

GOOD GOVERNANCE AND INCLUSIVE ELECTION SYSTEMS: THE CASE OF MAURITIUS

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SYNOPSIS

Mauritius has the reputation of being 'an island of success' which continues to function as a successful, inclusive, responsive, and responsible democracy. This is because she has managed to avoid the practices that have undermined democratic progress in some countries in the region. Mauritius has established strong institutions for horizontal and vertical accountability. It has effective grievance handling mechanisms and it has promoted cultural and inter-ethnic cooperation through conscious and concerted efforts. The country uses cultural and ethnic diversity to stitch together Mauritian society rather than dividing and ruining itself, as is happening in several countries under the guise of decentralization or devolution. Mauritius created independent elections and boundary management commissions which are insulated from political interference and are not managed by civil servants. In the voting system, the elected representatives are voted by a maximum of three voters in general, and two voters in the constituency of Rodrigues. There are special seats for the best losers who because of their community affiliation will normally fail to get enough support. This system cannot be rated as the best in the world, but it creates ground for elected persons to be accepted across the board. No wonder elections in Mauritius have been free of violations or election related violence.

1. Introduction

In 2011 The Minority Group International hailed Mauritius as a leading African country on human welfare indicators with 'one of the non-western world's lowest proportions of people living in absolute poverty' (Minority Rights Group International 2011: 2). The rights group noted further that this island nation has managed to combine growth with equity in spite of its great cultural diversity, adding that in many countries this may seem 'an uncompromising basis for democracy and redistributive practice'(Ibid, : 2). The same views have been echoed by Nigel Richards of the Coexistence International at

Brandies University, who has gone further to characterize Mauritius as 'an island of success which continues to function as a successful democracy and although there are tensions among different social groups, these are more likely to be solved through the democratic processes than through conflict' (Richards 2007:1). In addition, Human Rights Reports by the US State Department have frequently acknowledged Mauritius as a country where the rule of law is observed above the regional average. It has also noted that the citizens can criticise government operations and policies

MANAGING FOR RESULTS IN REAL WORLD CONDITIONS

openly or privately without reprisals. The media operates independently and human rights abuses are openly and effectively investigated and handled (US State Department Human Rights Reports 2002, 2010, 2012).

Although Mauritius is a nation comprised of a number of islands, the 'island of success' analogy has nothing to do with the geographical composition of the country. It reflects its historical background and the peculiar manner in which it has carved out its own structures of power, production, and governance. The centers of power are very different from the dominant prevalent models on the continent. Before it was occupied by colonial fortune seekers and turned into an agricultural producer of sugar, Mauritius was not inhabited by any group that can claim to be indigenous. According to Diolle (2015) the Mauritian economy, ecology, institutions, and systems were built by the colonial governments and the people of Mauritius themselves who had migrated from other countries. It can be said therefore, that Mauritians created Mauritius as we know it the way people in The Netherlands say the Dutch created Holland.

During the transition from colonial rule, unlike what took place in former Portuguese colonies where the departing regime destroyed all physical and institutional infrastructure and records, in Mauritius the process of decolonization was thoroughly organized. According to Diolle (2015), the 1957 London Agreement that led to independence was a product of thorough and intense planning and scenarios building. All possible systems of representation were considered and through consultations some of them such as proportional representation were eliminated. Doille (2015) has noted that the colonial government worked closely with the leadership poised to take over, to establish a system that would ensure universal suffrage and base the voting systems

on issues of political principle rather than race or religion.

Some of these principles and practices which we will examine in more details later, form the historical values of Mauritian society which even the tide of globalization has failed to erode, change or remove. In a way, colonialism not only contributed to the creation of Mauritius as we know it today, but it also contributed positively to laying the foundations for its current systems of power, representation, production and distribution (Doille 2015). The process of constitutional development has been continuous in this country and it has been used to review systems to remove negative practices and introduce innovations that have made Mauritius a beacon of hope for good governance. This good governance system is based upon, among other factors, an inclusive and transparent electoral system. This case study, seeks to concentrate on the governance aspects which have kept the electoral systems dynamic and inclusive thereby averting election related violence that has plagued several other countries in Africa thereby retarding their development and growth. The paper starts with a quick review of factors that have contributed to election violence in some countries and ends with the strategies and safeguards Mauritius has put in place that have helped it to survive as a country with a lot cultural and ethnic diversity but free of election violations and violence.

