



**TERM LIMITS AS A MEANS TO CONSOLIDATE LIBERAL DEMOCRACY IN
MAURITIUS**

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Democratisation in Africa

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Date: 29 October 2021

DECLARATION

I, Davina Murden, declare that my work is original and has never been presented anywhere in University of Pretoria or any other institution. I also declare that every secondary information used has been duly acknowledged in this dissertation.

Signed Davina Murden

Date 29.10.2021

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Date.....

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DEDICATION

I dedicate this piece of my work to my ever-loving parents.

To all African politicians struggling to shape politics in their respective country, this is for you too.

Without forgetting Sanen and Selina.

Especially to you Grandma Varvata.

LIST OF ABBREVIATIONS

AU	Africa Union
BDP	Botswana Democratic Party
FPTP	First-Past-The-Post
MMM	Mouvement Militant Mauricien
MSM	Mouvement Socialiste Mauricien
PMSD	Parti Mauricien Social Démocrate
PR	Proportional Representation
PTr	Parti Travailleiste
RM	Ralliement Mauricien
RPF	Rwandan Patriotic Front
SADC	Southern African Development Community
SCAF	Supreme Council of Armed Forces
UN	United Nations

Contents

Chapter One: Introduction	1
1 Background	1
1.1 Problem Statement	2
1.2 Research questions	4
1.3 Research hypothesis	4
1.4 Definition and description of terms	5
1.4.1 Democracy	5
1.4.2 Democratisation	6
1.4.3 Democracide	6
1.4.4 Political	7
1.4.5 Dynasty	7
1.4.6 Political Dynasty	7
1.5 Research methodology	8
1.6 Significance of study	8
1.7 Limitations of study	8
1.8 Literature review	9
1.8.1 Introduction of liberal democracy in Africa	9
1.8.2 Dynastic parties	11
1.8.3 Political dynasty in Africa	11
1.8.4 Creating space for fairness	12
1.8.5 An end to democratisation?	13
1.9 Overview of chapters	13
Chapter Two: Regional trends of political dynasty in Africa and the extent to which they have affected liberal democracy	15
2 Introduction	15
2.1 ‘What causes the rise, leads to the fall’	15
2.2 Exploring democratic dynasty in depth	15
2.3 Democratic dynasties and positive effects	17
2.3.1 Stronger culture of democracy	17
2.3.2 Sustainable economic growth	18
2.3.3 Women and politics	18

2.4 Democratic dynasties and negative effects	19
2.4.1 Hindered performance	19
2.4.2 Unfair system	19
2.4.3 Personal interests and misuse of power	20
2.5 Questioning the value of democracy in some African countries facing political dynasty	21
2.5.1 Kenya	21
Introducing politics in Kenya	21
The political structure	21
Jomo Kenyatta	21
Uhuru Kenyatta as President	22
How does it affect the way a liberal democracy should be implemented?	22
2.5.2 Togo	23
Introducing politics in Togo	23
Togolese governmental system	23
Father-and-son rule	24
How does such a situation account to a lack of liberal democratic values?	24
2.5.3 Botswana	25
Introduction	25
Governmental structure in Botswana	25
Explaining the nexus between political dynasty and liberal democracy in Botswana	25
2.6 Conclusion	26
Chapter Three: The legalised political dynasty in Mauritius and the sustainability of a liberal democracy	27
3 Introduction	27
3.1 Mauritian political system	27
3.2 Elections in Mauritius	27
3.3 Mauritius, a model of liberal democracy	29
3.3.1 Whether the Constitution of Mauritius respects the essence of liberal democracy	29
3.3.2 Mauritius' commitment towards democracy	30
3.3.3 From 'father to son'	31
3.3.4 'Father-son deal' of 2017	31
3.4 Conclusion	31
Chapter Four: Adopting prime ministerial term limits to resolve the problem of political dynasty	33

4 Introduction	33
4.1 African countries which adopted term limit	33
4.2 African countries where term limit is nothing than just a facade	33
4.3 Defining term limits	34
4.4 Arguments for Term limits	34
4.4.1 Rotation of power alternation	34
4.4.2 Prevents a system of tyranny	35
4.4.3 State development and policy-making	36
4.5 Arguments against Term Limits	36
4.5.1 Can term limits be undemocratic?	37
4.5.2 Professionals versus amateurs	37
4.6 Is there still hope in Mauritius?	38
4.6.1 Decreasing political dynasty by imposing term limits to consolidate liberal democracy	38
4.6.2 Obstacles to term limits in the Mauritian context	39
4.6.3 The opposition	39
4.6.4 Opposition in Mauritius	41
4.6.5 Flawed system of Mauritius which prevents legitimatisation of term limits	42
Chapter Five: Conclusion and Recommendations	44
5 Introduction	44
5.1 Conclusions	44
5.2 Recommendations: The way forward for Mauritius	46
Bibliography	48

Chapter One: Introduction

1 Background

The shift from dictatorship to multiparty politics in Africa since the 1990s was viewed by both Africans and democrats across the world as African leaders accepting free and fair elections as a means of democratic governance.¹ However, many African politicians have been failing to fully embrace democratic values, including Mauritius which is a model of democracy in the continent.² Consequently, the African Union (AU) which replaced the Organisation of African Unity still maintained its commitment towards spreading democracy around.³ For instance, the African Governance Architecture was adopted under the aegis of the AU to promote democracy.⁴ The most striking regional instrument remains the African Charter on Democracy, Elections and Governance, focusing on good governance and a system of fairness.⁵ Nevertheless, many African countries are still considered by authoritative reports compiled by bodies such as the Economist Intelligence Unit as ‘hybrid regimes’.⁶ These include both democratic and undemocratic features, according to the sub-Saharan Africa Democracy Index 2020.⁷ On one hand, some of the features of a democratic regime include freedom of expression, of assembly and ‘a constitutional arrangement’ where citizens have a choice on how they want the state to be governed.⁸ On the other hand, some undemocratic features consist of a lack of judicial review, constant control over state institutions and lack of voter’s choice on state policies.⁹

Among the top democratic African countries, Mauritius prides itself on its democratic principles,¹⁰ based on statistics. The island was ranked in Statista 2020 as the most democratic African country with 8.14 points.¹¹ However, since Mauritius obtained its independence in 1986, political dynasty remains a serious problem. In fact, statistics by the Economic Intelligence Unit’s democracy index show that leaders

¹ CM Fombad ‘Democracy, Elections and Constitutionalism in Africa: Setting the scene’ in CM Fombad & N Steyler (eds) *Democracy, Elections and Constitutionalism in Africa* (2021) 19.

² R Kasenally ‘Mauritius: The not so perfect democracy’ (2011) 10(1) *Journal of African Elections* 34.

³ A Hammerstad ‘African Commitments to Democracy in Theory and Practice: A review of eight NEPAD countries’ (2004) 1 *African Human Security Initiative* 6.

⁴ AU ‘Democracy and governance in Africa – Youth Innovation Challenge’ 29 October 2020 <https://au.int/en/pressreleases/20201029/aga-announces-top-20-winners-youth-innovation-challenge-democracy-and> (accessed 25 September 2021).

⁵ African Charter on Democracy, Elections and Governance, Article 2(3).

⁶ Economist Intelligence Unit *Democracy Index 2020: In sickness and in health?* 2020. The researcher used the detailed statistics of all democratic countries in the world and divided them into ‘full’ and ‘hybrid’ democratic regimes according to continental spheres.

⁷ Statista ‘Democracy index in Sub-Saharan Africa in 2020, by country’ 19 February 2021 <https://www.statista.com/statistics/1204750/democracy-index-in-sub-saharan-africa-by-country/> (accessed 25 September 2021).

⁸ D Plotke ‘Democratic Politics and Anti-democratic Politics’ (2006) 111 *A Journal of Social and Political Theory* 8-9.

⁹ ML Stearns ‘Direct (Anti) Democracy’ (2012) 80(2) *George Washington Law Review* 314.

¹⁰ BTI Transformation Index ‘Mauritius Country Report 2020’ 2020 <https://bti-project.org/en/reports/country-report/MUS> (accessed 09 October 2021).

¹¹ Statista (n 7 above).

from the same family have been elected in a most 50% of democratic countries.¹² In addition to this, research has shown that political dynasties can undermine liberal democracy in the long run.¹³ They can harm the democratic process during elections and prevent equality.¹⁴ For instance, in the Indonesian context, dynasty in politics is a circle of power with some main families ruling the country, which is not healthy in a democracy.¹⁵

Mauritius has been witnessing democratic dynasties since independence. Political power has been passed down from father to son, creating a political norm where Mauritians have accepted that they should either be ruled by the Ramgoolams or the Jugnauths.¹⁶ This has unfortunately been encouraged because there is no legal instrument which regulates such a situation in Mauritius. One effective way to control democratic dynasties is the adoption of a prime ministerial term limit in the Constitution.

1.1 Problem Statement

As discussed by Fombad, regular elections alone do not define democracy.¹⁷ A democracy should be sustained and strengthened as mentioned by one time United Nations (UN) Secretary General, Boutros-Ghali.¹⁸ Currently, the political dynasty in Mauritius is acting as an obstacle in its democratisation process. The Constitution of Mauritius encourages such a situation to some extent since it makes no mention of limits of prime ministers' mandate. Consequently, as long as they win the elections, they can stay in office.¹⁹

Since independence in 1968, prime ministers have come from only two families: Ramgoolam or Jugnauth, with the only exception of Berenger who was Prime Minister for a brief period²⁰ (discussed in Chapter Three). It cannot be denied that elections in Mauritius have always taken place in the most democratic ways possible with public participation, transparency and freedom of press.²¹ An observatory report by the AU on 2019 elections in Mauritius concluded some of the following findings: electoral procedures had been duly and peacefully followed; all necessary information were communicated to voters through media and door-to-door on voting procedures; and participation of women through voting was

¹² The Economist 'Democracy index 2018: Me too? Political participation, protest and democracy' (2019) 33.

¹³ J Puschmann 'Like father, Unlike son: The effects of political dynasties on governance' <https://www.cmu.edu/ips/research/ips-journal/cirp-spring-20-puschmann.pdf> (accessed 25 September 2021).

¹⁴ SM Syahrul Boman & A Wahid 'Impact of the culture of political dynasty on earthing the constitutional democracy' (2017) 8(12) *International Journal of Civil Engineering and Technology* 1123.

¹⁵ HH Mukti & R Rodyyah 'Dynasty politics in Indonesia: Tradition or democracy?' (2020) 1(3) *Journal of Law and Legal Reform* 534.

¹⁶ N Bamfo 'Term limit and Political Incumbency in Africa: Implications of Staying in Power too long with references to the Cases of Kenya, Malawi and Zambia' (2005) *African and Asian Studies* 17.

¹⁷ CM Fombad 'Authoritarian Democracy in Africa' in Fombad & Steyler (n 1 above) 467.

¹⁸ B Boutros-Ghali 'Democracy: A newly recognized imperative' (1995) 1(1) *Global Governance* 6.

¹⁹ Constitution of Mauritius 1968, Chapter VI, Section 59.

²⁰ H Srebrnik 'Full of Sound and Fury: Three Decades of Parliamentary Politics in Mauritius' 2002 28(2) *Journal of Southern African Studies* 285.

²¹ R Kasenally 'Mauritius: A picture perfect democracy's fall from grace' 12 May 2021 *African Arguments* <https://africanarguments.org/2021/05/mauritius-a-picture-perfect-democracys-fall-from-grace/> (accessed 16 August 2021).

high.²² However, Mauritius is one of those African states which allows for unlimited terms by not adopting any constitutional clause on the prime minister's mandate. Such a situation has led to a cycle where power is concentrated in the hands of few.²³ Therefore, this cycle, which is a vivid case in Mauritius, can weaken the equal participation of every citizen, which is one of the elements of a liberal democracy.²⁴ More precisely, it shrinks the democratic space through an unfair electoral system where some politicians have more advantages than others.²⁵

The positive points that dynastic politicians bring to politics as compared to the non-dynastic ones are mainly a stronger commitment towards democracy, implementation of better developmental policies and gender balance.²⁶ Democratic dynastic politicians tend to be loyal to democratic values and ensure transfer of these values to their children.²⁷ Furthermore, the simple fact that dynastic politicians hold office longer means that they are in a better position to promote the welfare of sustainable economic growth.²⁸ Finally, in a system of dynastic politicians, there are more chances for women to participate in the political life of their country.²⁹ This is due to the women dynastic politicians having more political capital such as financial means and political networks, compared to the non-dynastic politicians.³⁰

Despite the above, there are negative aspects associated to dynastic politicians. Since dynastic politicians stay longer in office and control the economy, they act in their personal interests.³¹ Furthermore, because dynastic politicians know that their probability of winning elections is higher than the non-dynastic ones, they tend to perform less.³² Other scholars such as Asako and others noted that since dynastic politicians have better financial means than the non-dynastic ones,³³ campaign costs are higher because dynastic politicians are always investing more.³⁴ Non-dynastic politicians who do not necessarily have these same financial means, find themselves investing more than they would have invested had their opponent not been a dynastic politician. Therefore, even if political dynasties have their advantages, their

²² AU 'Mission d'observation électorale de l'Union Africaine pour les élections législatives du 07 novembre 2019 en République de Maurice' 2019.

²³ Srebrnik (n 20 above), 286.

²⁴ Srebrnik (n 20 above), 290.

²⁵ Srebrnik (n 20 above), 301.

²⁶ Lacroix and others 'A positive effect of political dynasties: The case of France's 1940 Enabling Act' (2019) *Centre for Economic Policy Research* 6.

²⁷ Lacroix and others (n 26 above), 7.

²⁸ Mendoza and others 'Inequality in democracy: Insights from an empirical analysis of political dynasties in the 15th Philippine Congress' (2012) 33(2) *Philippine Political Science Journal* 2.

²⁹ As above.

³⁰ Bragança and others 'Political dynasties and the quality of government' (2015) <http://web.stanford.edu/~juanfrbr/bragancaferrazrios2015.pdf> (accessed 26 September 2021).

³¹ Malik and others 'Entrenched political dynasties and development under competitive clientelism' (2021) *Economic development & institutions* 8.

³² As above.

³³ Asako and others 'Dynastic politicians: Theory and evidence from Japan' (2015) 16(1) *Japanese Journal of Political Science* 16.

³⁴ As above.

disadvantages overshadow the former and there is a need to dismantle them for better liberal democracy. The problem in Mauritius is that since independence, the country has been mostly ruled between two families, Jugnauth/Ramgoolam, with an exception, Berenger. Introducing term limits as an institution in its politics will regulate political dynasty to some extent. Since political dynasty is conceptualised as a father-and-son rule in the Mauritian context, it is important to clarify that the family lineage is necessary to be interrupted. Currently, there remains one generation of both Ramgoolam and Jugnauth in the history of Mauritius. While Ramgoolam has no child, Jugnauth has three daughters who can take power. However, by the time the grooming of the children takes place, term limits will allow that Jugnauth will have to transfer power. Consequently, this political transition will promote power alternation, allowing Mauritians to consider other non-dynastic politicians.

In order to limit political dynasties and ensure political competition, term limits were introduced in some countries such as the Philippines.³⁵ Furthermore, Murphy argues that term limits guarantee a mentally capable Head of State/Government.³⁶ Politicians who keep winning elections become mentally tired at some point and undermine the good quality needed for a state to be properly managed.³⁷ Alongside political competition, term limits increase the chances of providing more space for capable leaders to rule a state.³⁸

1.2 Research questions

The main research question is: Whether adopting term limits in Mauritius can consolidate a liberal democracy in a system of political dynasty?

The sub-questions are as follows:

- (a) What are the regional trends of political dynasty in Africa and to what extent have they weakened liberal democracy?
- (b) To what extent does the political dynasty in Mauritius affect the sustainability of liberal democracy?
- (c) Whether constitutional term limits restrict political dynasties?
- (d) How can the adoption of prime ministerial term limits in the Constitution of Mauritius consolidate its democracy?

