



ELECTORAL OBSERVER REPORTS

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EISA ELECTION OBSERVER MISSION REPORT

MAURITIUS



MAURITIUS NATIONAL ASSEMBLY ELECTIONS 3 JULY 2005



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EISA's mission is to strengthen electoral processes, good governance, human rights and democratic values through research, capacity building, advocacy and other targeted interventions.

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EXECUTIVE SUMMARY

In line with its vision of promoting credible elections and democratic governance in Africa, EISA deployed an Election Observer Mission to the Mauritius National Assembly Elections which were held on Sunday, 3 July 2005. The present report outlines the EISA Observer Mission's assessment, findings and analysis of the electoral process in all its phases, specifically the pre-election phase, the polling, the counting and the post-election phase which includes the proclamation of the results.

The Mission was led by M. Denis Kadima, the EISA Executive Director, and consisted of 17 members, which included representatives from Electoral Commissions and civil society organisations (CSOs) from five other Southern African Development Community (SADC) countries (namely Angola, Democratic Republic of Congo, Mozambique, South Africa and Zimbabwe), as well as an electoral expert from Denmark.

Members of the Mission started arriving in Port Louis on 22 June 2005, where they gathered for briefing sessions during which key election stakeholders addressed them on critical issues of the electoral process in Mauritius. From 29 June to 4 July 2005, EISA deployed 4 teams throughout Mauritius mainland and one team in Rodrigues. On the voting day, Sunday 3 July 2005, the EISA teams visited a total of 322 voting rooms in 57 polling stations and the following day they were able to observe the counting process in six Counting Centres.

The Mission used the 'Principles for Election Management, Monitoring and Observation in the SADC Region' (PEMMO) as the basis for assessing the 2005 National Assembly Elections in Mauritius. PEMMO is the result of 3 years of work by the Electoral Commissions Forum (ECF) of SADC countries and EISA, in consultation with CSOs working in the field of elections. Subsequently, the election principles which serve as benchmarks in the conduct and assessment of elections in the SADC region were adopted on 6 November 2003 in Johannesburg, South Africa. PEMMO outlines standards

and good practices for the conduct and assessment of elections in the SADC region and has been applied for the assessment of all the elections held in the region since April 2004 to date, that EISA has had the opportunity to observe.

During its assignment in Mauritius, the EISA Mission attended various meetings and briefing sessions, met with various electoral stakeholders, including electoral officials, representatives of political parties, CSOs, the diplomatic community and other international observer groups. The Mission observed the last phase of the electoral campaign, the polling, the counting, as well as the preliminary tabulation of the overall outcome of the election.

This report sums up the main observations and findings of the EISA Mission and makes appropriate recommendations to the relevant electoral stakeholders in Mauritius for further improvements. The report will be shared with all electoral stakeholders in Mauritius, including the Electoral Commissioner's Office, the Electoral Supervisory Commission, political parties and coalitions that contested the elections, as well as CSOs. In addition, EISA will disseminate the findings of this Mission among government authorities, election management bodies and civil society organisations across the SADC region and the African continent so that positive lessons can be drawn from the Mauritian experience.

Basing itself on the guidelines enshrined in the ECF/EISA PEMMO, the EISA Election Observer Mission concluded that the 2005 National Assembly Elections in Mauritius were free and fair.

ACKNOWLEDGEMENTS

The EISA Observer Mission to the 2005 Mauritius National Assembly Elections was made possible and successful through the support and collaboration of a host of people and institutions within and outside of Mauritius. EISA is grateful to all those who, in one way or another, have contributed to the achievement of its observation objective.

We would like to convey our special thanks to the Government of Mauritius and to the Electoral Commissioner's Office for inviting EISA to observe the elections. This was the first time that international observer groups were allowed to observe elections in Mauritius and EISA particularly appreciated being associated with this historic experience and provided with crucial information related to the electoral process in Mauritius.

The mission takes this opportunity to reiterate its great appreciation to political parties, civil society organisations and individuals who agreed to meet and brief the EISA mission on the political context in which the elections were taking place.

The mission is indebted to the people of Mauritius not only for their hospitality and friendly support, but also for their enthusiasm to share their experiences, opinions and views with EISA's delegates on the electoral process in the island.

EISA expresses its gratitude and appreciation to the following partners for their generous financial support which made possible the mission:

- The Swiss Agency for Development and Cooperation (SDC) – Pretoria, South Africa
- The UK Department for International Development (DFID) – Angola and DR Congo

The EISA Elections and Political Processes Department had overall responsibility for the mission. We would like to acknowledge the outstanding and professional contribution of all EISA staff to the success of the mission, under the coordination of Mr. Martinho Chachiuva. Finally the mission is grateful to Mr. Dieudonné Tshiyoyo, EISA Programme Officer, for compiling this report.

1

Historical Overview



- Political developments and electoral background
- The National Assembly Elections of September 2000

Discovered by the Portuguese in 1505, Mauritius was uninhabited when the Dutch occupied it in 1598. The island was subsequently abandoned by the Dutch in 1710 and successively seized by the French in 1715 and the British in 1810 before it gained independence on 12 March 1968 and became a member of the Commonwealth. A Governor-General presided over the parliament on behalf of the British monarch from independence until 12 March 1992, when the Constitution was amended to provide for a republican form of government.

The total land area of Mauritius is 2 040 km², including Agalega Islands, Cargados Carajos Shoals (Saint Brandon), and Rodrigues. The estimated population of Mauritius in July 2000 was 1 179 368. With virtually 600 inhabitants per square kilometre, Mauritius has one of the highest population densities in the world. The largest racial group is Indo-Mauritian, which includes both Hindus and Muslims and constitutes 68% of the total population. Other groups are Creoles, the descendants of mixed Afro-European origin, who account for 27%; Sino-Mauritians constituting about 3%; and Franco-Mauritians, descendants of the early French settlers, estimated at 2%. Mauritius has a reputation for stability and racial harmony among its mixed population of Asians, Europeans and Africans, notwithstanding sporadic ethnic tensions.

1.1. POLITICAL DEVELOPMENTS AND ELECTORAL BACKGROUND

At independence in 1968, the government of Mauritius was led by Sir Seewoosagur Ramgoolam, leader of the Mauritius Labour Party (MLP). Two

parties dominated the political scene at the time: the MLP, mainly representing the Indian community; and the *Parti Mauricien Social Démocrate* (PMSD), led by Gaetan Duval, which generally rallied the Franco-Mauritian and Creole communities. In the early 1970s, the MLP faced a radical challenge from the Mauritian Militant Movement (MMM), led by Paul Bérenger and his allies, mainly from trade unions. In 1971, the MMM instigated disruptive and violent strikes which resulted in the proclamation of a state of emergency and the promulgation of the Public Order Act, which proscribed many forms of political actions. The emergency lasted until 1976, when parliament was dissolved and, after numerous postponements, general elections were ultimately called for December 1976.

The MMM received the largest share of the votes, 38.64%, in the 1976 elections, securing 30 of the 62 directly elected seats. The MLP and allies gained 37.9%, representing 25 seats, while the PMSD received 16.20% of the votes, which translated into 7 seats. The MLP formed an alliance with the PMSD in order to secure a majority in the National Assembly and thereby lock the MMM out of power. However, the government was thereafter beleaguered by internal division and political corruption scandals, which led to a split of the MLP and the formation of the *Parti Socialiste Mauricien* (PSM) by Harish Boodhoo. This was instrumental in securing a landslide victory for the MMM-PSM alliance in the 1982 elections, when the coalition won 64.16% of the vote and all 60 elected seats – 42 to the MMM and 18 to the PSM – in the National Assembly.

In March 1983, the government collapsed when the dominant faction within the MMM, led by Paul Bérenger, split from Arenood Jugnauth's leadership and walked out of the cabinet. As a result, Jugnauth created a new party, the *Mouvement Socialiste Militant*, which merged with the PSM, and was subsequently renamed the *Mouvement Socialiste Mauricien* (MSM). However, the government lacked a majority in the National Assembly, leading to the dissolution of the parliament and the call for elections ahead of the normal schedule.

The MSM entered into a partnership called 'The Alliance' with the Labour Party and the PMSD, while the MMM contested the 1983 elections on its own. Against the backdrop of ethnic and racial tensions, the Alliance received

a comfortable majority with 52.2% of the votes (46 seats) and the MMM gained 46.4% (22 seats). In the aftermath of the 1983 elections, the ruling coalition suffered several setbacks, but was able to retain power, even securing a surprising win in the August 1987 elections, called ahead of schedule after the dissolution of the parliament in July 1987. The MMM and its partners received 48.12% of the votes (but only 21 seats), whereas the Alliance won 49.86% (39 seats).

