

# **Contribution of Law Reform Commission to the Strengthening of Constitutionalism, Rule of Law and Democratic Governance in Mauritius**

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## **1. Introduction**

LRC's mandate [section 4(1) Law Reform Commission Act] is to review laws, recommend reforms and advise the Attorney-General on ways in which the laws can be made understandable, as is practicable. Since 2007, time and again the Commission has asserted in its Annual Programs of Review, Reform and Development of the Law, that it would also keep the Constitution, which is supreme law of Mauritius under review.

The Commission has also opined that it considers its primary function is of ensuring that our laws are in conformity with constitutional and human rights standards, as well as with our international obligations. The Commission has recently reaffirmed this commitment in its Strategic Plan 2010-2012 [released in January 2010]: one of its strategic objectives is to have "constitutionally appropriate and consistent law that acknowledges the international human rights instruments and other treaties to which Mauritius is a party".

The purpose of this paper is to highlight the contribution of the law Reform Commission of Mauritius to the strengthening of Constitutionalism, the Rule of Law and Democratic Governance, in particular the appropriateness of the Independence Constitution and the need to ensure laws and practices are in conformity with the Constitution.

## **2. Appropriateness of the Independence Constitution**

### **2.1 Need for a Home-Grown Constitution in a Globalized World**

In its 1<sup>st</sup> annual program, the Commission expressed its agreement with the views of Professor Carlson Anyangwe (UNDP Consultant) in his report on 'Situation Analysis of the Human Rights Landscape in Mauritius' (2006), namely that :

*"The Independence Constitution ought to be revisited to take on board many crucial matters the critical mass in Mauritius would want to see included in the Constitution. A mere tinkering of the existing Constitution might not do. A new home-grown, autochthonous constitution would commend itself to the generality of the people. A Constitution Review Commission put in place would propose a draft new constitution after holding public hearings round the country, after having full consultation with and receiving input from all stakeholders. Such an exercise would provide a unique opportunity for resolving contentious national issues, building national consensus around hotly disputed matters, adapting the constitution and national legislation to reflect international human rights standards, and adopting appropriate and effective legal mechanisms and guarantees to ensure effective enforcement of these standards."*

The Commission has been of the opinion that there is the need for a Home-grown Constitution, in the context of globalization, which would take into account the best practices which have emerged since the Independence Constitution was designed and which would also embody the core values of the nation [which are those of its people, of the various stakeholders in society, as well as those of the founding fathers].

At the 29<sup>th</sup> meeting held on 17 April 2008, the Commission was of opinion that the time had come for the establishment of a Constitutional Review Commission to review the Constitution, after extensive research and consultations, to propose recommendations for a New Constitution, which might be approved by referendum. The Commission considered the Review Exercise should aim at:

- (a) Strengthening those principles/concepts underlying the Independence Constitution which have served us well [rule of law, separation of powers, independence of the judiciary, protection of fundamental rights and freedoms, democratic accountability, existence of politically neutral zones];
- (b) Revising existing arrangements which have turned out to be inadequate;
- (c) Doing away with those arrangements which are out-dated and whose contemporary usefulness can seriously be questioned;
- (d) Complementing existing arrangements with new concepts and norms (making additions to the existing framework where it is felt the current Constitution is incomplete)

Government has favourably responded to LRC's request. In the Presidential Address on Government Program 2010-2015 on 8 June 2010, at para. 5 & 6, it was announced that:

5. *The Constitution we inherited from the founding fathers of the nation has served us well. However, no matter how well our institutions may be seen to be functioning, they need to be adjusted to help the country face new challenges. We need a constitutional regime that will strengthen our democracy, promote nation-building and further entrench the fundamental rights and freedom of all Mauritians.*
6. *As part of this process of constitutional review, Government will start wide ranging consultations and will appoint a team of constitutional experts which will assess the application of the Constitution since 1968 and consider the appropriate constitutional reforms, including the reform of our electoral system.*

## 2.2 Need to Further Entrench Fundamental Rights and Freedoms

At its 36<sup>th</sup> meeting held on 28 May 2010, the Commission approved that fundamental rights should be further entrenched in the Constitution. There is a need to better safeguard existing rights, to afford constitutional protection to economic, social and cultural rights, and also to guarantee the rights of vulnerable persons.

