

**Mauritanian
President
Ousted**

Associated Press

NOUAKCHOTT (Mauritania), Aug. 4. — A military junta toppled Mauritania's autocratic President while he was abroad, replacing him with the longtime chief of this oil-rich desert nation's police force.

President Mr Maaoya Sid'Ahmed Ould Taya's bloodless overthrow yesterday prompted celebrations in the Islamic nation that had looked increasingly to the West amid alleged threats from Al-Qaida linked militants.

The junta promised to yield to democratic rule within two years, but African leaders, the United States and the European Union condemned the coup.

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THE ST...

Vote for change: Ramgoolam

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"Focus of the Government will be sugar sector and job creation"

PORT LOUIS: The new Prime Minister of Mauritius, former Opposition leader Navin Ramgoolam, on Tuesday urged islanders not to fear change after his victory in weekend polls and bolstering the country's ailing sugar and textile industries would be his top priorities.

"The population has voted for change," Mr. Ramgoolam said in a nationally televised address. "The change will respect the rules, the institutions, our political adversaries and above all the unity of the country."

He said the "main jobs awaiting the new Government concern sugar, job creation and textiles," all of which had been major elements in the campaign for Sunday's elections which pitted his Opposition alliance and that of former Prime Minister Paul Berenger.

The speech was aired shortly after Mauritian President Anerood Jugnauth named Mr. Ramgoolam, the chief of the Labour Party, the country's new head of Government after Mr. Berenger resigned following defeat in the election.

Mr. Ramgoolam had criticised Mr. Berenger's Government for failing to prepare the island for global market developments in textiles and sugar, such as the end of global textile quotas in January and a decision by the European Union to slash sugar prices.

Mr. Berenger, who held on to his seat in Parliament despite



SHIFT OF POWER: Navin Ramgoolam and his wife Veena (left) greet supporters in Port Louis after winning the elections with the Social Alliance party. — PHOTO: AFP

the loss of his Mauritian Militant Movement (MMM) and Militant Socialist Movement (MSM) coalition to Mr. Ramgoolam's Social Alliance, immediately took over as chief of the Opposition.

Mr. Ramgoolam pledged that his Government would work closely on all big issues with the Opposition and placed great importance on developing an advanced information technology strategy for the Indian Ocean island.

Mr. Ramgoolam (58), re-occupies the Premier's seat he lost to Mr. Berenger in the 2000 elections.

The shift of power in Mauritius has been a continuous mu-

sical chair affair between alliances of convenience and close families, on an island where around two-thirds of the population are Hindus and the prime political stakes are between socialists and Right-wingers.

According to early returns announced by the National Election Board, the Social Alliance won 38 of the 62 constituencies that were up for grabs. Mr. Berenger's coalition, by contrast, won just 22 seats.

Eight seats in the 70-member National Assembly will be nominated by the Electoral Board under the so-called "best losers" system, which rewards high placed also-rans. — AFP

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Island States

REPENTANCE MISSING

Unity And Reconciliation Bill In Fiji

By SAM RAJAPPA

17/6/05

With the 2006 general election in Fiji looming large, the ruling Soqosoqo ni Duavata ni Leweni Vanua (SDL) heading a coalition government with the Conservative Alliance Matanitu Vanua (CAMV) made up of supporters of the 2000 coup as a major partner, was forced to introduce in Parliament last week the controversial Promotion of Reconciliation, Tolerance and Unity Bill, 2005. Deceptive in its label, the Bill aims at absolving those involved in the coup that overthrew the duly elected Fiji Labour Party government of Mahendra Chaudhry, the first Indo-Fijian to become the Prime Minister of this Pacific island nation. Fiji already has a divided, polarised society, as the Prime Minister, Laisenia Qarase, said during the second reading of the Bill in Parliament. If passed, the Act will further divide and polarise society.

Opposition

The FLP unsuccessfully tried to block the Bill at the introduction stage itself. The government was unresponsive. The FLP MPs walked out of Parliament as the Bill went through its first and second reading. Not only the opposition parties but the nation's armed forces and most of the non-governmental organisations, including the Fiji Law Society and trade unions, have come out openly against the Bill.