In the late 1980s, the Alliance began to crumble. To counter the increasing political threat posed by the MLP and the PMSD, the MSM joined forces with the MMM for the September 1991 elections, again called ahead of the normal timetable. The MSM-MMM coalition's support was built in part on the promise of turning Mauritius into a republic. The coalition won a convincing 56.3% of the vote (57 seats) compared to 39.9% for the opposition coalition led by the Mauritian Labour Party. The new government initiated the amendment of the 1968 Constitution that led to the proclamation of Mauritius as a republic in March 1992.

The opposition took its revenge in the elections of December 1995, when it secured a landslide victory that ended the supremacy of the MSM. The Labour Party (LP)¹, in alliance with the MMM, obtained 60 out of the 64 National Assembly seats. Accordingly, Navinchandra Ramgoolam (LP) became Prime Minister and Paul Bérenger (MMM) was appointed Deputy Prime Minister and Minister of Foreign Affairs. In June 1997, the coalition split when Ramgoolam dismissed Bérenger. Following corruption allegations against some Cabinet ministers, Ramgoolam called for an early general election to be held on 11 September 2000.

1.2. THE NATIONAL ASSEMBLY ELECTIONS OF SEPTEMBER 2000

A total of 779 431 voters registered for the 2000 National Assembly Elections. Twenty-one parties and coalitions fielded a total of 354 candidates and 181 individuals stood as independent candidates. The political arena was dominated by two coalitions, namely the ruling Labour Party-*Parti Mauricien Xavier Duval* (LP-PMXD) alliance and the opposition coalition formed

¹ Formerly known as Mauritian Labour Party (MLP)

between the MMM and MSM. The MMM-MSM partnership was based on the agreement that, in the event of electoral victory, Sir Anerood Jugnauth (MSM) would be appointed Prime Minister for the first three years of the government's tenure, and Bérenger (MMM) would succeed him for the remaining two years. It is worth mentioning that the MMM and the MSM had previously had electoral pacts which failed owing to the incompatible characters of the same two leaders.

The opposition won an overwhelming victory with 54 out of the 62 directly elected seats of the National Assembly, whereas the LP-PMXD alliance and the *Organisation du Peuple Rodriguais* (OPR) received respectively 6 and 2 seats.

Following the allocation of additional seats on the basis of the 'best losers' system, the distribution of the seats in the National Assembly was as follows:

Table 1
The 2000 Elections: Allocation of the National Assembly Seats

Party or Coalition	Directly Elected	Best Losers	Total
<i>Alliance MSM/MMM</i>	54	4	58
<i>Alliance Ptr/PMXD</i>	6	2	8
<i>Organisation du Peuple Rodriguais</i>	2	0	2
<i>Mouvement Rodriguais</i>	0	2	2
Total	62	8	70

Source: Denis Kadima, *Mauritius: Parliamentary Elections 2000 - A report*, EISA, 2000.

In compliance with the provisions of the pre-election MMM-MSM power-transfer deal, Paul Bérenger became Prime Minister, the first non-Hindu Mauritian to achieve this position. He succeeded Sir Anerood Jugnauth, who took up the presidency upon the retirement of Karl Offman in October 2003.

2

Electoral Framework



- Constitutional and legal framework
- The electoral management bodies
- The electoral system

The legal framework governing National Assembly Elections in Mauritius consists of a range of laws and regulations, including the 1968 Constitution (as amended in 1992), the National Assembly Regulations, and the Representation of the People Act. The Rodrigues Regional Assembly Act and the Local Government Council Elections Act govern the organisation and conduct of elections at the local level.

The Constitution is the supreme law of the island. It guarantees the fundamental rights and freedoms of the people, including the right to be free from racial or other prejudices. Those rights and freedoms can only be suspended during wars or states of emergency, which must be duly declared by the National Assembly and reviewed every six months.

2.1. CONSTITUTIONAL AND LEGAL FRAMEWORK

The 1968 Constitution, as amended in 1992, establishes a parliamentary democracy. Government is based on the doctrine of separation of powers and the Constitution clearly sets out the partition of powers among the Legislature, the Executive and the Judiciary. The President, who is the Head of the State, is elected by the National Assembly for a five-year term on a motion moved by the Prime Minister and supported by a majority vote. The Prime Minister, head of government, is designated by the party or coalition with majority support in the National Assembly and appointed by the President, as is the Council of Ministers.

The unicameral legislature is made up of a 70-seat National Assembly, consisting of representatives elected from 20 three-member constituencies and one two-member district on Rodrigues. In addition, eight assembly seats are allocated to the ‘best losers’ among the non-elected candidates, according to their ethno-religious origins. The National Assembly may remain in office for a maximum of five years, unless it is dissolved by a vote of no-confidence or an act of the Prime Minister.

The Constitution provides the mechanism through which the independence of the judiciary can be maintained. The judiciary consists of the Supreme Court and other courts of lower jurisdiction, namely, the Intermediate Court, the District Courts and the Industrial Court. Appeals from the lower courts are heard before the Supreme Court.

Another feature of the Mauritian political system is the particular status set aside for the Leader of the Opposition, formally appointed by the President from representatives of opposition parties or the coalition holding the most significant numerical strength in the National Assembly.²

2.2. THE ELECTORAL MANAGEMENT BODIES

The Constitution of Mauritius and all other election-related laws make provisions for three independent bodies which are charged with the responsibility for various aspects of the electoral process, namely the Electoral Commissioner, whose office works in close collaboration with the Electoral Supervisory Commission (ESC) and the Electoral Boundaries Commission (EBC).

a) The Electoral Commissioner

The Electoral Commissioner is a public official appointed by the Judicial and Legal Service Commission. The Commissioner is responsible, among other things, for the preparation of the electoral register and the conduct of elections under the supervision of the ESC. Section 40(3) of the Constitution stipulates that, in the exercise of his/her functions, “the Electoral Commissioner shall not be subject to the direction or control of any other person or authority”. This provision formally

² The Constitution of Mauritius, Section 73

guarantees the independence of the Electoral Commissioner in ensuring that elections in Mauritius are conducted in line with relevant laws.

The Electoral Commissioner heads an office made up of a Chief Electoral Officer, two Principal Electoral Officers, two Senior Electoral Officers, ten Electoral Officers and the administrative staff. The ten Electoral Officers are responsible for the 21 Constituencies of Mauritius, for which they act as Registration Officers.

The Electoral Commissioner's Office is currently composed of the following members:

- Mr. M. Irfan Abdool Rahman Electoral Commissioner
- Mr. Mahmad Ally Dahoo Chief Electoral Officer
- Mr. S. Awatar Principal Electoral Officer
- Mr. M. Veerasamy Principal Electoral Officer
- Mr. B. Pudaruth Senior Electoral Officer
- Mr. S. C. Maunkee Senior Electoral Officer

b) The Electoral Supervisory Commission

The ESC is the constitutional body charged with supervising the registration of electors for the election of members of the National Assembly, as well as the conduct of elections of such members. According to Section 38(2) of the Constitution, the ESC must consist of a Chairperson and between two and seven members appointed by the President after consultation with the Prime Minister and the Leader of the Opposition.

c) The Electoral Boundaries Commission

As its name indicates, the EBC generally draws up and reviews the boundaries of constituencies. It is constitutionally empowered to perform technical operations for the geographical demarcation of constituencies in Mauritius and to present a report to the National Assembly every ten years, as near as that may be, from the initial delimitation in August 1966.

The Commission is made up of a Chairman and not less than two and not more than seven other members appointed by the President, acting after consultation with the Prime Minister, the Leader of the Opposition

and such other persons as appear to the President, acting in his own deliberate judgement, to be leaders of parties in the Assembly.

While it has a clearly defined role, the EBC shares its staff with the ESC. The current composition of both Commissions is as follows:

- | | |
|----------------------|-----------|
| • Mr Y. H. Aboobaker | Chairman |
| • Mr D. Basset | Member |
| • Mr. P. Bissessur | Member |
| • Mrs. N. Bundhun | Member |
| • Dr. C. Yip Tong | Member |
| • Mr O. D. Cowreea | Member |
| • Mr G. A. Robert | Member |
| • Ms M. Madhub | Secretary |

On the whole, the EISA Observer Mission has found that the Constitution of Mauritius and other relevant laws create a satisfactory legal environment which serves as the basis for the conduct of democratic elections. In addition to guaranteeing fundamental freedoms and human rights, and promoting the values of political stability, the constitutional and legal framework of Mauritius provides citizens with the right to change their government peacefully through periodic elections on the basis of universal suffrage. The constitution also provides for freedom of speech, press and assembly and the government generally respects these rights in practice. Furthermore, the Constitution clearly provides for the establishment of independent and impartial structures charged with the management, conduct and supervision of the electoral process.