## 2.2.1 Better guaranteeing existing rights

- (a) Affording better protection to equality than what is currently guaranteed by sections 3 and 16.

In the Issue Paper on “Equality/Anti-Discrimination Legislative Framework [November 2008] (Re Equal Opportunities Bill No. XXXVI of 2008), observations were made about the structure of the anti-discrimination provision. It was considered the structure of the anti-discrimination provision is *self-contained* [it prohibits discrimination on specified grounds] and is not in line with best international practices in the field. Our international obligation under articles 2 and 26 CCPR [International Covenant on Civil and Political Rights] requires of us that we enact an *open-ended provision* [whereby discrimination is prohibited on the basis of an indeterminate number of grounds, the grounds mentioned being merely instances of discrimination].

A non-discrimination, or equality provision, which is *open-ended* or indeterminate, as to the possible grounds of discrimination that will engage the right, has one particular significant interpretative result. Determining whether a given distinction violates the non-discrimination principle will never concern whether the given distinction is covered by the non-discrimination provision or not. Every distinction, of any kind, will invoke the non-discrimination or equality principle. History shows that the legislature cannot beforehand foresee all forms of prejudice and discrimination that may crop up in a given society.<sup>1</sup>

- (b) Affording better protection to right to respect for privacy

Affording not merely protection to privacy of home and premises, as is currently the case under section 9 of the Constitution, but also respect for private and family life.

- (c) Affording better protection to the system of freedom of expression

By protecting right of access to information, whilst putting emphasis (as is the case under Article 10 ECHR) that this freedom carries with it duties and responsibilities.

The right to freedom of expression is afforded constitutional protection by section 12 of the Constitution. Freedom of expression is defined as the freedom to hold opinions and to receive and impart ideas and information without interference. Freedom of expression constitutes one of the essential foundations of a democratic society. It is necessary for the pursuit of truth, individual self-fulfillment, and the democratic process. The right guaranteed by section 12(1) does not cover access to official information.<sup>2</sup>

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<sup>1</sup> With the development of science and technology, new forms of discrimination are likely to emerge, such as genetic discrimination: *vide* Australian Law Reform Commission Report No. 96 on ‘Protection of Human Genetic Information’ vol. 1 at pp. 289-318 and vol. 2 at pp. 651 seq.

<sup>2</sup> The constitutional provisions could be drafted in the following manner:

**Protection of right of access to information**

(d) Better Secure Protection of Law (section 10)

- i. By protecting rights to just administrative action.<sup>3</sup>
- ii. By prescribing as a constitutional norm that slavery (and other related practices) is a crime against humanity.

2.2.2 Affording constitutional protection to economic, social and cultural rights

It has been considered that the following rights – bearing in mind the provisions in the Draft 2006 Constitution of Trinidad & Tobago and the 1996 Constitution of South Africa - could be afforded constitutional protection:

(a) right to education;<sup>4</sup>

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- (1) Everyone shall have the right of access to –
    - (a) Any information held by the State; and
    - (b) Any information that is held by another person and that is required for the exercise or protection of any rights.
  - (2) The law shall give effect to this right and may provide for reasonable measures to alleviate the administrative and financial burden of the State.
  - (3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision –
    - (a) in the interests of defence, public safety, public order, public morality;
    - (b) for the purpose of protecting the rights or freedoms of other persons;except so far as that provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society.

<sup>3</sup> The provisions could be drafted as follows:

**Protection of rights to just administrative action**

- (1) Everyone shall have the right to administrative action that is lawful, reasonable and procedurally fair.
- (2) Everyone whose rights have been adversely affected by administrative action shall have the right to be given reasons.
- (3) The law shall give effect to these rights, and must –
  - (a) provide for the review of administrative action by a court or, where appropriate, an independent and impartial tribunal;
  - (b) impose a duty on the State to give effect to the rights in subsections (1) and (2); and
  - (c) promote an efficient administration.
- (4) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (2) to the extent that the law in question makes provision –
  - (a) in the interests of defence, public safety, public order;
  - (b) for the purpose of protecting the rights or freedoms of other persons;except so far as that provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society.