1.3 Research hypothesis

It is hypothesised that:

³⁵ Mendoza and others 'Term limits and Political Dynasties: Unpacking the Links' (2019) *ASOG Working Paper 19-005* 9.

³⁶ S Murphy *The Term Limit Revolution* (2019) 9.

³⁷ Murphy (n 36 above), 10.

³⁸ Murphy (n 36 above), 22.

- (a) A democratic dynasty encourages a system of unfairness where dynastic politicians have more probability of winning elections and controlling the state than the non-dynastic ones due to the advantages they enjoy such as human and capital advantage.
- (b) Prime ministerial term limits can, to some extent, act as a solution to the political dynasty in Mauritius.

1.4 Definition and description of terms

The following terms, crucial for this research, are used in the context of Mauritian democracy and its democratisation process.

1.4.1 Democracy

The development of democracy started in Athens where equality, liberty and respect for law and justice were essential.³⁹ For philosophers such as Aristotle who was the first to coin the term ‘democracy’, this system of governance is superior since it allows more participation from the general public with better ideas, which is better than a small group of good men.⁴⁰ This participation is guaranteed through right to vote during regular elections and free competition of politicians, as argued by Schumpeter.⁴¹ Critics on democracy and right to vote argue that democratically elected politicians ‘dethroned competence and virtue from politics’.⁴² Democracy cannot be guaranteed by simply having the right to vote. Some politicians not having the necessary competence to rule a country may lead to a failed democracy.⁴³ Therefore, it is important to have more than regular elections and the right to vote to maintain a healthy democracy.

Even though considered a model of governance ‘imposed by the West on the Rest’,⁴⁴ evidence shows that democracy existed in traditional African political systems. For instance, scholars such as Ake believe that patrimony and communalism support democratic values.⁴⁵ Participation and accountability were important values in traditional Africa where ‘[c]hiefs were answerable not only for their own actions but for natural catastrophes such as famine, epidemics, floods, and drought’.⁴⁶ In modern democracy, the principle of majority rule is important.⁴⁷ Within such a political party, there should be consensus guided by the same aspirations, which creates a consensual democracy. This system can be said to be a recreation of the Ashanti system. Founded in Ghana, the Ashanti system was a consensual democracy where the

³⁹ D Held *Models of Democracy* (1987) 13.

⁴⁰ A Lintott ‘Aristotle and Democracy’ (1992) 42(1) *The Classical Quarterly* 117.

⁴¹ N Urbinati ‘Representative Democracy and its critics’ in S Alonso, J Keane & W Merkel (eds) *The Future of Representative Democracy* (2011) 38.

⁴² N Urbinati ‘Unpolitical democracy’ (2010) 38(1) *Political Theory* 66.

⁴³ Urbinati (n 42 above), 67.

⁴⁴ IG Shivji ‘Democracy and democratization in Africa: Interrogating paradigms and practices’ (2013) 40 (1) *African Review* 1.

⁴⁵ M Todd Bradley ‘«The Other»: Precursory African Conceptions of Democracy’ (2005) 7(3) *International Studies Review* 408.

⁴⁶ C Ake ‘Rethinking African Democracy’ (1991) 2(1) *Journal of Democracy* 34.

⁴⁷ K Wiredu ‘Democracy and Consensus in African Traditional Politics: A Plea for a Non-Party Polity’ (1995) 39(1) *The Centennial Review* 58.

government was elected through consent of the majority and the management of the system was done on consensus, like the modern democracy.⁴⁸

In more precise terms, Nyerere argues that democracy is a patriotic struggle which accommodates differences and unites all elements of a country.⁴⁹ For scholars such as Fombad, democracy has a direct link with elections and constitutionalism.⁵⁰ Therefore, democracy can only be stable and sustainable if the constitutional framework of a country allows for free and fair elections.⁵¹ In the context of this research, democracy is defined as a modern system which takes into consideration consensus of majority, regular elections but also protection of individual rights such as basic freedom, which takes the form of a liberal democracy. It is defined as one which goes beyond periodic elections⁵² and which respects constitutionalism, rule of law, enjoyment of freedoms and possibility of power rotation.

1.4.2 Democratisation

Democratisation is a process which is defined by Shivji as ‘the struggles of the Rest against the West’.⁵³ Qualified as a ‘difficult and delicate process’,⁵⁴ the end line of democratisation is not the right to free and fair elections. It is understood as:⁵⁵

...less corruption, and more financial accountability, better human rights observance and freer judiciaries and media, rather than completely open multiparty systems, for which most Africanists think Africa is not yet suited or equipped.

1.4.3 Democracide

Democracide is used by Mazrui to explain how democracy is gradually being killed across our continent.⁵⁶ Adopting a novelist approach, Mazrui has five suspects which contributed to the death of democracy: false foreigners who started democratisation; power from means of destruction where Mazrui elaborates on the impact of 9/11 attacks in Africa; ideological perversion of Africa under Cold War conditions; Westernised elites; and the curse of Africa’s ancestors.⁵⁷ The term democracide is important in this research because it helps us to assess whether there is evidence of a weakening democracy in Mauritius.

⁴⁸ Wiredu (n 47 above), 59.

⁴⁹ J Nyerere ‘One-party government’ (1997) 75/76 *Transition* 158.

⁵⁰ Fombad (n 1 above), 19.

⁵¹ Fombad (n 1 above), 23.

⁵² S Ndegwa ‘A Decade of Democracy in Africa’ 36(1) *Journal of Asian and African Studies* 11.

⁵³ Shivji (n 44 above).

⁵⁴ Y Ghai & G Galli ‘Constitution building processes and democratization’ (2006) *Institute for Democracy and Electoral Assistance* 10.

⁵⁵ ‘USA/Africa: Policy? What Policy’ (1991) *Africa Confidential* 3.

⁵⁶ A Mazrui ‘Who killed democracy in Africa? Clues of the past, concerns of the future’ (2002) 9(1) *Development Policy Management Network Bulletin* 19.

⁵⁷ As above.

1.4.4 Political

The term political is defined according to Nkrumah's understanding of politics and the concrete meaning Nkrumah gave to it. Nkrumah had a vision for Africa: 'Seek ye first'⁵⁸ and political kingdom will be added. Accordingly, it was important, for the interest of the state, to be guided by our own direction and not be influenced by anyone or anything.⁵⁹ According to them, the concept of 'political' was about individual's freedom by preserving African history, culture and language.⁶⁰ Therefore, political here means freedom in an African context.

1.4.5 Dynasty

Dynasty means a small group having enough power to be passed down within close kins to influence meaningful resources in a country or territory.⁶¹ For example, in Malawi, the Chikulamayembe dynasty was established.⁶² During that time, there was no system of government which could govern concentration of power.⁶³ There was an informal clan, the Chikulamayembe, which, with more influence than others, were ruling the Nkhamanga-Henga area in the Northern part of Malawi.⁶⁴ Dynasty therefore means a small ruling class, using their power, to control resources.

1.4.6 Political Dynasty

Merging the definition of political and dynasty from above, political dynasty refers to a small ruling class controlling a state. Even though elections can be regularly held, there is always a small group which benefits more than others from it. This situation can go on for decades where family members benefit from the political system of a country. Dynasty here is political because its emphasis is on the political aspect where that dynasty can only survive as long as there is that political dimension. In the context of this study, a political dynasty refers to a system which has been established since independence in the country where no legal framework can prevent it from happening. For instance, apart from one Prime Minister, Paul Berenger, Prime Ministers in Mauritius have always come from either the Ramgoolam family or the Jugnauth family.⁶⁵ If it previously used to be the father, in this current era, it is the son who represents the Head of State. Since the Constitution of Mauritius does not currently have a term limit on the mandate of the Prime Minister, it only means that anyone can be a Prime Minister as long as they want.

⁵⁸ K Botwe-Asamoah *Kwame Nkrumah's Politico-Cultural thought and policies: An African-centered paradigm for the second phase of the African Revolution* (2005) 9.

⁵⁹ As above.

⁶⁰ Botwe-Asamoah (n 58 above) 9.

⁶¹ SB Chiremba 'Colonialism and the remaking of the Chikulamayembe dynasty 1904-1953' (1993) 46(2) *The society of Malawi Journal* 2.

⁶² As above.

⁶³ Chiremba (n 61), 4.

⁶⁴ Chiremba (n 61), 4.

⁶⁵ A Hughes & R May 'The Politics of Succession in Black Africa' (1988) 10(1) *Third World Quarterly* 4.

1.5 Research methodology

For this study, the desk research seeks to gather governance data and information. The sources are mainly secondary such as published material and documents including Constitutions, legal instruments and also newspapers. The research also continuously refers to literature on African dynasties such as Kenya, Togo and Botswana. To further the research where academic publications are not available, the mini dissertation refers to informal publications such as online sources and newspapers.

1.6 Significance of study

A report by Mo Ibrahim Index on African Governance showed that Mauritius was ranked first with a score of 77.2 in 2019.⁶⁶ However, that same report also showed some other contradictory facts. Even though Mauritius remained on top, its score declined over time due to its weakening social and human rights protection.⁶⁷ Moreover, the island was put on the European Union's blacklist for money laundering in 2020.⁶⁸

Some worrying events that have been happening in Mauritius during the past recent years are: opposition parties having less power, independent institutions such as the Independent Commission Against Corruption being accused of being biased and social media users being censored due to freedom of expression gradually becoming restricted.⁶⁹ This current state of Mauritius has been activated by political parties being ruled by some specific families who have the power to control and determine elections. The question now is for how long will the most democratic country in Africa remain democratic where political dynasties survive more than equal participation which is a crucial element for survival/revival of democracy? Put differently, Mauritius has been chosen for this study because while there is literature on political dynasties and democracy in Mauritius, there is limited focus on how prime ministerial term limits in the Constitution can consolidate a better democracy in the country.

1.7 Limitations of study

The study was considering an expert opinion survey but due to lengthy ethical clearance application at the University of Pretoria and limited time, this option has been suppressed. Also, since Mauritius is often advertised as a politically stable country, there is limited information on how the issue of political dynasties can be overcome by term limits. To promote Africanness, this study tries as far as possible to include African authors' views on democracy. The researcher tries as much as possible to not be influenced by her own political views and gives an objective picture of how politics really is in Mauritius.

⁶⁶ Mo Ibrahim Foundation '2020 Ibrahim Index of African governance: Key findings' 25 Nov 2020 <https://mo.ibrahim.foundation/news/2020/2020-ibrahim-index-african-governance-key-findings> (accessed 16 August 2021).

⁶⁷ As above.

⁶⁸ Kasenally (n 21 above).

⁶⁹ Kasenally (n 21 above).

1.8 Literature review

This section assembles scholarly done in the field of dynastic parties and democracy. It further establishes the link which exists between these two main theories, and analyses the extent to which, if both are not properly managed, it is difficult to provide a system of fairness. After the theoretical analysis, the section also evaluates the unfair system in the Mauritian context due to political dynasty, weakening its liberal democracy.

1.8.1 Introduction of liberal democracy in Africa

Authors such as Mazrui and Fombad argue that challenges to democracy are real. According to Mazrui, democracide, a process where democracy is ‘murdered’, is a reality in Africa.⁷⁰ This is because the process of democratisation is challenging on the continent.⁷¹ One reason considered as a challenge to democratisation according to Mazrui is a lack of cultural compatibility.⁷² They believe elites created constitutions for Africans, bearing in mind the Western context.⁷³ Fombad argues that Africa ‘is becoming less rather than more democratic’ despite regular elections taking place.⁷⁴ Both authors thus agree that the quality of democracy in Africa is decreasing or was never even established before. The important question which thereby arises is what constitutes a proper democracy.

The sixth secretary-general of the UN, Boutros-Ghali, once wrote ‘[d]emocracy as an ideal belongs to all of humanity’.⁷⁵ For Boutros-Ghali, which Fombad also puts forward,⁷⁶ holding elections alone does not make a democracy.⁷⁷ Other complementarities are ‘[t]he voting outcome must be guaranteed and fulfilled by political processes and judicial structures given life by the ongoing participation of the peoples involved’.⁷⁸ Such features can be fulfilled not in a democracy alone, but in a liberal democracy which encourages constitutionalism.

Steytler argues that a liberal democracy should promote a culture of constitutionalism where the power of the state is limited, performed in a democratic transparent manner and carried out in a system of enforceable rules.⁷⁹ Another important definition of liberal democracy argued by Babeiya states that liberalism is about individual liberty, democracy within political parties and also the active participation of

⁷⁰ AA Mazrui ‘Democracide: Who killed democracy in Africa: Clues of the past, concerns of the future’ in AA Mazrui & F Wiafe-Amoako (eds) *African Institutions: Challenges to Political, Social and Economic Foundations in Africa’s development* (2016) 17.

⁷¹ Mazrui (n 70 above), 19.

⁷² Mazrui (n 70 above), 23.

⁷³ Mazrui (n 70 above), 46.

⁷⁴ Fombad ‘Authoritarian Democracy in Africa’ in Fombad & Steyler (n 1 above), 467.

⁷⁵ Boutros-Ghali (n 18 above), 4.

⁷⁶ Fombad ‘Authoritarian Democracy in Africa’ in Fombad & Steyler (n 1 above), 467.

⁷⁷ Boutros-Ghali (n 18 above), 4.

⁷⁸ Boutros-Ghali (n 18 above), 4.

⁷⁹ N Steyler ‘Decentralisation and Constitutionalism in Africa: Concepts, Conflicts and Challenges’ (2019)

<http://repository.uwc.ac.za/xmlui/bitstream/handle/10566/4718/Decentralisation%20and%20Constitutionalism%20in%20Africa%20Concepts%20c%20Conflicts%20and%20Challenges.pdf?sequence=1&isAllowed=y> (accessed 17 August 2021).

members of political parties.⁸⁰ Emphasising on liberty here, liberal democracy is also about citizens freely voting for an alternative government, without being intimidated,⁸¹ which is the case in many African countries during elections. Such examples include the 2007 elections in Nigeria⁸² and Kenya where there were approximately 300,000 cases of internal displacements due to post-electoral violence.⁸³ Furthermore, the worst comes after elections when political representatives do not respect the Constitution at all, and even less democratic values.⁸⁴ For instance, the main purpose of the Arab Spring in North Africa, which was to strengthen democracy, could not be realised.⁸⁵ North Africa has been qualified as ‘stubbornly resistant to democracy’⁸⁶ due to these reasons: lack of free and fair elections, weak opposition,⁸⁷ strong ruling elites⁸⁸ and lack of social justice.⁸⁹ Fortunately, some countries are democratically more mature such as Mauritius and Botswana which enjoy ‘uninterrupted liberal democracy’.⁹⁰ Though Botswana is a prospering democracy performing well on the continent, for the purpose of this study, the focus of the next paragraph is solely on Mauritius.

Cited as one of the most competitive sub-Saharan African countries by the World Economic Forum,⁹¹ Mauritius is known by international observers for its political stability and high economic growth.⁹² Even though being a highly ethnically heterogeneous country,⁹³ the island has been able to maintain both a stable and well-functioning parliamentary democracy,⁹⁴ encouraging ‘rainbow-nation alliances’.⁹⁵ However, Mauritius has been politically stagnant for two reasons. The first one which is a consequence of the second one: lack of constitutional term limits of the Prime Minister which encouraged the second reason, political dynasty. The Constitution of the Republic of Mauritius makes no clause to prevent a recurrent Prime Minister from holding office as long as they want.

⁸⁰ E Babeiya ‘Internal party democracy in Tanzania’ in Fombad & Steyler (n 1 above).

⁸¹ Fombad (n 1 above), 23.

⁸² Omotola & others ‘Public perception of the 2007 Nigeria’s general elections’ (2007) 6(2) *Journal of African Elections* 210.