It is worth highlighting that, in the perspective of the 2005 National Assembly elections, the Representation of the People Act was amended in order to allow and regulate for the first time the presence of international observers in Mauritius.

2.3. THE ELECTORAL SYSTEM

An electoral system is the basis upon which the legal framework of an election is built. The use of a particular electoral system within a specific country can have a considerable positive or negative impact on the outcomes of the

electoral process and the chances of the various candidates. An electoral system is basically the manner in which the votes cast are translated into legislative seats. Opting for a particular system consequently determines the nature of political representation, and the way in which seats are allocated according to the total share of votes.

Mauritius currently uses a constituency-based Block Vote for National Assembly Elections, a variant of the First-Past-the-Post (FPTP) system. Each voter may cast as many votes as there are seats in his/her constituency, and the seats are then allocated to the candidates with the most votes. As noted above (section 2.1), there are 20 three-member constituencies on the main island and one two-member constituency on Rodrigues, yielding 62 directly elected representatives. The Constitution requires that eight additional seats are filled from a list of 'best losers' on the basis of their communities and political parties, in order to ensure fair and adequate representation of each community.³

The Block Vote system is rarely used, tending generally to magnify the disproportionality between seats and votes. This tendency is confirmed by the Mauritian experience. Table 2 (over page) illustrates the proportion of votes obtained and elected seats allocated during the three previous post-independence elections. In addition, the Mauritian electoral system, like other FPTP systems, has an adverse impact on the representation of women.

The main drawback of the Mauritian electoral system resides in the unfair relationship between the percentage of votes received and the number of seats obtained in the National Assembly. In 1995, for instance, the victorious coalition secured all 60 elected seats with 66.22% of the total votes. As a result, there have been a number of initiatives aimed at reforming the electoral system, the most important being the Commission on Constitutional and Electoral Reforms established in 2001 and led by the South African Judge Albie Sachs. The Sachs Commission recommended, in the main, the adoption of a mixed proportional representation system, with the hope that it would eventually address and correct the imbalances of the current block vote system.

³ First Schedule, Section 5, Constitution of the Republic of Mauritius

Table 2
Share of Votes and Allocation of Elected Seats in the National Assembly
from 1991 to 2000

	1991			1995			2000		
	Parties - Alliances	Seats	% Votes	Parties - Alliances	Seats	% Votes	Parties - Alliances	Seats	% votes
Government	MSM/MMM	57	56.28	Labour Party/ MMM	60	66.22	MSM/ MMM/ PMSD/ Les Verts	54	52.30
Opposition	Labour Party / PMSD	3	39.95	MSM/ MMM	0	28	Labour Party/ PMXD	6	36.95
Rodrigues	OPR	2	-	OPR	2	-	OPR	2	-

Source: Adapted from *Election Update, Mauritius*, EISA, Number 1, 17 June 2005.

In addition, a select committee of the National Assembly, made up of both ruling coalition and opposition representatives, was set up to review the electoral system in the light of the Sachs Commission report. Final proposals included enlarging the size of the National Assembly from 70 to 80 representatives, combining the FPTP and Proportional Representation systems, and securing a more balanced gender representation. However, recurrent disagreements among Mauritian stakeholders over the proposed plans delayed the implementation of the reform process and entrenched the *status quo*. Consequently, the 2005 National Assembly elections have taken place under an unchanged system.

It is evident that the version of the Block Vote system currently in use in Mauritius has an exaggerated negative impact on the allocation of legislative seats in terms of the share of votes and the representation of women. There is thus a need for all stakeholders to sustain the efforts to improve the electoral system in order to achieve a better balance in both party and gender representation.

3

The Pre-Election Phase



- Delimitation of constituencies
- Voters' registration
- Party registration and nomination of candidates
- Women and political representation
- Civic and voter education
- The electoral campaign
- Media coverage of the electoral process

3.1. DELIMITATION OF CONSTITUENCIES

Delimitation is an important aspect of the electoral process, aimed at ensuring effective political representation and that each constituency contains approximately the same number of eligible voters.

In terms of Section 39 of the Constitution of Mauritius, the Electoral Boundaries Commission (EBC) has formal responsibility for reviewing the boundaries of constituencies every ten years and presenting a report to the National Assembly for approval. The Constitution adds that the Commission may reconsider the boundaries of constituencies whenever it considers appropriate.

An Electoral Boundary Commission was initially established in 1957, while Mauritius was still a British colony. The Commission delineated 40 constituencies, each with an approximate minimum of 5 000 potential voters. Each constituency returned one candidate by simple majority to the Legislative Council. The system lasted until August 1966, when the initial 40 constituencies were paired to form the current total of 20 constituencies on the mainland, plus Rodrigues as a separate constituency.

The EBC has subsequently reviewed the boundaries of constituencies in 1976, 1986 and 1999, as stipulated in the Constitution, but none of its recommendations has been implemented.

Table 3
Mauritius Constituencies and Electorate Sizes

Constituency N°	Name	N° of Electors
1	Grand River North West and Port Louis West	37 518
2	Port Louis South and Port Louis Central	23 878
3	Port Louis Maritime and Port Louis East	22 145
4	Port Louis North and Montagne Longue	42 432
5	Pamplemousses and Triolet	51 606
6	Grand Baie and Poudre d'Or	44 907
7	Piton and Rivière du Rempart	38 042
8	Moka and Quartier Militaire	38 257
9	Flacq and Bon Accueil	47 185
10	Montagne Blanche and Grand River South East	44 077
11	Rose Belle and Vieux Grand Port	36 456
12	Mahebourg and Plaine Magnien	33 998
13	Rivière des Anguilles and Souillac	31 118
14	Savanne and Rivière Noire	53 002
15	La Caverne and Phoenix	49 537
16	Vacoas and Floreal	40 957
17	Curepipe and Midlands	42 223
18	Belle-Rose and Quatre Bornes	40 073
19	Stanley and Rose Hill	36 633
20	Beau Bassin and Petite Riviere	39 405
21	Rodrigues	23 856
	Total	817 305

Source: 'Mauritius 2005 Elections', *Le Mauricien*, 2 July 2005.

With regard to relevant recommendations encompassed in the PEMMO, it is evident that constituencies in Mauritius are not delimited in a way which would ensure that they contain a fairly equal number of eligible voters. As Table 3 shows, the size of constituencies – measured by the number of registered voters – differs widely. The smallest constituency (Constituency 3: Port-Louis Maritime/Port-Louis East) has an electorate of 22 145 registered voters, while the largest (Constituency 14: Savanne/Rivière Noire) has 53 002. Despite having more than the double the number of voters, Constituency 14 has the same number of representatives – three – in the National Assembly as Constituency 3. Consequently, a vote cast in Constituency 14 has only half the electoral weight of a vote cast in Constituency 3. Similarly, despite being bigger than some mainland constituencies, Rodrigues is entitled to only two representatives.

Although the Constitution and relevant election-related laws stipulate that the EBC should review the delimitation of constituencies to secure, to an acceptable degree, equitable and effective political representation, there is a lack of accompanying measures and legal arrangements to ensure that its recommendations are implemented.

3.2. VOTERS' REGISTRATION

Section 42 of the Constitution clearly establishes the conditions under which the right of suffrage is allowed in Mauritius. To register as a voter one must be a Mauritian national or a Commonwealth citizen who has resided in Mauritius for at least two years. The minimum voting age is 18 and the registration is residence-based: no one is allowed to register in more than one constituency or in any constituency in which he/she is not resident.

The electoral register is updated on an annual basis through a house-to-house enquiry, usually conducted in January over a period of about three weeks. Officials from the Electoral Commissioner's Office contact every household and distribute registration forms to be completed. The information collected from this process is collated in a draft register which is made available to the general public and political parties for inspection and review. Potential additions, corrections and revisions from the public are received over a period of two weeks at nominated registration centres established in each constituency throughout the country. In accordance with Section 4(2)

of the Representation of the People Act, the final computerised register has to be published each year by 14 August and come into force on 16 August, irrespective of the election date.

The 2005 National Assembly Elections were conducted on the basis of the 2004 voters' register, as a result of the premature call for elections in July 2005, rather than in September, as initially scheduled. The voters' registration undertaken during January-February 2005 was disregarded as the resulting register was to only due to come into force on 16 August 2005. It is generally suggested that this option effectively disenfranchised an estimated 5,000 to 7,000 prospective voters who turned 18 after the compilation of the 2004 electoral register.

