ; 50 ans après l'indépendance, il faut le reformer, il faut le changer mais ce qu'il faut surtout, c'est d'avoir la volonté politique et non partisane, non sectaire pour apporter de réels changements dans l'intérêt de toutes les communautés de la population de la nation mauricienne. Avec ces amendements, tel n'est pas le cas.

Madame la présidente, ce projet de loi démontre qu'il y a aucune sincérité de la part du gouvernement MSM/ML de rétablir la justice, d'effacer, d'éliminer les inégalités sociales, de consolider l'unité nationale. Non, aucune ! Pas avec ces amendements !

Madame la présidente, le gouvernement, dans ses propositions de réforme électorale, nous demande de voter pour l'abolition du *Best Loser System (BLS)* et de le remplacer par un autre système qui est dépourvu de transparence, un système qui ne reconnaît pas la volonté, la voix du peuple, un système qui est entre les mains d'un leader politique.

Madame la présidente, un leader c'est un être humain et l'être humain est un être social. C'est un être humain qui est pétri de sentiments, d'émotions, qui agit et réagit par rapport à l'éducation qu'il a reçue, par rapport à ses valeurs et principes ou absence de valeur et de principe par rapport à ces préjugés, des stéréotypes par rapport aux groupes de pressions, etc.

Donc, à travers les amendements proposés, ce que ce gouvernement nous demande, c'est de retirer, d'effacer, d'éliminer le *BLS* qui a fait ses preuves, qui est bien défini dans la Constitution, qui est une formule mathématique, qui respecte la voix du peuple, qui vient des urnes pour le remplacer par un système décidé, selon le bon vouloir des leaders politiques.

Madame la présidente, pour nous, c'est scandaleux, c'est inadmissible. J'ai entendu certains orateurs avant moi justifier cet amendement, en disant qu'ils peuvent faire confiance à leur leader en ce qu'il s'agit du choix qu'ils auront à faire au moment venu. Madame la présidente, permettez-moi d'en douter ou d'en rire. Si pour l'allocation des maisons de la *NHDC* on n'est pas capable de traiter tous les mauriciens de la même façon, on se réfère à une communauté comme ayant les femmes qui sont des prostituées, qui peuvent venir gâcher l'environnement, comment est-ce que vous voulez qu'on fasse confiance à un leader politique pour une décision aussi importante que de représenter toute l'île Maurice au Parlement, quand pour une petite chose on n'est pas capable d'être juste ? J'aurais pu continuer comme ça jusqu'aux petites heures du matin, donner autant d'exemples, mais il se fait tard.

Madame la présidente, je dois dire que je suis décontenancée et surprise de voir la facilité avec laquelle beaucoup, ici, accusent l'autre, blâme l'autre de ce qu'ils sont eux-mêmes ou de ce qu'ils pratiquent. Je m'explique. Madame la présidente, est-ce que lorsqu'on dénonce, on démontre des pratiques communales, on devient communale, on est communale ? Quelle est la logique dedans ? L'explication à cela c'est que, ceux qui dénoncent le communalisme, sont des miroirs dans lesquels ceux qui pratiquent le communalisme ne veulent pas se voir, et par lâcheté, rejette le blâme sur ceux qui dénoncent le communalisme. Une personne qui met en lumière, qui dénonce le communalisme ne peut pas être traitée de communale.

Aujourd'hui, en tant que jeune en politique, je suis à mon deuxième mandat ; en tant que femme en politique, en tant que maman de deux jeunes enfants, parce que les enfants c'est notre avenir, l'avenir de ce pays, je prends ma responsabilité en tant que parlementaire et je mesure toute cette responsabilité qui m'échoit pour être vraie, pour être honnête, pour être sincère envers moi-même d'abord, envers mon électorat, toute la circonscription No. 4 et envers mon pays. Ma place, ici, dans cette auguste Assemblée me donne pleinement le droit d'être moi-même, dans le respect des autres et dans le respect mutuel.

Madame la présidente, l'amendement proposé n'inspire nullement confiance. Si on pouvait faire confiance aux leaders, aux humains pour établir la justice, la méritocratie et éliminer les inégalités, pourquoi, Madame la présidente, dans la fonction publique, il y a une inégalité, une discrimination criante qui saute aux yeux, qui est flagrante, qui est parlante ? Ce n'est pas Aurore Perraud qui invente, non, ce sont les chiffres, les chiffres parlent d'eux-mêmes. Ce que j'ai entre les mains, c'est un article paru dans *'Le Dimanche l'Hebdo'* du 28 octobre au 3 novembre 2018, un bel article écrit par Ronnie Antoine. Et cet article, avec beaucoup d'histogrammes, nous présente la situation dans la fonction publique, la représentation de chaque communauté au sein de la fonction publique, chaque ministère. Pour nous aider à mieux comprendre ces histogrammes, il y a différentes couleurs. La couleur bleue représente ceux d'origine africaine, la couleur rouge ceux d'origine européenne ; la couleur verte, ceux originaires d'Asie du Sud, la couleur jaune, ceux originaires d'Asie de l'Est. Et dans l'article, le journaliste précise que la dénomination Asie de l'Est vise les sino-mauriciens alors que l'Asie du Sud englobe la majorité indo-mauricienne indistinctement de la religion et quand on s'arrête et on prend un moment on analyse chaque ministère, on déduit, d'ailleurs quand vous regardez les couleurs vous pouvez voir qu'il y a une grande inégalité dans le recrutement et dans la présence de chaque communauté au sein de chaque ministère, à titre d'exemple - je ne vais pas donner pour tous les ministères ...

Madam Speaker: Hon. Mrs Perraud, let me just draw your attention to the fact that we had a compromise when adding your name and that of hon. Ameer Meea on the list when the list of orators was already closed. I have made a compromise on that matter. I said that each of you will have 15 minutes, because we have a long list of orators, you should understand. Your 15 minutes is already over, but I am giving you five additional minutes, but please come to the essence of the Bill.

Mrs Perraud: For sure. Thank you very much, Madam Speaker.

Donc, je ne vais pas...

Mr Boissézon: On a point of explanation.

(Interruptions)

Madam Speaker: Please, don't ...

(Interruptions)

The hon. Minister has a point of explanation!

Mr Boissézon: Madam Speaker, the hon. Member is making reference to a Press article written by Ronnie Antoine. Can we know the source of that...

(Interruptions)

Madam Speaker: Hon. Mrs Perraud, please...

(Interruptions)

Order! Order, please! Hon. Mrs Perraud, please proceed, but I would once again ask you to come to the essence of the Bill so that you can make the valid points that you wanted to make.

(Interruptions)

Hon. Thierry Henry, please!

Mrs Perraud: Alors j'ai l'impression que beaucoup d'entre nous sont très intéressés par rapport à cet article. Donc, justement pour le ministre concerné, j'ai déjà dit, c'est Le Dimanche, l'hebdo du 28 octobre au 03 novembre 2018. Donc, je vais m'arrêter là.

Mr Gayan: Madam Speaker, on a point of order! Is the hon. Member also prepared to give the list of recruitments, etc., in the private sector?

(Interruptions)

Madam Speaker: Please, order!

(Interruptions)

Hon. Thierry Henry, please, mind your language!

(Interruptions)

Mind your language!

(Interruptions)

Please, mind your language!

(Interruptions)

Can we have some order in the House, first of all? Hon. Mrs Perraud, you have got five additional minutes. So, bring it to the essence of the Bill.

(Interruptions)

Mrs Perraud: Vite fait. Je dois dire qu'à chaque fois après le dîner, on a le même problème avec l'honorable Gayan, vraiment on a le même problème.

(Interruptions)

Mr Gayan: On this, Madam Speaker, she has to withdraw the statement.

(Interruptions)

Madam Speaker: Hon. Gayan, please! I didn't even hear what she said; I didn't even hear what you said. You are all disturbing and obstructing the work of this House.

(Interruptions)

Hon. Mrs Perraud, please continue, you've got very few minutes left.

Mrs Perraud: Alors, je m'arrête là. Donc, je vous laisse le loisir de lire l'article. Donc ce qui démontre qu'effectivement dans certains ministères donc je me rappelle, par exemple - le ministre n'est pas là - le ministère des Sports, il y a seulement une seule communauté, donc c'est dans le journal, vous allez lire.

Donc, je disais que, voilà, Madame la présidente, pourquoi on ne peut voter pour un amendement qui donne le pouvoir aux leaders de décider, donc j'ai déjà expliqué, là je dois faire marathon, faire vite. La discrimination existe à tous les échelons pas seulement dans le recrutement de la fonction publique, dans la promotion aussi et dans bien d'autres sphères encore.

Alors que certains parmi nous ici d'une voix mielleuse font croire que tout va bien, Madame la Marquise alors que d'autres, vociférant ici dans cette auguste assemblée qui sont les défenseurs de l'unité nationale à coup de *'Sexpeare' and Macbeth* - je voulais dire *'Shakespeare'* - que le communalisme n'existe pas, que nous vivons dans une île Maurice parfaite où tout le monde est traité de la même façon. Je dois dire qu'en dehors de cette

auguste assemblée les choses ne sont pas comme vous le peigniez ici, et que la colère gronde parce qu'il y a trop de discrimination. C'est sûr que seulement, uniquement, ceux qui vivent, qui subissent cette discrimination quotidiennement peuvent comprendre ce que c'est. Donc, il n'est pas vrai de venir ici et de prétendre que tout va très bien...

(Interruptions)

Exactement !

Alors, Madame la présidente, le *BLS* a fait ses preuves et a encore son utilité aujourd'hui. Nous allons pouvoir nous passer du *BLS*, nous défaire du *BLS* seulement, uniquement lorsqu'on aura une société où il y aura la méritocratie, où il y a la justice, où il y a chance égale pour tous, où il n'y a pas de discrimination tolérée, institutionnalisée, encouragée.

Moi, j'ai bénéficié du *BLS* en 2010. Je suis entrée en campagne électorale à quelques semaines avant les élections, et je n'ai pas été élue mais j'étais repêchée par le *BLS*. En 2014, à ma deuxième tentative dans la même circonscription, Circonscription No. 4, j'ai été élue en tête de liste. Est-ce que si pour ceux qui disent qu'il faut éliminer le *BLS* parce que le *BLS* favorise le communalisme, est-ce que pour une candidate qui a été élue sous le *BLS*, si je n'avais pas travaillé pour tous mes mandants de la même façon, servir tout le monde de la même façon, être une députée de proximité, ne pas regarder la communauté, ne pas regarder où les gens habitent, ne pas regarder le nom de famille de la personne, considérer tout le monde égal, est-ce que j'aurais été élue en tête de liste en 2014 ? Donc, pour ceux qui disent que le *BLS* favorise le communaliste, je leur dis non. L'île Maurice n'est pas prête pour qu'on enlève ce système. Pourquoi ? Parce qu'on ne peut pas, on n'y ait pas arrivé à assurer la méritocratie, la justice pour tous, chance égale pour tous. C'est pour cette raison que je dis que nous devons maintenir le *BLS*.

Madame la présidente, si le gouvernement était sincère dans sa démarche pourquoi n'a-t-il pas proposé, je ne sais pas qui c'est qui a dit que donc l'opposition ne vient pas avec des propositions, nous ne faisons que critiquer, mais vous voulez une proposition, voici une proposition. Pourquoi est-ce que le gouvernement ne vient avec, puisqu'on est en train d'amender la Constitution, un amendement à la Constitution pour introduire la discrimination positive comme c'est le cas en Inde ou aux États-Unis. Cela aurait aidé à diminuer le fossé entre les différentes communautés. Si le gouvernement était sincère dans sa démarche, pourquoi ne pas avoir disséqué et regardé le problème en face, pourquoi ne pas proposer de

changer l'appellation de population générale, nous en avons assez de ce fourre-tout, de cette appellation population générale.

Moi, je suis mauricienne et fière de l'être, très fière d'être une mauricienne mais de par mes coutumes, mes traditions, ma tenue vestimentaire, ma façon de manger, etc. j'appartiens à un groupe précis, comme nous tous d'ailleurs. Chacun d'entre nous nous appartenons à un groupe précis mais nous sommes tous Mauriciens. Personne ne peut nier cela. Je suis mauricienne et je suis une créole. Pas une créole selon une définition archaïque, révolue que sommes tous créoles parce que nous sommes nés sur une île. Pour ceux qui sont contre le recensement ethnique parce que c'est difficile, embarrassant, délicat ou sensible de demander ou de dire sa communauté, je leur dirai que nous, les créoles, nous ne pouvons pas subir et ce depuis 50 ans parce que vous, vous n'êtes pas à l'aise. Nous aussi nous voulons être à l'aise. Nous voulons être traités égaux.

