



**AFRICAN UNION OBSERVATION MISSION
TO THE PARLIAMENTARY ELECTIONS OF 10 DECEMBER 2014
IN THE REPUBLIC OF MAURITIUS**

PRELIMINARY STATEMENT

I. INTRODUCTION

1. At the invitation of the Government of the Republic of Mauritius, the Chairperson of the African Union Commission (AU), HE Dr. Nkosazana Dlamini Zuma, has sent a mission to Mauritius in order to observe the parliamentary elections of 10 December 2014.
2. Led by HE Dr. Aminata Touré, former Prime Minister of the Republic of Senegal, the Electoral Observation Mission of the African Union (AU EOM) includes 30 observers. It is composed of Pan-African Parliamentarians, officials of election management bodies and members of civil society. These observers come from 19 countries: Benin, Burkina Faso, Central African Republic, Comoros, Democratic Republic of Congo, Congo, Côte d'Ivoire, Djibouti, Ethiopia, Gabon, Libya, Mali, Mauritania, Mozambique, Nigeria, Senegal, Sudan, Togo and Tunisia.
3. The Mission received technical and logistical support of experts from the African Union Commission, the Pan-African Parliament (PAP) and the Electoral Institute for Sustainable Democracy in Africa (EISA).
4. The mandate of the AU Mission was to assess the regularity, fairness and credibility of the 10 December 2014 elections on the basis of the relevant provisions of the African Charter on Democracy, Elections and Governance, which aims to improve electoral processes, strengthen electoral institutions and conducting free, fair and transparent elections in Africa; the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa; the AU Guidelines for election observation and monitoring missions; and other relevant international instruments governing election observation. It is also based on the constitutional, legal and institutional framework for the organization of legislative elections in the Republic of Mauritius.
5. The Mission met with the country's political and administrative authorities, including His Excellency Mr. Kailash Purryag, President of the Republic of Mauritius; Mireille Martin, Minister of Gender Equality; Mr. Y.H. Aboobaker, Chairman of the Supervisory Electoral

Commission, leaders of political parties competing in these elections; Mr Simon Springett, the UN Resident Representative in the Republic of Mauritius, and Dr N. Nomvuyo Nokwe, the High Commissioner of the Republic of South Africa and Dean of the Diplomatic Corps in Mauritius.

6. Information-sharing sessions among the Heads of Missions of AU, SADC, SADC Parliamentary Forum (SADC PF) and International Organization of the Francophonie (OIF) on the state of preparedness for the elections were held on 9 and 11 2014.

7. This preliminary assessment made at the end of the observation of voting and counting operations will be followed by a final report to be made available to the authorities of the Republic of Mauritius and the general public at the end the electoral process.

II. METHODOLOGY

8. Prior to deployment, the observers were trained in the methodology of election observation. They also took part in information sessions on the political and electoral context of the Republic of Mauritius. Observers teams deployed in the various districts were able to interact with electoral stakeholders at the local level. The AU EOM also observed the end of the election campaign, the voting on election day and the counting the day after the elections.

9. On election day, the AU EOM deployed its 11 observer teams in all nine districts of the Republic of Mauritius namely Flacq Grand Port, Moka, Pamplémousses, Plaines Wilhems, Port Louis, Rivière Noire, Rivière du Rempart, Savane and the region of Rodrigues. In total, the Mission observed the voting in 170 polling stations.

III. PRE-ELECTION ENVIRONMENT

A. The political context

10. The 2014 elections took place six months ahead of schedule, as a result of the Prime Minister's decision to dissolve Parliament and call early elections. This decision was motivated by the desire of the ruling Labour Party (MLP), in alliance with the opposition Mauritian Militant Movement (MMM), to introduce sweeping constitutional reforms. These reforms would include the establishment of a semi-presidential regime, with direct election of the President and increased presidential powers, and the replacement of the current block vote electoral system by proportional representation.

11. The electoral deal between the MLP and the MMM, if the alliance won the elections with a 2/3 majority and was able to change the Constitution, also included the MLP leader resigning as Prime Minister to run for President and the MMM leader becoming Prime Minister.

