

Electoral Reform for More Democracy

THE present system has the following faults, amongst others:

1. Qualifications for MPs are anti-democratic.
2. The executive (Prime Minister and Cabinet) has too much power relative to the Legislative Branch (elected members in Parliament).
3. The electorate has no power of revocation between one general election and the next.
4. The communal classification of the best loser system is problematic in many ways.
5. Nominations made by the executive – whether to positions of power, or to ordinary government jobs – are opaque and lead to nepotism.
6. Overspending in election campaigns is undemocratic.

All these faults in the present system are existing limits to Parliamentary democracy, as it has developed in Mauritius over the past Century or so. And democracy is under threat. All over the world, there are attacks on democracy from a mobilized extreme right. We see examples in India under Modi, the USA under Trump, Brazil under Bolsonaro and the Philippines under Duterte, as well as an increase in anti-democratic parties and movements all over Europe.

So, for LALIT, the real aim of electoral reform should be to advance democracy. We notice that often people make proposals that inadvertently decrease democracy or increase bureaucracy at the cost of democracy.

The ideas below have been developed in debate and discussion with hundreds of people over decades, during political work at grassroots. What is needed is discussion on this kind of idea:

■ Democratizing Who can be an MP

We in LALIT have long struggled at the grassroots, and still do, for everyone to be allowed to be elected for Parliament – as a democratic right – and we thus call for the repeal of the language and literacy qualifications the Constitution imposes. We also reject the absurdity of speaking only in the languages of the last two colonizer powers in Parliament.

■ Revocability at different levels

We also propose, inter alia, that all those elected should be revocable by the same “constituency” that elected them. We have been calling for this, as a party, since 1982, so the proposal is one that has stood the test of time. It would certainly mean more democracy than exists so far. All kinds of centrist forces are now coming over to seeing that this perhaps the best way to curtail the excessive powers of the Executive.

■ Electors in a Constituency need to have right to revoke

Members of the National Assembly should be subject to revocation by electors in their constituency. The electoral revocation petition will need to be based on a specific argument that the Electoral Commissioner considers meets basic standards of rationality. It will also need to meet rigorous standards of integrity, and be subject to the Electoral Commissioner checking for forgery, people signing more than once, etc. All Members of the National Assembly will then know that they can be revoked and this will be salutary. The exact percentage of electors necessary for revocation can be debated. What is important is the possibility.



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■ Leader of the House elected after election results, thus revocable

More democracy also means, MP's, when they first meet after a general election should, immediately after electing a Speaker from amongst themselves, elect the Leader of the House, who then goes to the President to be sworn in as Prime Minister. This person is elected by MPs, so can be revoked by those who elected him or her (i.e. by MPs). The Prime Minister then proposes to the National Assembly, as a block, a cabinet selected from amongst MPs, for election. Once elected by Parliament to be the Cabinet, individual Ministers or the Cabinet as a whole are then subject to revocation.

■ Executive Power constrained by National Assembly

Once Ministers, including the Prime Minister, are subject to revocation by the totality of MPs, this means Parliament has more power, relative to the Cabinet or Executive. This means more democracy. This immediately curtails excessive powers of the Prime Minister. The point of revocation is not constant petitions and motions of revocation. The point is that elected people are constantly aware that they are revocable. This changes the balance of forces. Revocation is already practiced in most associations and unions in Mauritius, and has been for generations – so the concept is well understood. In the UK, there is the right of revocation of MPs (“the right of recall”) already.

We propose an enlarged Parliament of 21 four-member constituencies plus one MP for Chagos and one for Agalega, and 20 proportional representation MPs from a list in order from amongst candidates in the Constituencies. This means every elected person is linked to a constituency, and thus we avoid the non-accountable nature of some forms of proportional representation. This also means the Parliament elected by the people is stronger, in terms of relative numbers, than the Executive. The number of Ministers could simultaneously be reduced to, say, 15, and PPSs done away with. This new balance of forces within the National Assembly will increase democracy by curtailing the powers of the Executive, including those of the Prime Minister, while increasing the power of the people.

■ End Communal Classification

The four-member constituencies and the 20 PR will allow the communal Best Loser system to be done away with, without fear of unintended

communal consequences.

Lalit has famously used passive resistance methods for decades, drawing lots for a “community” to fill in on Nomination Day at general elections, as a form of protest, while also being able to field candidates. By our proposal, each elector will get two ballots: one for electing 4 MPs (the first four past-the-post get elected), and the other to choose a party. PR seats will be allocated in the order predetermined by the Party, skipping those already elected by the first-past-the-post election. The legislation can include a clause to prevent PR nominations actually overturning an elected majority, should there be one.

■ Power to make nominations

We propose that Parliament, i.e. our elected representatives, get increased powers, relative, in particular, to the Cabinet, i.e. the Ministers, and the Prime Minister. For example, the executive's proposals for nominations to positions of power should come before a “Parliamentary Permanent Select Committee on Nominations” (along the lines of Senate Committees in the USA), filmed for the public to follow the Hearings.

For taking on anyone in the civil service or in para-statal for ordinary jobs, the State must put up on the internet the qualifications required for the job, the names, qualifications and constituencies of all applicants and of all actually appointed. Where there are many applicants with equal qualifications, a drawing of lots in public can be organized.

■ Other Permanent Select Committees

On other questions, too, “Parliamentary Permanent Select Committees” can be set up. These can include: the environment, the land question, housing, job creation, health, education, finance capital, economic development. Again, this means that elected MPs get to have oversight on programmatic issues that, until now, the executive, and in particular the Prime Minister, runs much like a monarchy would.

Any of these Permanent Select Committees would then, as well as being public and broadcast live, have the power to convoke any person or organization concerned, to give evidence. This can include evidence given under oath, as exists in the USA Senate and House Committees.

This way, we can see our MPs in action.

■ Control Electoral Expenses

The laws on election expenses must be tightened up, without in any way subjecting political parties to bureaucratic controls, like the Registrar of Associations has. Electoral over-spending is a danger to democracy. The change necessary, to close a loophole in the existing law, is for the onus to be shifted on to the candidate to show that expenses made in their favour were not made by them.

■ Conclusion

These are all proposals designed for the people as a whole to have much more power than we have today over Government i.e. over the Executive branch, which has become so dominant. This power in the hands of people can then also be increased by political mobilization within our parties – the only real way to bring in change. People who are not in parties working towards more democracy should be encouraged to join one and become politically active.