Madame la présidente, nous les jeunes, nous voulons une société plus juste, une société où prévaut la méritocratie, une société où il n'y a pas de discrimination. Le rôle du gouvernement est de s'assurer et de se donner le moyen de bâtir cette société. Contrairement au MSM, je ne vais pas faire un appel à qui que ce soit pour voter contre ce Bill, je laisse à chacun sa conscience et ses valeurs. Depuis que nous avons commencé le débat sur ce projet de loi, les membres du MSM n'ont pas arrêté, chacun à son tour, de supplier les membres du MMM de voter pour ce projet de loi. A force d'insister et de répéter leurs appels, cela devenait une situation cocasse. Si j'étais du MMM, j'en serai flattée que de voir le MSM s'abaisser à ce point. Si j'étais du MSM, j'aurai eu la honte de ma vie de me mettre dans de telles postures. Comme je suis une PMSD, je ressens une grande fierté ; fière de nos interventions au parlement. Nous avons eu le courage d'avoir un langage de vérité, de sincérité ; fière d'être vraie envers nous, envers notre électorat, envers la population ; fière de pouvoir se mettre debout ici et tenir le même langage que nous tenons dans nos circonscriptions respectives. J'ai compris que pour certains tel n'est pas le cas et c'est difficile pour eux d'aller affronter leur électorat parce qu'ils avaient fait campagne pour le *Best Loser System* et aujourd'hui c'est difficile.

Madame la présidente, avant de conclure, je voudrais dire que j'accueille l'amendement...

Mr Abbas Mamode: Madam Speaker, in a sitting position, the hon. Dr. Husnoo is treating me as...

(Interruptions)

He is cheap - as *bachara*. I will say the word he said because he promised the electorate of number 3 to vote against.

Madam Speaker: Hon. Dr. Husnoo! Hon. Dr. Husnoo! Please!

(Interruptions)

Hon. Thierry Henry! Hon. Dr. Husnoo, did you utter these words, *bachara*?

Dr. Husnoo: Yes, Madam Speaker, I said it. I withdraw it, but I mean it.

(Interruptions)

Madam Speaker: No, no, no.

(Interruptions)

Order please! Order!

(Interruptions)

Order I said!

(Interruptions)

Hon. Thierry Henry, I am on my feet! Hon. Dr. Husnoo, when you withdraw, you have to withdraw without any condition. Please just withdraw what you said.

Dr. Husnoo: Okay, I withdraw it Madam Speaker.

Madam Speaker: Please conclude your speech! Hon. Mrs Perraud, you have run out of time!

(Interruptions)

Now, hon. Henry! Hon. Henry, I am warning you!

(Interruptions)

Mrs Perraud: Madame la présidente, avant de conclure, je voudrai dire que j'accueille l'amendement à la Constitution qui vise à assurer une meilleure représentation féminine au parlement. C'est un amendement qui va permettre d'enlever une inégalité qui existe entre les hommes et les femmes. C'est un pas qui va dans la direction du progrès. Nous, au PMSD, nous sommes pour augmenter le nombre de femmes au parlement. Nous sommes signataires du protocole de la SADC qui recommande un minimum de représentation

de 30% de femmes au sein des parlements mais Maurice traîne très loin derrière lorsqu'il s'agit de la représentation féminine au parlement. Nous, au PMSD, nous sommes pour une société plus égalitaire et moins discriminatoire dans toutes les sphères de la vie. Les femmes sont aussi capables que les hommes ; il faut leur donner leurs chances de faire de la politique active et de briller.

Mais, Madame la présidente, nous déplorons que cet amendement qui vise à augmenter la représentation féminine au parlement soit rattaché dans ce même projet de loi aux autres amendements proposés. Du coup, cela nous prive de voter pour cet amendement précis. Je pense que le gouvernement rate une belle occasion, une occasion en or de marquer l'histoire en incluant cet amendement dans le projet de loi. Le gouvernement MSM-ML rate son rendez-vous avec l'histoire.

Pour conclure, Madame la présidente, je voudrais vous quitter avec une très belle citation de Dom Hélder Câmara, qui dit ceci, français, -

«Il y a trois sortes de violence. La première, mère de toutes les autres, est la violence institutionnelle, celle qui légalise et perpétue les dominations, les oppressions et les exploitations, celle qui écrase et lamine des millions d'hommes dans ses rouages silencieux et bien huilés. La seconde est la violence révolutionnaire, qui naît de la volonté d'abolir la première. La troisième est la violence répressive, qui a pour objet d'étouffer la seconde en se faisant l'auxiliaire et la complice de la première violence, celle qui engendre toutes les autres. Il n'y a pas de pire hypocrisie de n'appeler violence que la seconde, en feignant d'oublier la première, qui la fait naître, et la troisième qui la tue.»

Madame la présidente, c'est pour cette raison, à cause de ce premier type de violence que le PMSD ne votera pas cette loi. Il y a eu de virulentes attaques, des attaques d'une bassesse inimaginable contre le PMSD, contre certains orateurs du PMSD. On peut ne pas être d'accord avec une personne, avec une idée, avec un parti mais cela ne doit pas nous empêcher de rester digne, élégant, intelligent. Malheureusement, beaucoup de nos aînés en politique, plusieurs ne sont pas présents ce soir...

Madam Speaker: Hon. Mrs Perraud, are you concluding or are you starting your speech again?

Mrs Perraud: Yes, I learned this from hon. Ganoo!

Madam Speaker: I think you should conclude now, otherwise next time no compromise!

Mrs Perraud: Yes, Madam Speaker, for sure I am. Malheureusement beaucoup de nos aînés en politique de l'autre côté de la Chambre ont failli lamentablement. Leurs discours étaient exécrables, revanchards et avec des attaques personnelles, et ils ont fait école. Certains jeunes, qui ne sont pas là aussi, ont pataugé dans une bassesse nauséabonde et écœurante lors de leur discours.

Donc, pour tous ceux qui m'ont entendue et surtout écoutée, je vous dis merci.

Madam Speaker: Hon. Dr. Sorefan!

(10.30 p.m.)

Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix): Madam Speaker, I am very honoured, with your permission, to voice out my opinion on this important Constitutional (Amendment) Bill concerning the reform of the electoral system in our country. Before I proceed with my speech, I would just like to make a few observations on what hon. Mrs Perraud pursued in her speech about leaders. I get the impression that she, herself, has no confidence in her own leader, the way she presented it.

The second thing is, I think, she is too young to witness what happened just before we got our independence. She does not know three headed monsters on posters at that time. I would not say what was their slogan? Hon. Rutnah has mentioned it. *L'indépendance pas encore arriver, langouti dehor*. That was the language at that time. I would not go further, but she has to go and find out what PMSD at that time did to the Mauritian people.

Madam Speaker, let me start with what the hon. Leader of the MMM said at the end of his speech. I quote –

« Nous, au MMM, nous continuerons à faire ce que nous faisons depuis des années, nous battre et lutter pour une vraie réforme électorale digne de ce nom. »

Madam Speaker, no electoral reform is or will be 100% perfect. If that was the case, *une vraie réforme électorale digne de ce nom* would have come a long time ago. Why, Madam Speaker? Because we will never be 100% perfect. This is because of the diversity of our population. We, politicians, have to consider the wish and exigencies of our population and this is how this Government has come and proposed an amendment to our Constitution. This

reform, Madam Speaker, is in line with the reality that will put people on the right track and will deliver practical result that will reassure and benefit all the people of Mauritius.

Madam Speaker, we should be bolder than before in conducting reform and opening up to the aspiration of the outside world and have the courage to experiment. Madam Speaker, once we are sure that something should be done, we should dare to experiment and follow the new path.

Madam Speaker, regarding the Best Loser System, let me stress that the Best Loser System as per our present Constitution is not only for the Muslim community. It is for each community. In the last 50 years, this electoral system, I must say, without any doubt, brought stability within the people of Mauritius. Madam Speaker, 50 years look a long time for the people, but it is a very short time for the country. The people of Mauritius need after 50 years a new electoral system to further this stability for another 50 years, why not another 100 years.

Madam Speaker, in clause 5(1) of the First Schedule of our Constitution mention is made for a fair and adequate representation. Can we say that the Best Loser System was or is a fair and adequate representation? No, Madam Speaker! The actual system in force is not perfect because in previous elections there was lack of representation. Madam Speaker, to my opinion, this new electoral system with leaders of the parties will redress the situation. Let me clarify, Madam Speaker. We will have a PR list made public before the election in the order of precedence. I quote from what is in the Bill: 'The PR list should not have the name of constituency candidate and should not have two-thirds of persons of the same sex'.

Madam Speaker, we are proposing 12 proportional representation seats in addition of the 63 consistency seats First Past the Post and also 10 additional seats, that is, minimum of 6 and maximum of 10. Madam Speaker, these 10 additional seats will be synonymous to me to the Best Loser System. After the Leader of the winning party and parties with 10% higher of the total vote being allocated by computation by the Electoral Supervisory Commission has nominated from the PR list in order of precedence, that is, Madam Speaker, the leader from the list will choose and if they are allocated additional members, they will take it from their PR list without the precedence.

Madam Speaker, the additional seat will be allocated to each qualifying party after computation by the Electoral Supervisory Commission to each qualifying party. The Party Leader of such party shall nominate the person to whom any additional seat to be allocated.

This section, Madam Speaker, is giving way leave to adjust if any community is underrepresented. The Leader of the party is given the liberty to choose from the unreturned constituency candidate of the party or the unreturned candidate on the party list, irrespective of the order of precedence. Madam Speaker, to me, this section of the Bill will definitely guarantee the well-representation of any minority group. No community, Madam Speaker, should worry because this Government is more than concerned about a well-representation of each community and through this Bill, the Government is guaranteeing the well-representation of each community to be in this august Assembly in decision-making process.

Madam Speaker, I am reassuring all those concerned that each community will be adequately represented by this Government and by their leader if there are future Governments. Madam Speaker, the people, especially the silent majority will judge the leaders and the parties of their PR lists and the candidates for the various constituencies insofar as representation of each community.

Madam Speaker, let me say a few words on women representation in this House. This Bill is going a long way to promote the full participation in this House. Madam Speaker, the full and equitable participation of women in public life is essential to building and sustaining strong vibrant democracy.

Madam Speaker, two Members from the PMSD were talking about majority in Mauritius, mentioning the general population and the Muslims. Why these two communities have been mentioned? To show that the majority is with these two communities and not others. I am not concerned of majority of communities. What I will tell them, the only majority in Mauritius is the women community who is above 50% in Mauritius. The women community out there is taking good note that who will vote against this Bill is depriving women representation in this House. All women, please, never forget, who voted for women to be well-represented in this House? It is this Government!

Madam Speaker, a few orators said with the increase in more MPs, it will be more costly than it is now. Madam Speaker, the increase in MPs through this Bill will be more costly than it is now.

Madam Speaker, the increase in MPs through this Bill will be more women in this House and cost does not come into play. This Government wants more women, irrespective of money, to have a say in the decision making process in this Assembly.

Madam Speaker, a well representation of women of each community has no price for stability and will definitely bring a positive impact in our politics in this House. They will prioritise efforts to advance rights, promote equality and leverage opportunity for women and girls. It is a matter of Human Rights and Good Governance, Madam Speaker, not parliamentary cost of women representation or additional MPs.

Madam Speaker, we, on this side of this House, show respect to women in this Assembly. I wish I could say the same for others. But, no! Madam Speaker, we have witnessed how they treated you, the insulting words towards you, and today, how aggressive they were in addressing you....

Madam Speaker: Hon. Member, I am in the Chair. Don't drag me in the debate, please!

Dr. Sorefan: Yes, Madam Speaker. Madam Speaker, I won't say how women were treated in various political parties in the past; we all know and have witnessed it. Madam Speaker, these behaviours and attitudes toward women in politics have negatively impacted toward emancipation of women in politics. I am sure women will never forget and will sanction political parties in the future.

Madam Speaker, to conclude, I have learned that unity is of prime importance and that to achieve unity, people must have common ideas and firm conviction that will lead to sound national development. This Government, through this Bill, is endorsing unity and inspiring the people of Mauritius to forge ahead with utter determination and full confidence in the path of success, without forgetting the love of each other.

Madam Speaker, I wish to reiterate and reassure the people of Mauritius that through this Bill each community will be well-represented. Religious dignities have nothing to worry; people in Mauritius have to remember and take care of those who are going to vote against this Bill.

Thank you, Madam Speaker.

Madam Speaker: Hon. Lepoigneur!

(10.44 p.m.)

Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière): Thank you, Madam Speaker. Madam Speaker, to be honest, the Constitution Amendment Bill is a joke.

The way Government is proposing to reform certain aspects of the electoral system of Mauritius is being presented in a way not to be voted.

Oui, Madame la présidente, c'est de l'hypocrisie pure et simple de vouloir présenter un semblant de réforme pour qu'il ne soit pas voté. En tout cas, moi, je ne voterai pas ce projet de loi qui ne reflète pas la vraie démocratie que prône le PMSD. Madame la présidente, je ne vais pas m'attarder et être répétitif sur ce qui a été dit, mais je souhaite reiterer mon opinion sur ce que je trouve d'aucune utilité à venir avec cette proposition de 15 députés en plus, si ce n'est que pour dépouiller les contribuables.

Au départ même, c'est une proposition qui est rejetée par toute la population. Rien qu'à voir les commentaires sur les réseaux sociaux, dans la presse et à la radio, on comprend que le peuple rejette sans équivoque ces augmentations non justifiable de 15 députés, Madame la présidente. Donc, 15 députés en plus, cela veut dire 15 salaires additionnels, 15 bonus de fin d'année pendant cinq ans, 15 pensions à vie après deux mandats, 15 voitures de luxe hors taxe, 15 députés en plus est égale à voyages et *per diem* et avec ce qui va avec ! 15 députés en plus et 60 questions en plus chaque mardi ! Déjà, le temps alloué aux questions n'est même pas suffisant pour répondre aux questions, et là encore, on se retrouve avec d'autres *Rughoobur time*, Madame la présidente !