Although production of an identity card is not mandatory during the registration process, the system has clearly proved successful in that the process is largely accepted as legitimate and transparent by all major electoral stakeholders. The explanation may lie in the fact that Mauritius is a relatively small country.

Despite the absence of substantial concerns about the registration process, it would be advisable for prospective voters to be provided with a continuous and accessible registration facility which encourages the broad participation of eligible voters. A more flexible registration process would allow the maximum inclusion of qualified voters.

3.3. PARTY REGISTRATION AND NOMINATION OF CANDIDATES

The guiding principles for the registration of political parties and the nomination of candidates are respectively established in Sections 8 and 12 of the National Assembly Elections Regulations of 1968. These principles are based on the provisions laid down under paragraph 2(1) of Schedule 1 of the Constitution.

The regulations state that every political party intending to run for elections must register with the ESC at least 14 days prior to the nomination of its candidates. They also specify that any two or more political parties can register as a party alliance for the purpose of election of members of the National Assembly.

The law states that any candidate wishing to stand in the National Assembly Elections shall declare his candidature through the submission of appropriate nomination papers on the indicated nomination day between 9h00 and 15h00. Any nomination paper delivered after the deadline shall be rejected. Every candidate is required to support his/her application with written nominations from at least eight registered electors of the constituency in which he/she seeks to be elected. In addition, the candidate must declare his/her membership of one of the ethnic communities of Mauritius for the purpose of allocation of 'best-losers' seats.⁴

Among the 71 political parties and alliances formally registered in Mauritius, 37 participated in the 2005 National Assembly Elections. The political landscape was dominated by two main coalitions, namely the *Alliance MMM-MSM-PMSD* with Paul Bérenger and Pravind Jugnauth as leaders and the *Alliance Sociale* between the LP, led by Navin Ramgoolam, and several other parties, including the PMXD, MMSM and *Les Verts Fraternels*.

A total of 645 candidates contested the elections. Political parties and coalitions nominated 416 candidates, while a further 229 nominees stood as independent candidates.

In line with the standards recommended in the PEMMO, relevant laws clearly establish the requirements for the registration of political parties and candidates contesting National Assembly Elections. The regulations ensure that all parties, coalitions and candidates are able to participate on even-handed terms, and they are applied by both the ESC and the Electoral Commissioner's Office in a very consistent and transparent way.

However, one party – *Rezistans Ek Alternativ* – challenged the stipulation compelling candidates to specify their ethnic affiliation on the grounds that it is discriminatory. Candidates from this party refused to declare this information in their nomination papers. In the absence of such a declaration, their nominations were invalidated. As a result, the party took the Electoral Commissioner, the ESC and electoral staff in their respective constituencies

⁴ National Assembly Elections Regulations of 1968, Section 12, Paragraph 4(c)

Table 4
List of Parties and Coalitions Registered for the 2005 National Assembly Elections

Party or Alliance of Parties	Female Candidates	Male Candidates	Total
Alliance MSM-MMM-PMSD	10	50	60
Alliance Sociale	6	54	60
Alliance Pour La Justice	1	7	8
Comité D'Action Musulman Mauricien (CAMM)	–	3	3
Conservative Party	–	3	3
Démocratie Mauricienne	–	1	1
Démocratie Union Socialist Mauricien (DUSM)	–	3	3
Ekta Party	–	3	3
Front Progressiste du Peuple Rodriguais (FPPR)	–	1	1
Front Solidarité Mauricienne (FSM)	1	54	55
Front Populaire Musulman (FPM)	–	28	28
Groupe de Cinq	1	5	6
Independent Forward Block (IFB)	–	1	1
Lalit	14	18	32
Majority Party (Parti de la Majorité)	4	–	4
Mauritius Party Rights	–	1	1
Mouvement Démocratique National Raj Dayal	4	22	26
Mouvement Démocratique Mauricien (MDM)	–	5	5
Mouvement National Mauricien	–	3	3
Mouvement Rodriguais	–	2	2
Mouvement Socialiste Indépendant	2	7	9
Mouvement Solidarité Travailleur (MSTMRA) Rodrigues Agalega	–	1	1
Mouvement Travailleurs Mauriciens	–	4	4
Mouvement Travailliste Socialiste (MTS)	–	1	1
Movement Populer Lendroit	–	3	3
Organisation du Peuple de Rodrigues (OPR)	–	2	2
Parti du Peuple Mauricien (PPM)	5	46	51
Party Malin	3	7	10
Patriotic Reformist Organisation (PRO)	–	1	1
Ralliement des Rodriguais Responsables (RRR)	–	1	1
Rassemblement des Travailleurs Sociaux	–	1	1
Rassemblement Socialiste Mauricien (RSM)	–	2	2
<i>Rezistans ek Alternativ</i>	2	9	11
Tamil Council	1	8	9
Top Dhamaka Vrai Rouge	–	1	1
Union Mauricienne	–	3	3
Union Patriots Ilois Mauricien	–	1	1
Total	54	362	416

Source: The Electoral Commissioner's Office, Mauritius.

to court. Judge Eddy Balancy of the Supreme Court of Mauritius ruled in favour of the complainants and ordered their incorporation as qualified candidates for the 2005 elections.⁵

3.4. WOMEN AND POLITICAL REPRESENTATION

Out of the total of 645 candidates, only 63 were women, representing 9.7%. The ruling alliance (MMM-MSM-PMSD) fielded 10 women out of 60 candidates nominated, while the main opposition coalition, the *Alliance Sociale*, fielded only 6 women candidates out of a total of 60. In contrast, one small party – *Lalit* – had 14 women on its list of 32 candidates. There were only nine women among the 229 independent candidates. These figures indicated that the minimum target of 30% representation of women in decision-making positions by 2005, stipulated in the SADC Declaration on Gender and Development of 1997, of which Mauritius is a signatory, was unlikely to be reached.

The main reason for the low representation of women seems to be related to the current use of the FPTP system, which is generally known for its adverse effect on the representation of women. Furthermore, political parties do not have any purposeful strategic approach which would enhance a gender-balanced representation, as well as increase the participation of women in politics.

As suggested by the Sachs Commission, in its January 2002 report on constitutional and electoral reforms, it would be advisable to reform the current electoral system, by introducing some elements of proportional representation. Adding this to the current Block Vote and 'best losers' systems should increase women's representation.

Likewise, political parties must be encouraged to initiate and implement specific measures aimed at guaranteeing a more balanced representation of women in parliament and decision-making positions.

According to the final results of the 2005 National Assembly Elections, 12 women have made their way to the parliament – an increase of 200% over the four women MPs in the previous legislature. At 17%, Mauritius has

⁵ Judgement Supreme Court of Mauritius, Record N° 89540.

moved from the lowest rank in the SADC region, in terms of the ratio of women in parliament, to fifth position. But this is still far from the target of 30%, and is not sustainable given that it did not result from a deliberate strategy by political parties to improve women's representation. If specific reforms are not introduced, Mauritius could easily revert to its previous position in the lowest rank.

3.5. CIVIC AND VOTER EDUCATION

Civic and voter education is an essential factor in the development of an environment conducive to the holding of genuine elections. This is true not only for established democracies, but also in emerging democracies, where it is particularly vital. Civic and voter education programmes generally seek to deepen democratic awareness among voters and stimulate them to participate fully in elections. The common trend in the SADC region is for such programmes to be implemented by bodies and institutions responsible for the management of the electoral process, with the support of CSOs.

In this regard, Mauritius is a particular case, as there is no formal provision for civic and voter education by either the government or political parties or CSOs. The main reason is the common belief that Mauritius is an established democracy and that most of its citizens are familiar with both the electoral framework and voting procedures. The absence of such programmes implies that parties' public meetings, broadcast programmes and media publications remain the key mechanisms through which the electorate is informed about the electoral process.

The Electoral Commissioner's Office also disseminates information about administrative arrangements through the regular publication of notices in the Government journal and printed media, supplemented by talks on radio and television.

In accordance with the PEMMO, the relevant authorities in Mauritius should take appropriate steps to ensure that civic and voter education is formally given high priority to enhance voters' participation and encourage informed electoral choices. CSOs, including non-governmental organisations, faith-based organisations and community-based organisations, should be thoroughly involved to ensure consistency and effective outreach.

3.6. THE ELECTORAL CAMPAIGN

- **Legal provisions governing the campaign**

There appear to be no defined rules concerning the timing of the electoral campaign in Mauritius. Both the Representation of People Act and the National Assembly Elections Regulations are quiet on the issue of a formal period during which political parties and candidates are able to reach out the electorate and present their programmes and policies. Sections 65(2) and 65(3) of the Representation of People Act briefly touch upon the issue of canvassing, but without any mention on how parties and candidates would undertake their electoral campaign.