<sup>4</sup> The constitutional provisions could be drafted along those lines:

**Protection of right to education**

- (1) Everyone has the right to –
  - (a) a basic education, including adult basic education; and
  - (b) further education, which the State through reasonable measure shall make progressively available and accessible.

- (b) right to language and culture;<sup>5</sup>
- (c) right to housing;<sup>6</sup>
- (c) right to basic amenities;<sup>7</sup>
- (d) right to a healthy and sustainable environment;<sup>8</sup> and
- (e) right to freedom of trade, occupation and profession.<sup>9</sup>

(2) In order to ensure the effective access to, and implementation of, this right, the State shall consider all reasonable educational alternatives, taking into account various types of education to meet different levels of competencies.

<sup>5</sup> The constitutional provisions could be drafted as follows:

**Protection of right to language and culture**

Everyone shall have the right to use the language and to participate in the cultural life of their choice, but no one exercising these rights may do so in a manner inconsistent with any provision of this Constitution or any law enacted under this Constitution.

<sup>6</sup> The constitutional provisions could be drafted in the following manner:

**Protection of right to housing**

- (1) Everyone shall have the right to have access to adequate housing.
- (2) The State shall take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right.
- (3) No one may be evicted from their home, or have their home demolished, without an order of a court of law made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.

<sup>7</sup> The constitutional provisions could be drafted as follows:

**Protection of right to basic amenities**

- (1) Everyone shall have the right to have access to-
  - (a) health care services, including reproductive health care;
  - (b) sufficient food and water; and
  - (c) social security including, if they are unable to support themselves and their dependants, appropriate social assistance.
- (2) No one may be refused emergency medical treatment in a public health institution.
- (3) The State shall take reasonable measures, within its available resources, to achieve the progressive realisation of each of these rights.

<sup>8</sup> The constitutional provisions could be drafted along those lines:

**Protection of right to a healthy and sustainable environment**

- (1) Everyone shall have the right to an environment that is not harmful to their health or well-being; and
- (2) Everyone shall have the right to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that –
  - (i) prevent pollution and ecological degradation;
  - (ii) promote conservation; and
  - (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

<sup>9</sup>The constitutional provisions could be drafted in the following manner:

**Freedom of trade, occupation and profession**

## 2.2.3 Guaranteeing the rights of vulnerable persons

Guaranteeing in the Constitution the rights of the following vulnerable persons:

- (a) the child;<sup>10</sup>
- (b) the elderly person;
- (c) the person with disabilities;
- (d) a witness in court proceedings;<sup>11</sup> and
- (e) the consumer.

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Every person shall have the right to choose his trade, occupation or profession freely. The practice of a trade, occupation or profession may be regulated by law.

<sup>10</sup> The following guarantee can be afforded to the child:

### **Protection of the rights of the child**

- (1) Every child, being a person under the age of eighteen years, shall have the right -
  - (a) to a name and a nationality from birth;
  - (b) to parental care or family care, or, when removed by the State from that environment, to appropriate alternative care;
  - (c) to basic nutrition, shelter, basic health care services and social services;
  - (d) to be protected from maltreatment, neglect, sexual abuse or any other form of abuse or degradation;
  - (e) to be protected from exploitative labour practices;
  - (f) not to be required or permitted to perform work or provide services that -
    - (i) are inappropriate for a person of that child's age; or
    - (ii) place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development;
  - (g) not to be detained except as a measure of last resort, in which case, in addition to the rights a child enjoys in relation to freedom and security of the person and in relation to a person being accused, arrested, or detained, the child may be detained only for the shortest appropriate period of time, and shall have the right to be -
    - (i) kept separately from detained persons who are over the age of eighteen years; and
    - (ii) treated in a manner, and kept in conditions, that takes account of the child's age;
  - (h) to have a legal representative assigned to the child by the State, and at the expense of the State, in civil proceedings affecting the child, if substantial injustice would otherwise result;
  - (i) not to be used directly or indirectly in any form of armed conflict, and to be protected in time of such conflict; and
  - (j) to be protected from any form of sexual trade for the purpose of pornography or any other dehumanizing or illicit purpose.
- (2) A child's best interests shall be of paramount importance in every matter concerning the child.
- (3) The State shall take reasonable measures, within its available resources, to achieve the progressive realisation of these rights, by setting out clearly the criteria for eligibility.