Madame la présidente, 15 députés en plus, 15 allocations pour un *Constituency Clerk* ! Et comme l'a si bien dit mon collègue, l'honorable Adrien Duval, les députés sans circonscriptions fixes, mais avec un *Constituency Clerk*. Que vont-ils faire ? Quels mandats vont-ils défendre ? Vont-ils avoir la parole lors d'un débat, au nom de qui ? Auront-ils le droit de vote lors d'un projet de loi, qu'en est-il des amendements constitutionnels, leur vote compteront-ils ?

Madame la présidente, 15 députés qui n'ont pas été choisis par le peuple, mais avec les mêmes avantages que les élus par le peuple. 15 députés qui seront en quoi bénéfique à la population, sinon de venir tous les mardis au Parlement avec des frais additionnels au niveau des repas, des traitements VIP et autres, s'il vous plaît ! Qui sommes-nous, Madame la présidente, pour venir imposer ces dépenses additionnelles au peuple de l'île Maurice ?

Qui sommes-nous pour justifier l'injustifiable sans aucun justificatif ? Pourquoi pas une table ronde avec les acteurs concernés pour un amendement si important, Madame la présidente ? Qui sommes-nous pour venir imposer au peuple de l'île Maurice ? On ne peut pas être plus royaliste que le roi, Madame la présidente ! Allons vers un référendum s'il le

faut, mais ne prenez pas le peuple pour le dindon la farce, avec des dépenses supplémentaires qui vont sortir de leur poche !

Tout dernièrement, le Premier ministre a annoncé une augmentation de R 400 sur la pension. Pourquoi ne pas donner une augmentation plus conséquente à nos aînés et aux invalides au lieu de venir avec 15 députés ?

Madam Speaker: Hon. Member, what does that have to do with the Bill?

Mr Lepoigneur: 15 députés en plus et des dépenses additionnelles, Madame la présidente !

Madam Speaker: Hon. Member, I would request you, once more, to go to the essence of the Bill and to restrict yourself to the essence of the Bill! Please!

Mr Lepoigneur: L'essentiel, c'est 15 députés en plus que je trouve énorme, Madame la présidente. Pourquoi venir dépouiller encore le peuple de l'île Maurice, Madame la présidente ? Madame la présidente, pourquoi un troisième député à Rodrigues alors qu'ils ont leur propre autonomie ? En parlant de Rodrigues, Madame la présidente, j'ai bien écouté le *PPS* François, qui a parlé sur le *PR list* qui ne concerne pas Rodrigues. Pourquoi ne pas avoir revendiqué que Rodrigues soit concerné par le *PR list* ?

L'honorable François a aussi dit que Rodrigues a pour principe de soutenir le gouvernement en place, mais il ne faut pas quand même qu'il bafoue ses principes et dire oui au gouvernement à n'importe quel projet de loi et venir justifier l'injustifiable. Madame la présidente, l'honorable membre dit que Rodrigues marchera avec n'importe quel bord politique, du moment que c'est le gouvernement. Mais, il semblerait que le député de Rodrigues ait oublié comment ils ont eu le droit de vote. En 1966, c'est le *PMSD*, le parti de l'opposition d'alors, qui a déclenché toute une campagne pour que les Rodriguais obtiennent le droit de vote, ce qui a permis aux Rodriguais de voter aux élections de 1967. Tout ça, c'est grâce à qui, Madame la présidente, grâce à Sir Gaëtan Duval, sinon, aujourd'hui, il n'y aurait pas eu de députés de Rodrigues à l'Assemblée.

Madame la présidente, en guise de récompense, ils ont trouvé le moyen d'enlever le nom de Sir Gaëtan Duval à l'aéroport de Plaine Corail. Heureusement que l'ingratitude ne tue pas, sinon ça aurait été néfaste pour eux ! Oui, Madame la présidente, je dis pourquoi un troisième député à Rodrigues alors que Rodrigues a sa propre autonomie. Avec 25,000 votants à Rodrigues, si je prends en compte la logique, les circonscriptions Nos. 5, 9, 10, 14

et 15 auront dû avoir 6 députés par circonscription, Madame la présidente. Ce n'est pas la mer à boire pour comprendre cette logique.

Avec ces amendements, 22 députés seront choisis par une minorité qui décide à la place d'une grande majorité qui se trouve être le peuple. Oui, Madame la présidente, une minorité qui décide à la place de 1,300 000 personnes ! Le Premier ministre avait dit qu'il n'existe pas de réforme parfaite, mais ce n'est pas une raison pour venir avec des d'amendements imparfaits.

Madame la présidente, la façon dont les membres de l'autre côté de la Chambre font leur débat à propos de cette loi, la façon dont ils s'appuient pour défendre à ce qu'il y ait plus de femmes à l'Assemblée, donne l'impression que nous, les membres de l'opposition, sont contre. Au contraire, Madame la présidente, on accueille favorablement cette loi, mais il ne faut pas se cacher derrière cette loi pour faire passer d'autres lois inacceptables.

Madame la présidente, pourquoi faut-il qu'il y ait une loi pour qu'il y ait plus de femmes au Parlement ? Ça peut se faire sans qu'il y ait une loi, que ce soit homme ou femme je pense que le choix devrait se faire par rapport à la méritocratie et la compétence. Où est le problème s'il y a 60 femmes élues par rapport à leur quantité et leur qualité respectives ? Pourquoi ne pas avoir, dans un avenir proche, une femme Première ministre ? Déjà, Madame la présidente, si mes calculs sont bons, sur les 1,263,820 habitants, nous avons 625,358 hommes et 638,462 femmes, qui veut dire que nous avons plus de femmes que d'hommes à l'île Maurice. Déjà là si on parle d'égalité, on aurait dû avoir plus de candidats femmes que les hommes.

Madame la présidente, si on a besoin d'une loi que les femmes soient représentées au Parlement, c'est à cause de certains machos qui croient que les femmes doivent rester au foyer et s'occuper des enfants.

(Interruptions)

Madame la présidente, le *Best Loser System* est une loi qui a toujours établi l'équilibre pour les minorités. Moi-même étant un *Best Loser* qui a été victime de votes communaux dans certaines écoles de vote, heureusement à travers ce système, j'ai pu montrer aux habitants de ma circonscription que malgré que j'étais victime de votes communaux, comme un député de *Best Loser*, j'ai pu faire un travail, à aider et réunir toutes les communautés confondues en de vrais Mauriciens. Je pense que ce travail a été bien réussi au niveau de ma

circonscription. C'est pour cela qu'il faut garder ce système qui a tout le temps rétabli une partie d'injustice, Madame la présidente.

Avant de poursuivre mon discours, Madame la présidente, je voudrais faire certains commentaires sur ce qui a été dit dans cette salle pour les autres orateurs de l'autre côté de la Chambre. On a tendance à nous qualifier de communal parce qu'on se bat pour une minorité, Madame la présidente. Peut-être les minorités d'hier ne sont plus les minorités d'aujourd'hui. C'est pour ça qu'on est pour un recensement et un redécoupage électoral. Cela ne veut pas dire qu'on est communal en faisant ainsi. On veut rétablir l'équilibre en tout ce qui est circonscription.

L'honorable Rutnah, nous a souvent qualifiés d'être communal. De l'autre côté de la Chambre, je vais citer l'exemple, lors des municipales de 2015 où j'étais responsable à choisir les candidats PMSD dans les *Wards* 4, 5 et 6. J'avais envoyé ma liste, Madame la présidente. A mon grand étonnement, j'ai reçu plusieurs coups de fil des personnes de l'autre côté de cette Chambre en me demandant quel *caste* sont certains candidats sur la liste que j'ai envoyée. Je me demande si là ça ce n'est pas communal ? Vous savez qu'elle a été ma réponse, Madame la présidente, *caste*, je ne connais pas de *caste* moi. Leur *caste*, ce sont des Mauriciens, voilà ce que j'avais répondu. Il y a même quelqu'un de l'autre côté de cette Chambre qui m'avait envoyé une lettre, j'ai gardé la lettre, j'ai toujours la lettre en ma possession pour me dire de faire remplacer quelqu'un par un autre, pense qu'il n'est pas 100% Tamoul. Est-ce que ça on ne peut pas appeler ça comme communal, Madame la présidente ? Et nous, ici, au PMSD, quand on se bat pour cette démocratie, on nous taxe de communal.

Le *Leader* de l'opposition a défendu les petits planteurs, qui se trouvent être la majorité d'une communauté. Là encore, est-ce que c'est un combat contre le communalisme ? Il a défendu les petits planteurs contre l'argent qui a été volé par ce gouvernement, Madame la présidente. Autre cas, quand l'honorable Soodhun avait qualifié une catégorie de personnes qui ne seraient pas éligibles par rapport à leur communauté et les avait même traité de prostitués. Est-ce cela pas un acte communal encore, Madame la présidente ?

Madame la présidente, autre chose que nous réclamons nous, le redécoupage des circonscriptions qui joue un rôle important dans la démocratie de notre pays. Il faut venir corriger les découpages inappropriés qui viennent fausser les résultats des élections. C'est dit avec précision dans l'article 39 de notre Constitution. Un vrai découpage permettrait de

rendre toutes les circonscriptions plus ou moins équitables par rapport au nombre de votants par circonscription, Madame la présidente.

Par contre, je trouve acceptable dans ces amendements, c'est la loi concernant le transfuge, même si elle n'est pas complète. Je vois sur la liste des intervenants, deux transfuges qui sont en même temps, deux *Best Loser* comme moi. D'ailleurs, je suis entre les deux sur la liste des orateurs et le premier a déjà parlé, pas un mot sur la loi d'anti-transfuge. Il sait pourquoi sinon il aurait dû ...

(Interruptions)

Maintenant je vais écouter ce que va dire le prochain orateur après moi car si c'est pour intervenir sur ce chapitre les amendements, c'est l'ironie et l'ironie c'est qu'ils vont voter cette loi avec deux transfuges, ils devraient tous deux démissionner, s'ils ont un devoir moral mais je ne pense pas qu'il sera le cas.

Madame la présidente, il y a tellement de lacunes et des lois antidémocrates dans ces amendements que mon collègue, l'honorable Adrien Duval a si bien élaborés. Pour ne pas être répétitif, je ne vais pas en revenir dessus et je suis sûr à 100% ces dires.

Je voudrais, Madame la présidente, avant de conclure, parler sur quelque chose qui aurait dû figurer dans ce projet de loi si toutefois elle aurait été votée. Je ne pense pas qu'elle soit votée. Je vais demander à ce que la Constitution soit amendée afin de rendre le droit de vote obligatoire comme c'est le cas dans différents pays, l'Australie, la Belgique, Bolivie, Brésil, la France, Grèce, l'Italie, Luxembourg et d'autres pays encore. Il faut conscientiser le peuple de l'importance de leur vote. Les différents pays que je viens de mentionner pénalisent les personnes qui ne font pas leur devoir civique en leur infligeant une amende. En Australie, si un fonctionnaire ne vote pas, il paye une amende et n'est pas qualifié pour une éventuelle promotion.

Voter c'est la voix du votant, Madame la présidente, c'est la chose patriotique à faire, voter c'est réellement une différence. Faire valoir et respecter la démocratie, voter est la meilleure façon de montrer, de respecter la démocratie, cela vous donne le pouvoir de créer le changement. Vous pouvez laisser votre bulletin vide si vous n'êtes pas d'accord avec aucun parti politique. Rendre le vote obligatoire éviterait l'abstention de ceux qui ne sont pas d'accord avec aucun parti politique ou candidat. Voteront blanc et c'est comme ça qu'on aura le pourcentage de la population qui ne sont pas d'accord avec un parti politique ou un candidat.

Madame la présidente, pour conclure, je voudrais attirer l'attention que cette loi fait tiquer beaucoup de membres formant parti de ce gouvernement avec qui j'ai moi-même échangé quelques mots. Bien sûr, je ne vais pas citer les noms pour ne pas les mettre dans l'embarras mais je ne conçois pas comment on peut avaler une couleuvre ou même un boa et ne pas exprimer ses convictions.

Personnellement, je pense qu'à la prochaine élection générale, beaucoup ne vont pas être sur la liste des candidats, ils le savent aussi, Madame la présidente, et c'est peut-être pour cette raison qu'ils vont voter cette loi afin d'avoir une chance d'être sur le PR *list*. Là encore, ce n'est pas l'intérêt du peuple qui prime mais leur intérêt personnel. Je déplore aussi que certains membres n'ont pas souhaité prendre la parole. Devinez qui je vise ! Pour ne pas exprimer leur désaccord avec ces amendements et de la Constitution que je qualifierai de fuir devant leur principe et leur responsabilité vis-à-vis de leur électorat. Suite à ça, ils auront des comptes à rendre à l'électorat dans pas longtemps. Avec le bon sens de l'opposition, je pense que cette loi ne sera pas votée. Donc, il y a encore du temps que le Premier ministre met fin à ce débat et de revenir avec une copie qui prône la vraie démocratie. Cette loi est en train d'assassiner la démocratie. Je suis heureux que ce soient des votes individuels qui permettront à la population de l'île Maurice de démasquer les assassins de la démocratie et l'heure de châtement sera aux prochaines élections. A bon entendeur salut, je vous remercie, Madame la présidente.