B. The legal framework and electoral system

12. The legal framework governing the 2014 elections consists of a range of laws and regulations, including the constitution of 1968, which was amended in 2014; National Assembly regulations, the People's Representation Act, which was amended in 2014, the rules for the election of the National Assembly and the code of conduct for National Assembly elections.

13. The AU EOM noted that the Constitution guarantees all human rights and the right to universal, direct and secret suffrage, as long as the person is registered on the electoral list in the constituency.

14. The Constitution recognises the existence of four ethnic communities: Hindu, Muslim, Chinese and General Population as a way to ensure the representation of different social groups in the country and prevent the dominance of the majority ethnic community over other social groups.

15. The legislative power consists of a National Assembly with a maximum of 70 seats. Of these, 62 members are elected on the basis of open block vote from 20 districts on the island of Mauritius and the island of Rodrigues. Each of the 20 districts has three seats in Parliament, but only two seats are allocated to the island of Rodrigues.

16. Up to eight members are chosen through a "best losers" system. The Supervisory Electoral Commission appoints losing candidates to ensure fair and adequate representation of each community in the Mauritian society. To benefit from this system, the candidates must declare their ethnicity. However, with the amendment of the constitution for the 2014 elections, candidates who do not declared their origins cannot benefit from this system.

17. The Mission noted that for the first time Mauritian voters had to present an ID card or document with a photograph that could identify the voter. The introduction of this system may contain possible fraud or manipulation. However, the Mission found that these reforms did not introduce an effective mechanism to prevent double voting, as for example the inking of voters' fingers.

18. The AU EOM also found that there are no legal provisions to ensure gender parity for candidates in parliamentary elections.

19. The AU EOM noted that the Republic of Mauritius has not ratified the African Charter on Democracy, Elections and Governance, which aims to improve electoral processes, strengthen electoral institutions and the conduct of free, fair and transparent elections in Africa.

C. Election management

20. The Mauritius Constitution states that there are three independent entities that are responsible for various aspects of the electoral process: the Supervisory Electoral Commission, the Electoral Boundaries Commission and the Electoral Commissioner.

21. The Constitution provides that, in the exercise of his/her functions, the Electoral Commissioner shall not be under the direction or control of any other person or authority. This provision formally guarantees his/her independence. The Supervisory Electoral Commission is the constitutional body responsible for overseeing the registration of voters for the election of members of the National Assembly and the conduct of National Assembly elections. The Constitution gives the Electoral Boundaries Commission the responsibility to revise electoral boundaries. The Mission found that the latest revision of electoral boundaries was conducted in 1986. Consequently, the 2014 elections were conducted on the basis of old boundaries.

22. The AU EOM found that the Mauritian population and electoral stakeholders have a high level of trust in electoral management bodies. The level of preparation and organization of these bodies was remarkable. The MOEUA noted that election day logistics were faultless and polling centers and stations were well organised. The distribution of voters by polling station in alphabetical order and the public display of voters' lists at every polling station was very effective.

D. Delimitation of constituencies

23. The Mission noted that there are significant disparities between the population size of some constituencies although they have the same weight of representation in Parliament. For instance, Savane/Rivière Noire and Pamplemousse/Triolet have 62,524 and 62,092 voters respectively, whereas Port Louis Maritime/Port Louis East and Port Louis South/Port Louis Central have 23,112 and 25,470 respectively, but all four have 3 representatives in the National Assembly. The island of Rodrigues, with 28, 785 voters, only has two seats in Parliament.

E. Candidates

24. For the parliamentary elections of 2014, there were two alliances of political parties, 69 political parties and 739 candidates registered with the Electoral Commissioner. Both political parties and independent candidates were allowed to compete in these elections. The Mission received no complaints about the candidature submission process.

F. The electoral campaign and its financing

25. There is no specific period established by law for the electoral campaign, nor a given time to end campaign activities. The Mission noted that the law simply states that election day campaign activities are not allowed within 200 meters of polling stations. However, the law is silent on the wearing of clothing with party colours, and on contacts between candidates and voters inside the polling centres.