2. Why election violence does persist in some African countries?

The levels of tolerance for authoritarianism vary across the African continent and its people. This is probably explained by the fact that, there are some countries and citizens that have never experienced true democracy. Hence in such circumstances there is a tendency to succumb to authoritarian rule. However, there is no mistake

about their general quest for and acceptance of true democracy based on rule of law, respect for human rights and effective and efficient service delivery (Wantchekon, 2015: 182). It is important to note that both the poor living in urban slums or rural areas in Africa and the affluent wherever they are based, value their rights and when their rights are violated, they feel the urge to react and demand redress. It is lack of access to redress in their day to day lives that forces some of them to look for opportunities to vent their anger through demonstrations or violence. Elections in several African countries have provided such opportunities. In the following paragraphs we examine a few factors that make elections an occasion for attempts to settle political differences violently in selected African countries.

Trench war mentality in competitive politics

It is not unusual to hear politicians referring to those on the opposite side as 'our enemies'. Slogans such as 'this is a matter of life and death' or 'Down with traitors' or 'Down with the opposition' are frequently used in mobilizing followers for support before and during elections. Hate speech and propaganda peddled through state machinery (including media) are also common features. At times opposition leaders and followers are imprisoned on false charges only for the period of the elections. In other circumstances voters are disenfranchised through demarcation of voting wards or other legal means that exclude those in diaspora to vote. Old liberation narratives also form part of the propaganda machinery, including intimidation from state security clusters like police, army, and the intelligence. Physical torture and beating is also experienced, especially prior to voting days.

While political competition is meant to produce the best political party or alliance of political parties with a development oriented agenda, for some the election process is 'war'. Many politicians in countries that experience election violence prepare themselves to win. Very few go into political competition prepared to accept losing if they are not declared winners. Psychological unpreparedness to accept defeat has led to post election violence in Lesotho (1998), Madagascar (2001), Kenya (2007), and Zimbabwe (2008), and Zanzibar (2005 and 2015) (Botlhomilwe and Molebatsi 2015; Poncian 2015).

Absence of institutional mechanisms to rectify election irregularities

Election irregularities are common in every election in Africa, and their impacts on voter satisfaction is a matter of varying degrees. What is starkly missing from electoral systems all over the continent, are remedial mechanisms for discussing and charting ways for ensuring the identified mistakes are not repeated in the subsequent elections. Some countries such as Burundi, DRC, Kenya, Lesotho, Nigeria, and Tanzania (Zanzibar) have experienced recurrence of violence because of this anomaly for example in the DRC (Mavungu 2013), Kapa, and Shale 2014, Burundi (Mbonningingo and Niyonizigiye 2015, Lesotho (Shilaho 2013), Kenya Mueller 2014, Mihyo 2015, and Zanzibar Poncian 2015). In the absence of proactive preventive mechanisms, election violence is bound to become chronic (Koko 2013).

Politicization of election management bodies

Independent Election Commissions (IECs) are not easy to find on the continent. As a matter of

MANAGING FOR RESULTS IN REAL WORLD CONDITIONS

fact, what are labelled independent bodies in some countries are not institutionally autonomous. They do not manage their own funds and their personnel are controlled by the central civil service authorities. Ironically in some of countries that have adopted a mixed model in which the election management body is within a ministry such IECs operate independently. This is the case in Botswana (Botlhomilwe and Molebatsi 2015). However, election management there has not been as politicized as in some countries which label their election management bodies 'independent' while they are highly politicized and controlled by the executive.

Decentralization of ethnicity

Recent reforms aimed at increased peoples' participation through decentralization or devolution, for example, in Cameroon, Ethiopia, Kenya, and Nigeria have attained the goal of increased local participation. However, the systems continue to form grounds for ethnic mobilization, ethnic cleansing and intra-ethnic violence and hostilities during national elections (Salih 2001, Ngau and Mbathi 2010). Decentralization if not well planned may lead to the decentralization of conflicts.