(10.59 p.m.)

Madam Speaker: Hon. Wong Yen Cheong!

The Minister of Social Integration and Economic Empowerment (Mr A. Wong Yen Cheong): Madam Speaker, I would like to start by congratulating the Prime Minister, hon. Pravind Kumar Jugnauth, for his determination to come up with such commendable proposals for the Constitution (Amendment) Bill of 2018 which is indeed a big and bold leap in our endeavour to modernising our Electoral System. I feel deeply honoured and I am thankful for having an opportunity to express myself on this Supreme law of my country.

Madam Speaker, much has already been said on the technical aspect of the Bill. As for me, I would like to confine my intervention on two major axes. First, the nation building, one nation one people and secondly, better representation of women.

Madam Speaker, elections are extremely important events in a democracy. Casting vote as an election is probably the most important involvement a citizen can have within the

political process. The electoral formula determines how the votes of the electorate are translated into seats in Parliament. This will form the Government and policies will be implemented. As a result, the choice of a particular electoral system may have a very profound impact on a country's political and constitutional history.

This debate in the National Assembly today provides us with an immense opportunity to look at our failures and successes pertaining to our current electoral system and decide on the way forward bearing in mind that the reform of the electoral system is not only a legal amendment, but also a social political process. We should not be afraid of change, it's not for the sake of changing that we are proposing changes to our Constitution instead we want to ensure a legitimate legacy to future generation.

Madam Speaker, this piece of legislation *est une première* in the history of the country as it allows us to agree on the right principles of correcting anomalies in our electoral system. Since decades, we are speaking about world globalisation and world global village, about interconnecting nations but, at the same time, we are not reacting. We should not remain confined in a four-wall type mind-set, we should think out of the box and be proactive and innovate. Our innovation is through the Constitution (Amendment) Bill which allows us to get rid of an ethic system that is outdated. It has been 15 years since our Constitution along with its electoral system was established and we should proudly admit that this Constitution has a solid foundation to both political and social stability. The tailor-made electoral system has been made a major determining factor for the remarkable transformation Mauritius has undergone so far since Independence. The Mauritian Electoral System has served as a model for mitigating ethnical conflict and sustaining stability but, in this modern era, we should all agree that it has been facing meaningful criticisms.

The most important criticism is that the current electoral system is not responding to the needs and aspirations of the people. It has been viewed an enhancing ethnic divisions and preventing Mauritius from developing into a true civil society with one national identity. In the modern world, the Best Loser System has often been reported as being outdated, since its concept negates nation building. This is because Best Loser System has always been allocating according to the communal breakdown.

Coming on that piece, Madam Speaker, reminds me about the speech of hon. Rutnah that was saying about the British that it was not maybe a good thing when they bring the Best

Loser system to us because it reminds me from wherever England has set foot everywhere around the world, they have set a system to divide.

In 1290, they started by expulser tous les Juifs de l'Angleterre, and from then they didn't stop, what happened ? Ils sont mis les Juifs dans un pays, dans une mer arabe, tout simplement c'est qu'ils ont empêché d'avoir deux nations fortes. Ça porte à réflexion et cette guerre existe encore. Les grandes nations pensent pouvoir tirer profit quand les autres petites nations aspirant à devenir de grandes nations se divisent. L'Angleterre marque en Chine en gardant Hong Kong pendant très longtemps, et nous savons tous qu'aujourd'hui il existe encore des divisions en Chine. Et j'en passe. Il existe encore tout comme au Botswana quand ils ont séparé - ils ont cette façon de faire: *divide to rule* qui a existé depuis Philippe de Macédoine, cette division pour régner n'est pas de notre gouvernement. Nous avons ici aujourd'hui un jeune *leader*, un Premier ministre qui veut absolument rassembler le peuple afin que nous puissions nous regarder en tant que Mauriciens, afin que nous puissions voir à quoi nous pouvons être des cousins, nous pouvons nous ressembler les uns et les autres, pour moi je ne vois pas autant de différence. Issu personnellement d'une famille très métissée, que vais-je dire à mon fils d'une mère française, elle-même son père polonais, sa mère mi-russe mi-italienne, et mon fils qui porte mon Wong Yen Cheong, un petit blond bouclé aux yeux verts. De quelle race est-ce qu'il appartient aujourd'hui ? Où est-ce que je vais le mettre ? Où est-ce que la nation va le mettre ? A-t-il sa place dans une île Maurice moderne qui continue à déterminer son peuple à travers les communautés. Faisons face à cela, il faut que chacun prenne sa responsabilité. Nous sommes tous issus de ce sol. Si le Best Loser System a perduré c'est parce que nous, les Mauriciens, issus de l'Asie, de l'Afrique, de l'Europe, avons su cohabiter, vivre ensemble. Nous n'avons pas vu cette division. Nous sommes tellement fiers quand on entend l'étranger qui nous dit 'Ah vous êtes une île Maurice fantastique, vous arrivez à vous asseoir et vivre ensemble'.

Je le crois dedans, je crois dans cette île Maurice, je me souviens autant aussi qu'en 1999 post-Kaya, nous savons ce que ça a fait à l'île Maurice. A l'époque, je faisais le tour de l'île Maurice à la nage. Quand je suis rentré, je parlais beaucoup du mauricianisme. Il y a eu des journalistes qui sont venus me voir, qui m'ont posé la question. Après ce qui s'est passé dans l'île Maurice est-ce que vous croyez toujours au mauricianisme, je disais d'autant plus je veux regarder l'avenir avec sérénité ; de croire. Quand moi, j'avais à peine 10 ans, j'ai connu malheureusement les affres de la guerre raciale à Port Louis. C'était surtout à Port Louis. J'habitais dans le carrefour de la Plaine Verte, de Roche Bois, China Town et le

Tamoul Quarters. Pourtant dans ce carrefour c'était le seul endroit de Port Louis où c'était un *no man's land* quand l'armée britannique est descendue à l'île Maurice pour instaurer le couvre-feu. Les gens, qui ne pouvaient pas rentrer chez eux, trouvaient refuge dans ce petit quartier de Port Louis qu'on appelait rue Malbar et rue David et je suis fier de cela mais, en même temps, je réalise que, pendant la bagarre raciale, heureusement des Mauriciens sont arrivés à apaiser les tensions, sont arrivés à nous faire comprendre qu'il fallait arrêter. Comme je vois dans les films, en Irlande des enfants sont habitués à la guerre, Moi, enfant, je prenais ça pour un jeu, c'était pour moi du cinéma d'aller voir quelqu'un se faire poignarder ; de me réveiller le matin et de voir deux femmes suspendues à un pylône électrique. Je commençais à m'habituer. Heureusement avec l'éducation j'ai su comprendre ; je prie Dieu que cela n'arrive jamais dans notre île Maurice, que personne n'ose venir attiser la tension, nous montrer notre différence. L'humain est ainsi ; nous cherchons toujours notre différence quand on veut chercher la bagarre mais pourtant nous sommes tous égaux, nous sommes tous des êtres humains. Allons montrer cette île Maurice moderne.

Madam Speaker, also following the ruling of United Nations, Human Rights Committee, the Parliament of Mauritius in July 2014 passed the Constitution (Declaration Of Community) (Temporary Provisions) Act whereby it is no longer mandatory for a candidate to declare the community to which he belongs. The introduction of the Bill, Madam Speaker, is thus a final leap that this country will be making towards modernising our electoral system and enhancing the nation building.

Madam Speaker, there have been several reports on the electoral reforms that have been commissioned and published in the past. Among others, the Sachs Report 2002, the Carcassonne Report 2011, the Sithanen Report 2012 and the Constitutional Paper on Electoral Reforms 2014. Most of these reports have recommended either the abolition of the Best Loser System or for it to be subsumed in a new formula that will do away with the need for prospective candidates to declare their community while maintaining diversity and inclusion in political representation.

Madam Speaker, the proposal sets out in the Constitution (Amendment) Bill will constitute a pragmatic and solid foundation for the revolutionary reform that Mauritius needs at its junction of its history. In particular, there is a pledge to put an end to the obligatory community declaration for electoral needs embedded in the Best Loser System through the introduction of proportional representation in the National Assembly and allocation of additional seats.

Overall, there is the need to address the issue of imbalance between the share of votes cast and the share of seats won by party, and to provide for a fairer, gender representation in the political process and in the political field.

Madam Speaker, the Best Loser System was introduced to provide for corrections with respect to any imbalance that may occur in the representations of all communities in the country. For the purpose of operationalising the Best Loser System, the First Schedule of the Constitution divides the population of Mauritius into four communities, namely a Hindu community, a Muslim Community, a Sino-Mauritian Community and every person who does not appear in his way of life to belong to those three communities, is regarded as belonging to the general population, which is itself regarded as the fourth community.

Recently, yesterday, I think I heard, or Saturday, my friend, hon. Barbier said that he is making a plea so that the Government can come and recognise the Creole community as one community. Again, that will join to what I said earlier. What is the use to keep on dividing? So, what happens when we recognise the Creole community in the general population? There will still be the white population. They will come forward again and say maybe they would like to be recognised as the white population again. And then, what about the Tamil? They would come forward. Let us, again, keep on dividing. This is, maybe, people who are jealous of Mauritius. They think that what they want to do to make us keep on dividing ourselves. We do not want this.

We acknowledge that the Best Loser System has served its purpose in maintaining communal harmony in the country. I will say and agree that it is high time to adopt an alternative system with the proposition of the new proportional representation to foster our citizens aspiration and promote the well-being. And this Bill, Madam Speaker, through the PR system, will correct the anomalies in the existing system, particularly the discrepancy between the percentage of votes and number of seats allocated. Of course, the First Past the Post System will remain the major component in the allocation of seats in the National Assembly.

Madam Speaker, though I became a Member of the National Assembly through the Best Loser System, I am the right person maybe to say I believe that it is a high time to walk the talk through a change in our mindset. It is the right moment to depart from a system which feeds hostility among our citizens. So, let us together pave the way for the next

generation, otherwise they will have to pay for the consequences of an outdated concept of representation in Parliament.

Madam Speaker, it is high time that we look at our electoral system again. As a responsible Government, we have to ensure that the proposed reform of the electoral system reflects the aspirations of our citizens and we hand over to the next generations a system that corresponds to the needs and expectations. We should also create condition conducive for more women to participate actively in public life so that, finally, Government which emerges from a general election should be able to govern for a betterment of the nation.

I can understand again, you know, when we are talking about so much change, it is the human behaviour to be afraid of change, to be afraid to new horizon. It sets me back from the first navigators, how much they have to fight to tell there is a new world behind the horizon. They thought the world was flat, at the end of the horizon they will fell into the galaxy, into the darkness.

Thanks to these people, we keep on arguing they have to innovate, they have to go further to look ahead. And to what we are doing today, mention that the Prime Minister in his speech, that is set for the next 50 years or maybe more or less. But, most probably, somehow for the benefits of innovation, of something new will happen, some other politicians, our children, our grandchildren will come and change it again. Who does not change? If I have to talk with much respect, it is about *le Sacré Saint Testament*.

Il y a eu l'Ancien Testament. Quand je pense au *gender*, je pense toujours à cela. Dans l'ancien testament, la femme n'avait pas beaucoup de place. L'Eglise a su reconnaître. Or, il y a eu le Nouveau Testament. Il y a eu l'évolution. Il faut penser, il faut ouvrir la main. C'est à cela que nous aspirons aujourd'hui.

Je me souviens des débuts des Mouvements Militants Mauricien, comment ces jeunes allaient sous les ponts, allaient se rencontrer pour bâtir une nouvelle ile Maurice, une seule nation. Et moi, à cette époque, je formais partie d'une équipe qui s'appelait les *Trotters*. On commençait les *Trotters* et on avait cette même aspiration. On refusait carrément toutes connotations communales. On avait bien fait d'enlever toutes connotations communales dans les clubs sportifs de Maurice et nous avons survécu. Bien sûr, cela a pris du temps, il y a eu beaucoup de remous, mais nous sommes en train de refaire. Le sport se porte bien. Aujourd'hui, nous avons un ministre de Sports qui est là, qui fonce et qui va de l'avant, et pour les prochains jeux des iles, nous serons tous présents.

Madam Speaker, I am sure, you will agree that some of the most important attributes of a good electoral system are fairness, inclusiveness, transparency, accountability and, above all, stability. We cannot achieve our visions for change without unifying faith in a single Mauritian identity that is becoming ever stronger. We must grasp this historic opportunity to make this ambitious reform a reality.

Madam Speaker, woman is not forgotten in this important piece of legislation as it will be mandatory that every party or party alliance shall present not more than two-third of constituency candidates of the same sex. And, even on every proportional representation, PR list being submitted by a party or party alliance, it shall comprise not more than two-third of persons of the same sex. This Bill, therefore, will promote a better gender representation in the National Assembly. As gender has become a very sensitive issue where it has been said that women underrepresentation at the National Assembly, even in the workplace, is considered as a systemic failure.