The Bill seeks to override provisions of the 1997 Constitution which restored some sort of unity among the indigenous Fijians and the Indo-Fijians who constitute more than 95 per cent of the population. It interferes with the constitutional powers of the Commissioner of Police, as the head of the police in Fiji is designated, and the Director of Public Prosecution, and undermines discipline in the armed forces. If enacted, rule of law will become the first casualty. Broadly speaking, the Bill seeks to create two bodies — a Reconciliation and Unity Commission and a Promotion of Reconciliation, Tolerance and Unity Council to provide mechanisms, measures, criteria and procedures allegedly aimed at fostering of understanding and unity of all people of the islands. The two bodies are to operate separately with different powers and functions. While the Council is to be under the directive of the Minister for Reconciliation, the Com-

mission, unfettered by ministerial supervision, is an independent body of three to five members with extra-constitutional authority to be appointed by the President on the advice of the Prime Minister. The Commission has the powers to reco-

provisions of the Bill.

Qarase also told Parliament that "there can be, and there will be, no interference with the authority and independence of courts." Section 21(6) of the Bill says: "If an applicant for amnesty is charged with any offence, or is



mmend amnesty/pardon for persons implicated in criminal acts of terrorism — mutiny, murder, arson seizure of and damage to property, extortion, intimidation and physical violence — committed during the designated period which is "the period of political and civil unrest from 19 May, 2000 to 15 March, 2001."

Under Article 96 of the Constitution, the President alone can grant amnesty/pardon on the advice of the Cabinet or any other body or authority prescribed by the Constitution. The Reconciliation and Unity Commission is not a body set up under the Constitution; yet, under Section 21(10) of the Bill, it is mandatory on the President to act on the advice of the Commission whether or not to grant amnesty.

Pardon

Article 115 of the Constitution stipulates that the President can exercise the right to grant pardon only after conviction by a court of law. Under the Bill, pardon may be granted even before court has given its verdict. The Prime Minister's assurance to Parliament that "we will make sure that the legislation meets the requirements of the Constitution and does not compromise the office of the President," is not borne out by the

standing trial upon a charge of having committed such an offence, the Commission may request the court to postpone the criminal proceedings pending the consideration and disposal of the application for amnesty." Besides, Section 21(12) allows a person granted amnesty for a crime for which he has been convicted and is serving imprisonment "shall be released forthwith on a warrant issued by the President." This is clearly interference with the authority and independence of the judiciary. The Bill takes away the fundamental rights of victims of terrorism to pursue their cases in courts of law.

The Bill can never create the basis for restorative justice, as claimed by the Prime Minister. In fact, the Bill contradicts the whole concept of restorative justice. Restorative justice comes into play only after a full and frank admission of guilt and where the offender compensates the victim for the damage caused. Under the Bill, one gets amnesty whether or not one admits guilt and without making any reparation to the victim. As Chaudhry claimed in a letter to Qarase, "it will only open the floodgates to more acts of terrorism. It will not build harmony but will sow the seeds of greater distrust and instability. It will not

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heal the wounds of 2000, but deepen them. If you and your government sincerely wish reconciliation and peace, then you should listen to the voice of the people and taking heed of the overwhelming opposition to the Bill, it must be withdrawn."

Coups

While the Indian High Commissioner to Fiji, Ajay Singh, said the Bill was an internal issue of the country, David Lyon, US Ambassador, warned that if Fiji did not take a stand now to reject any amnesty for political prisoners, it would only be setting a precedent for more coups in future. "If a democratic society does not make it clear that the violent overthrow of its elected leaders is a crime against that society, I have to think that it is inviting future upheaval," he said. Australia and New Zealand are closely monitoring the progress of the Bill. Fiji, which gained its independence from British colonial rule in 1970, witnessed two coups in the last 35 years.

The first multi-racial FLP government of Timoci Bavadra, a far-sighted indigenous leader, was overthrown in 1987 by a little known army colonel, Sitiveni Rabuka. The second FLP government of Chaudhry, the first Indo-Fijian to become the Prime Minister, was overthrown by a failed business man, George Speight, in 2000. Army Commander Voraqe Bainimarama, restored parliamentary democracy in Fiji.

Even if Qarase is convinced of the Bill's infirmities, he is not free to withdraw it as it would upset his coalition partner, the Conservative Alliance Matanitu Vanua, which had made a deal with Speight and his co-conspirators, who are either undergoing imprisonment or facing charges, to free and exonerate them in time for the next election, due in 2006. The Bill entitles a person who has been convicted and granted amnesty to have his conviction sentence completely erased, even allowing him to stand for election.

Incumbency and four years in office without solving most of the problems facing the people has taken a heavy toll on Qarase's popularity. It will not be surprising if Speight, after getting his conviction erased, emerges as the prime ministerial candidate of a CAMV-SDL alliance as both the parties agree that the political leadership if Fiji should remain with indigenous Fijians only for all time to come.

The author, a veteran journalist who retired from The Statesman, is based in Chennai.