⁸³ Kenya Red Cross Society ‘Kenya: Electoral violence, Operations update’ (2008)

www.Kenya%20Electoral%20Operation%20Updates%20No2018-31.1.08.pdf (accessed 20 September 2021).

⁸⁴ K Williams ‘Cases - Defaming Politicians: The Not so Common Law’ (2000) 63(5) *The Modern Law Review* 748.

⁸⁵ EN Ubi & V Ibyonye ‘Is liberal democracy failing in Africa or Is Africa failing under liberal democracy’ (2019) 15(2) *Taiwan Journal of Democracy* 138.

⁸⁶ K Imai & AK Zeren ‘Democracy in the Middle East: Arab Spring and its aftermath’ (2017) 34(2) *International Journal on World Peace* 8.

⁸⁷ Imai & Zeren (n 86 above), 12.

⁸⁸ Imai & Zeren (n 86 above), 14.

⁸⁹ Imai & Zeren (n 86 above), 15.

⁹⁰ AN Leslie *Social movements and democracy in Africa: The impact of women’s struggle for equal rights in Botswana* (2006) 2.

⁹¹ I Sequeira ‘Mauritius: an African success story’ 26 May 2020 <https://inventa.com/en/afr/news/article/508/mauritius-an-african-success-story> (accessed 25 July 2021).

⁹² R Kasenally ‘Mauritius: Paradise reconsidered’ (2011) 22(2) *Journal of Democracy* 160.

⁹³ D Bräutigam ‘Institutions, Economic Reform, and Democratic Consolidation in Mauritius’ (1997) 30(1) *Comparative Politics* 45.

⁹⁴ J Yao, GZ El-Masry, P Khandelwal, E Sacerdoti *Mauritius: Challenges of Sustained Growth* (2005) 42.

⁹⁵ Kasenally (n 92 above), 162.

1.8.2 Dynastic parties

According to Kurt and Chhibber, dynastic parties enjoy successions at different stages. These successions all come from the same family, with a family leader choosing their family members to rule a political party.⁹⁶ Chhibber further argues that a domination of the political system by dynastic parties leads to more party instability.⁹⁷ Moreover, dynastic parties bring along a representation deficit.⁹⁸ They are also referred to as ‘traditional elites’ parties by Gunther and Diamond who argue that the dynastic parties have more influence within different sectors of society as compared to others.⁹⁹

Other researchers provide more details on what constitutes democratic dynasties. For instance, Smith states that a democratic dynasty is ‘any relation in which two or more members have held an elected national office’.¹⁰⁰ Adding to this, he argues that relation in his definition means ‘by blood or marriage of less than 30 years’.¹⁰¹

However, a growing culture of dynastic parties does not necessarily lead to undemocratic values according to Amundsen.¹⁰² He argues that if family leadership is elected through sufficiently democratic intra-party procedures, democracy can still prevail.¹⁰³ Nevertheless, as mentioned by Chhibber, the traditional parties have more power over others, which sometimes undermines democratic institutions.¹⁰⁴

1.8.3 Political dynasty in Africa

Most African states have adopted ‘legal, strong presidential systems’ since independence.¹⁰⁵ Nevertheless, these strong systems could not prevent countries such as Zambia, Benin, Madagascar and Mauritius, from producing political successions.¹⁰⁶ Instead of prioritising newcomers in the political sphere, the system encouraged entry of veteran political leaders,¹⁰⁷ strengthening political dynasty. Some African countries such as Togo have been quick to shift from democracy to ‘electoral authoritarianism’ where regular elections take place, but denoting regimes violate democratic principles.¹⁰⁸ In fact, such political systems are frequently cited as the personalised system where the President is the ‘father’ of the family (nation).¹⁰⁹

⁹⁶ P Chhibber ‘Dynastic parties: Organization, finance and impact’ (2011) 19(2) *Party Politics* 278.

⁹⁷ Chhibber (n 96 above), 287.

⁹⁸ Chhibber (n 96 above), 289.

⁹⁹ R Gunther & L Diamond ‘Species of political parties’ (2003) 9(2) *Party Politics* 182.

¹⁰⁰ K Terry ‘The significance of democratic dynasties’ 31 October 2018 *Terasaki Center for Japanese Studies* <https://www.international.ucla.edu/japan/article/197846> (accessed 20 September 2021).

¹⁰¹ As above.

¹⁰² I Amundsen ‘Democratic dynasties? Internal party democracy in Bangladesh’ (2016) 22(1) *Party Politics* 50.

¹⁰³ As above.

¹⁰⁴ Chhibber (n 96 above), 287.

¹⁰⁵ A Segal ‘Can democratic transitions tame political successions’ (1996) 43(4) *Africa Today* 371.

¹⁰⁶ Segal (n 105 above), 372.

¹⁰⁷ Segal (n 105 above), 372.

¹⁰⁸ A Osei ‘Like father, like son? Power and influence across two Gnassingbé presidencies in Togo’ (2018) 25(8) *Democratization* 1462.

¹⁰⁹ Osei (n 108 above), 1463.

Such a system not only encourages an internal alternation of political power but also leads to corruption. For instance, in the case of Togo, Eyadema freely distributed favours to his partisans.¹¹⁰ The Democratic Republic of Congo is another example where a political dynasty has dictated the system. After the assassination of Laurent Kabila, his son, Joseph, took power and ruled from 2003 to 2019.¹¹¹ In such cases, the ‘father-and-son’ rule is so entrenched in the system that the death of the President entails general elections in the second place but succession by the son in the first place.¹¹²

1.8.4 Creating space for fairness

As is the case of Mauritius, or elsewhere in a system of political dynasty, dynastic politicians benefit from ‘dual benefits of dynasty’ which are capital advantages and brand name advantages.¹¹³ This leads to an unfair system where some candidates have more advantages than others. As supported by Fombad, in a genuine democracy, there must be more fair play than competition.¹¹⁴ Abuya further stresses on the same point arguing that to allow free and fair elections, there must be a level playing field for all presidential candidates.¹¹⁵ For this to happen, Ghai’s Constitutional Autonomy approach should be adopted to encourage voters to be autonomous enough to accommodate ‘the unusual’ and the ‘outsider’.¹¹⁶

However, Ghai’s approach does not directly address the problem of political dynasties. Still, incorporating a constitutional measure can resolve the issue to some extent. According to Fombad, a ‘constitutionally entrenched framework is crucial because a constitution is a highly visible legal document which is judicially enforceable’.¹¹⁷ Therefore, to control political dynasty, a constitutional clause must be adopted to limit prime ministerial mandates. There are quite many African states which have implemented Presidential term limits to promote a culture of democracy, such as South Africa and Nigeria.¹¹⁸ Even if it has failed in countries such as Uganda,¹¹⁹ at least at some point political leaders considered it necessary. As Boutros-Ghali puts it, in a democracy, procedures and institutions must be shaped, sustained and strengthened on a continuing basis,¹²⁰ which Mauritius is failing to abide by. However, to allow for power alternation, it is important to have good alternatives. Some countries are faced by the challenge of having weak opposition, which though willing, cannot do anything due to lack of financial resources.¹²¹ Other

¹¹⁰ Osei (n 108 above), 1466.

¹¹¹ African Studies Centre Leiden ‘D.R. Congo at 60’ ASCL Infosheet 39.

¹¹² As above.

¹¹³ BD Feinstein ‘The dynasty advantage: Family ties in congressional elections’ (2010) 35(4) *Legislative Studies Quarterly* 575.

¹¹⁴ Fombad ‘Authoritarian Democracy in Africa’ (n 1 above), 467.

¹¹⁵ EO Abuya ‘Can African states conduct free and fair presidential elections’ 2010 2(2) *Northwestern Journal of International Human Rights* 143.

¹¹⁶ H Mbori ‘Devolution as a panacea to deeply divided multi-ethnic (national) states’ 2021 5(1) *Strathmore Law Journal* 89.

¹¹⁷ Fombad (n 1 above), 493.

¹¹⁸ AT Hengari ‘Presidential Term Limits: A New African Foreign Policy Challenge’ (2015) *South African Institute of International Affairs* 3.

¹¹⁹ Hengari (n 118 above), 4.

¹²⁰ Boutros-Ghali (n 18 above), 11.

¹²¹ Boutros-Ghali (n 18 above), 11.

challenges include some opposition parties which are more guided by their personal interests and pursuit for power rather than the interests of the people such as in Zimbabwe.¹²² In addition, some political parties in the opposition, such as in Rwanda, are intimidated and scared into exile by ruling parties.¹²³

From the above, a system of fairness cannot be guaranteed if there is no level-playing ground. Advocating for term limits, this research also examines political dynasty from a different perspective in the Mauritian context, a perspective which has not been examined by other scholars in the past. Previous research has mostly focused on political dynasty in the Mauritian context, without proposing an institution like term limits as a solution. Research in the past on democracy in Mauritius has failed to address to the issue of a political system close to a one-party rule, which can be tackled through a constitutional clause, that is, adopting term limits.

1.8.5 An end to democratisation?

The literature above details about the current situation of democracy in Africa, more specifically in Mauritius. Even though academic work has been published on democracy and politics in Mauritius, none has been done on political reform that Mauritius currently needs before it gets to a situation of democracide caused by political dynasty.

Following previous studies on African countries which are democratically weak, they agreed to include a presidential term limit in their constitution.¹²⁴ However, this study about Mauritius is a challenging one since, though being the only fully democratic country in Africa, democratisation process has been put to a halt and provoked a situation of political stagnation due to political dynasty. This study sheds light on how a prime ministerial term limit in the Constitution can prevent political dynasty in a country as democratic as Mauritius.

1.9 Overview of chapters

This study is divided as follows:

The first chapter addresses liberal democracies across Africa, giving a particular focus to political dynasty since the study uses political dynasty as an obstacle to achieve liberal democracy. It explains the significance of choosing Mauritius as a case study for this research. It also gives insights on important terms which are the very foundation of this study before exploring the literature review. The literature review, discussing a system of unfairness, sets the scene for Mauritius' democratisation process which can be revived through a renewal of the Constitution, relevant to the present context.

¹²² D Mpondi 'The Institutionalization of One Man Rule and the Politics of Succession and Patronage in Zimbabwe' (2015) 3(8) *International Relations and Diplomacy* 515.

¹²³ M Nyamanga & S Wanjala Nasong'o *Regime Change and Succession Politics in Africa: Five Decades of Misrule* (2013) 18.

¹²⁴ Hengari (n 118 above), 5.

Chapter Two, focusing on political dynasties, conceptualises politics in Africa and investigates the issues faced by the continent to consolidate its liberal democracies. It considers legal instruments such as the African Charter on Democracy, Elections and Governance as well as the Constitution of some relevant countries, to analyse how far democratisation has progressed since the first pillars of democracy were established in Africa.

Chapter Three tackles the second research question which is the system of political dynasty in Mauritius. It investigates to what extent such a system cannot sustain liberal democracy. Using a historical approach at the beginning to explain politics in Mauritius, it gradually leads to the legal framework in which politics in Mauritius is influenced by political dynasties.

The fourth chapter is the lynchpin of this study which tests how far limiting term limits can be a solution to manage political dynasties, thereby consolidating a liberal democracy. It further evaluates both the advantages and disadvantages of term limits. It then incorporates the theories of term limits in the Mauritian context. It also analyses the role of the opposition to assess whether politics in Mauritius, in case term limits are adopted, allows power alternation, and widens choice of voting public.

The final chapter provides recommendations that Mauritius can adopt to keep its democratisation process alive. Reconciling Chapter Four to the final one, the recommendation part gives solutions on how to implement the theoretical analysis on term limit mandates. Its conclusion reconciles the hypothesis of the whole study.

Chapter Two: Regional trends of political dynasty in Africa and the extent to which they have affected liberal democracy

2 Introduction

Chapter Two starts with a philosophical approach that explains dynasty in general, with a particular focus in the African context. Secondly, it deals more specifically with democratic dynasty, elaborating both its positive and negative effects. Thirdly, the part considered more important in this Chapter, some case studies are presented whereby the correlation between political dynasty and liberal democracy is established. Three main countries, Kenya, Togo and Botswana, are taken into consideration. Like in Mauritius, dynasty dictates politics to a considerable extent in these countries.

2.1 'What causes the rise, leads to the fall'¹²⁵

Adopting a philosophical approach, Ibn Khaldun explains that a 'dynasty can be founded and established only with the help of asabiya [group feeling]...'¹²⁶ Ibn Khaldun presents five stages of a dynasty, from start to finish: success is when a ruler overthrows all other opposition; the second stage is the ruler has complete control over the people and prevents others from interfering in that process; when control has been established, it is now time to enjoy 'the fruits' which are 'leisure and tranquility', 'acquisition of property', 'creation of lasting monuments' and 'fame'; the next stage is 'contentment and peacefulness' where ruler adopts the footsteps of the predecessors; the final stage is 'waste and squandering' where the ruler wastes so much on pleasure that there is no way out and the dynasty gets destroyed because it can no longer influence its followers.¹²⁷ In addition, Ibn Khaldun gives an indicator of how long it takes before a dynasty can be destroyed: four successive generations.¹²⁸ The hypothesis is generally that the creator of the dynasty knows the struggle before getting on top and obtaining glory. However, the second generation, which Ibn Khaldun assumes is the son of the dynasty creator, is inferior to the latter. The ruler from the third generation is an imitation and is considered even more inferior than the one from the second generation. The fourth and final generation is the one who destroys the dynasty since they disregard the effort of the first generation and theorise that they exist because of followers.¹²⁹

2.2 Exploring democratic dynasty in depth

In a democratic dynasty, voting is more about who we are voting for rather than who deserves to be voted for. Some of the countries which witnessed it are the US, Canada, India, Kenya and even Pakistan.

¹²⁵ I Khaldun *The Muqaddimah* (1967) 141.

¹²⁶ Khaldun (n 125 above), 142.

¹²⁷ Khaldun (n 125 above), 142.

¹²⁸ 'Ibn Khaldun: The strengthening and weakening of asabiya' 1996 (3) *Periodica Islamica* 3.

¹²⁹ *Periodica Islamica* (n 64 above).

Philippines is another interesting example of political dynasty which is in fact qualified as very high¹³⁰ with political dynasties comprising 70% of its Congress in 2016.¹³¹ Political position and power have been passed from father to son/daughter with or without citizens' participation.

In his book, *The ruling class*, Mosca explored how political forces survive in certain families.¹³² He termed these special privileges as *positions déjà prises* which implied that academic qualifications and other special aptitudes had little value in such a system because those positions were of ascribed nature to the children of the ruling class.¹³³ Previous researchers of political dynasties have different definitions of the concept. Dal Bó and others document that political dynasty is about 'those from a family that had previously placed a member in Congress'.¹³⁴ Hess argues that political dynasty refers to 'any family that has had at least four members, in the same name, elected to federal office'.¹³⁵ Querubin's definition of political dynasty focuses more on the geographical area which is important to explain the domination of power distribution.¹³⁶

However, one argument stated by Dal Bó and others and Querubin is that the authors failed to address the expansion of monopoly of power which occurs in the different branches of a democracy.¹³⁷ Kenawas' view is that political dynasties are not merely about continuation of power but also expansion of power to other branches of democratic institutions which includes legislative, executive and judiciary. Kenawas' critique about Hees' approach is that linking name and political dynasties is not applicable in some societies.¹³⁸ In some countries such as Indonesia, family name is not part of local tradition. Consequently, many members of political dynasties do not share the common family name with the dynasties' founders.¹³⁹

Explored by Feinstein, dynastic politicians enjoy what he terms as 'the dual benefits of dynasty'.¹⁴⁰ These two benefits are: capital advantages and brand name advantages. Firstly, dynastic politicians benefit from both human and financial capital. Since dynastic politicians have past political experiences, it is easier for them to mobilise people while doing their political campaigns. These past political experiences allow

¹³⁰ Mendoza and others 'Inequality in democracy: Insights from an empirical analysis of political dynasties in the 15th Philippine Congress' (2012) 33(2) *Philippine Political Science Journal* 136.