Militarization of political parties and election processes

Almost invariably, constitutions in Africa attempt to prohibit the police and armed forces from participating in politics. This, however, has not prevented political parties from forming armed brigades and using militias in political campaigns either to mobilize support or to intimidate opponents. In Kenya and Malawi such militia have become quasi-legal and make themselves available to willing hirers for pay during elections while in Tanzania each of the main political party has a youth brigade

(Chinsinga 2015, Mihyo 2015). In in Uganda the involvement of the military forces in the elections of 2011 was very obvious and partisan (Mpiima 2015) and Uganda is not an exception on this.

Commercialization of politics

The 1994 genocide in Rwanda involved, among others, big business groups which benefitted from acquiring, distributing, and selling guns, hammers, and machetes (Mpumilwa 2016). In the prelude to the election violence in Kenya swords and machetes were bought on a large scale (Yamono, Tanaka, and Gitau 2010). Apart from the money made from conflict, election violence is also caused by the amounts candidates spend on bribes, treats, entertainment and vote buying. When they sense they are losing they engineer riots or other forms of violence to seek annulment of election results. The cases of commercialization of elections and subsequent violence in Uganda and Kenya have been well documented by Mpiima (2015), Masime and Otieno (2010) as well as and Ocoli (2011).

3. What has Mauritius put in place to avert election violence?

Mauritius stands out as a small country but a big nation on the African continent. It has avoided the trappings of executive presidential powers, institutionalized parliamentary supremacy, and insulated the electoral bodies from executive control or interference. The constitution has created space for the representation of minorities and losers in elections and given voice to women in political processes. In the next sections we give more details on some of these factors and how they have strengthened national coexistence and violence free elections.

The supremacy of Parliament

The 1968 Constitution makes it difficult for the President to use his power of assent to a bill to dissolve parliament. In several countries this is usually a potent tool for the executive to control the legislative powers of parliament. In Mauritius, in cases where the President refuses to assent to a bill and the Parliament disagrees with the President's decision, the latter cannot dissolve Parliament. Under Section 46 the President's refusal to assent does not lead to dissolution of parliament and there are bills on which under Article 46(2) the President cannot withhold assent. Article 57 imposes restrictions on parts of the Constitution that cannot be altered by parliament unless supported by 75% of the members and once such support is obtained it is difficult for the President to withhold consent.

Independence of Election Management Bodies

Article 40 establishes the office of the Electoral Commissioner, who has to be a practicing barrister, is appointed by the Judicial Services Commission and is 'not subjected to the direction or control of any other person or authority'. Under Article 41 the Electoral Commissioner works with the Electoral Supervisory Commission whose Chair is appointed by the President after consultation with the Judicial Service Commission and it is composed of 2 to 7 more members appointed by the President on advice from the Prime Minister (Article 38 92). Members of the National or Local Assemblies, election candidates and public officials are barred from membership of the Commission. The Commissioners hold office for 5 years.

Protection of Constituency Boundaries

As highlighted earlier, it is common for governments to change boundaries by either abolishing or splitting constituencies close to elections especially constituencies dominated by the opposition. In Tanzania such changes were made close to the 2015 elections. Zimbabwe is not immune to this either as the 2000, 2008, and 2013; national elections were disputed strongly from the opposition on this type of manipulation. In South Africa the process of re-demarcating boundaries for municipal elections in 2016 were taking place by the time of finalising this manuscript.

In Mauritius the Electoral Boundaries Commission is appointed by the President and its members who could be 2 to 7 and the Chairperson are appointed by the President acting on the advice of the Prime Minister, who before presenting recommendations has to consult the Leader of the Opposition [Article 38 (1)]. The review of boundaries can only be done after every ten years or when following a national population census such changes are deemed necessary. In all cases however, the changes have to be approved by a resolution of the National Assembly [Article 39 (1) and (2)].

In addition there are constitutional guidelines on electoral boundaries based on the need to ensure constituencies have 'nearly equal numbers as is reasonably practical to the population quota' [Article 39(3)] and population quotas are determined under Article 39(5) of the Constitution which also provides a formula for setting up quotas. The rules provide safeguards against arbitrary change of election boundaries to manipulate the voting system.