With this Bill, we will recognise that better representation of women in political life is one of the major foundations of our democracy.

(Interruptions)

I will come to it if you want, in a few minutes.

Gender equality in politics shall not stay static and remains an idyll. It should become a reality, as we firmly believe that better women's representation in the National Assembly will have a positive impact in the political decision-making structure. Setting an electoral system more conducive to women's representation in the National Assembly should motivate young women candidates to invest themselves in politics.

Madame la présidente, lors de son intervention, samedi dernier, j'avais parlé, j'ai déjà fait de commentaires là-dessus, de l'honorable Barbier. Je dois dire que je ne suis pas d'accord avec ce qu'il a dit.

Madame la présidente, je suis certain que tous les membres de cette Assemblée ont une certaine connaissance de l'histoire des guerres civiles, des génocides, des guerres ethniques et des guerres de religion. Combien de crimes crapuleux, de barbarie, d'atrocité, d'affrontement sanguin, des massacres odieux, des tortures, des mutilations macabres ont été commis au nom de l'ethnicité. Combien d'hommes, de femmes, de civiles et des innocents ont été exterminés au nom de l'ethnicité ! Madame la présidente, rien qu'en Afrique de l'Est, entre avril et juillet 1994, 1.2 millions de Rwandais, hommes, femmes et enfants,

principalement Tutsi, ont été massacrés au Rwanda par génocide. Le génocide est un crime qui consiste en l'élimination physique, intentionnelle d'un groupe national, ethnique ou religieux. On appelait cela aussi l'extermination des tribus. Ce qui veut dire que ces membres sont détruits ou rendus incapables de procréer en raison de leur appartenance du groupe. Il y a eu tant en Europe qu'en Bosnie ; la guerre Yougoslavie, la guerre Croato-Bosniaque dans lesquelles plusieurs dizaines de milliers de personnes ont perdu la vie au nom de la purification ethnique. Au Moyen-Orient, le conflit Israélo-Palestinien perdure.

Selon un rapport de l'organisation des Médecins Sans Frontières émis en décembre 2017, 14,000 Rohingyas de Myanmar ont été exécutés par l'armée Birmane au nom de l'épuration ethnique, alors que 647,000 Rohingyas, dont 60% des enfants ont dû s'enfuir pour vivre dans des camps surpeuplés en Bangladesh. Qu'il s'agit de Europe de l'Est, de Afrique, de Moyen-Orient ou de l'Asie, c'est tout un déchirement entre des communautés qui avaient cohabité paisiblement dans le passé, et qui se séparent et se haïssent aujourd'hui, car durant ces guerres les belligérants se livrent, dans les territoires qu'ils contrôlent, à des nettoyages ethniques, des crimes de guerre ...

Madam Speaker: Hon. Minister, I think you are broadening the debate too much. Come back to the essence of the Bill, please !

Mr Wong Yen Cheong: Madame la présidente, il y a eu beaucoup de victimes et, sincèrement, je ne voudrais pas revivre ces pires moments dont j'ai mentionnés avec vous. Evitons que nos générations à venir se regardent en chiens de faïence à l'école, au travail ou dans les rues à cause de leur appartenance ethnique ou religieuse. Madame la présidente, nous sommes à un tournant de notre histoire où le mauricianisme doit être un élément moteur et le facteur motivateur pour une île Maurice avant-gardisme. Je suis un mauricien à part entière sans nécessairement me présenter comme un membre de la communauté sino-mauricienne. Être mauricien avant tout, c'est cela l'essence même, voir la philosophie de ce projet de loi sur la réforme de notre système électoral. Ce qui veut unificatrice, protectrice et qui profite à tout le monde. Nos faits et gestes d'aujourd'hui doivent être un testament légitime, légué aux générations de demain. Construisons un avenir avec comme base le respect pour son prochain ...

(Interruptions)

Madam Speaker, I am sorry, I cannot continue. I am always quiet when others have the floor. I just wish...

(Interruptions)

Madam Speaker: Please!

(Interruptions)

Mr Wong Yen Cheong: Now, they continue!

Madam Speaker: Let us take it with some humour! Hon. Wong Yen Cheong, please proceed!

(Interruptions)

No comments, please!

Mr Wong Yen Cheong: Comme le Premier ministre l'a souvent dit, cette loi est appelée à durer le plus longtemps possible et elle assurera une plus grande cohésion entre les différents partis politiques et les électeurs qu'il représente. Il ne faut pas avoir peur de l'incertain. Il faut être proactif et avant-gardiste, et surtout avoir le courage de changer positivement l'histoire de notre pays. Je suis sûr que tous les membres de cette Assemblée, quelque soient leurs appartenances politiques, souhaitent vivre dans une l'île Maurice unie, comme une seule nation, un seul peuple. Il est important que tous les Leaders de tous bords de la Chambre mettent leurs différents de côté, se ressaisissent et mettent de côté leurs égos pour le bien-être de notre pays et de notre démocratie souveraine.

Madame la présidente, dans son discours, l'honorable Adrien Duval avait mentionné qu'il y avait des *yes-men*. Je ne sais pas de quel côté il le dit. C'est parce que je n'ai n'a pas dit 'oui' que je suis aujourd'hui de ce côté de la Chambre. Parce que je n'ai pas dit 'oui' à un leader - que je ne comprenais pas - que je suis aujourd'hui de ce côté de la Chambre. Alors, je me demande où sont les *yes-men*. Voilà, ce que j'ai à dire. Si l'on considère que je suis un transfuge, c'est le mot qu'on arrive à dire, je me demande quand on est passé aux élections en 2014, nous étions dans quelle alliance. Je suis resté du même côté de la Chambre. Que personne ose venir dire que j'ai été un transfuge, que j'ai changé de parti, changé de côté pour rester au gouvernement. Effectivement, je suis là où je crois que c'est l'avenir et c'est mon devoir de le faire en mon âme et conscience. Si demain le Premier ministre, le leader, que moi j'estime, est en train de me mener en bateau, dans un trou, je ne vais pas dire 'oui' non plus. Je tiens à le dire. Parce que si aujourd'hui on voit toutes ces défections, des gens qui n'ont pas dit oui, ont quitté leur parti, il ne faut pas les traiter de transfuge.

Madame la présidente, je garde espoir d'une l'île Maurice chantant à l'unisson la très célèbre chanson de Michael Jackson qui a fait le tour le monde, '*We are the world*'. Avec ce projet de loi, c'est cette l'île Maurice que le Premier ministre souhaite avoir et ainsi que tous les mauriciens. C'est de cette île Maurice que rêvent nos enfants, petits-enfants.

Madame la présidente, les honorables, je vous remercie de m'avoir écouté.

Madam Speaker: Hon. Sesungkur!

(23.27 p.m.)

The Minister of Financial Services and Good Governance (Mr D. Sesungkur):

Madam Speaker, thank you very much for allowing me to intervene on this important and historical moment of our history. Looking at the clock, I must say that I will not hold the hon. Members for too long because most of the points which were supposed to be made from this side of the House have already been canvassed. Suffice it to say that I was really touched by the exposé of the previous Member - he spoke with his heart.

Madam Speaker, I will go straight to the points. I would like to thank the Prime Minister and the all the hon. Members from this side of the House, including, the Rt. hon. Minister Mentor, Sir Anerood Jugnauth and the hon. Deputy Prime Minister, as well as the hon. Minister Nando Bodha. As a Member of the Committee, I must say that our task was not easy. The proposal which has been made today is the fruit of a long period of research and discussion. I have really been lucky of forming part of that Committee because it is not every day that we have the opportunity to work with Sir Anerood Jugnauth and the Deputy Prime Minister. Hon. Minister Bodha was very instrumental in bringing so much light in the debate, not to miss my good friend, hon. Gayan.

So, we cannot just swipe this report as being - like some Members would say - a report which is worth nothing. It is the fruit of a really tough work. Before I get to the essence of the report, I would like to say that I listened to some of the remarks made by Members from the PMSD. I must say as a fairly new politician, a new Member of this House, I was really saddened and appalled by the highly demagogical arguments and utterly communal and provocative language.

I must say that I was looking at the staff. I could see the uneasiness that they were feeling from the words, from the arguments, from the reference which were being made on a purely communal grounds. We could also from this side of the House go to that kind of

arguments but we refrained, we maintained the decorum of this House, we have been trying to maintain the high level of this important debate.

There is one point which I really have to express on the stability of the system. We have put a lot of emphasis on this, why we have come up with this proposal and I thank hon. Bodha who explained it really well, why we came with this proposal, what were the problematic that we were facing, why Sir Anerood Jugnauth is adamant that we cannot tamper too much with the First-Past-the-Post system and he is not anybody, he is someone who has been here for so long, an experienced politician.

He does not want to go into history by tampering with a system which has proven so well in terms of giving us governments which are stable. So neither me, I would not like to go into history or to leave a legacy to our next generation of politicians, next generation to have a system which will be like some countries because instability, Madam Speaker, really can create havoc and I have in mind here two countries in Europe which have been really unstable. We have Greece but also Italy. If we were to look what has happened in these two countries and how it has affected life of common citizens, you just have to go there and feel what is the suffering, and I could see from a recent article concerning Italy, the kind of confusion, the kind of despair of the population and if I may just quote that paragraph, it reads as follows, I quote –

“We haven’t had a say in who our Prime Minister was for the last four years. Monti was installed after Berlusconi – not our friend here - resigned and Letta and Renzi were both asked by the President to form a majority coalition where parties that narrowly won the election failed to get that majority.”

So, the citizens were not even aware who was their Prime Minister for the last four years. There was so much change in Government. So, we do not want to have such kind of a system in Mauritius because this can really cause havoc and that’s why we had to balance all the probabilities, balance all the arguments taking from proportional representation, the gender balance issue, the Best Loser System, the fairness issue as well as the cost implication because many people looks like they are against a major increase in the number of members. We have to look at all this.

But there have been arguments whereby the Government didn’t consult the Opposition, the public, there have been also arguments that there hasn’t been consensus on this Bill but precisely I think hon. Gayan mentioned that the draft was circulated well before

and purposely the Prime Minister invited all those concerned to send their comments, send their proposals, their counter-proposals but there haven't been many, according to information. So, there has been since then a kind of *surenchère* from the Opposition. There have been various pretexts why they wouldn't like to participate in this historical decision, why they wouldn't like to vote in favour of this Bill. I will probably before coming to the main Opposition Parties like the MMM/the PMSD, go to some of the arguments made before me by hon. Mrs Perraud and hon. Lepoigneur.

Madam Speaker, hon. Lepoigneur said that this Bill is a joke, as if on this side of the House, we have nothing to do but to come to this House, to this country and joke. In fact, the PMSD was voted to be in Government and where are they today? They are the main party in the Opposition; they are combatting what they themselves went to the people to ask to vote, a programme, a manifesto, they themselves they are against that today and their leader was presiding this committee precisely. So, it is a contradiction of the PMSD and hon. Lepoigneur made another point whereby he cited a number of figures like if we increase the number of Members, this will cost so much in a month, so much in a year, so much in 5 years, so much in 10 years; like the previous Minister Bhadain used to do. He tried to amplify the figures and from thousand, he makes it million and then he makes it billion to create a big impact on the population.

So, we do not want to go into that kind of cheap arguments. Hon. Mrs Perraud mentioned that this Bill, this amendment is a kind of piecemeal approach that we are proposing, whereas the Members from the MMM they feel that this Bill contains a lot of other provisions, a lot of other proposals that should not have been in that Bill. So, on one side the PMSD is saying that we are proposing a piecemeal approach, on the other side, the MMM feels that there are too many provisions in this legislation, so, they wanted to have separate Bill for anti-defection. They wanted to have separate Bill for women representation.

She also mentioned the case of injustice in the *fonction publique* as she said. I would like to remind her that I have been working in the private sector myself for many, many years. She only mentioned the injustice in the public sector. So, it would have been only fair from her part to mention the kind of injustice that is there in the private sector also to have a fair balance of arguments. The very proof that there is a kind of balance in our approach is that my friend, hon. Boissézon, is currently the Minister of the Civil Service; he himself, he is heading this Ministry. So, there cannot be any better proof than having hon. Boissézon heading the Civil Service. From one side, the point being made is that there has been a lot of

injustice in the *fonction publique* without mentioning the injustice in the private sector and when we look at the reality, the reality is: hon. Boissézon, today, is heading this Ministry.

(Interruptions)

He is a vivid proof that this Government is giving a fair chance to everybody. And there is one more argument, the PMSD was in Government when PMSD/Labour Party had engaged in a program of *dégraissage*; they were not filling the vacancies. So, how can it be that, on one hand, we are saying that there is not enough recruitment in the Civil Service and, on the other hand, we have been participating in the same Government where the Government was not filling any vacancy at that time and engaged in a *politique de dégraissage*.

Madam Speaker, hon. Mrs Perraud also mentioned that, as MSM, we ought to have been ashamed of coming up with this Bill because we have been asking the Opposition to vote for this Bill. Madam Speaker, this Government is here to bring to the House any Bill of national importance and to put all the Members before their responsibility. This is what the Government has to do. It is up to those Members to assume their responsibility. It is not a question of being ashamed or a question of not being ashamed, it's a question of responsibility.