¹³¹ Mendoza and others 'Political dynasties and poverty: measurement and evidence of linkages in the Philippines' (2016)44(2) *Oxford Development Studies* 191.

¹³² G Mosca *The ruling class* (1939) 39.

¹³³ Mosca (n 132 above), 41.

¹³⁴ Bó and others 'Political dynasties' (2009) 76(1) *The review of Economic Studies* 128.

¹³⁵ S Hess *America's political dynasties* (1996) 331.

¹³⁶ P Querubin 'Political reform and elite persistence: Term limits and political dynasties in the Philippines' APSA Annual Meeting Paper, 2012 26.

¹³⁷ YC Kenawas 'The rise of political dynasties in a democratic society' (2015) 30 *Arryman Fellow Research Paper* 10.

¹³⁸ Kenawas (n 137 above), 40.

¹³⁹ Kenawas (n 137 above), 11.

¹⁴⁰ Feinstein (n 113 above), 575.

them to have more access to financial capital since they already have pre-established donor networks who are willing to invest in their political campaigns. Their family connections play an important role in running successful campaigns.¹⁴¹ Secondly, dynastic politicians enjoy advantages from brand name which they possess due to family ties. As mentioned by Clubok and others, ‘the inspiring politician inherits precursor’s fame and influence’.¹⁴² The brand name advantages go beyond financial, social, and human capital advantages. The advantages enjoyed from brand name are mostly determined by voters’ preferences. Since voters have preferences for political legacies, they are more likely to vote for recognised officeholders.¹⁴³

2.3 Democratic dynasties and positive effects

Democratic dynasty, even though presented under an almost negative light in this study, has some positive aspects. Three main aspects are highlighted here namely stronger culture of democracy, sustainable economic growth, and women in politics.

2.3.1 Stronger culture of democracy

A study by Lacroix and others elaborates on three main advantages of democratic dynasties namely vested interest in democracy, a stronger preference for democracy and enforcement of norms.¹⁴⁴ According to the authors, dynastic politicians can only survive in a system of democratic dynasty.¹⁴⁵ Dynastic politicians need to stand against autocracy and find new ways to serve more than one term. By doing so, they help concentrate both wealth and power in their hands.¹⁴⁶ Democratic dynastic politicians tend to inculcate democratic values in their children more than other politicians.¹⁴⁷ Such norms are transmitted to the children of the members of dynasties of democratically elected politicians because they know it will be beneficial to their offspring in the long run as the political network has been already established.¹⁴⁸ For instance, the Bush dynasty in the USA has proved the extent to which a strong culture of democracy can be inculcated in the future generations to ensure consolidation of the political system which was already there.¹⁴⁹

Furthermore, because dynastic politicians care about their reputation and values, they make sure that their offspring respect those democratic values which have been established by the dynastic families. Being monitored by the family encourages a good political lineage with democracy as core values.¹⁵⁰ In

¹⁴¹ Feinstein (n 113 above), 575.

¹⁴² Clubok and others ‘Family relationships, Congressional recruitment, and political modernization’ (1969) 31(4) *The Journal of Politics* 1036.

¹⁴³ Feinstein (n 113 above), 577.

¹⁴⁴ Lacroix and others (n 26 above), 17.

¹⁴⁵ Lacroix and others (n 26 above), 22.

¹⁴⁶ Lacroix and others (n 26 above), 27.

¹⁴⁷ Lacroix and others (n 26 above), 9.

¹⁴⁸ Lacroix and others (n 26 above), 15.

¹⁴⁹ KA Gronnerud & SJ Spitzer *Modern American Political Dynasties: A study of Power, Family, and Political Influence* (2018) 7-9.

¹⁵⁰ Gronnerud & Spitzer (n 149 above), 5.

addition, George and Ponattu note that dynastic politicians tend to perform better than non-dynastic ones since the latter must send signals and prove to the population that their family is competent,¹⁵¹ which joins Lacroix and others' theory on reputation.

2.3.2 Sustainable economic growth

According to Mendoza and others, dynastic politicians have self-serving interests which, though benefiting themselves, can as well impact positively on the economy.¹⁵² They theorise that, since dynastic politicians hold office longer, they tend to have more effective policies with long-term goals.¹⁵³ Dynastic politicians 'possess legacy-related motivations that are strongly linked with the overall outcomes'.¹⁵⁴ Therefore, since they have more time in office and they know they have voters' support, they will create long-term economic outcomes.¹⁵⁵ In order to be re-elected, they need to perform well. Another way of interpreting this theory is that dynastic politicians, even though promoting economic growth, perform economically well because they are aware that this is going to benefit their families in the future.

2.3.3 Women and politics

Evidence shows that politicians with sons are more likely to establish a dynasty as compared to those with daughters.¹⁵⁶ Undemocratic how it may seem, there is a positive side to dynasty.

A rise in female dynastic leadership is noted in South and Southeast Asia.¹⁵⁷ Richter¹⁵⁸ and Thomson¹⁵⁹ concluded that this was due to 'martyrdom' experienced by women from their male counterparts who played a significant role for the former to raise their voice against autocratic regime and oppression. In Africa, Mugabe was highly criticised by the press for trying to groom his wife for presidency.¹⁶⁰ Similarly, when Jacob Zuma started doing the same for his wife, this was not welcomed by South Africans. However, though they were most probably doing it for their own interests, it widens the space for these women to join politics, something they would not have otherwise thought about if they did not have the human and financial capital analysed by Feinstein.¹⁶¹ Supporting this view are Bragança and

¹⁵¹ SE George and D Ponattu 'Like father, like son? The effect of political dynasties on economic development' (2019) https://scholar.harvard.edu/files/siddharthgeorge/files/sid_dynasties_draft_29jan2019.pdf (accessed 26 September 2021).

¹⁵² Mendoza and others (n 131 above), 15.

¹⁵³ Mendoza and others (n 131 above), 15.

¹⁵⁴ Mendoza and others (n 131 above), 15.

¹⁵⁵ Mendoza and others (n 131 above), 5.

¹⁵⁶ George & Ponattu (n 151 above), 4.

¹⁵⁷ A Rahman 'Essays on political dynasties: Evidence from Empirical investigations' unpublished PhD thesis, London School of Economics and Political Science, 2013 20.

¹⁵⁸ LK Richter 'Exploring theories of female leadership in South and Southeast Asia' (1990) 63(4) *Pacific Affairs (Winter)* 525.

¹⁵⁹ MR Thompson 'Female leadership in democratic transitions in Asia' (2002) 74(4) *Pacific Affairs (Winter)* 540.

¹⁶⁰ 'Is President Mugabe Grooming his wife for Zimbabwe Presidential Post' 07 November 2017 <https://www.voazimbabwe.com/a/blessing-zulu-voa-studio-7-grace-mugabe-robert-mugabe-mnangagwa/4105027.html> (accessed 26 September 2021).

¹⁶¹ Feinstein (n 113 above), 575.

others who argue that female dynastic politicians have more advantages than others since the political capital of their family allows them to make a smooth entry into politics.¹⁶²

2.4 Democratic dynasties and negative effects

As mentioned above, this study's concern is about the democratic dynasties having a bad impact on governance. Three main arguments against democratic dynasties are low performance, unfair system, and personal interests of dynastic politicians.

2.4.1 Hindered performance

According to a study by Malik and others, politicians from democratic dynasties negatively affect the economy because they are the ones who control the economy, hence acting in their personal interests.¹⁶³ They are of the view that politicians in a democratic dynasty usually perform less as they know their winning probability is higher than their opponents.¹⁶⁴ Furthermore, Asako and others note that dynastic politicians have narrow interests which do not require global economic performance.¹⁶⁵ Consequently, economic growth might not be as well-performing as it should.

In a system of political dynasty where there is promotion of narrow class interests, political participation is weak. Such a system impacts directly on socio-economic outcomes through three channels.¹⁶⁶ Firstly, since interests are narrowed and are in favour of a specific minority class, it becomes more difficult for the general population to effectively communicate their social and economic problems to the government.¹⁶⁷ If not tackled in time, this can worsen income inequality, the state of poverty, and competency of government to provide public goods. Secondly, democratic institutions which are supposed to act as a watchdog of good governance can be compromised as dynastic officials use their power to manipulate state institutions in their own interests.¹⁶⁸ Lastly, democratic dynasties encourage a selection of influential political leaders more than competent political leaders. Consequently, there can be cases where the dynastic officials do not have the necessary skills to deal with socio-economic problems.

2.4.2 Unfair system

'There is a view that the prevalence of political dynasties signals the deterioration of political equality...'¹⁶⁹ Asako and others note that resource-rich dynastic politicians (X) tend to increase campaign costs for both themselves and the non-dynastic (Y) ones. Since X has the financial means to invest in campaigns, Y who

¹⁶² Bragança and others (n 30 above).

¹⁶³ Malik and others (n 31 above).

¹⁶⁴ Malik and others (n 31 above), 40.

¹⁶⁵ Asako and others (n 33 above), 16.

¹⁶⁶ Mendoza and others (n 28 above), 6.

¹⁶⁷ Mendoza and others (n 28 above), 8.

¹⁶⁸ Mendoza and others (n 28 above), 13.

¹⁶⁹ Mendoza and others (n 28 above), 2.

does not want to lose, find themselves investing even more than they would have otherwise spent had their opponent be a non-dynastic candidate. This can lead to a situation of unfairness towards Y who is discouraged from participating in the elections.¹⁷⁰ In addition, Teehankee argues that in a system where political dynasties persist, a fair democratic electoral system cannot be developed (as in the case of Philippines).¹⁷¹ Such a situation arises when the majority, which in this case are the general population, are unable to compete against the elite, that is, the dynastic politicians.¹⁷² This concentration of power leads to a weak political system where political competition is low. The elite class is better equipped than the non-dynastic politicians.¹⁷³ Moreover, descendants of dynasty will still be selected for the highest positions even if they may be less competent than the non-dynastic candidates. For example, X (dynastic candidate) has more probability of running for presidency as compared to Y (non-dynastic candidate) because the party is being run and controlled by the dynastic founders who in most cases are the family members of X.¹⁷⁴ Such advantages enjoyed by a restricted set of individuals limits the possibility of other competent candidates from entering and doing politics effectively.¹⁷⁵ Therefore, dynastic politicians ‘hijack the electoral process to ensure their reign using the power of their purse, influence, and connection’.¹⁷⁶ They create an undemocratic system where ‘birth-right dynasties’ have more right to exist than ‘merit-based’ candidates.¹⁷⁷

2.4.3 Personal interests and misuse of power

Political dynasties ‘reflect inequality in the distribution of political power’¹⁷⁸ due to ‘stockpiling-wealth’ incentive.¹⁷⁹ Rahman coins this term as a way for dynastic politicians to use their position and power for personal enrichment to ensure political endurance.¹⁸⁰ Accumulating wealth is only one aspect of misusing power. Rahman argues that another driving factor to political dynasty is ensuring future dynastic succession.¹⁸¹ The hypothesis is that dynastic politicians allow themselves to be guided by their personal interests, accumulate both financial and human capital, elements which will help them amass a fortune for their future generations and ensure that there is a dynastic succession.¹⁸² At this stage, one way of succeeding is for dynastic politicians to appoint their ‘preferred people’ in key positions in both the

¹⁷⁰ Asako and others (n 33 above), 16.

¹⁷¹ J Teehankee ‘And the clans play on’ (2007) Philippine Center for Investigative Journalism <http://pcij.org/stories/and-the-clans-play-on/> (accessed 26 September 2021).

¹⁷² As above.

¹⁷³ Mendoza and others (n 28 above), 18.

¹⁷⁴ George & Ponattu (n 151 above), 31.

¹⁷⁵ E Kokeyo and others ‘Influence of political dynasty on economic growth of developing countries: A case of African countries’ (2017) 1(1) *Journal of Public Policy and Governance* 29.

¹⁷⁶ Kokeyo and others (n 175 above), 32.

¹⁷⁷ Kokeyo and others (n 175 above), 34.

¹⁷⁸ Rahman (n 157 above), 11.

¹⁷⁹ Rahman (n 157 above), 35.

¹⁸⁰ Rahman (n 157 above), 35.

¹⁸¹ Rahman (n 157 above), 35.

¹⁸² Rahman (n 157 above), 18.

government and bureaucracy. This is how the issue of misuse of power arises since dynastic politicians manipulate institutions to ensure dynastic successions.

2.5 Questioning the value of democracy in some African countries facing political dynasty

Three main countries, Kenya, Togo, and Botswana have been chosen for this part because all three countries, though becoming democratic states, have experienced political dynasty at some point. This state of democratic dynasty led to underperformance of their democracy, which is explored in the next section.

2.5.1 Kenya

Kenya is one of those African states setting the example of a model of democracy on the continent. The next section discusses how Kenya has traits of a democratic dynasty.

Introducing politics in Kenya

Since independence in 1963, politics in the country has been predominantly ruled under the Kenyatta and the Moi regimes¹⁸³. Two main families which dominated the political space before independence and after are the Kenyatta and the Odinga. The next section gives a brief structure on political structure in Kenya, before explaining political dynasty and liberal democracy in the country.

The political structure

Kenya obtained independence in 1963 under the Westminster model constitution by Britain.¹⁸⁴ It consists of a bicameral parliament with a national assembly and a senate.¹⁸⁵ A maximum of two five-year terms mandate is granted to the President by universal adult suffrage.¹⁸⁶

Jomo Kenyatta

Jomo Kenyatta was highly respected in Kenya for his leadership skills, in much the same way as leaders such as Nkrumah.¹⁸⁷ However, critics say there was only an ‘independence of the flag’ but Jomo Kenyatta maintained colonial structures and protected the white settlers in Kenya.¹⁸⁸ Jomo Kenyatta stood for continuity rather than change.¹⁸⁹ Besides, Jomo Kenyatta was criticised for promoting a ‘policy of post-colonial multi-racial society’¹⁹⁰ which would, in turn, promote his own interest and his close associates.¹⁹¹ There was an unequal distribution of resources which was protecting some specific ethnic groups.¹⁹² In parliament, members were sometimes arrested during parliamentary debates.¹⁹³ When Jomo Kenyatta died,

¹⁸³ DP Ahluwalia *Post-colonialism and The politics of Kenya* (1996) 15.

¹⁸⁴ K Omeje *The crises of postcoloniality in Africa* (2015) 29.

¹⁸⁵ Kenya National Government <http://presidency.go.ke> (accessed 27 September 2021).

¹⁸⁶ Country Profile 2017-18 http://www.clgf.org.uk/default/assets/File/Country_profiles/Kenya.pdf (accessed 27 September 2021).

¹⁸⁷ VB Khapoya ‘The politics of succession in Africa: Kenya after Kenyatta’ (1979) 26 (3) *Africa Today* 3rd Qtr 18.

¹⁸⁸ Omeje (n 184 above), 11.

¹⁸⁹ Omeje (n 184 above), 12.

¹⁹⁰ Omeje (n 184 above), 14.

¹⁹¹ WR Ochieng *A history of Kenya* (1985) 46.

¹⁹² FN Kioli ‘Ethnicity: The jinx of Kenyan Politics and Economic Development’ in K Njogu (eds) *Citizen Participation in Decision making: Towards inclusive development in Kenya* (2013) 67.

¹⁹³ VB Khapoya ‘Kenya under Moi: Continuity or change?’ (1980) 27(1) *Africa Today* 1st Qtr 32.