Likewise, there is no a formal Code of Conduct pertaining to the behaviour of political parties during the campaigning. However, the returning officer in each constituency is required to hold informal meetings with campaign managers of political parties or candidates to ensure that they fully understand and observe the various notices circulated by the Electoral Commissioner's Office prior to the elections.

- **The Campaign**

The campaign ahead of the 2005 National Assembly Elections in Mauritius was generally peaceful and took place in an environment that was relatively calm, except for a few cases of violence sporadically reported. Candidates, parties and coalitions displayed a high level of political tolerance towards each other. Overall, the incumbent MMM-MSM coalition and the *Alliance Sociale* dominated the political landscape on the main island, with posters and colourful decorations in public places and on main roads. In Rodrigues, the main players were *Organisation du Peuple de Rodrigues* (OPR) and the *Mouvement Rodriguais*.

For the most part, the campaign comprised house-to-house contacts, motorcades, party-sponsored meetings and entertainments, as well as public rallies. In their manifestos, the candidates and parties provided substantial pointers to their proposed political agendas and economic policies. But the campaigning did not seem to focus on policy issues. Moreover, the manifestos of the two main parties were published with a substantial delay, barely two weeks before the election day.

With the economy at the core of most preoccupations, there was little to distinguish between the contents of the manifestos. On the whole, the

The Alliance Sociale Delegation led by Dr. Navin Ramgoolam (second from left), then Leader of the Opposition and current Prime Minister, seated next to Mr Denis Kadima, EISA Executive Director and Mission Leader, during a briefing session for the EISA Mission at Labourdonnais Hotel, in Port Louis.

Mr. Paul Bérenger, the outgoing Prime Minister and Leader of the Government Coalition, with an EISA Delegation (Prof. Jorgen Elklit, Martinho Chachiua and Dieudonné Tshiyoyo) at his Office .

ruling coalition advocated continuity of existing policies, emphasising the number of positive changes these had brought to the country. It promised a second economic miracle, which would transform Mauritius into a cyber island and a duty-free shopping paradise.⁶ The *Alliance Sociale* dedicated a large part of its programme to reform of the political system, promising to cut down the size of the executive, with a view to reducing public expenditure. In addition, it proposed a referendum on the reform of the electoral system, and a review of regulations pertaining to the Police and the fight against corruption. It also promised to initiate and implement a Freedom of Information Act.⁷

The most significant political rallies were held on the morning of Sunday 26 June 2005: leaders of the ruling coalition met their followers in Quatre-Bornes, while the *Alliance Sociale* convened in Quay Square, Port Louis. The mobilisation for both rallies was extraordinary, resulting in attendance by large numbers of activists and supporters. In general, the mood was orderly and peaceful.

Although there was no formal end to the campaign period, it was observed that most canvassing activities had stopped in the afternoon of Saturday 2 July. There were no more public meetings and, according to a circular from the Electoral Commissioner's Office, the sale of alcohol was prohibited until the announcement of results. However, some candidates and political parties carried on canvassing for support even on election day and around polling stations. The deadline for an end to campaigning therefore needs to be clearly indicated in relevant laws, and enforced with appropriate mechanisms agreed upon by all stakeholders.

- **Political Violence and Intimidation**

Historically, as one of Africa's long-standing democracies, Mauritius has avoided serious incidences of political violence and intimidation in the run-up to elections. This can be traced back to the first multi-party elections, held at independence in August 1968. Shortly after independence, however, the country experienced political turbulence and

⁶ '2005-2010: Une Nouvelle Ile Maurice', MSM-MMM Programme for the 2005 Elections.

⁷ 'Une Ile Maurice pour Tous', *Alliance Sociale* Governmental Programme for the 2005 National Assembly Elections.

violent protests, resulting in the declaration of a state of emergency from 1972 to 1976. This period proved to be seminal for the development of Mauritian democracy, as all political parties rejected the politics of extremism in favour of democratic means, thus laying a secure and sustainable foundation for violence-free elections.

The 2005 elections have generally been free from any overt signs of political violence and intimidation. All electoral stakeholders have ensured that peace, tolerance and freedom prevailed throughout the process. Apart from a few isolated incidents, there was no report of systematic politically motivated violence or any other major disturbances during the electoral process.

The two most significant incidents reported during the campaigning were the accidental electrocution of a LP activist while trying to affix his party's streamer to a pylon, and the fatal stabbing of a MSM-MMM alliance supporter during a squabble between campaigners for the two main coalitions. But in both cases, political leaders played down the regrettable incidents and promised to work together to prevent any recurrence of confrontation in the run-up to and aftermath of the elections.

- **The Issue of Incumbency**

It is generally believed that, in most countries, the ruling party has an unfair advantage over opposition parties and independent candidates when it comes to access to and use of State resources for electoral purposes and to further their political agendas. The use of public resources is thus a contentious issue, as opposition parties frequently complain about the lack of a level playing field and equitable treatment.

Mauritius is no exception to the rule. The incumbent MMM-MSM alliance was repeatedly accused of abusing public resources, by using taxpayers' money to fund advertisements on billboards and in the media. The Government was also accused of using official events as political platforms for campaigning. These functions are known for attracting large media coverage for the incumbents, at the expense of opposition parties and independent candidates.

This situation calls for adequate regulation and law-enforcement mechanisms to secure a level playing field for all political contenders in

the use of public assets and funds for political purposes. This is especially important given that there is no established mechanism to provide public funding to political parties.

- **Campaign Finance and Expenditure**

Section 51 of the Representation of People Act lays down the ceiling for expenses incurred by candidates in contesting an election. In respect of a National Assembly election, where the candidate does not belong to any party, or where there is no other candidate belonging to the same party in a given constituency, the maximum amount of expenses incurred must not exceed 250 000 rupees (equivalent to approximately US\$8 250). Where the candidate is not the only candidate nominated by a party in the constituency, the limit is reduced to 150 000 rupees (approximately US\$4 950).

Although the Act makes no reference to spending limits on parties or coalitions with regard to participation in an election, all registered parties and coalitions are required to transmit to the Electoral Commission, within six weeks after the official publication of election results, a comprehensive report on their spending. Candidates are required to attach copies of invoices, as well as an explanatory summary disclosing all contributions received in order to finance the electoral campaign. Failure to do so exposes the contravening candidate to a fine of up to 1 000 rupees (about US\$33).

However, the restrictions on candidates' campaigning expenses are presently illusory. The ceilings were set in 1989, following a survey by the Central Statistical Office, the official organisation responsible for collection, compilation, analysis and dissemination of all official economic and social statistical data. If these limits were to be updated to current values, they would translate respectively into 1 000 000 and 585 000 rupees (or US\$33 000 and US\$19 300).⁸

Almost all candidates and parties admitted to spending more than the maximum permitted and to submitting statements which did not disclose the actual expenses for the electoral campaign and private contributions. They tacitly acknowledged that the limitations on campaign expenses were not reasonable.

⁸ 'Le Budget des Elections: Des Comptes d'Apothicaire', *Le Mauricien*, Spécial Elections 2005, July 2005.

In order to level the playing field and to strengthen the democratic process, it would be advisable for Mauritius to consider the public funding of political parties on the basis of recognised standards, such as the share of the popular vote in the previous elections. Public funding may be also extended to independent candidates who can demonstrate substantial support among the electorate. The ESC would regulate the use of these public funds as recommended in the Sachs Commission Report. Likewise, it is essential to establish a transparent method of reporting campaign expenditures and disclosing private contributions received by any party or candidate.

3.7. MEDIA COVERAGE OF THE ELECTORAL PROCESS

The Constitution of Mauritius guarantees the freedoms of expression, speech and press as fundamental rights. The media landscape is dominated by the State-owned Mauritius Broadcasting Corporation (MBC), which operates a range of radio and TV channels. Since the liberalisation of broadcasting in August 2000, with the enactment of the Independent Broadcasting Authority Act (IBA), a number of privately-owned radio and television stations have emerged. Mauritius possesses a vibrant and influential print media, predominantly published in French, which is generally critical of both the government and the opposition.

The IBA Act provides for the establishment of an independent body charged with regulating the ownership and operation of private radio and television broadcasting services. Largely funded by licence fees, the Authority consists of a Chairperson, appointed by the President after consultation with the Prime Minister and the Leader of the Opposition, as well as representatives from several government ministries.