Madam Speaker, there have been arguments made by the MMM as well. I will quote from a press article where hon. Bérenger says –

«Cette réforme électorale est du grand cinéma. C'est un simulacre pour pouvoir dire après qu'ils ont présenté le projet de loi au Parlement mais que l'opposition n'a pas accepté. C'est du grand cinéma de bout en bout.»

So, while listening carefully to the Members of the MMM, I could sense that they were uneasy with this Bill, not because this Bill hasn't been prepared in consensus, whether this Bill hasn't got the approval of Parties, of Members but precisely because hon. Bérenger, himself, admits in a press article. He says –

«Best Loser System, c'est un dossier épineux »

(Interruptions)

Yes, from *l'Hebdo* of 15 December 2018. So, after having listened to hon. Baloomoody, hon. Reza Uteem and hon. Bérenger - we are going to unmask the “*faux patriotes*” - the real reason is that they are uneasy with this Best Loser System being abolished because they are protecting their own electoral bank. This is the true reason why they won't vote and not for

the other reasons which they mentioned because all their arguments have been centred on the essence of providing a kind of safeguard – post-abolition of the Best Loser System. Everybody knows that this reform cannot be completed without abolishing the Best Loser System because this is precisely what the United Nation has asked...

(Interruptions)

Madam Speaker: Please hon. Baloomoody!

Mr Sesungkur: So, there have been many contradictions in the arguments made by MMM. For instance, hon. Uteem said that they are agreeable on 90% of the content of the proposal made in this Bill, but yet they cannot vote and they haven't made any counter proposal. They had the chance of making counter proposals but they didn't make. They said that there are only minor issues. They could have put forward their proposals but they haven't done so.

It is clear that the MMM was not going to vote because from an article which dates back to even early this year, the MMM had already decided not to vote.

(Interruptions)

Well, *monn ecoute li selman*, he needs to have some patience. So, there have been statements made to the press as early as in April, July 2018 where hon. Bérenger, himself, said that they were not going to vote the electoral reform.

(Interruptions)

Madam Speaker: He said that he was quoting from Hebdo Paper, is that so?

(Interruptions)

Mr Sesungkur: Anyway, *Défi* 17 juillet...

Madam Speaker: Order! Order please!

Mr Sesungkur: *Défi* 17 juillet 2016, réforme électorale, Paul Bérenger -

« SAJ ne tient pas ses engagements »

So, the MMM was not sure that we were going to come up with such a Bill yet we have fulfilled our promise, we have respected our manifesto and we have come up with this Bill. It is for the Opposition now to take their responsibility and to play their own part in this reform process.

Madam Speaker, as regards the PMSD, I must say it was really shameful from certain Members, especially the young ones, that they have decided to go so low in their arguments, and I am sure that these people will pay a heavy price in future in their career. They have been referring relentlessly to communal arguments...

(Interruptions)

Madam Speaker: Hon. Rutnah, no crosstalking, please!

Mr Sesungkur: why the Cabinet consists of only 22% of non-Hindus, etc., arguments which are really baseless.

(Interruptions)

Madam Speaker: Now, I have said that there should be no crosstalking! What is happening?

Mr Sesungkur: They have dared to even ask for communal consensus. Apart from the *découpage électoral*, the PMSD, at least, are sincere in their demand, they do not want the abolition of the Best Loser System, contrary to some others who are hiding behind false pretexts. But the PMSD has been playing with fire through the very communal arguments which they have been using. They wanted to *mettre le pays à feu et à sang* just to protect their vote bank. This is the true reason, otherwise these people would have canvassed, would have raised arguments, such as meritocracy, expertise, competence talents, experience for choosing MPs in future elections, but nobody has been arguing on these fronts. They have been mainly arguing on ethnicity, on the communal basis. We, from our side, have been emphasising on the nation building. I think hon. Rutnah has exposed quite a long way on this idea of nation building. We have come up with a new version of *donne to la main prend mo la main, la main dans la main, anou batir anou batir nation mauricien*.

(Interruptions)

This is something which will cement...

(Interruptions)

Madam Speaker: Order, please!

Mr Sesungkur: This is something which will cement our nation, will cement all the segments of our nation. I must say that, again, here, hon. Bodha has played an instrumental role in coming up with this unifying factor.

(Interruptions)

Madam Speaker: Order, please!

Mr Sesungkur: Madam Speaker, we are one people and we are one nation. This is something we should not forget *enn pep ek mem destin*. We have to be realistic about that. If tomorrow our country is on fire, we will all suffer from that. So, that is why it is important that we work towards this objective. Everybody in this House should show some patriotism in urging our people to be more patriotic, to think in terms of nation building rather than going back, pulling back and having communal reflexes.

Before ending, I would fail if I would not refer to our friend, hon. Abbas Mamode. Look at what Josie Lebrasse had to say in ‘Week-End’ last. She says -

« Non, le parti des jolies mamzelles a voulu monopoliser l’ouverture et la fermeture des débats. Pourquoi faire d’ailleurs? Parler en premier pour raconter les pires inepties et démontrer que l’on est en cruel déficit d’envergure(...) »

Cruel déficit d’envergure, this is what I said –

(Interruptions)

Madam Speaker: Hon. Abbas Mamode!

Mr Sesungkur:

« et que l’on manque aussi le minimum de solennité républicaine que le sujet exigeait. Nous étions déjà totalement en faveur de l’abolition du Best Loser System, mais après avoir entendu Salim Abbas Mamode et vu sa prestation, hier, dans l’hémicycle, nous sommes plus que jamais convaincus qu’il est désormais urgent de s’en débarrasser. C’est un député qui visiblement n’arrive pas à faire la distinction en débat parlementaire et participation à une manifestation intolérante et sectaire à la Place d’Armes en se rendant, par hasard, ce samedi, 2 juin 2018, à la poste. »

So, Madam Speaker, hon. Salim Abbas Mamode has been very drastic in his speech and I am saddened by the way he made his points.

(Interruptions)

Madam Speaker: Hon. Lepoigneur, I have been noticing you for quite some time now.

Mr Sesungkur: I know that hon. Lepoigneur is a bit excited, but never mind!

So, I will end with this word of hope is that we have in this august Assembly hon. Members who have a great sense of patriotism, and this Bill is extremely important for the future generation of this country. We need to ensure that we do not tamper with a system which has worked so well. I agree with certain Members that the Best Loser System has worked well, has given stability to this country, but we have to look further. We have to look in the future, we have to ensure that this model is improved and, as has been rightly observed, the system needs to be more balanced, hence, the idea of bringing proportional representation and ensuring that parties which are unrepresented, although they have been voted, should ultimately have a seat in the Parliament. So, I would make an earnest request to all Members who have good sense to vote in favour of this Bill.

I thank you, Madam Speaker.

Madam Speaker: I will ask now the Deputy Speaker to take the Chair.

At this stage, the Deputy Speaker took the Chair.

The Deputy Speaker: Hon. Ramful, you have the floor!

(00.00 a.m.)

Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien): Thank you, Mr Deputy Speaker, Sir, for giving me the opportunity to intervene on this Bill.

Mr Deputy Speaker, Sir, I shall not be very long. I also do not propose to go back in the past about the evolution of our electoral system. A lot has already been said by the senior Members of the Assembly on the historical development of our electoral system.

I will talk about the present situation, Mr Deputy Speaker, Sir, the Government, at present, is facing a dilemma and this is as a result of the ruling that was handed down by the United Nations Human Rights Committee. I will go to the operative part of the ruling which reads as follows, and I quote –

“In accordance with article 2, paragraph 3(a), of the Covenant, the State Party is under an obligation to provide the authors with an effective remedy, including compensation in the form of reimbursement of any legal expenses incurred in the litigation of the case to update the 1972 census with regard to community affiliation and to reconsider whether the community-based electoral system is still necessary. The State party is under an obligation to avoid similar violations in the future”

So, there are two important issues which were raised by the Human Rights Committee. The first one is with regard to the electoral census and secondly, it is with regard to the community-based electoral system. The political class and the population as a whole is divided, Mr Deputy Speaker, Sir, on those two issues.

With regard to census, it will be a backward step. We, the Labour Party, disagree with regard to electoral census. It is going to be a way backward and, at least, most of the political parties, on this side of the House, agree on this issue. This, Mr Deputy Speaker, Sir, is going to cause enormous harm to our social harmony and stability.

We are left with only one option. Census is out and the only option that we are left with is to move away from the community-based electoral system. Now, previous orators have said it, and we all agree that the community-based electoral system has served us well. It has ensured a democratically elected Government, it has ensured a fair and adequate representation of each community, and more importantly, it has maintained stability over the years. But we all agree that despite it having served us well, it is not a perfect system.

So, what is the alternative, Mr Deputy Speaker, Sir? Surely, on this side of the House, we do not agree with the proposition of the Government. This is not an alternative and I am going to say why. Let me first start with the Best Loser System.

First of all, all the previous orators have said it and I am reaffirming that this Government does not have the mandate to abolish the Best Loser System. In fact, they are going against their solemn promise that they made to the electorate back in 2014. They mentioned it expressly in their electoral manifest that they were going to maintain the Best Loser System.

In 2014, Mr Deputy Speaker, Sir, when we, the MMM and the Labour Alliance were campaigning, telling the people, telling our electorate that we should do away with communal politics, that we should do away with the Best Loser System, that we should find an alternative system which is fair and which will represent the whole community, the whole population, what were they doing? What was the MSM-ML alliance, the *l'Alliance Lepep* doing behind our back in certain quarters of this country? They were targeting a specific community, telling them that they shall maintain the Best Loser System. This is how they got in power, on false promises, going against their solemn promise that they made to the electorate, Mr Deputy Speaker, Sir. And, now, they are telling us that we should do away with this Best Loser System.

You will recall, Mr Deputy Speaker, Sir, we were sincere in our approach, the Labour and the MMM alliance. We came with a Consultation Paper. We had the three-quarter majority. If we had wished, we could have passed the law, impose our desire on the wish of the people at that time, but we did not do so. We had no mandate. We even came with a draft Bill. We campaigned, consulted the people but we waited for the election. We said reform will come, but reform will come after the election. This is the difference between the Labour Party and the MMM, and *l'Alliance Lepep*. They are trying to impose their desire, their own wish against the wish of the people. This is what they are trying to do.

The other day, with all due respect, I have a lot respect for the Deputy Prime Minister, as usual very elegant, very convincing. What did he say to the MMM? This is what he said: 'My brothers from the MMM, I am making an appeal to you.' He said that not much separates the ML and the MMM, only some numerical seats, a few numbers. But if that is so, then back in 2014, if there was not much difference between what they are proposing today and what we proposed in 2014, then, why did they campaign against our recommendation? Why did they campaign against our proposal for reform then? Listening to hon. Gayan and hon. Rutnah, making imputations on the Labour Party, that when hon. Paul Raymond Bérenger was the Prime Minister, we apparently outraged a communal campaign against his Prime Ministership. They have forgotten that in 2014 when we had proposed that after the election, hon. Bérenger will become the Prime Minister, they went in all quarters, especially in the rural areas, gathered at the temples, in Arya Sabhas, through social organisations, trying to pollute the minds of some electors belonging to a particular community. They have forgotten about that. They are targeting us and they are talking about nation building.

I would not say much on the Best Loser System. This is what they are proposing and what they proposed back in 2014. This is clearly, Mr Deputy Speaker, Sir, *une trahison. Une trahison envers leurs électeurs*. With regard to the mode of allocation of the PR seats, Mr Deputy Speaker, Sir, the allocation of the PR seats on the basis of the parallel mode does not, unfortunately, address the injustices of the First-Past-the-Post system. It does not take into account what we have always said.

The MMM has said it, the Labour Party has said it that it should take into account every vote. Every vote counts, that is, the votes of the unreturned candidates. In fact, their proposition, the parallel mode goes against one of the objectives of the Bill itself, that of ensuring wider representation of parties. In certain situations, instead of addressing the problem of underrepresentation, it may create more injustices. The Labour Party had

proposed a fair system; the unreturned votes elect system, which takes into account the votes of unreturned candidates. I think one Member stated earlier on, Mr Deputy Speaker, Sir, that the Labour Party is reluctant to reform. Well, this is a concrete evidence of what the Labour Party had proposed back in 2014 or 2013, renewing democracy. We came up with a consultation paper. And just to address the issue of the mode of allocation of the seats, let me refer to what we had proposed. I am going to quote from the consultation paper on electoral reform –

“Unreturned vote elect uses the votes of candidates who had polled well, but had not been elected. The votes of unelected candidates of all parties would be counted in the constituencies. The parties would be allocated seats according to their share of votes of unreturned candidates nationally. This mode of counting is a mode which is in between the compensatory mode and the parallel mode.”

This is what, in fact, we had proposed and this is what I believe was proposed by the Labour and the MMM alliance, Mr Deputy Speaker, Sir. This is a fairer way of allocating those PR seats.

With regard to the 6 to 10 additional seats, here as well, we strongly object to this mode of allocation of those 6 to 10 additional seats. In fact, by trying to restore mathematically any imbalance that may occur following the allocation of the 12 seats on the basis of PR, this mode of allocation defeats the whole purpose of the reform. It does not make any logical sense, Mr Deputy Speaker, Sir. Unless the reform is a mere sham and this is what it is.