Vice President Daniel Arap Moi, who belonged to a small ethnic group different from that of the former, succeeded him. Moi's philosophy of 'Nyayo za Mzee' (footsteps) further consolidated exclusive development and restricted political participation.¹⁹⁴

Uhuru Kenyatta as President

Uhuru Kenyatta was not Jomo Kenyatta's successor. In fact, Moi was the one who selected Uhuru Kenyatta as his successor.¹⁹⁵ Uhuru Kenyatta became the fourth president of Kenya in 2013, after one failed attempt in 2002, though at that time, becoming a member of the parliament for Gatundu South. In 2017, he was elected for his second mandate, with 54% of popular vote. Even though Uhuru Kenyatta attracted the youth to follow him, liberty under his rule has not always been his forte. In December 2013, he signed two bills (amended Information and Communication Bill and Media Council Bill) which would expand the power of state authorities to take sanctions against media houses and journalists,¹⁹⁶ which is a violation to freedom of press.

How does it affect the way a liberal democracy should be implemented?

Kenya's democracy has been applauded, especially during the 2002 elections which allowed for more freedom of expression and multiparty candidates.¹⁹⁷ However, evidence shows that the political system is not as democratic as it is believed to be. In Kenya, compared to Togo or even Mauritius, where power was transferred from father to son, with and without elections, Jomo Kenyatta was not immediately succeeded by his son, Uhuru. However, the literature of this study states that a dynasty is about the environment in which we grow and how the family name has a role to play in politics. Even though he lost the elections in 2002, Uhuru Kenyatta's family name speaks a lot about himself. Being born in a powerful family gave him more advantages in terms of wealth and influence compared to other non-dynastic candidates. Thus, the question of political dynasty is debatable. However, political dynasty in this study also implies family members benefiting from a political system, which is the case in Kenya. The Kenyatta dynasty forces us to question meritocracy. For instance, the Kenyatta dynasty started when Jomo Kenyatta became the President and he widened space for his close ones: Peter Muigui Kenyatta, son of Jomo Kenyatta, used to be an assistant minister for foreign affairs; Margaret Kenyatta, daughter of Jomo Kenyatta, served as the mayor of Nairobi before becoming Kenya's ambassador to the United States.¹⁹⁸ Even Moi started a dynasty of his own with his son who later joined politics and is currently serving as a member of the Senate.¹⁹⁹ As noted

¹⁹⁴ Kholi (n 192 above), 72.

¹⁹⁵ A Versi 'Fathers and sons: The age-old battle of Kenya's political dynasties' *New African* 01 February 2018 <https://newafricanmagazine.com/16275/> (accessed 27 September 2021).

¹⁹⁶ Kenya Human Rights Commission 'Kenya One year in office for Uhuru Kenyatta and William Ruto' (2014) <http://resources.khrc.or.ke:8080/bitstream/khrc/45/1/FIDH%20and%20KHRC%20Publication%20on%20KENYA%20One%20Year%20in%20Office%20for%20Uhuru%20Kenyatta%20and%20William%20Ruto%201.pdf> (accessed 27 September 2021)

¹⁹⁷ S Le Gouriellec 'Kenya : La victoire de Kenyatta sur fond de crime contre l'humanité' (2013) 63 *Aerion Group* 16.

¹⁹⁸ Le Gouriellec (n 197 above), 20.

¹⁹⁹ GN Mwachiru 'The politics of dynasties and democracy in Africa' *Center for African Studies*.

by Katumanga, politics in Kenya is particularly ruled by some dominant individuals who seek to impose their interests first. As much as politics is highly ethnicised in Kenya, ‘fighting the we’ interests is even more prevalent where individuals fight more for their own interests than that of their ethnic group.²⁰⁰ Therefore, this lack of political will from political leaders who do not feel the need to protect the general population makes it easier for the latter to play the ‘same games every five years’.²⁰¹ The dynamics of political competition are either killed by ethnicity or dynasty even before it starts, encouraging an unfair political system.²⁰² As summarised by Katumanga, such a political system precludes ‘liberal democracy which demands the rule of law, not only in government, but also in the course of political competition’.²⁰³ However, other authors such as Maina highlighted the democratic principles present in Kenyan politics. For instance, parliamentary elections have been regularly carried out, Jomo Kenyatta peacefully transferred power to Arap Moi in 1978, and economic performance has been impressive.²⁰⁴ There is a need to replace the level of inequality, corruption, instrumentalisation of ethnic violence and factionalism by ‘equity, justice and fairness’ in Kenya.²⁰⁵

2.5.2 Togo

Compared to Kenya, Togo is not advanced when it comes to commitment towards democratic values. The passage of power from father to son has been highly criticised by advocates of democracy.

Introducing politics in Togo

Politics in Togo has been qualified as unconstitutional, authoritarian, and most importantly, ‘father-and-son rule’.²⁰⁶ It first gives an insightful description of the Togolese political system. Secondly, because the focus of this chapter is political dynasty, the analysis starts from the Gnassingbé dynasty. More precisely, it discusses how unconstitutional and autocratic the passage of power from father to son has been. Lastly, it elaborates on how this ‘seamless passage of power’²⁰⁷ is preventing a democracy, if not a liberal one, from existing.

Togolese governmental system

Togo became an independent state in 1960. Members of the National Assembly serve six years term, with a limit of two mandates. Even though Togo allows multipartyism, the country has been mainly ruled by one party, qualifying it as an autocratic regime in simple political terms.

²⁰⁰ Katumanga (n 192 above), 5.

²⁰¹ Katumanga (n 192 above), 5.

²⁰² Katumanga (n 192 above), 5.

²⁰³ Katumanga (n 192 above), 6.

²⁰⁴ KW Maina ‘The Future of Democracy in Kenya’ (1992) 32(1/2) *Africa Today* 122.

²⁰⁵ Maina (n 204 above), 6.

²⁰⁶ A Osei ‘Like father, like son? Power and influence across two Gnassingbé presidencies in Togo’ (2018) 25(8).

²⁰⁷ As above.

Father-and-son rule

Eyadéma's regime was qualified as one based on physical violence, authority, and military force.²⁰⁸ Eyadéma seized power after a coup d'état in 1967, after the ruling of Sylvanus Olympio. Some dictatorial features under Eyadéma's regime were: dissolution of all political parties, prevalence of torture and extra-judicial killings.²⁰⁹ However, with the third wave of democratisation came legalisation of political parties in 1991. Still, Eyadéma kept winning the elections.²¹⁰ Human rights activists were the first ones to raise the issue of corruption in Togo, estimating that 'Eyadema salted a personal fortune approaching \$3 billion in foreign banks'.²¹¹

Due to a heart attack, Eyadéma died in 2005. The death of their President probably brought hope among many Togolese. Unfortunately, the Gnassingbé family was not ready to hand over power to 'an outsider'. His son, Faure, who was a Minister in charge of Equipment, Mines, Posts and Telecommunications, succeeded his father, a decision which was supported by the military.²¹²

How does such a situation account to a lack of liberal democratic values?

The passage of power was a highly contested decision both on the domestic and international scene. The opposition was of course against this decision. Former colonial ruler, France, pleaded that respect for democracy and constitution be restored and that the transfer of power be done in a fair electoral process.²¹³ Other than this, the Gnassingbé regime was a completely undemocratic one. The passage of power from father to son provoked chaos. State authorities did not hesitate to shut down media houses that protested Faure's appointment. However, after a meeting with ECOWAS Mission to Lome, Faure agreed to step down and hold elections within 60 days as stated in the Constitution, arguing that it was in the best interest of the country. Subsequently, the vice President, Abass Bonfoh, became the new President. However, Faure was back in office a few months after and regained the Presidency title. Today, elections in Togo are considered as 'a charade, a farce and sham, designed to emasculate true democracy'.²¹⁴ In 2019, Faure openly insulted the dogma of democracy and amended the Constitution. He made constitutional changes on the current leader's term limits, giving him 10 extra years to run for President's office.²¹⁵ Presently, one major solution to rescuing democracy in Togo is an alternative candidate, which is currently almost

²⁰⁸ CM Toulabor *Le Togo sous Eyadéma* (1986) 21.

²⁰⁹ A Banjo 'The politics of succession crisis in West Africa: The case of Togo' (2008) 25(2) *International Journal on World Peace* 34.

²¹⁰ Banjo (n 209 above), 26.

²¹¹ Banjo (n 209 above), 35.

²¹² Banjo (n 209 above), 35.

²¹³ Banjo (n 209 above), 60.

²¹⁴ V Oshisada 'Resolving Togo's Problems' <http://www.odili.net/news/> (accessed 27 September 2021).

²¹⁵ TS Denisova 'Togo: the Gnassingbé dynasty and the 2020 presidential election' (2020) *Institute for African Studies, Russian Academy of Sciences Peoples* ' 8.

impossible due to an unfair electoral system and due to family privileges that Faure has over other non-dynastic candidates.²¹⁶

2.5.3 Botswana

Known for its respect for democratic values, Botswana is often viewed by other African countries as a ‘beacon of hope’. However, the next sections take us through a myth which has been created around a democratised Botswana which shows signs of failures, with its weak opposition.

Introduction

Botswana was regarded among one of the poorest countries across the globe after its independence obtained in 1966.²¹⁷ However, like Mauritius, Botswana soon became an ‘African miracle’.²¹⁸ Its democracy was consolidated, human rights were protected, and its economy was flourishing. Yet, Botswana still has an unfair political system. This section points out both the strong and weak features of politics in Botswana.

Governmental structure in Botswana

Since the first independent elections in 1965, Botswana has had seven successful parliamentary elections where candidates are elected by universal adult suffrage.²¹⁹ Strikingly, even though elections have been smoothly carried out and that Botswana has been referred to as ‘a beacon of democracy’,²²⁰ Presidents have all come from the same political party, the Botswana Democratic Party (BDP).

Explaining the nexus between political dynasty and liberal democracy in Botswana

Since its creation in 1962, BDP has never been challenged by another political party as it is already considered the governing party.²²¹ Therefore, it can be argued that the opposition is quite weak in Botswana. From a critical perspective, this can explain why Botswana, while other African countries were banning multi-party politics, did not feel the need to do so.²²²

Political dynasty is explained using a chronological approach in the case of Botswana. Seretse Khama ruled as President in 1965, 1969, 1974 and 1979. In 1984, 1989 and 1994, the President was Quett Masire. While Festus Mogae ruled from 1999 to 2004, Iam Khama was President in both 2009 and 2014. Currently, the President is Mokgweetsi Masisi. All these Presidents hail from the same political party. In this lineage, there is a father-and-son rule, the Khama dynasty. However, since the transfer of power was not seamless as in the case of Togo, the ‘father-and-son’ dynasty is less obvious. Nevertheless, in a state

²¹⁶ As above.

²¹⁷ Afrobarometer ‘A comparative series of national public attitude surveys on democracy, markets and civil society’ (2004) 34.

²¹⁸ Maundeni and others ‘Consolidating Democratic Governance in Southern Africa: Botswana’ (2007) 31 EISA Research Report.

²¹⁹ M Molomo ‘The need for electoral reform in Botswana’ AJCR 2004/2 Accord <https://www.accord.org.za/ajcr-issues/%EF%BF%BCthe-need-for-electoral-reform-in-botswana/> (accessed 27 September 2021).

²²⁰ As above.

²²¹ JA Wiseman ‘Multi-partyism in Africa: The Case of Botswana’ (1977) 76(302) *African Affairs* 77.

²²² D Sebudubudu ‘Corruption and its control in Botswana’ (2003) 35 *Botswana Notes and Records*.

which has been controlled by one party since independence, the theory of political dynasty arises. As in Kenya and Togo, corruption among dynastic politicians exists. The first corruption scandal was in 1975 when Mr. Kunz who was working as an engineer in the Ministry of Works and Communications.²²³ Such corruption cases by close associates to top officials have been raised by the opposition.²²⁴ Corruption is not the major factor affecting inequality in Botswana. Not having a strong opposition is. Osei-Hwedie argues that electoral weakness stems from ‘a lack of organisational capability, inadequate financial resources and a lack of intra-and inter-party cohesion’.²²⁵ As seen previously in this study, dynastic politicians have more privileges when it comes to financial capital. Since they tend to amass a fortune, they are in a better position to invest in political campaigns. This leads to non-dynastic candidates not being able to compete on similar grounds as the dynastic ones. Thus, there is no fair level-playing ground from both sides. One party being more powerful than the other leads to a strong ruling party and a weak opposition. Political dynasty in Botswana keeps creating an unfair political system which undermines its liberal democratic values.

2.6 Conclusion

Kenya, Togo and Botswana are good examples to illustrate how political dynasties create an unfair political system which devalues their liberal democracy. Political dynasties challenges a successful consolidation of a democracy, the quality of the democracy is eroded and they become the cause of underdevelopment.²²⁶ Kenya and Botswana have not experienced a ‘seamless passage of power’ as Togo but in both countries, there is a small ruling class controlling both the system and the wealth of the country.

²²³ As above.

²²⁴ As above.

²²⁵ BZ Osei-Hwedie ‘The political opposition in Botswana: The politics of factionalism and fragmentation’ (2001) 45 Transformation-Durban.

²²⁶ Kenawas (n 137 above), 3.

Chapter Three: The legalised political dynasty in Mauritius and the sustainability of a liberal democracy

3 Introduction

Birth is sufficient to guarantee entry in politics in a system of political dynasty.²²⁷ This system of ‘democratic dynasties’ is often referred to as the equivalent of a traditional autocracy.²²⁸ As discussed in Chapter One, political power in Mauritius has been concentrated in two families only: Ramgoolam and Jugnauth. This chapter analyses if politics in Mauritius, with its political dynasty problem, meets the necessary standards needed to be qualified as a liberal democracy. It starts by presenting a political dynasty as it has been established in different parts of the world and then discusses what constitutes a liberal democracy. The chapter finally analyses the correlation between the two important themes of this study and the political system in Mauritius.

3.1 Mauritian political system

Based on the Westminster model, Mauritius is a parliamentary democracy which operates under a unicameral legislature.²²⁹ In geographical terms, the country is divided into 21 constituencies, including Rodrigues Island (two members) which is a republic of Mauritius, with three elected members of the National Assembly from each constituency.²³⁰ Consequently, the electoral system which is based on the Westminster FPTP system requires that the first three candidates, regardless of the overall percentage obtained, are declared elected.²³¹ Since Mauritius is considered a fragmented society with different ethnic groups co-existing, the Best Loser system has been incorporated in the system to ensure fair representation of all ethnic groups. In addition to the 62 directly elected members, the Constitution of Mauritius provides that there should be eight seats to ensure political participation of members who are underrepresented such as Creoles and Chinese.²³²

3.2 Elections in Mauritius

According to Mauritian historian, Chan Low, the political system of the island has been highly influenced by the Great Depression which lasted from 1929 to 1939.²³³ The Labour Party (*Parti Travailleurs*, thereafter referred to as PTr) was the first Mauritian political party created in 1936 to voice out against labour exploitation and ethnic underrepresentation. There was a need to include more Indo-Mauritians, who were the majority, in the political participation of the country which was mainly ruled by the French bourgeoisie.

²²⁷ K Chandra *Democratic dynasties: State, party and family in Contemporary Indian politics* (2016) 12.

²²⁸ Chandra (n 227 above) 15.

²²⁹ R Mathur ‘Party cooperation and the electoral system in Mauritius’ (2012) ANU Press.

²³⁰ Office of the Electoral Commissioner.

²³¹ Mathur (n 230 above).

²³² Mathur (n 230 above).

²³³ J Chan Low ‘Maurice: Histoire politique de 1942 à 2005’ University of Mauritius.