The EISA Mission did not have the opportunity to specifically scrutinise the role played by the media during the election campaign. However, it noted a number of positive factors. These included the existence of an independent media authority, with powers to manage and regulate the allocation of publicly owned airtime to contesting parties and candidates during the campaign, and the issuance of general directives covering private and public broadcasts during the elections. The Mission also noted that the print media, especially leading newspapers such as *'Le Mauricien'* and *'L'Express'*, were

broadly even-handed in their coverage of both the government and the opposition parties. However, during briefing sessions by various electoral stakeholders, including representatives from political parties, as well as the Mauritian media, both public and private, the Mission noted the persistent concerns and allegations levelled by opposition parties against the ruling coalition for unfairly dominating or manipulating the publicly owned media to its advantage in the electoral race. The perception was that the MBC gave much greater coverage to the MSM-MMM coalition than to any other party or coalition. The MBC was thus largely seen as biased and under the control of government in delivering news programmes and electoral communications.

Given the role played by the media in the electoral process, it is crucial that the relevant authorities in Mauritius ensure that all contesting political parties and candidates have equitable access to the State-controlled media during election campaigns. This would help ensure that the voting public is fully informed of the views and policies of all parties and candidates in a fair and balanced manner.

4

Election Day



- Polling stations
- Opening of polling stations and election materials
- Ballot papers and boxes
- Voters' roll
- Closing of polling stations
- Voting staff, party agents and security personnel
- Observers

The 2005 National Assembly Elections in Mauritius took place on Sunday 3 July. The elections were held ahead of the normal schedule, since the term of office of the legislature elected in 2000 could have extended to September 2005.

In terms of the Representation of People Act, the President, acting in accordance with the advice of the Prime Minister, can call for election of a new Parliament on a date not later than 55 days after the dissolution of Parliament under section 57 of the Constitution.⁹ In this instance, the President issued an election writ on Monday 9 May 2005 following the dissolution of the 2000 National Assembly on 24 April 2005. The nomination day was fixed for 30 May, with polling and counting respectively scheduled on Sunday 3 and Monday 4 July.

On election day, the EISA teams visited a total of 322 voting rooms in 57 polling stations and the following day they were able to observe the counting process in six Counting Centres. Overall, the voting and counting processes were smoothly and efficiently managed. The Mission did not observe any incidents that could have disturbed either process in a significant way.

⁹ Representation of the People Act, Section 41.

4.1. POLLING STATIONS

The number and setting of polling stations play a significant role in ensuring easy access to the process. The selection of polling stations is usually based on various factors, the most essential being the number of voters per station and the accessibility of the polling station to voters.

For the 2005 elections, a total of 299 polling stations encompassing 1884 voting rooms were established. The allocation of polling stations and voting rooms per constituency was as follows:

Table 5
Number of Polling Stations and Voting Rooms per Constituency

	Constituency Name	N° of Polling Stations	N° of Voting Rooms
1	Grand River North West and Port Louis West	12	88
2	Port Louis South and Port Louis Central	8	54
3	Port Louis Maritime and Port Louis East	12	55
4	Port Louis North and Montagne Longue	12	94
5	Pamplemousses and Triolet	17	119
6	Grand Baie and Poudre d'Or	14	107
7	Piton and Rivière du Rempart	17	86
8	Moka and Quartier Militaire	20	88
9	Flacq and Bon Accueil	19	106
10	Montagne Blanche and Grand River South East	18	103
11	Rose Belle and Vieux Grand Port	19	86
12	Mahebourg and Plaine Magnien	13	77
13	Rivière des Anguilles and Souillac	13	73
14	Savanne and Rivière Noire	21	121
15	La Caverne and Phoenix	16	115
16	Vacoas and Floreal	13	89
17	Curepipe and Midlands	11	99
18	Belle-Rose and Quatre Bornes	10	98
19	Stanley and Rose Hill	10	81
20	Beau Bassin and Petite Riviere	12	88
21	Rodrigues	12	57
	Total	299	1884

Source: The Electoral Commissioner's Office, Mauritius.

The Mission observed that the layout and facilities in all polling stations visited were adequate and orderly. Their perimeters were clearly marked and they coincided, in most cases, with the fenced limits of the premises used to accommodate the voting process. Polling stations were generally situated in public buildings such as schools, with classrooms used as voting rooms, which made them particularly accessible to voters. There was no provision for mobile polling stations which would facilitate voting by special categories of voters, including physically disabled persons, people in hospital or in detention centres.

Throughout the day, it was observed that the flow of voters was smooth and without any significant interruption. According to the law and notices circulated by the Electoral Commissioner's Office, vehicles were not authorised to run within a 200-metre radius from the boundaries of any polling station, except those transporting electoral staff, international observers and incapacitated electors.

The Mission was concerned, however, that around some polling stations, there were persistent instances of candidates and party activists carrying on campaigning even on voting day.

In most cases, the secrecy of the ballot during the voting process was guaranteed and voters seemed to know exactly what they were supposed to do while inside the voting rooms. This is attributable to the relatively high level of literacy in Mauritius and the fact that Mauritian citizens are familiar with voting procedures since the country has been holding regular democratic elections.

In a few cases, voters who were uncertain about the process, and those with disabilities, received appropriate assistance under the guidance of the presiding officer.

The Mission noted with concern that voters were not required to produce any formal identification prior to receiving a ballot paper. Names and addresses of registered voters were openly displayed at the entrance of the voting room. Added to the non-use of indelible ink, this laxity can be maliciously exploited and possibly lead to fraudulent or double voting.

4.2. OPENING OF POLLING STATIONS AND ELECTION MATERIALS

According to section 22 of the National Assembly Elections Regulation, the voting must take place between 6h00 and 12h00 and between 13h00 and 18h00 on the same day in the Island of Mauritius. In Rodrigues, polling hours are 5h30 to 12h00 and 13h00 to 17h30 on the same day.

During the midday interval when the voting process is suspended between 12h00 and 13h00, the presiding officer is required to place the ballot box and all documents relating to the election under seal, and take appropriate measures to ensure all election materials are safeguarded. Party agents were also allowed to put their own seals on the ballot boxes.

EISA teams observed that, in general, all polling stations visited opened on time, after all procedures required by relevant regulations and common practices had been followed. Earlier in the morning, polling officers had reported to designated police stations in their respective constituencies to collect election stationery and materials to be used at polling stations.

The process of conveying election materials from police stations to polling stations went efficiently and all polling stations visited were adequately supplied at the opening. Overall, the Electoral Commissioner's Office was successful in the timely delivery and distribution of polling materials throughout the mainland and in Rodrigues ahead of the polling day.

4.3. BALLOT PAPERS AND BOXES

With approximately 817 000 registered voters, a total of 845 875 ballots papers were printed at the Government Printing Office and delivered to the Electoral Commissioner's Office where they were securely held before being despatched to polling stations. The Electoral Commissioner's Office proceeded to verify the ballot papers in order to get rid of any faulty ones. Ballot papers were constituency-specific, including only the names of candidates nominated in each constituency. Both party and independent candidates could be easily identified by voters according to their particular logo or symbol.

Additional numbers of ballot papers were printed to deal with the eventuality of defective printing. A number – varying between 25 and 50 – of these supplementary papers were allocated to each polling station.

A total of 600 transparent ballot boxes, assembled under the supervision of the Ministry of Public Infrastructures, was distributed to polling stations throughout the mainland and Rodrigues. Each voting room had four ballot booths at its disposal.

The Mission noted that all necessary election materials were punctually despatched to all voting stations and in more than sufficient quantities. Both ballot boxes and ballot papers were designed in a consistent manner.

4.4. VOTERS' ROLL

As mentioned earlier, due to the early call for elections, the 2005 elections were conducted on the basis of the voters' registration undertaken in 2004. The Mission consistently observed that computerised voters' rolls, compiled by the Electoral Commissioner's Office, were available at every polling station visited. Voter lists, including all those registered in a specific polling station, were generally displayed on a board at the entrance of voting rooms, in alphabetical order. The Mission did not record any significant complaint with regard to the quality or accuracy of the voters' roll, even though it was concerned that the voters' registration had not been systematically updated to include voters who had turned 18 years old in early 2005.

4.5. CLOSING OF POLLING STATIONS

The regulations require polling stations on the mainland to close at 18h00, and in Rodrigues at 17h30. In both cases, the doors of all voting rooms, as well as the main entrance of the polling station, have to be closed at these times, although any voter still inside the voting room at the close should be allowed to receive a ballot paper and cast his/her vote.

The ballot boxes should then be properly sealed, with all election officers, as well as party or candidates' representatives, posted in a particular voting room affixing their signatures on the serially numbered tamper-proof seals as witnesses. Once all the paperwork has been correctly completed and checked, all the election stationery and materials should be conveyed to the polling station presiding officer, who should pack them in the statutory boxes provided for transportation to the specified counting centres. There the ballot boxes are required to be safeguarded in sealed rooms in the presence of party and candidates' agents, as well as international observers.