With regard to gender representation, we have no problem. In fact, we had proposed this, ourselves. Anti-defection also we have no problem, Mr Deputy Speaker, Sir. So, what is the way forward? I will end with this, Mr Deputy Speaker, Sir.

Now clearly, we do not have any consensus in the House, so what is the way forward with regard to electoral reforms? Personally, I think, Mr Deputy Speaker, Sir, that such an important issue which involves public interest, a referendum of the people would have been more adequate. We are here today to decide. This is the bad things about this. We, representatives, we are here to decide on how people are going to elect us. It should have been instead for the people to choose how they are going to elect us. This is what should have been done on such an important issue which involves public interest and which involves the electoral reform, which is the basis of every democracy. We should have left it to the people,

give them a free hand, allow them this opportunity for them to decide, how they are going to elect their representatives. Mr Deputy Speaker, Sir, I said I will not be too long. I will end by saying this. Today, is four years since the last general election. I think the last general election was on 10 December 2014. It is exactly 4 years and this day will go down in history as a day when three major political parties: the PMSD, the MMM and the Labour Party, joined hands together and prevented a Bill which would have caused enormous prejudice to the social harmony of our country.

So, I end on this note, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Rampertab!

(00.16)

Mr R. Rampertab (Second Member for Flacq & Bon Accueil): Mr Deputy Speaker, Sir, first and foremost, let me thank the hon. Prime Minister and Minister of Finance for coming up with this very important Bill in this august Assembly.

Mr Deputy Speaker, Sir, January 2019, will mark the 133rd year since general elections were first held in Mauritius. Indeed, following Sir John Pope Hennessy's staunch championing for introducing a party elected legislature, the third Constitution of Mauritius was gazetted on 30 October 1885 and history was created when elections were first organised throughout the island between 11 and 20 January 1886.

Mr Deputy Speaker, Sir, today under the Prime Ministership of hon. Pravind Kumar Jugnauth by proposing the Constitution (Amendment) Bill, he is indeed creating history. Mr Deputy Speaker, Sir, since 1967, hon. Pravind Kumar Jugnauth would be the first ever Prime Minister who has created and presented such an opportunity of historical scale. If the Bill passes the vote of this august Assembly, a new chapter of the modern Mauritius will be opened.

Mr Deputy Speaker, Sir, since the hon. Prime Minister and Minister of Finance presented the electoral reform proposals to the population on September 21, he has keenly opened the doors to receive any firm official enhancement or criticism from any other political parties. Unfortunately, apart from the MMM, which must be saluted, it is sad to note that other parties have mostly not made any counterproposals. Instead the message from them has been mere disapproval of the proposed reform through the media. The population is as at now in the dark on whether they do have a counterproposal, and if so, how does it look like. Sadly and simply, Mr Deputy Speaker, Sir, there is no proposal. This Government is open to

the diverging opinions from the Opposition parties. However, they should not forget that their role is not always to oppose, but to propose as well.

Mr Deputy Speaker, Sir, the closest our nation has got in terms of an electoral reform was through a draft Bill circulated in 2005 under the Prime Ministership of hon. Paul Raymond Bérenger under the MSM/MMM Government. The Bill presented today, Mr Deputy Speaker, Sir, by the hon. Prime Minister and Minister of Finance, comes at the most opportune moment. After 50 years of independence and 133 years of using the First-Past-the-Post electoral system, it was clear for most of the population that a thorough reform of the way elections were conducted in Mauritius was required indeed. The issue of electoral reforms have been included in many manifestos so far. But, Mr Deputy Speaker, Sir, many politicians did make promises to bring the necessary reforms and some genuinely got closer. However, it is only hon. Pravind Kumar Jugnauth through his upright leadership and foresight who has shown the real political clout in spearheading the Bill through this august Assembly.

Mr Deputy Speaker, Sir, what this Government has achieved is indeed unprecedented. It has shown throughout its mandate, a firm commitment in delivering a comprehensive electoral reform and after numerous consultations and meticulous analysis of all the reports commissioned over the last 50 years, it has presented a series of proposals which have been carefully packaged in the Constitution (Amendment) Bill.

Mr Deputy Speaker, Sir, what this Government has not done though is to hold false promises to the population. It has not used the executive machinery to suspend the Parliament for months, while pretending to be working hard on an electoral reform proposal which was never presented in the Parliament.

The population has a clear choice, Mr Deputy Speaker, Sir, between years spent talking which never got converted into firm action compared to a Prime Minister who has patiently and quietly listened to finally walk the talk in the form of the Bill being debated since yesterday.

Mr Deputy Speaker, Sir, it is a known fact about electoral systems across the world that there exists no perfect system. In fact, if there was a formula for a perfect electoral system, democracy globally would have rushed to implement that magic formula. This is indeed why the only points, if not, the only one which most politicians and academics agree.

As responsible politicians, Mr Deputy Speaker, Sir, our Government kick-started the consultations on the electoral reform. One of the guiding principles was to design and deliver a system which would derive a general consensus.

Mr Deputy Speaker, Sir, our preparation of our proposal was, in fact, underpinned by some very basic values which have been upheld throughout our reign. Hence, the proposal generated should have, amongst others, led to a result which would support a stable Government by maintaining a comfortable majority for the winning party by preventing a proportional representation system which could instead deliver a razor-thin and unstable majority. Also the system should have been sustainable, promoted party competition, voter turnout and ensure the parliamentary representation of women.

Mr Deputy Speaker, Sir, allow me to quote one sentence from Professor Thomas Axworthy intervention during the Canadian Electoral System Reform Consultation. Professor Axworthy is a renowned Canadian civil servant, academic and political strategist. Indeed it summarises the very spirit of the Government consensual, value based and realistic approach towards delivering an effective electoral reform. I quote here, Mr Deputy Speaker, Sir –

“There is no perfect electoral system. There are advantages and disadvantages to all of them, and it is really a question of values, of differing perspectives, that will inform your own debate. There's no technical solution to the issue of electoral reform. It is basically a political process of deciding your purposes and values and what you value most.”

Mr Deputy Speaker, Sir, for long, politicians across the board have criticised the imbalance in terms of gender representation in our Parliament. In fact, since the election of Emilienne Rochecoste to the Legislative Council in 1948 we have had numerous women candidates, MPs, PPSs and Ministers. I salute our fellow women MPs from whom this august Assembly benefits from their unique perspective and equal, sometimes better performances. However, Mr Deputy Speaker, Sir, we must admit that we have not succeeded as a democracy to reach the 50% gender balance in terms of representation in our august Assembly as well as in private and public sector decision-making positions. But the provision proposed in this Bill, Mr Deputy Speaker, Sir, is a permanent move towards gender priority by institutionalising a minimum of one third women representation within our Parliament.

Mr Deputy Speaker, Sir, this is indeed a matter of pride for this Government to be able to champion an equal gender parliamentary balance following our previous achievements of having the first women in the posts of Speaker and Vice Prime Minister.

Mr Deputy Speaker, Sir, another achievement of this Bill is to propose an introduction of a dose of proportional representation in our electoral system. The distortion of the First Past The Post system has been well documented and debated in the House. In, at least, four post-independence out of nine those of 1982, 1991, 1995 and 2000 have demonstrated major discrepancies between the percentages of votes against the percentage of seats gained. Throughout history, all the parties in this House have been, at least, once victims of this inherent flaw in our electoral system.

Mr Deputy Speaker, Sir, this Bill will put an end to this disproportionate electoral behaviour through the introduction of the 12 PR seats to be selected from the close list submitted by the party leaders. According to the institute of democracy and electoral assistance, out of 290 electoral systems they recorded globally 40% have introduced the PR list system compared to 28% who still rely on a pure First Past The Post system.

My earnest wish, Mr Deputy Speaker, Sir, is that following the passing of this Bill, Mauritius proudly becomes the 88th electoral system to implement a PR list formula. Mr Deputy Speaker, Sir, it's also worth noting that the PR list system has other proven advantages. For instance, according to Jason Clemens, the Vice President of the respected Fraser Institute in his paper Electoral Rules and Fiscal Policy, he argues that evidence from major western democracies demonstrate a clear correlation between the introduction of a PR system and the increase in number of political parties competing during election compared to the systems still using First Past The Post.

Mr Deputy Speaker, Sir, this Bill also aims to encourage the participation of Mauritian citizens throughout the historic measure of promoting Mauritianism. The Best Loser seats were recommended by the parliamentary and the secretary of colonies, the Rt. hon. John Stonehouse which we all know after the Banwell Report, variable corrective and constant corrective were rejected by all the parties present during the 1964 Constitutional Conference. This institutionalisation of the communal groups in Mauritius implies a compulsory declaration by a candidate for its communal group from the four communities identified in the 1972 census.

Mr Deputy Speaker, Sir, through this Bill, for the first time since 1967, no candidate will be forced to declare his or her community. Indeed, for the very first time, we will be able to say that we are Mauritians and not individual communities living in Mauritius.

Mr Deputy Speaker, Sir, when we are abroad we proudly identify ourselves as Mauritians not as individuals from a specific community as elaborated by my good friend, hon. Rutnah. It will now be possible to identify ourselves as Mauritians in Mauritius.

Mr Deputy Speaker, Sir, I am proud that this Bill is making the dormant volcano of the communal electoral division amongst us extinct forever.

Mr Deputy Speaker, Sir, to conclude, in 2068, let me say that when our country will celebrate its 100th Independence Anniversary and many of us won't be here then, our future generation will, of course, be grateful for achievements like the minimum salary, negative income tax and the metro express. However, the legacy they will be most grateful of would be the reform electoral system which would have transformed the fate of the nation.

Mr Deputy Speaker, Sir, the status quo for the Government would have been an easier path than bringing this Bill to the Parliament to be debated. However, the status quo was never an option for the hon. Prime Minister and Minister of Finance.

What he has achieved is to bring together a nation who wants a change the way the MPs were elected. The population doesn't want to miss this historic opportunity of this Bill being voted through Parliament and being enacted before the next election.

Mr Deputy Speaker, Sir, the choice presented to us today is simple. Let the population know that we help them. Let us join hands across parties to reach a consensus and share the destiny of this country. Let us write history with a single pen and with one voice. Let us unite as a patriots behind the Prime Minister who has had the cloud determination and vision to deliver an electoral reform for our future generation.

Before I end, Mr Deputy Speaker, Sir, I will urge to the hon. Members of this Assembly that we leave our egos, our pride, our arrogance aside for the sake of this Bill and make history for the right reason which will be remembered by the upcoming generation of politicians who will grace this House in the future.

Thank you very much, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Ameer Meea!

(00.31 p.m.)

Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East):

M. le président, pour commencer, laissez moi féliciter l'honorable Paul Bérenger pour son brillant discours et qui a fait l'historique du *Best Loser System*, surtout l'évolution de notre système électoral à travers le temps. C'était vraiment une leçon d'histoire très importante, pas seulement pour nous, les parlementaires, mais aussi pour l'île Maurice en entier. Une nation qui ne connaît pas son histoire, c'est comme un bateau sans gouvernail.

M. le président, *I shall debate only on two main components of the Bill, that is, the PR and the BLS*. Le MMM a toujours prôné une dose de proportionnelle dans notre système électoral pour avoir été souvent victime du cancer de mal-représentation des votes de la majorité des électeurs ; pas seulement le MMM, mais aussi le Parti travailliste en 1982 et le MSM en 1995.

A travers le scrutin uni nominal, c'est-à-dire le *First-Past-the-Post*, le pays est en permanence gouverné par des majorités artificielles. Tous les partis politiques ont été victimes du cancer de la mal-représentation. C'est le *dark side* de la démocratie. Le passage à la proportionnelle aurait dû rendre notre système politique bien plus démocratique.

M. le Président, vu qu'on souhaite éliminer cette injustice par la représentation proportionnelle, il est impératif qu'on ait une formule appropriée, une formule au point, et non pas la formule approximative que propose le gouvernement. Ce n'est pas sérieux de proposer d'abord 12 sièges pour corriger les 63 sièges du *First-Past-the-Post*, et ensuite, six à dix sièges pour rétablir le *First-Past-the-Post*. C'est cela même que le MMM a dit dès le départ que c'est une non-réforme. Le ministre Sinatambou avait dit qu'on est très prêt, mais il fait fausse route complètement. On n'est pas prêt du tout, M. le président. C'est irrationnel. En d'autres termes, pour traiter le cancer de mal-représentation, le gouvernement prescrit, en premier lieu, du calmant pour les 12 *PR seats* et à la fin, réinjecte le cancer par les six à dix votes pour rétablir les résultats du *First-Past-the-Post*.

M. le président, *we have to do it right and at the first time*. Ainsi, il est impossible d'accepter une formule de *trial and error*. Pour l'honorable Bodha, la majorité confortable est bien plus importante que de résoudre réellement le problème de la mal-représentation. C'est une pseudo-réforme, et l'honorable Bodha insistait que la majorité confortable est plus importante que l'élimination définitive de la mal-représentation. Ce que le MMM veut, c'est une réforme réelle ; une PR qui ne contraint pas les partis politiques à faire des alliances

avant les élections ; une PR qui permet à tous les partis d'aller seuls et faire une alliance après les élections ; une PR qui met un terme à les *monte dadac* sur le dos des alliés.