The PTr was formed by the Bissoondoyal brothers and Dr Ramgoolam, both belonging to Indian ethnicity. The first Constitution of 1885 which was considered an elitist one because it gave right to vote only to a minority of the population, was reviewed after World War II.²³⁴ The amended constitution, in 1947, gave the right to vote to those who could read and write in any of the nine languages recognised by the country. Consequently, the electorate increased from 2% to 38%.²³⁵ However, it is important to note that having the right to vote was yet not a step towards democracy because Mauritius was considered as a ‘society divided horizontally into economic and social classes and vertically by radical and religious classes’.²³⁶ Expanding the right to vote was still not enough. Indo-Mauritians were still governed by the minority, which was not welcomed by them anymore.²³⁷

The 1948 elections were the catalyst through which politics in Mauritius is different today. Only one Franco-Mauritian, Jules Koenig, was elected. Attempting to avoid the ‘Hindu hegemony’, ‘Ralliement Mauricien’ (RM) today known as ‘Parti Mauricien Social Démocrate’ (PMSD) was founded by the Franco-Mauritians, including Jules Koenig.²³⁸

The 1953 elections determined whether RM succeeded in monopolising politics in Mauritius.²³⁹ They failed. They obtained only two seats compared to PTr which enjoyed 44.9%. During that same period, since Mauritius had a high population of young people, a new political party, ‘Mouvement Militant Mauricien’ (MMM), was created by Paul Bérenger with the main aim of representing the Mauritian youth.²⁴⁰ The 1976 elections had three main parties: MMM (38.6%), PTr (37.9%) and PMSD (16.2%).²⁴¹ In 1982, MMM won the elections by 60 seats, becoming the lead political party at that time.²⁴² However, after some few months, some members of the party resigned, leading to the creation of the MMM by Aneerood Jugnauth.²⁴³ The first victory of the new party was in 1987 which obtained 48.12%, from a coalition with both the PTr and PMSD.²⁴⁴ The 1991 elections were won by an alliance of MMM and ‘Mouvement Socialiste Mauricien’ (MSM), with Navin Ramgoolam’s (son of Sir Seewoosagar Ramgoolam) as the leader of the opposition. In 1992, when Mauritius finally became a Republic, a new Constitution was enacted, stating that elections were to take place every five years. From 1995 to 2019, Mauritian general elections were won as follows: PTr and MMM; MMM and MSM; PTr and PMSD; PTr,

²³⁴ Chan Low (n 233 above), 23.

²³⁵ Chan Low (n 233 above), 26.

²³⁶ Constitutional Development in Mauritius, Sessional Paper, No. 3, 1956.

²³⁷ Chan Low (n 233 above), 23.

²³⁸ Chan Low (n 233 above), 26.

²³⁹ Chan Low (n 233 above), 27.

²⁴⁰ Chan Low (n 233 above), 11.

²⁴¹ Chan Low (n 233 above), 28.

²⁴² DK Kadima & R Kasenally ‘The formation, collapse, and revival of political party coalitions in Mauritius’ (2005) 4(1) *Journal of African Journals* 15.

²⁴³ Kadima & Kasenally (n 242 above), 15.

²⁴⁴ Kadima & Kasenally (n 242 above), 26.

PMSD and MSM; MSM and PMSD; and MSM with other new political parties such as Mouvement Patriotique and Muvman Liberater.²⁴⁵

3.3 Mauritius, a model of liberal democracy

Ottemoeller, using the work of Marc Plattner, argues that liberal democracy emphasises on traditional liberal concerns such as individual rights and rule of law.²⁴⁶ He further adds that the democratic process should include free and fair universal suffrage elections.²⁴⁷ For Mutua, a liberal democracy is one which preaches about both equality and autonomy of the individual.²⁴⁸

A survey done in 2013 by Afrobarometer concluded that Mauritians were among the Africans with a strong support towards democracy, with a total of 85%.²⁴⁹ However, the way democracy is defined in Mauritius is not welcomed by many Mauritians. The survey showed that most of them were not satisfied by the way democracy was working in the country. One concluding remark of the survey was that even though Mauritius is viewed as a model of democracy by many countries, many Mauritians are of the opinion that there should be improvement in the way democracy is working.²⁵⁰ Few years later, more precisely in 2018, a second survey was carried out on democracy in Mauritius. The author of the survey, Darga, found that there was a strong preference among Mauritians (75% of the interviewees) for multiparty politics to make sure that they have wider choice while voting for their representatives.

A more recent study by Freedom House in 2021 reported that, even though Mauritius remains under the 'Free' classification, democratic principles were not always fully enforced.²⁵¹ For instance, Transparency International 'noted concerns about opaque hiring processes that may be affected by nepotism and cronyism'. In the Covid-19 context, Freedom House observed that the Quarantine Act and the Covid-19 Act were legal instruments giving discretionary powers to the Prime Minister.²⁵² Furthermore, the media is becoming more and more under the supervision of the government. Some journalists have faced intimidation from governmental authorities.²⁵³

3.3.1 Whether the Constitution of Mauritius respects the essence of liberal democracy

The above paragraph provides some details on why the perfect picture on liberal democracy in Mauritius is not the right one. Nevertheless, through its Bill of Rights, the Constitution of Mauritius protects freedom of expression under Section 3(b) of Chapter II. Still, the right to freedom of expression of journalists has

²⁴⁵ As above.

²⁴⁶ D Ottemoeller 'Three schools of democracy in Africa' (1999) 42(3) *African Studies Review* 64.

²⁴⁷ Ottemoeller (n 246 above), 63.

²⁴⁸ M Mutua 'Human rights in Africa: The limited promise of liberalism' (2008) 51(1) *African Studies Review* 32.

²⁴⁹ G Joomun & B Dulani 'Popular attitudes toward democracy in Mauritius' (2013) Afrobarometer Briefing Paper No. 118.

²⁵⁰ As above.

²⁵¹ Freedom House 2021 Mauritius.

²⁵² As above.

²⁵³ As above.

been violated. However, its Bill of Rights also shows that the Constitution enshrines basic democratic principles. It is thus cautious to say that the Constitution respects the essence of liberal democracy. Adding to the Constitution, the political system in Mauritius allows for multiparty politics to take place. For instance, during the 2019 elections, the choice of candidates was wide. An example to this could be elaborated by the fact that in Constituency No. 5, the inhabitants had to vote for only three candidates and the number of candidates nominated was 83. Thus, Mauritius allows for multiparty politics and protects its liberal democracy, at least in its constitution.

3.3.2 Mauritius' commitment towards democracy

Stated by Carroll and Carroll, Mauritius is a flourishing democracy which, unfortunately, fails to be perfected.²⁵⁴ International legal instruments that the country ratified to consolidate its democracy are: rights towards civil and political rights through the International Covenant on Civil and Political Rights; rights towards individual rights through the Convention on the Elimination of All Forms of Discrimination Against Women and International Covenant on Economic, Social and Cultural Rights.²⁵⁵ At the regional level, Mauritius has ratified the African Charter on Human and Peoples' Rights, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, among others.²⁵⁶ However, the African Charter on Democracy, Elections and Governance has only been signed by Mauritius. The Charter underlines that there is a need for a fair system which promotes transparency.²⁵⁷ In addition, the Charter recognises that the opposition plays an important role throughout the consolidation process of democratisation.²⁵⁸ However, the opposition in Mauritius has been unfairly sanctioned by the government side more than once during parliamentary sessions. For instance, one of the opposition members, Boolell, has been suspended for eight consecutive sittings after having violated rules from the Standing Orders.²⁵⁹ Consequently, this opposition member was deprived their right to participate in debates regarding important policy bills such as the Social Contribution and Social Benefit Bill.²⁶⁰ The problem which arises is that an opposition member is deprived their right to fully participate in policy making.

254 BW Carroll & T Carroll 'The Consolidation of Democracy in Mauritius' (1999) 6(1) *Democratization* 179.

255 United Nations *Human Rights Treaty Bodies* UN Treaty Body Database.

256 African Union OAU/AU Treaties, Conventions ratified by Mauritius.

257 African Charter on Democracy, Elections and Governance, Art. 3(8).

258 As above, Art. 3(11).

259 'Parlement : Boolell suspendu pour les 8 prochaines séances et celle du jour' *Defimedia.info* (20 July 2021)

<https://defimedia.info/parlement-boolell-suspendu-pour-les-8-prochaines-seances-et-celle-du-jour> (accessed 26 October 2021).

260 'Après sa suspension: présence devant le parlement et recours à la justice pour Boolell' *lexpress.mu* (23 July 2021)

<https://www.lexpress.mu/article/397057/apres-sa-suspension-presence-devant-parlement-et-recours-justice-pour-boolell> (accessed 26 October 2021).

3.3.3 From ‘father to son’

As discussed previously, Mauritius has a reassuring Constitution when it comes to respect for liberal democratic values. Even in terms of freedom to vote for their representatives, Mauritians enjoy multiparty politics.²⁶¹

It cannot be denied that the Constitution protects the rights of the citizens. However, the Constitution makes no mention about term limits of the Prime Minister which could explain why Mauritians are not satisfied with the state of democracy in the country. Even though multipartyism is allowed, there is no guarantee that one of the less known candidates can enjoy the possibility of winning the elections and obtaining the highest percentage of seats to be able to become a ruling party. It is still the candidates coming from the dynastic families, namely Ramgoolam and Jugnauth, who are more likely to hold prime ministerial positions. Thus, the problem is both with the way Mauritians are voting and the capital (both human and financial) of those democratically dynastic politicians.

3.3.4 ‘Father-son deal’ of 2017

In 2017, late Anerood Jugnauth, the then Prime Minister, decided to step down and give prime ministerial to his son, Pravind Jugnauth. This arrangement, dubbed *deal papa-piti* (father-son deal), was one which not only insulted the democratic process of becoming the Head of government but also entailed protests from both the opposition and the general population.²⁶² The opposition who were in clear disagreement with this deal called for either a referendum or general election, which were both ignored by the government.²⁶³ This passage of power from father to son was classified as one of the most undemocratic ones in history since Mauritius got independence. It was worse than the case of Togo where immediate succession from father to son occurred after the death of Eyadéma Gnassingbé or that of Joseph Kabila who succeeded his father Laurent-Désiré Kabila after the assassination of the latter in 2001. Even though there was no violation of the Constitution, the case of passage of power in Mauritius was that of a lack of both moral and democratic values which both the former Prime Minister and his son showed.

3.4 Conclusion

The political system in Mauritius has been highly influenced by global trends, regional trends, and ethnicity. Starting from 1936, PTr has been one of the main political parties in Mauritius. Sometimes in the government, sometimes in the opposition. MSM has been on the political scene starting from 1983. It is important to highlight that the beliefs have changed from that time to now, where the struggle is different nowadays. If in the past, the uprising was about voicing out against exploitation, today it is about a

²⁶¹ Joomun & Dulani (n 249 above).

²⁶² T Sellström ‘Africa Yearbook: Politics, Economy and Society South of the Sahara in 2016’ 13360.

²⁶³ IC Oti ‘Mauritius’ Prime Minister’s decision to name his son as successor hasn’t gone down well with the people’ *Ventures Africa* 24 January 2017 <https://venturesafrica.com/mauritius-prime-minister-picks-son-as-successor/> (accessed 01 October 2021).

democracy which is failing due to political stagnation caused by political dynasty. One solution to end political dynasty is including a term limit for prime ministerial in the Constitution of Mauritius and give multipartyism its real meaning, which is discussed and analysed in the next chapter.

Chapter Four: Adopting prime ministerial term limits to resolve the problem of political dynasty

4 Introduction

As mentioned before, the solution to put an end to political dynasty has been identified as adopting a prime ministerial term limit. However, to be able to test if this is feasible or not, it is important to consider other countries which adopted it, to what extent they failed or succeeded, in the African context.

4.1 African countries which adopted term limit

Starting from the early 1980s, some countries in Africa followed the global trend of adopting term limits in their Constitutions. This trend is explained by the fact that most African countries took the US Constitution as a reference to draft their new Constitutions.²⁶⁴ The introduction of term limits was seen ‘as an effective shield against’ over-personalisation.²⁶⁵ By 2016, most African countries had a clause indicating the number of presidential terms in their constitutions.²⁶⁶ Some exceptions who do not have any such clause are: Cameroon, Chad, Djibouti, Gabon, Gambia, South Sudan, Togo, Uganda and Mauritius.²⁶⁷ Of these, only a few African leaders respect the Constitution. From 1990 to 2009, there was only thirteen presidents which left office at the expiry of the permitted terms.²⁶⁸ Other African politicians such as Nelson Mandela did not even wait for the presidential term limit to be over before stepping down. Mandela served only one term of office which was from 1994-1999.²⁶⁹ However, as mentioned above, not all of them could respect what was written in their Constitution.

4.2 African countries where term limit is nothing than just a facade

The early presidents who went against their Constitutions by refusing their term limit were Sam Nujoma (Namibia), Frederick Chiluba (Zambia), Bakili Muluzi (Malawi) and Yoweri Museveni (Uganda).²⁷⁰ However, they all led campaigns to remove presidential term limits but only Museveni and Nujoma were successful.²⁷¹ As time flew, democratisation process in Africa did not get any better. In 2005, Blaise Compaoré was re-elected for a third mandate despite the two-term limit introduced in the Constitution of

²⁶⁴ BM Dulani ‘Personal rule and Presidential Term Limits in Africa’ unpublished PhD thesis, Michigan State University, 2011 25.

²⁶⁵ A Osei, H Akinocho & S Mwombela ‘Presidential Term Limits and Regime Type: When do Leaders Respect Constitutional Norms’ (2020) 55(3) *Africa Spectrum* 254.

²⁶⁶ <https://www.journalofdemocracy.org/wp-content/uploads/2016/07/ReyntjensTermLimitsTable-27-3.pdf> (accessed 28 September 2021).

²⁶⁷ <https://www.journalofdemocracy.org/wp-content/uploads/2016/07/ReyntjensTermLimitsTable-27-3.pdf> (accessed 28 September 2021).

²⁶⁸ Africa Elections Database.

²⁶⁹ Dulani (n 264 above), 136.

²⁷⁰ Dulani (n 264 above), 1.

²⁷¹ Dulani (n 264 above), 158.

Burkina Faso in 2000.²⁷² He committed the same unconstitutional act in 2010, obtaining a fourth mandate this time.²⁷³ Burundi faced the same issue in 2015 when its president, Pierre Nkurunziza won an unconstitutional third term.²⁷⁴ Such manipulations of constitutional clause lead to autocratisation,²⁷⁵ interrupting the process of democratisation.

4.3 Defining term limits

Historical evidence shows that term limits are not a recent institution.²⁷⁶ The Greeks were the first to adopt term limit. It was in the state of Deros-on-Crete during the 7th century BC.²⁷⁷ Referred to as an institution today, term limits impose a certain number of times a person can hold the same public office²⁷⁸ which, in the case of Presidents, starts from the day of elections to the day of the next elections,²⁷⁹ depending on the frequency of elections. Mostly common in presidential regimes, term limits exist in some parliamentary regimes as well. For instance, countries such as India, Ethiopia and Germany where the role of the president is a ceremonial one, impose term limits on the mandate of the Presidents.²⁸⁰ However, term limits, even though in the Constitution, are not a welcoming institution. For instance, as discussed in the previous section, some African presidents view it as an obstacle. This discontentment by African leaders has been explained by Anderson.²⁸¹ According to Anderson, as compared to Western Presidents who can still build up on another career, African presidents have limited career opportunities when they leave the Presidency office.²⁸² Consequently, African leaders are tempted to remove the restriction on term limits.

4.4 Arguments for Term limits

Referred to as a solution to political dynasty in this study, term limits are an important institution which has both negative and positive aspects. The next section makes an evaluation of positive aspects of term limits.

4.4.1 Rotation of power alternation

In *The Politics*, Aristotle states that term limits were an important element of democratic politics since they would create more space for individuals to serve and hold leadership roles.²⁸³ Dulani goes one step further

²⁷² F Reyntjens 'Respecting and circumventing Presidential Term limits in Sub-Saharan Africa: A Comparative Survey' (2020) 119/475 *African Affairs* 8.