The Mission did not come across any major incident regarding the closing of polling stations. In most cases, EISA teams were able to observe both the opening and the closing at the same polling stations and to follow the transportation of the ballots from the polling stations to the nominated counting centres.

4.6. VOTING STAFF, PARTY AGENTS AND SECURITY PERSONNEL

The Mission noted that the Electoral Commissioner's Office issued a significant number of notices and announcements to its personnel to ensure the proper conduct of elections. These notices generally provided guidance to presiding officers and all other election officers. At most of the stations visited, electoral officers seemed to be fully aware of the procedures governing the polling process. Again, this is a positive benefit of holding regular elections, with the personnel assigned to the task becoming familiar with the process.

For the 2005 elections, the Electoral Commissioner's Office employed nearly 12 000 electoral officers on the election day. At polling station level, presiding officers were supported by poll clerks and ballot box clerks, whose principal duty was to ensure that voters dropped their ballot papers directly into the ballot boxes, after secretly choosing their candidates in the allocated booth. Outside the polling station, there were directing clerks to channel the flow of voters to the correct voting rooms. Only about 6 000 of the personnel employed on the voting day were used on the counting day.

In general, the performance of the polling staff was more than satisfactory. The Mission was particularly impressed with the high level of professionalism displayed by the electoral personnel at polling stations. The Mission was also pleased to witness the high level of women's representation amongst both the electoral personnel and the polling agents representing political parties and independent candidates. The latter were generally present at all polling stations visited.

As for security, the Mission observed that there were a reasonable number of police officers to control access to polling stations. Their presence was discreet and contributed to the integrity of the voting process. The security measures established at polling stations did not give the impression of

intimidating or instilling fear in voters. On the contrary, the neutral and friendly role played by police officers seemed to contribute to the generally peaceful atmosphere in which the entire poll took place.

Throughout the campaign, it was also apparent that the Electoral Commissioner's Office was regularly in close contact with the police and security forces in order to consider relevant security issues. Out of approximately 128 million rupees (US\$4.3 million) disbursed for the organisation of the 2005 elections, the security forces and the police received the lion's share, with 70 million rupees (US\$2.3 million) distributed to approximately 10 000 officers deployed during various phases of the electoral process.

The 12 000 electoral personnel shared the sum of 40 million rupees (US\$1.3 million) in the form of salary and other benefits. The Electoral Commissioner's Office spent the balance on, among other things, the printing of ballot papers, the procurement of stationery and the production of ballot boxes.

4.7. OBSERVERS

The 2005 National Assembly Elections were the first to which international observer groups were formally invited. The EISA Mission commended the adoption and implementation of relevant legal provisions allowing international groups to observe the elections. Previously, apart from candidates and party representatives, whose presence is allowed on polling day inside polling stations and voting rooms, there was no provision for either international observers or local non-partisan monitors.

The EISA Mission came across and interacted with other international observer groups, including the African Union, the SADC Parliamentary Forum (SADC PF), the Electoral Commissions' Forum (ECF) of SADC countries, the SADC Secretariat, a delegation from the Electoral Commission of India, as well as a number of diplomatic missions.

The Mission noted that the accreditation process put in place by the Electoral Commissioner's Office was particularly smooth and friendly. This allowed the Missions to move around without any restraint and engage with key

electoral stakeholders in both the Mauritius mainland and in Rodrigues. The Mission was able to meet, among others, the Electoral Commissioner's Office, the ESC Chairperson, the outgoing Prime Minister Paul Bérenger, and the leader of the opposition coalition, Navin Ramgoolam.

5

The Post-Election Phase



- Counting and announcement of results
- The results

5.1. COUNTING AND ANNOUNCEMENT OF RESULTS

Section 47 of the National Assembly Elections Regulations provides for the counting of votes to begin at 8h00 on the day following the poll, while the subsequent section stipulates that the counting operations can proceed continuously up to 18h00. Otherwise, the counting process must be suspended between 18h00 and 8h00.

Counting takes place at a nominated centre in each constituency, under the supervision of the returning officer. At the completion of the counting, a candidate or party representative may require the returning officer to have the votes recounted. But the request must be based on a reasonable opinion or claim. The regulation also stipulates that, apart from the election officials, only candidates, accredited international observers, party and candidates' agents and members of the press can be allowed access to counting stations.

After an elaborate procedure of checking the seals and opening the ballot boxes, counting for each constituency begins. As soon as the counting is completed and the election results ascertained, the returning officer is required to publicly proclaim the victorious candidates in the constituency.

Thereafter, the returning officer certifies, by endorsement on the writ, the candidates declared elected as members of the National Assembly and the number of votes they have respectively obtained. The writ so endorsed is transmitted to the Electoral Commissioner's Office.

The Mission noted that the counting of votes at centralised locations was not in accordance with the PEMMO, which recommends that counting should take place at the polling stations immediately after the close of the poll. None the less, the Mission was impressed with the efficiency and effectiveness of the centralised system, as used in the particular context of Mauritius. No significant fact that might have affected negatively the security, transparency and accuracy of the counting process was detected.

5.2. THE RESULTS

A total of 666 301 voters participated in the elections, representing a turnout of 81.52%. The highest turnout was recorded in Constituency 11: Rose Belle and Vieux Grand Port with 88.62%.

Table 6
The 2005 National Assembly Elections: Voters' Turn Out

N°	Constituency Name	N° of Electors	N° of Voters	%
1	Grand River North West and Port Louis West	37 518	28 019	74.68
2	Port Louis South and Port Louis Central	23 878	18 803	78.75
3	Port Louis Maritime and Port Louis East	22 145	17 155	77.47
4	Port Louis North and Montagne Longue	42 432	32 658	76.97
5	Pamplemousses and Triolet	51 606	41 423	80.27
6	Grand Baie and Poudre d'Or	44 907	37 319	83.10
7	Piton and Rivière du Rempart	38 042	32 666	85.87
8	Moka and Quartier Militaire	38 257	32 770	85.66
9	Flacq and Bon Accueil	47 185	39 259	83.20
10	Montagne Blanche and Grand River South East	44 077	38 098	86.44
11	Rose Belle and Vieux Grand Port	36 456	32 309	88.62
12	Mahebourg and Plaine Magnien	33 998	28 557	84.00
13	Rivière des Anguilles and Souillac	31 118	26 850	86.28
14	Savanne and Rivière Noire	53 002	44 055	83.12
15	La Caverne and Phoenix	49 537	40 388	81.53
16	Vacoas and Floréal	40 957	32 850	80.21
17	Curepipe and Midlands	42 223	32 440	76.83
18	Belle-Rose and Quatre Bornes	40 073	32 343	80.71
19	Stanley and Rose Hill	36 633	28 095	76.69
20	Beau Bassin and Petite Rivière	39 405	30 081	76.34
	Subtotal (Mauritius mainland)		646 138	81.43
21	Rodrigues	23 856	20 123	84.52
	Total		666 301	81.52

Source: The Electoral Commissioner's Office, Mauritius.

The final results of the 2005 National Assembly Elections brought victory to the *Alliance Sociale*, with 38 elected candidates, against 22 for the *Alliance MSM-MMM*. In terms of votes, the *Alliance Sociale* and the *MSM-MMM* obtained respectively 49% and 43% at the national level. The *Organisation du Peuple de Rodrigues* (OPR) took the two National Assembly seats allocated to Rodrigues.

Out of 62 directly elected candidates, eleven (17.74%) were women; seven from the *MSM-MMM* coalition and four from the *Alliance Sociale*.