Le MMM a été très souvent victime de cette situation. Il est malheureux que le gouvernement reste scotché d'aller de l'avant avec une réforme qui n'a pas de sens. Moi, je pense sincèrement que cette soi-disant réforme a été faite pour la galerie et pour venir justifier à la Commission des droits de l'homme des Nations Unies et à tout le monde : « Écoutez, nous avons essayé, mais nous n'avons pas pu avoir la majorité nécessaire ». Et c'est cela que l'histoire retiendra de ce gouvernement. L'objectif était de présenter une réforme inacceptable avec l'idée ensuite d'accuser l'opposition d'en être responsable. Et par rapport au *Best Loser seats*, M. le président, je peux d'ores et déjà dire qu'aucune des grandes décisions par rapport aux élections n'a été prise avec légèreté sans peser les pour et les contre.

M. le président, *our records in terms of electoral reforms speaks of itself*. L'amendement en 1982 démontre que le MMM, sous le leadership de Paul Béranger, a tout le temps pris ses responsabilités vis-à-vis de l'histoire, en ce qu'il s'agit de la consolidation de la démocratie. En effet, toutes les décisions prises concernant la représentativité des différentes composantes de notre société avaient leur raison d'être. Même si notre société a évolué depuis, la mentalité, avec certains aspects du système électoral, a toujours sa pertinence. On ne peut les effacer d'un revers de main sans susciter des appréhensions et des craintes de part et d'autre.

Des élections générales se sont succédées sans problème majeur, car le *Best Loser System* permet, voire même garantit une représentation adéquate de toutes les communautés à l'Assemblée nationale. Que seule la communauté musulmane en ait profité est une perception erronée, car le *Best Loser System* a rendu justice à d'autres minorités vivant sur le sol mauricien.

Le *Best Loser System* a aussi profité à tous les partis politiques. De là à dire que le *Best Loser System* est une mesure rétrograde, c'est une absurdité. Il faut étudier le contexte. Le pays a connu la stabilité sociale, et c'est cela qui a traduit une prospérité économique essentielle pour l'avancement du pays. Même si actuellement certains idéalistes pensent que le moment est venu pour se défaire du *Best Loser System* au plus vite, il n'en demeure pas moins que le risque que le pays bascule dans le désordre et le chaos subsiste toujours, si certaines communautés se sentent, à tort ou à raison, menacées.

On ne peut prédire l'avenir. Nous n'avons pas de boule de cristal pour savoir ce qui peut se produire. Si d'aventure un virus communal inouï contamine une frange de l'électorat qui décide de voter 'couper trancher' sur une ligne purement communale, nous risquons d'avoir de très désagréables surprises au jour de la proclamation des résultats. La réflexe communal, malheureusement - je dis bien, malheureusement - est toujours latente. Il faut aller dans le sens du progrès. Personne ne peut affirmer le contraire, mais l'avènement d'une société d'avant-garde où chaque individu se sent égal, passe forcément et inéluctablement par une vraie politique rigoureuse de justice et de *fair play*.

Toutes les institutions doivent fonctionner librement, sans l'interférence du tenant du pouvoir, mais nous sommes très loin de tout ça. A chaque exercice de nomination et de promotion, des magouilles sont en cours. Rarement nous voyons quelqu'un choisi sur la base du mérite et de la compétence, et tout cela n'augure rien de bon pour un pays qui veut moderniser et bouger vers le progrès. Pour changer le *voting system*, il nous faut donner des garanties formelles que personne ne se sentira victime. Ce que propose le gouvernement ne garantit rien, et avec le 'Viré Mam' des dernières élections, beaucoup de gens ont crûlement cru que tout allait effectivement changer pour le meilleur. Ils croyaient que les ministres n'allaient pas prendre la parole dans les fêtes religieuses ; qu'il n'y aurait pas de tentative d'instrumentaliser les fêtes ; qu'il n'y aurait pas de tentative de la part des *lobbyings* qui sont toujours présents, des pressions occultes et malsaines sont exercées. On parle de la cuisine où des plats politiques sont concoctés, des mouvements socioculturels ont droit de cité et ont leur petite entrée secrète dans les coulisses du pouvoir.

Comment peut-on apporter des changements radicaux pour cimenter la nation mauricienne, pour penser comme une seule nation, et autant de pratiques immorales allant dans le sens contraire d'une démocratie saine et vivante sont courantes ? Que l'honorable Rutnah et tout le monde soient rassurés que les défenseurs du BLS sont aussi les défenseurs du mauricianisme, il y a une différence entre les discours et la réalité. Il y a certains qui prônent le mauricianisme que pour la galerie et pour les besoins du Hansard, mais pratiquent le communalisme au quotidien, et tout cela dans les nominations des hautes fonctions et l'octroi des contacts. Ils se déclarent Mauriciens avant tout, mais sont les prisonniers des chefs religieux et associations culturelles.

M. le président, l'honorable Sawmynaden avait déclaré que la communauté musulmane est assurée de six élus au numéro 2 et numéro 3. Avec les derniers développements, je me demande pour combien de temps. Le PMSD fait pression pour que

toutes les circonscriptions aient un nombre presque égal d'électeurs. Cela sous-entend la fusion de ces deux plus petites circonscriptions en termes d'électeurs. Le chiffre garanti passera de six à trois, et ce sera pire si avec un peu de *gerrymandering*, c'est-à-dire un peu de numéro 1 dans le numéro 2, un peu de numéro 4 dans le numéro 3. En fusionnant tout ça, ce sera pire.

Donc, M. le président, le MMM n'acceptera jamais et ne votera pas une réforme électorale si cela ne consolide pas la démocratie et en même temps assure une *fair and adequate representation of all sections of the population*. Il faut que la population sache que la clause qui garantit le *fair and adequate representation* de toutes les composantes de la nation mauricienne a été tout simplement biffée et, dans le projet de loi, est remplacée par un système débile qui ne garantit en aucun cas le *fair and adequate representation*. C'était une garantie constitutionnelle, et malgré cette garantie constitutionnelle, il y a eu de nombreuses occasions où des communautés se sont retrouvées sous-représentées. Donc, imaginez maintenant enlever ces garantis, ce sera le chaos.

M. le président, il y a un item que beaucoup de députés de l'opposition *have canvassed*, c'est-à-dire la promesse dans le manifeste électoral de l'Alliance Lepep à l'effet qu'il n'allait pas abolir le *Best Loser System*. Mais je n'ai rien entendu. Personne n'est venu discuter là-dessus, personne n'a *rebut* cet argument-là, c'est-à-dire pourquoi ça a été dit dans le manifeste électoral et pourquoi c'est fait aujourd'hui.

M. le président, avant les élections de 2014, il y avait un rassemblement contre l'élimination du *Best Loser System* au centre Idriss Goomany, organisé par le *Muslim Youth Federation* en vue de se dresser en rempart contre la tentative d'élimination du *Best Loser System*. Vous savez qui avait présidé ce rassemblement ? Ce rassemblement était présidé par l'honorable Dr. Anwar Husnoo. Il a fait campagne contre l'élimination du *Best Loser System*, et on peut aller voir sur YouTube les meetings qui se sont tenus à la rue La Fontaine, à la rue Large, au *Crown land*, la Route Militaire. Aujourd'hui même, j'ai pu constater tout ça. Il a eu son ticket sur le dos du *Best Loser System* ; Il s'est fait élire sur le dos du *Best Loser System*, il est devenu ministre sur le dos du *Best Loser System* et, aujourd'hui, M. le président, après toutes cette campagne mensongère par rapport au *Best Loser System*, *he remains quiet, as if he has lost his tongue. Maybe he should ask one with hon. Tarolah.*

(Interruptions)

The Deputy Speaker: Silence, please!

Mr Ameer Meea: If he had not campaigned against the abolition of Best Loser, he would not have been a Member of this House. The reason why is because only 64 votes separate him from Mr Aslam Hossenally! Only 64 votes separate him! And this is why he got...

(Interruptions)

The Deputy Speaker: Please take your seat! Hon. Dr. Husnoo, yesterday, I told you with regard to addressing the House from a sitting position. Please, do not do so. And hon. Béranger, I have taken the point. Please let the Member from your Party finish his speech.

Mr Ameer Meea: Mr Deputy Speaker, Sir, I was saying that he got elected on a lie and if he hadn't campaigned on such a lie, he would not have been here today, because only 64 votes separate him from Mr Aslam Hossenally. Today, it is Mr Aslam Hossenally who should have been here. Mr Deputy Speaker, Sir, I won't dwell any further on this issue because he is already a dead man. I won't overkill him politically, Mr Deputy Speaker, Sir. But, at least, he should have some courage to stand up and say that he has changed his mind! Look at hon. Dr. Joomaye! He was with the MMM, he is a turncoat and he assumes it. He has the right, he assumes it, he has the courage and he is proud of it. But he should at least do the same! He should put his name on the list and intervene! He should have the courage and stand up and say that since he has pocketed Rs15 m. for the acquisition of his land, he has changed his mind! This is....

(Interruptions)

The Deputy Speaker: Please take your seat! Hon. Ameer Meea, you requested for some extra time. I have given you extra time, but you are imputing motives. You should not do that. Please finish your speech!

Mr Ameer Meea: Mr Deputy Speaker, Sir, I am not imputing any...

(Interruptions)

I am not giving way! I am not imputing any improper motives because this is the truth; this is the whole truth, and what I have just said can be verified.

Mr Deputy Speaker, Sir, today, he is sitting on the fence. It is only hon. Rutnah who has to announce to the House that hon. Dr. Husnoo would vote for the Bill. What a shame! Another Member has to say what he has to vote! I would have been ashamed of that!

Mr Deputy Speaker, Sir, but what is more serious...

The Deputy Speaker: Your time is over, hon. Ameer Meea!

Mr Ameer Meea: Yes, I am almost finished. I am already done with him, Mr Deputy Speaker, Sir. But what is more serious, Mr Deputy Speaker, Sir, according to my information...

The Deputy Speaker: Hon. Ameer Meea, you canvassed this issue. I have given you extra time, now it's time to finish your speech. Please, finish your speech now!

Mr Ameer Meea: Okay, I will finish. I know it hurts, but I will conclude.

According my information, Mr Deputy Speaker, Sir, the Prime Minister is thinking, after the debate, not to propose for a vote, since there is clearly no majority of three-quarter. He is proposing not to go for the vote so as to allow hon. Dr. Husnoo to get away with murder!

The Deputy Speaker: Hon. Roopun!

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

Mr Sinatambou rose and seconded.

Question put and agreed to.

Debate adjourned accordingly.

ADJOURNMENT

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I beg to move that this Assembly do now adjourn to this very morning, that is, 11 December 2018 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.

MATTER RAISED

(00.51 p.m.)

NPCC – MANAGING DIRECTOR – ALLEGED SEXUAL ASSAULT

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Mr Deputy Speaker, Sir, I do apologise for taking the time of the House, but this is a very serious issue. I put a question for tomorrow, but, unfortunately, this question...

The Deputy Speaker: Silence, please!

Mr Baloomoody: ... will not be answered. So, I think I should raise it at adjournment because this is a very serious issue. It is with regard to the situation now prevailing at the National Productivity and Competitiveness Council, *situation malsaine*.

Mr Deputy Speaker, Sir, one Mr D. B. - everybody knows he is very close to the MSM; in fact, he is in Constituency No. 8, Mr D. B. - you want me to tell the name? Mr Deepak Balgobin, the Executive Director of NPCC and Chairman of MHC, a political appointee, close to the MSM, has been for the last six months continuously harassing sexually a young lady, a young law graduate at the NPCC and the latter, that young lady who could not bear that continuous sexual assault had to submit her resignation. But, fortunately for her, her resignation was rejected by the Board and the Board called her, asked her to come back to work again and to put on paper what has happened to her so that action can be taken. She did write a letter, two weeks ago, explaining each and every detail, photocopying all the SMS messages which have been sent to her during the day and during the night, to the Board. The Board guaranteed her that they will take action against the Managing Director, but that Executive Director has *le culot* to come and say to the Board he is untouchable, he lives in Constituency No. 8 and that *gouvernement dans sa main*, and the Board is unable to take action against him.

So, I am asking the hon. Minister, if he cannot take action, to refer the matter to the Prime Minister so that immediate action be taken against that gentleman who is not only - I am sorry, now he does not deserve the name of gentleman, to that political appointee who is not only harassing people sexually at the NPCC, but is also the Chairman on the NHDC. And the hon. Minister cannot deny that he is not aware of the case; he is fully aware of the case. My information is that he has intervened personally.

(Interruptions)

The Deputy Prime Minister: In view of the seriousness of the allegations made, I have asked the Minister to allow me to answer the allegations. I do not know if they are true or not true. Of course, I will not pronounce myself, but I take the word of an experienced Member of this House and I will talk to the Prime Minister as soon as reasonably possible

about this matter. But, of course, I am not going to give any undertaking as I am not aware of the facts.

Thank you.

At 00.55 a.m., the Assembly was, on its rising, adjourned to Tuesday 11 December 2018 at 11.30 a.m.