<sup>11</sup> The following guarantee can be afforded:

### **Witness Protection**

- (1) The State shall ensure that necessary and reasonable action is taken to protect the safety and welfare of a witness in any proceedings before a court.
- (2) In this section
  - “witness” includes a person who has made or given a statement in any form or who has given or agreed to give evidence in any proceedings in relation to the commission of an offence;
  - “proceedings” includes any procedure in relation to an alleged or proven offence, including an inquiry or investigation, or preliminary or final determination of such inquiry or investigation.

## 2.3 Need to reconsider Existing Arrangements

There is a need to consider how existing arrangements can be improved so as to strengthen our democracy and further promote nation-building.

### 2.3.1 Mechanisms for better enforcing the Constitution, better Securing Compliance of Laws and Policies with Constitutional Norms

The Commission has reflected on how Mauritius can benefit from the approaches taken by other jurisdictions regarding enforcement of, securing compliance with, constitutional norms. What can be learnt about the methods, specificity, and limits of judicial enforcement? In that context, the Commission took note that an important observation made by Professor S.A. De Smith, Constitutional Commissioner, in his November 1964 Report [Sessional Paper No. 2 of 1965, Report of the Constitutional Commissioner] had been overlooked. At para. 34 of that Report, he did mention:

*“Some thought might also be given to the idea of establishing a Constitutional Council ... whose main function would be to report on Bills which in its opinion were inconsistent with the terms of the Constitution.”*

### 2.3.2 Electoral System

In the Report on “Local Government Reform” [June 2009], the Commission recommended that provision be made for a political party to be under the obligation to ensure gender representation on its electoral list of candidates.

Government has favourably responded to our recommendation. Local Government Bill 2011 provides that not more than two-thirds of candidates of a group at an election to a local authority shall be of the same sex. The Constitution is being amended so that a law providing for a minimum number of candidates for election to local authorities to be of a particular sex, with a view to ensuring adequate representation of each sex on a local authority, shall not be regarded as discriminatory.

Criticisms have been expressed at the system of allocation of additional seats in the National Assembly [more commonly known as the “best loser system”]. A candidate at a general election is under a legal obligation to declare on the nomination paper the community to which he or she

belongs, failing which, his or her nomination paper will be held invalid by the Returning Officer.<sup>12</sup>

At its 29<sup>th</sup> meeting held on 17 April 2009, the Commission examined the issue of communal representation under our electoral system [regarding elections to National Assembly] and expressed its agreement with the views of Professor S.A. De Smith, Constitutional Commissioner, in his November 1964 Report [Sessional Paper No. 2 of 1965, Report of the Constitutional Commissioner], about any form of ‘communal representation’.

In his book, “The New Commonwealth and its Constitutions”, Professor de Smith had earlier written, in relation to the representation of minority communities, the following at page 117:

*“The idea that minority communities should be guaranteed special representation as such in the legislature is seldom acceptable in Africa and Asia today. Communalism stands for divided loyalties; it inhibits the development of a national consciousness; it is identified with religious fanaticism or tribal separatism or economic and social privilege. In the United Kingdom, Jews, Roman Catholics and West Indians may suffer unofficial discrimination in various ways, but it is not thought necessary or desirable to give them distinct representation in the House of Commons. Why, then, should it be thought necessary to single out communal groups in new states for this form of preferential treatment? The outside observer who detects the accents of special pleading must remind himself that communal representation, in so far as it entails the reservation of seats for communal members elected only by members of their own communities, has a poor record. It tends to magnify existing communal differences, inasmuch as communities are stirred to fuller self-consciousness and electoral campaigns are dominated by appeals to communal prejudices; and new communities discover themselves as further claims to separate representation are lodged.”*

When considering proposals for the particular electoral system and the Legislature that might best meet the needs of Mauritius, the Professor expressed the same concerns at paragraph 19 of his report (Report of the Constitutional Commissioner, November 1964, Sessional Paper No. 2 of 1965 of the Mauritius Legislative Assembly) as follows –