26. The AU EOM found that there is no specific legislation governing the funding of political parties and candidates. The Law on the People's Representation regulates the

financing of election campaigns, but only provides ceilings on campaign spending. In addition, the Mission noted that there is no public funding of political parties and election campaigns in Mauritius. This opens the door to the undue influence of private money in elections and in the public sphere.

G. Participation of women and minority rights

27. The Mission noted that women's representation in Parliament has improved in the last five elections: the percentage of women in parliament has increased from less than 5% in 1991 to nearly 19% in 2010. The Mission found that in 2014 the percentage of women candidates was 17.32%, while during the last elections in 2010 it was 11%. However, the AU EOM noted that these figures are still far from the parity goal established both in the African Charter on Democracy, Elections and Governance and the SADC Protocol on Gender and Development. Moreover, political parties are still male dominated as there are very few women as party leaders.

28. The AU EOM found that women are better represented in election management than in politics: nine of the nineteen members of the Supervisory Electoral Commission are women.

29. The AU EOM noted the efforts of the election management bodies to have a polling station for the disabled at each polling centre.

H. Civil society and the electoral process

30. Civil society organizations are traditionally involved in the electoral process and specifically in civic and voter education and election observation. The electoral law of the Republic of Mauritius does not allow citizen observation. The AU EOM noted that organizations of the Mauritian civil society were not involved in the electoral process in accordance with the 2014 African Charter on Democracy, Elections and Governance, which advocates the creation of legal conditions for effective citizen participation in the democratic process and the management of public affairs.

I. The media

31. Article 1 of the Code of Conduct for the 2014 elections provides equal access to public and private media and balanced coverage of political views. The AU EOM found that the distribution of air time to parties and candidates for campaign and propaganda broadcasts on the national public broadcaster is not regulated by law, but by the broadcaster itself in consultation with parties and candidates.

32. The AU EOM noted that the airtime allocation criteria include not only the number of seats political parties and candidates are competing for, but also the number of seats currently held. This clearly gives an advantage to larger parties and those more rooted in the population compared to the smaller parties and independent candidates.

IV. Voting and counting operations

33. Mauritians went to the polls on 10 December 2014 in a calm and friendly atmosphere. Based on the observations made in 170 polling stations visited, 40% of which were located in rural areas, the AU EOM presents its findings on the conduct of these elections:

A. Location and accessibility of polling stations

34. Most polling stations were located in schools close to the places of residence of voters. They were arranged as to ensure smooth voting. The Mission noted that there was a polling station dedicated to people with disabilities in each voting center.

B. Polling environment

35. In all polling stations observed by the Mission, the environment was calm and peaceful. There were queues in only 18% of the visited polling stations, and the security personnel was present but discreet. Observers noted that there were campaign activities within the prohibited perimeter around 16% of the polling centres observed.

C. Opening procedures

36. The Mission noted that political party and candidate agents were allowed into the polling stations before the opening to perform their duties without hindrance and that all ballot boxes were empty and properly sealed before voting began.

D. Party and candidate agents and observers

37. The political party and candidate agents were present in all polling stations visited by the AU EOM. The representation of all the contending parties was not consistent. The atmosphere of conviviality between agents from different parties in the polling stations contributed to the success of voting in all locations visited by the Mission.

E. Election materials

38. AU observers noted that election materials were available in time and in sufficient quantities throughout election day. The polling officials and party agents had a copy of the electoral list, which helped to confirm the identity of the voter.

F. Election personnel

39. The AU EOM noted the presence of polling station staff in sufficient numbers. They demonstrated professionalism and mastery of voting procedures.

40. Observers from the African Union noted that the polling station staff were up to their task and interacted normally with the election stakeholders, namely political parties agents and observers.

G. Voting process

41. The understanding of voting procedures and the peaceful atmosphere prevailing in the polling centers and stations have allowed for a smooth process. At no time was the vote interrupted or disturbed. All polling stations remained open until the legal closing time.

42. The Mission observed that no voter was deprived from exercising the right to vote. Furthermore, the secrecy of voting was preserved in all polling stations visited.