²⁷³ G Omondi 'The new assault on presidential term limits in Africa: Focus on Burundi' *African Leadership Centre* http://www.africanleadershipcentre.org/attachments/article/385/The%20New%20Assault%20On%20Presidential%20Term%20Limits%20In%20Africa_Focus%20On%20Burundi.pdf (accessed 28 September 2021).

²⁷⁴ As above.

²⁷⁵ A Cassani 'Autocratisation by Term Limits Manipulation in Sub-Saharan Africa' (2021) 55(3) *Africa Spectrum* 233.

²⁷⁶ Dulani (n 264 above), 62.

²⁷⁷ Dulani (n 264 above), 63.

²⁷⁸ N Comfort Brewer's *Politics: A phrase and fable democracy* (1993) 42.

²⁷⁹ A Baturu & R Elgie *The politics of presidential term limits* (2019) 9.

²⁸⁰ Dulani (n 264 above), 62.

²⁸¹ L Anderson 'The Ex-Presidents' (2010) *Journal of Democracy* 64.

²⁸² As above.

²⁸³ Aristotle 'The Politics' Book VI, Section II (undated).

and argues that term limits not only allow other individuals to serve, but also allows for the alternation of the party itself,²⁸⁴ which is considered a positive impact *per se* during the process of democratisation. Similarly, Cheeseman concludes that term limits allow for party alternation which consequently facilitates the entry of other political parties to enjoy presidency.²⁸⁵ Some authors such as Maltz have also developed a correlation between term limits and enforcement of political rights and civil liberties which they believe are enhanced through that party alternation which occurs in a country where term limits apply.²⁸⁶ Accepting to hand over power to another party is a commitment towards democracy and following the rules of the game.²⁸⁷ Ghana represents a success story where power alternation between incumbent presidents and opposition has been smoothly realised during three peaceful experiences in 2001, 2009 and 2017.²⁸⁸ Therefore, as put forward by Ogot, term limits through party alternation and change of head of state/government respect the ‘liberal principle that leadership is fundamentally a shared, public, participation, timely, and a transitory function’.²⁸⁹

4.4.2 Prevents a system of tyranny

The shaping of politics in Africa is greatly influenced by its history of colonisation. Part of this history which some African countries have failed to address is the role of the President, who is part of the executive, which is considered too powerful.²⁹⁰ This continuity is partly a consequence of the Constitution which is designed in favour of the executive.²⁹¹ This further leads to a situation where the executive, which has a hegemonic influence on politics,²⁹² uses its power to become a tyrant. This same executive now becomes a one-party dominated parliament where the President is so powerful that they can lead the country in the way they want, disregarding the Constitution. For instance, some African presidents such as in Cameroon, Gabon and Togo removed the presidential term limits, encouraging the emergence of life presidencies.²⁹³ The logic behind the removal of term limits is that they can impact the model of the political system. From an analytical perspective, if term limits did not have any significance, some Presidents who wanted to save their Presidential Chair would still run for presidential office. However, term limits are an obstacle to their

²⁸⁴ Dulani (n 264 above), 77.

²⁸⁵ N Cheeseman ‘African elections as vehicles for change’ (2010) 21 (4) *Journal of Democracy* 13.

²⁸⁶ G Maltz ‘The case for presidential term limits’ (2007) 18(1) *Journal of Democracy* 128.

²⁸⁷ Cheeseman (n 285 above), 14.

²⁸⁸ HA Idowu & NO Mimiko ‘Enabling Factors for Peaceful Political Power Alternation and Democratic Consolidation in Ghana and Nigeria’ (2020) 16(1) *Taiwan Journal of Democracy* 163.

²⁸⁹ CS Namakula ‘The efficacy of presidential term limits in Africa’ 2016 Mandela Institute for Development Studies https://minds-africa.org/wp-content/uploads/2018/08/2a.-MINDS-2016-Youth-Dialogue-Discussion-Paper_Term-Limits_Catherine-Namakula.pdf (accessed 01 October 2021)

²⁹⁰ CM Fombad & E Nwauche ‘Africa’s Imperial Presidents: Immunity, Impunity and Accountability’ (2012) 5 *African Journal of legal studies* 95.

²⁹¹ Fombad & Nwauche (n 290 above), 96.

²⁹² Fombad & Nwauche (n 290 above), 96.

²⁹³ CM Fombad & N Inegbedion ‘Presidential term limits and their impact on Constitutionalism in Africa’ in C Murray & CM Fombad (eds) *Fostering Constitutionalism in Africa* (2010) 5.

ambition of becoming life presidencies. Therefore, the presence and implementation of term limits control what a President can do.²⁹⁴ Term limits avoid a situation of degeneration of democratic values and put limits on Presidents who are tempted to be guided by their personal ambition.²⁹⁵ They prevent the process of democratisation being hijacked²⁹⁶ by a small group of rulers.

4.4.3 State development and policy-making

According to Vencovsky, someone staying in power for too long leads to a personalisation of power²⁹⁷ where policy makers no longer act in favour of the citizenry. Consequently, performance of state institutions is undermined.²⁹⁸ At this stage, state institutions are controlled by a small group of people, leading to nepotism where the ones who controlled the whole system are the privileged people who have close ties with the ruling party. For instance, before the fall of Yahya Jammeh, the Gambia was suffering from cronyism, corruption and kleptocracy which continued deteriorating the development of the state.²⁹⁹ Such a situation can be avoided if there are term limits. Term limits, through rotation of leadership, allow for new people and new groups to control the state institutions. Furthermore, with the arrival of right-thinking people in the system who are democratically elected, fresh ideas on sustainable politics can be further developed.³⁰⁰ In addition, another aspect which can influence the executive in the absence of term limits is that the latter tends to ignore demands of voters because their probability of being re-elected is higher, a theory which Farrar coins as ‘shirking-deviation theory’.³⁰¹ This same confidence of thinking they would be re-elected leads to these politicians focusing too much on the next elections and less on sustainable development of the state. Whereas an absence of term limits favours only a small group which can ineffectively control state institutions, term limits promote a ‘people-centric leadership’³⁰² which places more emphasis on state development in general.

4.5 Arguments against Term Limits

Though term limits are presented as a good institution which safeguards democratic values through a fairer system, critics argue that imposing term limits on Presidents leads to the voting public having less options. The two next sections focus on why term limits are not as efficient as they seem to be.

²⁹⁴ R Sigel ‘Image of the American Presidency: An exploration into popular views of presidential power’ (1966) 10(1) *Midwest Journal of Political Science* 123.

²⁹⁵ Sigel (n 294 above), 124.

²⁹⁶ Dulani (n 264 above), 81.

²⁹⁷ D Vencovsky ‘Presidential term limits in Africa: Conflict trends’ (2007) Accord <http://accord.org.za/wp-content/uploads/2007/04/ACCORD-Conflict-Trends-2007-2.pdf> (accessed 01 October 2021)

²⁹⁸ Namakula (n 289 above).

²⁹⁹ K Rahman ‘Anti-corruption measures in constitutions’ (2021) *Transparency International* 3.

³⁰⁰ Namakula (n 289 above).

³⁰¹ C Farrar ‘Power to the people’ in K Raaflaub & others (eds) *Origins of Democracy in Ancient Greece* (2007).

³⁰² Dulani (n 264 above), 85.

4.5.1 Can term limits be undemocratic?

Opponents of term limits say term limits are an institution which places limits both on the voters and state officials.³⁰³ A democratic system is one which promotes both free and fair elections. However, term limits diminish people's freedom to vote for who they want because they are restricted by their Constitution.³⁰⁴ Voters are limited to legal instruments since the constitutional tenures of the candidate they want to vote have been exhausted.³⁰⁵ In that sense, term limits are perceived as reducing electoral choice,³⁰⁶ which in a democracy violates the freedom of voters to make a proper choice of candidates.³⁰⁷ Furthermore, term limits have been criticised for putting an end to the career of politicians.³⁰⁸ Limiting the choice of the electorate to vote for who they want simultaneously places freedom of certain individuals, that is former Presidents, to run for elections, which is considered unfair in a democratic society.³⁰⁹ Another consequence of placing term limits is causing more harm to the consolidation of democracy. Unsatisfied Presidents who want more terms can incite violent *coups d'état* to ensure *continuissimo*,³¹⁰ as has been the case in Namibia. A more recent case is the *coup d'état* which occurred in Guinea in 2021, provoked by former President's, Alpha Condé, will to manipulate term limits.³¹¹ It was the country's third *coup d'état* since independence in 1958. Statistics show that Guinea's democracy did not get any better. For instance, the country scored 42.5/100 in the 2020 Mo Ibrahim Index Report.³¹² Therefore, democracy collapses because once a *coup d'état* occurs, the process of reconstructing democratic values is even harder.

4.5.2 Professionals versus amateurs

Some incumbents often encourage their voters to believe that they are indispensable.³¹³ Such has been the case when President Obasanjo from Nigeria justified his term extension as a necessity to save the country from coming disasters or by President Nujoma from Namibia ('Namibia has no alternative to Nujoma').³¹⁴ It creates a perception that experienced Presidents have the capacity to manage a country better than an 'amateur' politician. Kamber agrees with this view since according to him, term limits deprive the ones who should serve, the experienced Presidents, and expand the space for those who are less capable of

³⁰³ Namakula (n 280 above).

³⁰⁴ Namakula (n 280 above).

³⁰⁵ C Wilmot 'How and why term limits matter' 5 October 2015 4 <http://africanarguments.org/2015/10/05> (accessed 01 October 2021).

³⁰⁶ Dulani (n 264 above), 85.

³⁰⁷ G Doron & M Harris *Term limits* (2001) 26.

³⁰⁸ T Mann 'Congressional term limits: A bad idea whose time should never come' in E Crane & R Pilon (eds) *The politics and law of term limits* (1994).

³⁰⁹ B Cain 'Term limits: Not the answer to what ails politics' 1994 in E Crane & R Pilon (eds) *The politics and law of term limits* (1994).

³¹⁰ J Linz & A Valenzuela (eds.) *The failure of presidential democracy: Comparative Perspectives* (1994).

³¹¹ Center for Strategic & International Studies *Guinea: The causes and Consequences of West Africa's Latest Coup 2021*.

³¹² MO Ibrahim Foundation '2020 Ibrahim Index of African Governance- Index Report' 2020.

³¹³ Fombad & Inegbedion (n 293 above), 15.

³¹⁴ Fombad & Inegbedion (n 293 above), 16.

serving, the ‘amateur’ politicians.³¹⁵ Another argument against term limits is thus that they are an institution which encourages the less capable to run a state and excludes the experienced ones.

4.6 Is there still hope in Mauritius?

After presenting the arguments for and against term limits, the question which arises is ‘Will any Prime Minister from Mauritius agree with such a constitutional clause?’ As stated earlier, Mauritius is a model of democracy which is no longer moving in the right direction of democratisation. The country has been condemned to be mostly controlled by a small group of people which is leading to a politically dynastic democracy, causing political stagnation. In this study, term limits have been proposed as a solution to reduce political dynasty in Mauritius and give democracy its true meaning.

4.6.1 Decreasing political dynasty by imposing term limits to consolidate liberal democracy

In Chapter Two, the harm that political dynasty can cause to the consolidation of a liberal democracy has been established. In Chapter Three, the political landscape of Mauritius is elaborated to better understand how political dynasty is becoming a serious issue which needs attention. As in Chapter Four, the solution to political dynasty in Mauritius is term limits. How far can this be effective?

Based on empirical evidence from some African countries which have successfully adopted term limits, the ‘too powerful President’ of Fombad³¹⁶ could not survive. For instance, in countries such as Nigeria which gives considerable importance to term limits, ruling parties could not survive after the exhaustion of their two mandates. Elections in 2015 in Nigeria inspired ‘informed voters’³¹⁷ to elect effective opposition they could trust, ‘achieving a democratic transfer that few had thought possible’. However, in some countries such as Rwanda which successfully removed term limits³¹⁸ have deprived their electors of their freedom to choose for their Presidents. The current situation in Rwanda depicts how a ‘one-man show’ leads to a system of unfairness and a violation to democracy. Kagame found an intelligent way to remain President, without the removal of term limits as other Presidents tried to do through violent protests, such as Uganda. Instead, in 2017, he resorted to a referendum which would increase the term in office from five to seven years, giving him one extra term ending in 2024.³¹⁹ With 98.3% of Rwandans voting in favour of the referendum,³²⁰ Kagame managed to stay in power. However, extending both years of serving terms and term limits turned Rwanda into a *de facto* one-party state.³²¹ Kagame’s party, the Rwandan Patriotic Front (RPF) has been criticised for maintaining political monopoly through human rights

³¹⁵ V Kamber *Giving up on democracy: Why term limits are bad for America* (1995) 83.

³¹⁶ Fombad (n 1 above), 19.

³¹⁷ Cheeseman ‘Designing democracy to make it work’ in Fombad & Steytler (n 1 above), 42.

³¹⁸ Cheeseman ‘Designing democracy to make it work’ in Fombad & Steytler (n 1 above), 41.

³¹⁹ D Nagar & F Nganje ‘War and peace in the Great Lakes Region’ (2016) *Centre for Conflict Resolution*.

³²⁰ As above.

³²¹ F Reyntjens ‘Behind the façade of Rwanda’s elections’ (2011) 12(2) 64.

violations.³²² Freedom of press is almost non-existent in Rwanda.³²³ Media houses reporting on the true state of politics in Rwanda have been banned, including the British Broadcasting Corporation's Kinyarwanda service in 2014 for broadcasting a documentary entitled *Rwanda's Untold Story*.³²⁴ Had there been no referendum, Rwanda would have been under another party's rule today, limiting the power of the President. Kagame ruling the country, being a *de facto* leader since 1994 and President since 2000, is posed as a serious threat to democracy where violations of human rights are recurrent. In such cases, limiting the power of the President through imposing term limits can prevent a situation of tyranny. However, for term limits to be effective, there need to be alternatives in the political system which voters can rely on.

4.6.2 Obstacles to term limits in the Mauritian context

As discussed, and deeply explored in Chapter Three, Mauritius is currently facing a situation of political dynasty where Prime Ministers have come from two families, except for Paul Berenger who held office for three years. Imposing term limits on Presidents implies providing alternatives to the voting public. In fact, this will give more hope to the electors as to why term limits have been included in the Constitution. Though the main aim is to avoid creating a too powerful government, another important aspect, as stated earlier in this study, is to widen the political space and give to other citizens the opportunity to rule. However, while we may tend to focus more on the government, the opposition has an important role to play in politics as well, though sometimes they can have a more passive role. The next sections of this Chapter first give an overview of opposition in general, focusing on two countries where opposition is weak due to internal and external focus, Egypt and Botswana. Moreover, they discuss the role of opposition in Mauritius and how it is helpless.

4.6.3 The opposition

'Bridesmaids'³²⁵ are not enough to change the political scene. This is how weak opposition parties who are not considered as a serious challenge to the ruling party are referred to.³²⁶ As mentioned in the previous section, term limits are good if voters have alternatives. For instance, if President A rules for two mandates and voters do not have any considerable alternative than President A's party, the usefulness of term limits becomes blurred because there is no guarantee than the state is going to be in good hands. Therefore, it is important to have other candidates who will be able to manage the country. Ruling parties should allow for competitive candidates from other minority parties to participate in the democratisation process. Unfortunately, in some African countries, incumbent Presidents find ways to weaken the power of the opposition. Egypt's President, Abdel Fattah El-Sisi who has been ruling since 2014, now has more power

³²² As above.

³²³ Nagar & Nganje (n 319 above).

³²⁴ 'Rwanda suspends BBC Broadcasts Over Genocide Film' *BBC News* 24 October 2014.

³²⁵ Reyntiens (n 309 above).