*“Some of the proponents of communal representation sought to show that this would discourage communalism and strengthen tendencies to vote along party lines; others conceded that it would encourage communalism but asserted that communalism was in any event an ineluctable fact of life in Mauritius. My own belief is that the immediate effect of the introduction of communal representation in any form would be to intensify communalism by endowing it with the accolade of legitimacy, that candidates in an electoral campaign would experience irresistible temptations to appeal to the narrower communal prejudices, that there would be increasing demands for communal representation in other walks of private life, and that the long-term effects would be deleterious both to the minorities which now think of it as a safeguard and to the general welfare of the island.”*

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<sup>12</sup> Paragraph 3(1) of the First Schedule to the Constitution requires of every candidate for election at any general election of members of the Assembly that he declares in such manner as may be prescribed which community he belongs to. According to paragraph 3(4) of the Schedule, the population of Mauritius shall, for the purposes of the schedule, be regarded as including a Hindu community, a Muslim community and a Sino-Mauritian community; and every person who does not appear, from his way of life, to belong to one or other of those 3 communities shall be regarded as belonging to the General Population, which shall itself be regarded as a fourth community.

But the Commission also took note that the system of allocation of additional seats to most successful unreturned candidates at legislative/national assembly elections on the basis of appropriate community and appropriate party, according to the First Schedule to the Constitution, while giving effect in some measure to communal considerations, institutionalized the political party as a vehicle to ward off those evils and dangers by encouraging multi-communal parties.

As pointed out by Justice Lallah (as he then was) in *Sir Gaetan Duval v François* [1982] MR 84:

*“Unlike the case in constitutions where only one political party is institutionalized, our Constitution conforms to the model which implicitly recognises - and indeed encourages - a multiplicity of parties. With this essential difference, however, that elsewhere, first, the electoral law does not necessarily recognize the political party as a participant (nomination and ballot papers in the United Kingdom, for example, show only the names of candidates) and, secondly, the existence of political parties is traditionally or conventionally determined by practical considerations of forming a government. Our Constitution, however, though permitting independent candidates to stand for election in the limited, though important, sphere of the direct election of members of Parliament, nevertheless expressly recognises, in Schedule 1, the existence of political parties. And candidates of those parties are entitled to participate both in the direct election process and the subsequent election by the allocation of additional seats. It further recognises the existence of four main communities in that it expressly requires every candidate, whether independent or not, to declare in his nomination paper which of the four communities he belongs to. There was clearly deliberate purpose behind the constitutional recognition of political parties and, if this purpose is properly perceived, it would shed light on the rights of political parties as such and those of the officials, in particular, the leader of a political party whom the Constitution also recognises ...*

*A complex system was devised in Schedule I to our Constitution which, while giving effect in some measure to communal considerations, institutionalized the political party as a vehicle to ward off those evils and dangers. Thus, in this system, communal parties could not expect to fare well in all twenty one constituencies. In normal circumstances, no independent candidate nor any party which had not returned at least one candidate could participate in the allocation of additional seats. But, most importantly, while the allocation of the first four of the eight additional seats was made to be determined by communal considerations, the party was given the constitutional guarantee to claim its rights in relation to the allocation of the remaining four seats a measure clearly designed as much to encourage multicomunal parties, if they had any pretensions to form a government as to prevent the result of the elections from being frustrated by depriving a party of a majority that it had democratically won. And the system of block voting was called in aid, if only with variable possibilities of success, to strengthen the notion of party politics in the mind of the electorate.”*

A team of International Constitutional Experts was appointed in September 2011 to look into and make proposals for the reform of the electoral system, regarding elections to National Assembly.<sup>13</sup> In the light of their proposals, Mauritians shall be called upon to debate on the issue and decide accordingly.

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<sup>13</sup> The Review is being carried out with the following objectives:

- Effectiveness: an election should allow the emergence of a majority and it is for the electorate to choose the people by whom they wish to be governed;
- Equity: the proposals should address and correct the inordinate imbalances created by the First-Past-the-Post system which has frequently produced results which were grossly disproportionate to the share of votes obtained by the different parties;
- Diversity: the electoral system should ensure a fair representation of all the different components of the Mauritian population in Parliament; and

### 3. Compliance of Laws and Policies with the Constitutional Norms

Time and again the Commission has drawn the attention to laws and practices which fall short of the norms/imperatives in the Constitution.