MANAGING FOR RESULTS IN REAL WORLD CONDITIONS

The voting system

The voting system in Mauritius uses the majority vote standards based on a block vote system. It is a modification of First Past the Post (FPTP) system which has been used to foment tension and election violence in many countries (Mihyo 2015). In the block vote system each voter casts as many votes as the number of candidates. There are 20 constituencies plus the island of Rodrigues which is semi-autonomous. Three of the candidates who get the largest number in the other constituencies are declared elected and two who get the highest number in Rodrigues are declared elected. The constitution avoids the use of the term 'winners'. The unsuccessful candidates with the highest number of votes known as the 'best losers' are designated by the Electoral Commission as 'additional members'. Normally the additional members are seven and they are picked from minority communities (IPU PARLINE 2015). This system has evoked debates and petitions by human rights groups seeking to get it abolished as it is deemed a violation of human rights. The basis of the fight has been the requirement under the Constitution for all candidates to declare their community background which activists think is against human rights. In spite of the advice from the UN High Commission for Human Rights in 2012 that this requirement violates the Covenant on Civil and Political Rights, the Mauritian Parliament voted to retain it because it gives room to minorities to be represented in the National Assembly (Diolle 2015).

Coexistence and consolidation of statehood

While statehood and national cohesion seem to be on the decline in several African countries, in Mauritius it is on the rise. Several factors account for that. Most paramount is the idea of a 'rainbow nation'. Richards (2007) has pointed

out several indicators of this. He has argued that the leadership has worked hard to cultivate a universal cultural identity promoted at all levels of government and by non-governmental organisations (NGOs). It has also made national celebrations culturally inclusive and within that government has established and funds cultural centres for each community group. These cultural centres according to Richards, promote the history, culture and languages of all communities and recently Kreol has been promoted into one of the official languages in addition to English and French although the national language is English. Therefore literally no one is a no-body in Mauritius and no community feels officially marginalized (Richards 2007).

Other factors making good governance and peaceful election possible

Full employment and a high gross domestic product (GDP) per capita have supported peaceful coexistence and design and implementation of good policies. In 2014 Mauritius had a GDP per capita of US\$10,517 only surpassed by Equatorial Guinea with US\$ 18,389, The Seychelles with US\$15,115 and Gabon with US\$10,836. The biggest economies on the continent were far behind with South Africa at US\$ 6,483, Namibia US\$6,095, Egypt US\$ 3,304 and Nigeria with US\$3,298 (IMF, 2015). Other strong economies such as Cameroon, Kenya, Egypt, and Morocco were in the lower GDP bracket of below US\$ 4000. Full employment and equitable distribution of income has helped to promote stability and national cohesion. The government has been very transparent on issues of economic sustainability and good governance. Even when the textile industry collapsed following the end of the Multi-fibre Agreement causing loss of jobs, those who lost out were able to

understand that the cause was international trade under the World Trade Organisation (WTO) and not the government (Richards 2007).

As noted by the US State Department (ibid) and the International Monetary fund (IMF) (ibid) Mauritius has very strong, effective and efficient institutions of governance which have contributed to its vibrant and accountable democracy and helped it to reap the dividends of diversity to diversity production and distribution instead of using ethnic diversity to divide and ruin the country as is happening in some other countries. In that vein it is noteworthy that while ethnic calculus is being used in Kenya (Wanyama 2010) and Zambia (Bbaala and Momba 2015), for example, to use demographic factors by big ethnic groups to leave out minorities, Mauritius has used demographic factors not only to include all communities in decision making but also to build linkages with similar ethnic groups in countries where some Mauritians originated from such as India, Malaysia and China.

4. Conclusion

Election violence is a product of bad governance which is characterized by disrespect for the rule of law, unrestricted powers of the executive, the lack of checks and balances between institutions of the state, curtailed parliaments and electoral management bodies that operate under the control or influence of the executive. Lack of remedial mechanisms to curtail a repeat of violations of election rules and procedures encourages subsequent violations that lead to violence and protracted conflicts. It does not require a strong state militarily but strong institutions bent on ensuring transparency and good governance, to create conditions for the national coexistence as exemplified in the case of Mauritius which deserves the label of 'an island of successes.

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MANAGING FOR RESULTS IN REAL WORLD CONDITIONS

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