

Blog: Strong Institutions needed

by Bijaye M. (Guest Author) on 2012-01-27 02:08:00

US Secretary of State Hilary Clinton said during a recent visit to Ivory Coast, that democracy does not mean only free and fair elections. Democracy also requires an independent judiciary, a free press and strong institutions.

I always like to compare tiny Mauritius to the mightiest and richest country in the world, the US. A lot of common features bind us. A young history of some 200 years, both countries have been built by immigrants coming from different cultures, religions, races and ethnic groups. The people of both countries have suffered from racial discrimination and slavery, but they have managed to coexist peacefully. They have successfully adopted democracy. The US one based on presidential form of government and the Mauritian one, on the Westminster model, with a prime minister holding executive powers and a ceremonial president as Head of State. In fact, Mauritius is considered a model of democracy in Africa.

By Hilary Clinton's yardstick, Mauritians should be proud of some of its institutions - the judiciary, free press, electoral commission, public service and disciplined forces service commissions, Central Bank, office of the audit and to some extent, ICAC.

The majority of Mauritians have full faith in our judiciary. At independence, in order to assure the whole population, we have retained the Privy Council as our highest court. Over the years, different courts have been established - District Courts, Commercial Courts, Family Courts, Intermediate Courts, the Assizes and the Supreme Court to deliver justice to the different levels of offenses committed. Appointments and promotions in the judiciary are made by an independent judicial commission.

The verdicts of the courts are generally accepted, but in some cases where the parties are dissatisfied, they go on appeal to seek redress. Those who cannot afford are given free legal assistance.

As far as the freedom of the media is concerned, our mainstream press enjoys freedom to the extent that they campaign even against freedom of the country. Today, they are either independent or highly critical of the government. They are privately owned and are managed as commercial business entities.

For the last 44 years, it is our institutions that have kept the machinery going and ensured our growth and development. The financial sector is well regulated by the Bank of Mauritius and the Financial Service Commission. Our banks are strong and flourishing and other financial sectors, particularly the offshore has not known any significant scandal. They have been managed by qualified and strong CEO's who were capable of

resisting the pressures from any quarter.

Our electoral commission is a model for many countries in the world. It is responsible to organise elections at village, municipal, regional and national levels. They have brought in and out governments and ruling parties. In fact several ruling parties have organised elections to lose all seats, a unique feature of our democracy. This has happened because of the competence and integrity of the election commissioners and their staffs. I have known personally quite a few and interacted with them. They have been men of high caliber and integrity. They could not be part to any kind of fraud. Our elections are most transparent.

Of course, elections of members could be contested in court. The two most famous cases whose elections were challenged and the contestants won the case come to my mind. The election of Romriky Ramsamy was invalidated on procedural ground. He had defeated Gaetan Duval but the latter won in the by-election, and history was made.

The recent one was of Ashock Jugnauth. The Privy Council maintained the judgment of the Supreme Court, invalidating his elections on the ground of corruption. He had approved recruitment of junior staffs in his ministry before election. This has allowed Pravind Jugnauth to win the by election and the MSM to join the ruling coalition at general elections.

Appointments of members and chairman of the PSE and disciplined forces commissions are done by the President after consulting the Prime minister. The President exercises his powers to do so independently. We have seen that he had appointed members who are not to the taste of the Prime Minister.

The appointments and promotions are done in the civil service and the police force by these commissions. Their decisions could be challenged in court and sometimes the PSC loses.

The audit department is known to make very strong criticism of government's departments and ministries. They make recommendations to improve. The tragedy is that the recommendations are not put into practice.

The strongest criticism is made against political appointees and politicising our institutions. The procurement system and the award of contracts are always looked upon with suspicion. Although there is an established procedure for tendering, the rules provide that it is not necessarily the lowest bidder who gets the contracts. It is after technical evaluation that a decision is taken. The procurement board should be seen to do its job in all transparency and any loopholes in the system should be plugged.

The exigencies of coalition politics have also weakened our institutions. In most cases, appointment of chairmen and members of board of parastatal bodies and their CEOs are done on account of political and sometimes occult considerations. The chairman is appointed by one party and the CEO from another. The seed of conflict is planted. The PRB has well defined the role of CEO and chairmen, but in many organisations, the chairmen elect office and interfere with the day to day running of the institutions. They throw their weight on account of their political affinities. They try to institute a parallel management. I am told that there is no such thing as an executive chairman in our system. This is highly unhealthy to say the least. It is high time to put order.

The recent resignation of the Vice Chancellor of the University of Mauritius is being attributed to the interference of Minister Jeetah in the management of UOM. Minister Jeetah is said to hold weekly meetings with heads of tertiary education. These institutions are statutory independent bodies reporting only to their boards. They are regulated by law.

I do not wish to attribute any motive to Minister Jeetah's attempt to control the tertiary sector. It is a new ministry. At least credit should be given to him to decentralise tertiary education from Le Reduit to Rose Belle, Montagne Blanche and Calebasses. His scheme to have a graduate per family and making of Mauritius an educational hub is laudable.

Let us stop being hypocrites. Political interference has been taking place under all regimes and ministers of all parties. Some are smarter and do things smartly. They have their network and operate smoothly through the persons they have placed.

Conrad Morgan has done the right thing. He resisted and opposed what he considered to be wrong. He resigned. Perhaps he could afford it. I understand many in Mauritius can't do so. We have very highly educated, qualified and highly paid persons on top. Is it not time for them to stop bending and crawling? They have to assert their rights given to them by law. I am not referring to confrontation. It is not only a legal issue. It is a matter of governance. Our dream to be a high income developed country can be achieved only if we have men with integrity heading strong institutions. We should stop putting all the blame on politicians. We should not forget that in the end they are accountable to the people. I think we should revisit the Yes Minister, Yes Prime Minister TV serials.

Le Matinal - <http://www.lematinal.com>