43. The Mission noted that the campaign activities were observed in 17% of polling stations observed, mainly by agents of certain parties wearing T-shirts with party colors. In a voting center, a candidate was seen shaking hands with voters. All these activities are not prohibited by law, but can be perceived as disguised campaign activities.

H. Participation of women

44. Women were represented in a remarkable manner as voters, party agents (74%) and polling station staff (63%). In all the stations visited, the Mission noted with satisfaction that women were occupied various positions among polling station staff, including that of presiding officer.

I. Turnout

45. MOEUA noted that the participation of the electorate of 73.11% is high in relation to the elections in several African countries, but is low compared to previous elections in Mauritius.

J. Security

46. The presence of security forces was observed in all the polling centres where observers were deployed. They were discrete throughout the day.

K. Closing of the poll

47. All polling stations visited by the AU teams closed at 18H00, the legal closing time in the 20 districts of Mauritius island and 17H00 on the island of Rodrigues.

48. The AU EOM noted that at the time of closing, all polling stations observed were peaceful and calm, there were no queues and police officers were present everywhere, but discreetly. Observers and parties agents were allowed to follow unhindered the closing operations.

49. The Mission noted that presiding officers followed all the prescribed procedures, including the sealing of ballot boxes, accounting for all the ballots, packaging all the documentation and its delivery to the returning officers. In addition, the Mission noted that the party agents and observers were allowed to follow the boxes and materials to the counting centers, where they were locked safely in storage rooms.

L. Counting operations

50. The counting took place in line with the regulation for the National Assembly elections, which provides for the counting of votes the day after the election, from 8H00 to 18H00 in centres designated for that purpose. The Mission noted the efficiency of the centralized counting system used in the specific context of the Republic of Mauritius. No material fact that could have had a negative impact on the security, transparency and accuracy of the counting process was detected.

RECOMMENDATIONS

The AU EOM recommends to the National Assembly:

- To ratify the African Charter on Democracy, Elections and Governance, which aims to improve electoral processes, strengthen electoral institutions and conducting free, fair and transparent elections in Africa.
- To reform the legal framework to ensure gender parity in the National Assembly in accordance with Article 29 of the African Charter on Democracy, Elections and Governance and the SADC Protocol on Gender and Development.
- To amend the electoral law to ensure that counting takes place at the polling stations immediately after the closing of polls in order to conform with the international principles governing democratic elections.
- To reform the legal framework to regulate the private funding of political parties and campaigns, and to consider the establishment of public financing of political parties.
- To reform the legal framework in order to allow election observation by Mauritian citizens through civil society organisations.

- To include regulations for media coverage of electoral campaigns in the electoral legal framework to ensure equitable access by political parties and candidates to the public media.
- To reform the legal framework in order to have a deadline for the end of electoral campaigning and to prohibit any campaign activity on Election Day.

The AU EOM recommends to the political parties:

- To preserve the prevailing climate of peace and tolerance in Mauritius.
- To favour women representation within the leadership of political parties.

The AU EOM recommends to the Election Commissioner:

- To improve the voter control system by introducing indelible ink or another system that may be consensual among political parties.

The AU EOM recommends to Electoral Boundaries Commission:

- To undertake a review of the delimitation of constituencies in order to have a more balanced and fairer representation of the national territory.

CONCLUSION

Following discussions with the various electoral stakeholders and on the basis of data collected by observers on the ground, the African Union Election Observation Mission notes with satisfaction that the parliamentary elections of 10 December 2014 were held in satisfactory conditions of freedom and transparency.

The Mission urges all Mauritian political stakeholders to respect the will of the people as expressed through the ballot box and to use only legal channels for any claims they may have. It encourages them to maintain the atmosphere of peace that has prevailed to date in order to preserve the stability of the country.

The Mission congratulates the Office of the Electoral Commissioner for the excellent job performed in the successful organisation of these elections.

The AU Mission would like to take advantage of this opportunity to congratulate the people of Mauritius and all political stakeholders for the maturity they demonstrated during this electoral process.

Done at Port Louis, 12 December 2014

For the Mission,

S. E. Dr. Aminata Toure

Head of Mission