#### 3.1 Operational Autonomy of the Office of Director of Public Prosecutions

In March 2009, the Commission released an Issue Paper on “The Office of Director of Public Prosecutions [DPP] and the Constitutional Requirement for its Operational Autonomy” in which it asserted that:

- (a) The operational autonomy of the Office of Director of Public Prosecutions is a constitutional imperative and the Office of the DPP must operate independently of the Office of the Attorney-General;<sup>14</sup>
- (b) The practice since independence of law officers working at Attorney-General’s Office appearing for or advising DPP falls foul of the principles underlying the setting-up in the Constitution of distinct offices of Attorney-General and DPP. This arrangement is unconstitutional and should be brought to an end;
- (c) Civil Establishment Orders, adopted in accordance with section 74 of the Constitution and the Civil Establishment Act, must give effect to this constitutional imperative of the independence of the Office of the DPP: posts for law officers involved in criminal prosecutions must be established under the Office of the DPP;
- (d) Since independence, the salary and other allowances of the DPP appear in Appropriation Acts as a vote item under the Attorney-General’s Office. This practice also is unconstitutional and must cease. Henceforth in Appropriation Acts the budget of the Office of the DPP should appear as a vote item for an independent body, as is that of the Judiciary.

Emphasis was put on what Professor S.A. De Smith said regarding the independent constitutional status of the DPP, which stemmed from the need “to safeguard the stream of criminal justice from being polluted by the inflow of noxious political contamination ... to segregate the process of prosecution entirely from general political considerations.”<sup>15</sup>

In a letter dated 10 April 2009, the Secretary to Cabinet and Head of the Civil Service informed the Commission that, with the approval of the Prime Minister, action had been initiated for the

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- Gender balance: the under representation of women in Parliament must be addressed. The proposals should aim to eventually move towards parity between men and women.

<sup>14</sup> The Office was first established in the 1964 Constitution, as part of the second stage of constitutional developments in Mauritius (as spelled out in the *Text of Agreed Final Communiqué of the Mauritius Constitutional Review Conference of 1961*) [Mauritius Legislative Council, Sessional Paper No. 5 of 1961 - Constitutional Development in Mauritius].

It was agreed at that conference that should provision be made for the post of Attorney-General to be filled by a Minister, who would not be a public officer, “it would be necessary to create a new official post of Director of Public Prosecutions who would be solely responsible in his discretion for the initiation, conduct and discontinuance of prosecutions and would in this respect be independent of the Attorney-General”.

<sup>15</sup> S.A. De Smith, *The New Commonwealth and its Constitutions* (London: Stevens & Sons, 1964), at pp. 144-145.

implementation of LRC's recommendations concerning the operational autonomy of the Office of DPP.

### 3.2 Other Issues

In its Reports and Papers as well as opinions to Hon. Attorney-General, the Commission has drawn the attention *inter alia* to the need for legislation to give effect to constitutional standards, such as:

- (a) Effective equality of arms between parties to the proceedings [“Report on Disclosure in Criminal Proceedings” (Dec 2008)];
- (b) Equal access to courts [Report on “Access to Justice and Limitation of Actions against Public Officers” (May 2008)];
- (c) Right of Accused to a fair hearing [Discussion Paper on “Forensic Use of DNA (April 2009); Issue Paper on “Evidence of Reluctant/Intimidated Witness in Criminal Proceedings: Proposal for Reform of the Law” (May 2010)].

## 4. Concluding Remarks

In a democratic State, reflection on the Constitution, its meaning and scope, should be an on-going process. The meaning of a constitutional text springs from the way it is used and applied, from the perspective from which it is being looked at. It is not astonishing, therefore, that the Constitution can be interpreted in different ways by different institutions. Both strategic and tactical considerations affect the techniques of interpretation which an institution can adopt. Ultimately it is up to our superior courts (in particular the Supreme Court which has been vested with original jurisdiction to interpret the Constitution) to determine the significance, at any given point in time, of a constitutional norm or arrangement.

Law Reform agencies should continuously reflect on the Constitution, as it is as well as it ought to be. The process of Constitutional Reform should be guided by best international practices and must be the outcome of extensive consultations with all stakeholders.