³²⁶ Human Rights Watch 'Law and Reality. Progress in Judicial Reform in Rwanda' 2008 46.

over who can run for elections following a law that was passed in Parliament in July 2020.³²⁷ According to this new amendment, candidates who want to run for elections must first obtain approval from Supreme Council of the Armed Forces (SCAF) which is headed by the President himself.³²⁸ Put differently, should a member of SCAF be interested to run for elections, the President is the one who approves or rejects their request. Such a law gives so much power to the President that he can control both his government and those who oppose him, violating the right to a fair system that Egyptians should be able to enjoy both as voters and political candidates.

In the case of Egypt, restrictions are imposed by the President to ensure control of the state because they do not want the opposition to have more power than them. However, in some cases, which can be considered as the worst, the opposition is so weak that the government is so confident and places no rule which would affect the opposition negatively. Botswana is such an example. Politics in Botswana has been discussed earlier as a democratically stable country which provides only one renewable mandate for the President. The BDP has always been in charge of the government, almost close to a one-party rule, which could explain why Botswana retained multiparty democracy while other countries were removing them.³²⁹ Critics argue that Botswana maintained its multipartyism because BDP was convinced that the opposition was too weak to win against it.³³⁰ This was in fact a statement by one of BDP's former members, Kenneth Koma, who said 'the government only allowed the opposition to thrive because they were weak and would muzzle them if they posed a serious threat to its rule'.³³¹ Nevertheless, compared to other African countries where opposition political parties face serious challenges from the governing party, in Botswana, there is more freedom. Three conditions identified by Osei-Hwedie for an opposition to win the elections in the context of Botswana are: opposition parties facing little or no suppression from the ruling party where they are free to organise as much meetings and campaigns that they wish; sufficient time for strategic planning on how to win against the government; and lastly, free and fair elections which allows for alternation of power.³³² Despite the facilities and lack of restrictions favouring the opposition, BDP is still in power.

The problem has been stated to be coming from the opposition itself due to human and financial capital.³³³ Since it has been ruling for decades now, BDP is in a better position to generate funds. Some of

³²⁷ H Banda 'Egypt: Sisi's power reinforced after passing of new law' *The Africa Report* 8 July 2020

<https://www.theafricareport.com/32764/egypt-sisis-power-reinforced-after-passing-of-new-law/> (accessed 02 October 2021).

³²⁸ As above.

³²⁹ K Lotshwao 'The weakness of opposition parties in Botswana: A justification for more internal-party democracy in the dominant Botswana Democratic Party (BDP)' (2011) 5(2) *African Journal of Political Science and International Relations* 103.

³³⁰ Lotshwao (n 317 above).

³³¹ MG Molomo 'Political parties and democratic governance in Botswana' in MA Mohamed Salih (eds) *African Political Parties: Evolution, Institutionalism and Governance* (2000) 297.

³³² BZ Osei-Hwedie 'The political opposition in Botswana: the politics of factionalism and fragmentation' 2001 *Transformation* 45 ISSN 0258-7696.

³³³ As above.

the advantages they have are donations from external donors and government-owned media. On the other hand, the opposition parties face challenges such as lack of funds, lack of candidates to nominate in all parliamentary and council constituencies, mobilisation of voters and other internal issues in the different political parties which lead to factionalism.³³⁴ Consequently, the opposition fails to provide a competent alternative to ruling BDP to the voting public. Selolwane proposed two solutions which can increase the effectiveness of the opposition: provide an alternative economic management strategy which will benefit the voting public in general and develop a strategy which will boost voters' confidence in the capacity of the other party to manage the government.³³⁵

As mentioned earlier, the development and implementation of term limits are not limited to imposing term mandates on the President. Alternatives should be provided to the voting public for them to fairly enjoy their right to vote. However, compared to other mature Western democracies, it becomes harder in Africa due to constraints imposed by the ruling party such as in Egypt or imposed by the limiting system itself, as in Botswana.

4.6.4 Opposition in Mauritius

The opposition party in Mauritius refers to 'a group of members of the Assembly whose number includes a leader who commands their support in opposition to the Government'.³³⁶ Their leader is appointed by the President of the Republic,³³⁷ depending on 'one opposition party whose numerical strength in the Assembly is greater than the strength of any other opposition party'.³³⁸ However, due to Mauritius' nature of democracy which is a consociational one, political parties, especially in the opposition, remains deeply fragmented, as in the case of Botswana, which weakens its power to stand against the government³³⁹ to 'level criticism against the policy and administration of Government'.³⁴⁰

During the last elections in 2019, three main political parties/alliances were Mauritian Alliance, National Alliance and MMM. The Mauritian Alliance (38 members directly elected + 4 through Best Loser System) comprises of MSM, Muvman Liberater, Mouvement Patriotique, Plateforme Militante.³⁴¹ The National Alliance (14 directly-elected + 3 Best Loser System) comprised of PTR and PMSD.³⁴² The MMM,

³³⁴ As above.

³³⁵ OD Selolwane 'Monopoly Politikos: How Botswana's Opposition Parties have helped sustain one-party dominance' (2002) 6(1) *African Sociological Review* 24.

³³⁶ Constitution of the Republic of Mauritius 1968, Chapter VI, Section 73(5).

³³⁷ Constitution of the Republic of Mauritius 1968, Chapter VI, Section 73(1).

³³⁸ Constitution of the Republic of Mauritius 1968, Chapter VI, Section 73(2)(a).

³³⁹ IA Khan 'Mauritius: Politics- Why the position of the Leader of the Opposition is a high-stakes game' *allAfrica* 3 March 2021 <https://allafrica.com/stories/202103030931.html> (accessed 04 October 2021).

³⁴⁰ Mauritius Assembly Official Website <https://mauritiusassembly.govmu.org/Pages/The-Leader-of-the-Opposition.aspx> (accessed 04 October 2021).

³⁴¹ Office of the Electoral Commissioner <https://electoral.govmu.org/Pages/Election%20Results/NAE/NAE2019/Detailed-Results-by-Constituency-2019.aspx> (accessed 04 October 2021).

³⁴² As of now, these two political parties interrupted their coalition.

which decided to fight the elections alone, without any alliance, has eight directly-elected members and one Best Loser System member in Parliament.

4.6.5 Flawed system of Mauritius which prevents legitimatisation of term limits

Giving a brief description of the current state of the composition of the opposition above, this section explains how lobbying by the opposition on the implementation of term limits can be affected by both external and internal factors. This section further looks at whether Mauritius' democracy provides for a conducive environment for the opposition to survive, providing an alternative to the voting public.

The free and fair system of elections in Mauritius was questioned due to anomalies arising from 2019 elections. Kasenally listed some of them:³⁴³

...voters off the registration roll, marked ballots found lying outside counting centres, inexperienced electoral staff, unexplained presence of computers in counting centres without the prior approval of the other political parties'.

Right to vote, enshrined in the Mauritian Constitution, was violated when some 7,000 voters officially complained that they were not able to cast their vote.³⁴⁴ The ruling party has more financial and human capital which it has exploited such as state-owned media which is the most common one, control over parastatal bodies and financial resources. Furthermore, once in Parliament, the situation does not get more democratic or fair, which might lead to a weak opposition. Members of the opposition have the power to introduce motions. However, their power does not extend to getting those motions voted since they are allocated a specific time limit for debates, which is usually very short.³⁴⁵ A motion on the term limit of the Prime Minister was proposed by a non-executive parliamentarian in 2017 on limiting the tenure of the Prime Minister.³⁴⁶ The motion was debated in the parliament, with members from the government side who supported the view of not amending the Constitution in that sense by mentioning the case of the United Kingdom.³⁴⁷ The argument was that, though not imposing any constitutional restriction on term mandate of the Prime Minister, the United Kingdom has by so far been able to maintain a healthy culture of democracy.³⁴⁸ However, generalising the case of the United Kingdom in an African context where incumbent Presidents rarely want to transfer political power to another candidate or political party, especially in the case of Mauritius where political dynasty is so entrenched in the system, is absurd. Such motions which can reform the Mauritian democratic system are rejected because they do not suit the

³⁴³ R Kasenally '2019 General Election in Mauritius: Is our democracy in danger?' *Lexpress Mauritius* 08 January 2020 <https://www.lexpress.mu/idee/367884/2019-general-election-mauritius-our-democracy-danger> (accessed 04 October 2021).

³⁴⁴ As above.

³⁴⁵ LA Darga 'Strengthening parliamentary democracy in SADC countries: Mauritius Country Report' (2005) *The South African Institute of International Affairs*.

³⁴⁶ Parliamentary Debates (Hansard) First Session Mauritius 14 December 2017.

³⁴⁷ As above.

³⁴⁸ As above.

interests of the ruling party. Therefore, two major challenges to the introduction of term limits in the Constitution is a too powerful government and too weak opposition.

Chapter Five: Conclusion and Recommendations

5 Introduction

This Chapter summarises the whole study, explaining the problem in Mauritius, providing possible solutions to the problem, and recommending how this solution can be implemented in an African country such as Mauritius which has a problem of political dynasty. It starts with a general summary, including political dynasties in Africa and presents the political landscape of Mauritius. It also elaborates on the solution, which in this case is adoption of prime ministerial term limits in the Constitution. It further lists two obstacles to realise this solution: external and internal factors. Lastly, it provides recommendations to ease the process of adopting such clauses in the Constitution.

5.1 Conclusions

This study started by establishing how a shift from dictatorship to multiparty politics during 1990s wave of democratisation was viewed as a ray of hope in Africa.³⁴⁹ It later demystified how Africa is still lagging behind when it comes to respecting democratic principles and values. Undeniably, regional legal instruments to protect democracy and good governance have been gradually developed in Africa. One of them is the African Charter on Democracy, Elections and Governance, which guides African nations through the whole process of maintaining a freer and fairer system of democracy. However, statistics reflected that many African countries are still far from attaining this objective.³⁵⁰ Most African states remain ‘hybrid regimes’ with the exceptions of few, such as Mauritius and Botswana which are the most politically stable democracies in Africa.

This study demonstrates that although Mauritius is considered a leading example of democracy in Africa, it is failing to provide the free and fair system which is important for the survival of a democracy. It further stated that this lack of freedom and fairness in the system is gradually hindering the democratisation process in Mauritius, leading to a state of political stagnation. Mauritius is failing to provide its population with a free and fair system. This problem can be resolved to some extent if term limits are adopted. However, another obstacle to this lack of constitutional term limit is Mauritius being condemned to being ruled by dynastic officials since independence.³⁵¹

An overview of the legalised system of political dynasty in Mauritius elaborated the seriousness and significance of this study. It showed how two main families well-known in the world of politics in

³⁴⁹ Fombad (n 1 above).

³⁵⁰ Statista (n 7 above).

³⁵¹ Chapter 3.

Mauritius, have always gripped political power, which leads to a situation where the state caters for only a minority.

The study analysed three main research questions which would lead to solving this problem of political stagnation to create a fairer liberal democracy in Mauritius namely: analysing the regional trends of political dynasty in Africa and issues arising from them when it comes to consolidating a liberal democracy; explaining the political landscape of Mauritius and its system of legalised political dynasty; and assessing whether the adoption of term limits would help consolidate its liberal democracy, thereby solving this problem of political dynasty.³⁵² These three research questions were used as a guidance to test the two main hypotheses of this study which were: a system of fairness caused by a system of political dynasty and term limits will help fade away this system of fairness and consolidate the Mauritian liberal democracy.

To understand how political dynasty, which is deep-rooted and almost defines democracy in Mauritius, affects a liberal democracy, it was trite to analyse regional trends of political dynasty in Africa. Discussed in detail in Chapter Two, the author elaborated on the link between political dynasty and the interruption of democracy. For this, theories of political dynasty, explaining its literature and its effects were first explored, including a brief history on how dynasty started in Africa during the ancient times. The research also delved into the political dynasties of Kenya, Togo and Botswana. These three examples elaborated how dynastic candidates have financial and human capital advantages which they can and will use against non-dynastic ones. Consequently, the political system in these three countries becomes an unfair one where dynastic politicians thrive without much difficulty and non-dynastic ones die.

The political landscape in Mauritius was considered important to establish the correlation between political dynasty and the need to introduce term limits for the Prime Minister. Adopting a chronological approach this time, previous elections have been used as a way of showing how the Ramgoolams and the Jugnauths have always led the government. It however recognised that there was an exception of a non-dynastic and non-Hindu Prime Minister, Paul Berenger, who ruled for three years.

The last part of the study considered the effectiveness of the introduction of term limits in the Mauritian context, considering powerful Prime Ministers which the political system of Mauritius creates. Introducing the concept of term limits first, the author examined how term limits have been introduced, implemented, and removed in other African countries. It was also important to consider both the arguments for and against term limits. Moreover, the opposition in Mauritius was also studied to understand whether

³⁵² Chapter 1.

it has the power to change the narratives, which it currently does not. To conclude, the author considered some obstacles which could interfere in the process of adopting term limits in Mauritius.

5.2 Recommendations: The way forward for Mauritius

According to section 47(4) of the Constitution of Mauritius:³⁵³

[a] Bill for an Act of Parliament to alter any provision of this Constitution...shall not be passed by the Assembly unless it is supported at the final voting in the Assembly by the votes of not less than two-thirds of all members of the Assembly.

Technically, the government side has a greater advantage because it can block any motion proposed by the opposition which threatens its authority or personal interests, as has been the case in the past. To adopt term limits, they should be included in the Constitution. However, due to the unfair system of Mauritius and the over representation of parliamentarians from the government side, this can be challenging. Therefore, it is recommended that the proposal of the Sachs Commission be considered. The Sachs Commission was a commission chaired by Mr. Justice Albie Sachs, a former member of the South African Constitutional Court, instituted in 2000/2001.³⁵⁴ The recommendation was to decrease the weakness of the opposition by incorporating both a FPTP and a Proportional Representation (PR) system. The FPTP will still allow citizens to vote for the candidates they want. However, through the PR system, they will also be able to vote for the political parties they would want to be represented in the Parliament. This will ensure a better representation of the opposition parties in the parliament, which can allow for constitutional amendments to be voted.³⁵⁵

Another recommendation is to promote channels of communication among executive officials, non-executive officials as well as civil society to ensure that there is an equitable representation of all three in the system. There shall therefore be a mixed member representation in parliament which will increase efficiency from different bodies at all levels to impact on the constitutional rights. Civil society organisations composed of constitutional experts can thus have more visibility to advocate for term limits in the Constitution.

Some countries have reserved seats to promote inclusion of certain groups. For instance, in its Constitution, Kenyan Senate reserves two seats for young senators, and two additional seats for members who represent persons with disabilities.³⁵⁶ In fact, Kenyan's history witnessed how youth involvement rewrote politics in the country. The fight for independence was fuelled by youth organisations such as the

³⁵³ Constitution of Mauritius 1968, Section 47(4).

³⁵⁴ Report of the Commission on Constitutional and Electoral Reform, 2001/02.

³⁵⁵ As above.

³⁵⁶ Constitution of Kenya 2010, Section 98(1)(c)(d).

Young Nyika Association and Young Kikuyu Association who expressed their dissatisfaction with regards to colonisation.³⁵⁷ In the case of Mauritius where political dynasties are a problem and most newly established parties do not get an opportunity to prove their capability to the voting public, the same should be applied in the Constitution. However, instead of reserving seats for young parliamentarians, there should be some additional seats for new political parties, based on the numerical strength, which will help the new members to show the voting public that there are alternatives to Ramgoolam and Jugnauth as Prime Ministers.

One final recommendation for Mauritius to show its commitment towards democracy is to ratify the African Charter on Democracy, Elections and Governance, a Charter which it has already signed in 2007. Lobbying from both civil society and the opposition should be done to encourage the government into ratifying the Charter.

³⁵⁷ MS Mwangola 'Leaders of Tomorrow? The Youth and Democratisation in Kenya' in GR Muruga & SW Nasong'o (eds) *Kenya: The Struggle for Democracy* (2007) 142.

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