Table 7
The 2005 National Assembly Elections: List of Elected Candidates

Elected Candidates	Party or Coalition	N° of voters
Grand River North West and Port Louis West		
NAVARRE MARIE Marie Arianne	Alliance MSM/MMM	14 019
GRENADE Marie Antoinette Sheila	Alliance MSM/MMM	13 766
BARBIER Jean-Claude	Alliance MSM/MMM	13 653
Port Louis South and Port Louis Central		
BEEBEEJAUN Ahmed Rashid	Alliance Sociale	9 422
ISSACK Ahmed Reza Goolam	Alliance Sociale	7 895
TANG WAH HING Sylvio Hock Sheen	Alliance Sociale	7 833
Port Louis Maritime and Port Louis East		
DULULL Mohammed Asraf Ally	Alliance Sociale	6 872
HUSNOO Mohammad Anwar	Alliance Sociale	6 827
LAUTHAN Samioullah	Alliance MSM/MMM	6 748
Port Louis North and Montagne Longue		
VIRAHSAWMY Bedwantee	Alliance Sociale	15 879
LESJONGARD Georges Pierre	Alliance MSM/MMM	15 675
JHUGROO Purmanund	Alliance MSM/MMM	15 098
Pamplemousses and Triolet		
RAMGOOLAM Navinchandra	Alliance Sociale	25 485
FAUGOO Satya Veyash	Alliance Sociale	22 412
RITOO Satyaprakash	Alliance Sociale	21 578

Grand Baie and Poudre d'Or		
DULLOO Madan Murlidhar	Alliance Sociale	21 480
RUCKTOOA Dharmajaye	Alliance Sociale	20 808
GUTTEE Rohit Narainsing	Alliance Sociale	20 507
Piton and Rivière du Rempart		
HOKOOM Balkissoon	Alliance Sociale	21 848
BOODHOO Dhanraj	Alliance Sociale	20 060
GOWRESSOO Mahendra	Alliance Sociale	18 427
Moka and Quartier Militaire		
JUGNAUTH Ashock Kumar	Alliance MSM/MMM	16 332
DAYAL Surendra	Alliance Sociale	16 299
RAMLOLL Parmessur	Alliance Sociale	15 578
Flacq and Bon Accueil		
BACHOO Anil Kumar	Alliance Sociale	23 666
MUNGUR Rajendrakumar	Alliance Sociale	22 318
GOKHOOL Dharambeer	Alliance Sociale	21 870
Montagne Blanche and Grand River South East		
SEEBUN Indranee	Alliance Sociale	19 834
BUNDHOO Lormus	Alliance Sociale	19 611
GUNNESS Govindranath	Alliance MSM/MMM	16 396
Rose Belle and Vieux Grand Port		
BOOLELL Arvin	Alliance Sociale	19 799
JEETAH Rajeshwar	Alliance Sociale	17 466
MOUTIA Sutyadeo	Alliance Sociale	15 506
Mahebourg and Plaine Magnien		
VARMA Yatindra Nath	Alliance Sociale	16 238
DUVAL Christian Harold Richard	Alliance Sociale	16 143
BUNWAREE Vasant Kumar	Alliance Sociale	15 229
Rivière des Anguilles and Souillac		
PEETUMBER Maneswar,	Alliance Sociale	14 502
MARDEMOOTOO Valaydon	Alliance Sociale	14 010
MOHAMED Shakeel Ahmed Yousuf	Alliance Sociale	13 127
Savanne and Rivière Noire		
GANOO Alan	Alliance MSM/MMM	22 391
HANOOMANJEE Santi Bai	Alliance MSM/MMM	21 497
BABAJEE Krishna	Alliance Sociale	20 980

La Caverne and Phoenix		
KASENALLY Abu Twalib	Alliance Sociale	20 451
HAWOLDAR Rihun Raj	Alliance Sociale	20 386
DOOKUN LUCHOOMUN Leela Devi	Alliance MSM/MMM	19 027
Vacoas and Floréal		
BODHA Nandcoomar	Alliance MSM/MMM	16 880
BAPPOO Sheilabai	Alliance Sociale	15 978
LABELLE Marie Noëlle Françoise	Alliance MSM/MMM	15 179
Curepipe and Midlands		
GUIMBEAU Eric Joseph Raoul	Alliance MSM/MMM	19 726
MARTIN Maria Francesca Mireille	Alliance MSM/MMM	17 151
DOWARKASING Mokshanand	Alliance MSM/MMM	16 992
Belle-Rose and Quatre Bornes		
SITHANEN Rama Krishna	Alliance Sociale	18 066
DUVAL Charles Gaetan Xavier Luc	Alliance Sociale	16 711
DEERPALSING Kumaree Rajeshree	Alliance Sociale	16 358
Stanley and Rose Hill		
BÉRENGER Paul Raymond	Alliance MSM/MMM	17 209
CUTTAREE Jaya Krishna	Alliance MSM/MMM	14 762
JEEWA DAUREEAWOO Fazila	Alliance MSM/MMM	14 484
Beau Bassin and Petite Rivière		
BHAGWAN Rajesh Anand	Alliance MSM/MMM	17 983
ALLET Daniel Jean Maurice	Alliance MSM/MMM	15 769
NAIDU Kulasagara Subrayalu	Alliance MSM/MMM	14 992
Rodrigues		
NANCY Jean Alex	OPR	10 343
SPEVILLE Jean Robert	OPR	9 950

Source: The Electoral Commissioner's Office, Mauritius.

Table 8
The 2005 National Assembly Elections
Additional Seats according to the 'Best Losers' System

	Selected Candidates	Party or Coalition
1	DAVID James Burty	Alliance Sociale
2	LEOPOLD Joseph Christian	Mouvement Rodriguais
3	VON MALLY Louis Joseph	Mouvement Rodriguais
4	SINATAMBOU Marie Noël-Etienne	Alliance Sociale
5	SAYED-HOSSEN Cader	Alliance Sociale
6	CHAUMIERE Jean François	Alliance Sociale
7	PERRIER Anne-Marie Danielle	Alliance MSM/MMM
8	SOODHUN Showkutally	Alliance MSM/MMM

Source: The Electoral Commissioner's Office, Mauritius

6

Conclusions and Recommendations



On the basis of guidelines provided by PEMMO, the EISA Regional Election Observer Mission welcomed the fact that 2005 National Assembly Elections in Mauritius were generally conducted in a transparent and peaceful manner. The constitutional and legal framework governing the conduct of elections guarantees fundamental freedoms and human rights, provides for the regular scheduling of elections, and promotes the values of political stability and alternation.

The constitutional and legal framework also provides for the establishment of independent and impartial electoral management bodies, including the Electoral Commissioner's Office and the Electoral Supervisory Commission. The Mission recorded that these bodies are adequately funded by the Government, in compliance with a budget discussed and adopted in the National Assembly. This allows them to deliver credible and legitimate elections in Mauritius.

The EISA Mission found that all the phases of the electoral process, including the campaign, poll, counting and announcement of results, were characterised by a high level of commitment and professionalism, political tolerance, peace, harmony and mutual respect. In general, the campaign process was free of any significant act of political violence and intimidation. Parties and candidates displayed a high degree of tolerance and respect towards each other, even though a few isolated cases of violence and confrontation were recorded. The people of Mauritius, the electoral stakeholders, including the Electoral Commissioner's

Office, the Electoral Supervisory Commission, the police and political parties deserve high praise for the peaceful atmosphere maintained throughout the process.

The EISA Mission applauded the adoption and implementation of legal provisions formally allowing international observers groups to assess the electoral process. The accreditation process put in place by the Electoral Commissioner's Office for international observers was particularly smooth and friendly.

The general view of the EISA Mission is that Mauritius is reaping the benefits of having held regular and credible elections, using the same system, since its independence in 1968. As a result, in contrast with most countries in the SADC region during the last decade, Mauritius has become accustomed to the peaceful and democratic alternation of governing parties and coalitions. While the Mission recognises and confirms the fact that elections have been commonly successful in Mauritius, it also suggests that it is time for Mauritius to review some aspects of its electoral system and initiate appropriate reforms, in line with good practices endorsed in the SADC region and elsewhere. Many countries have learnt from the Mauritian 'success story'. It is time that all electoral stakeholders in Mauritius also draw lessons from other countries' positive experiences and practices. Therefore, the Mission would like to make the following recommendations:

Delimitation of Constituencies

The Mission noted with concern the fact that the size of constituencies, in terms of the number of registered voters, differs widely. As stated in the PEMMO, EISA recommends that constituencies be delimited in such a way that they contain approximately the same number of eligible voters.

Voters' Registration

The Mission was particularly concerned by the fact that the 2005 elections were conducted on the basis of the 2004 voters' register, as a result of which a number of prospective voters was effectively disenfranchised. Based on the PEMMO, the Mission recommends that the voter registration process be regulated in a more flexible, continuous and accessible way that would facilitate more effective enfranchisement by not hindering the participation of qualified voters.

Access to Media

The Mission was concerned to note that the IBA – the independent authority entrusted with the responsibility of regulating and monitoring the media in Mauritius – was not empowered to ensure fair and equitable access to the public media for all contesting parties and independent candidates. The Mission proposes that all necessary measures be taken to ensure that equitable access to, and receipt of fair coverage in, the public media is available to all during elections.

Funding of Political Parties

Mauritius makes no legal provision for public funding of political parties or candidates for electoral purposes. In order to level the playing field, the Mission deems it essential that public funding of political parties and independent candidates be introduced on the basis of rational norms. Provision should also be made for the disclosure of private funding for political parties and candidates.

Use of Public Resources

Based on the general perception that the governing coalition has an unfair advantage with regard to the use of public assets and funds for electoral purposes, the Mission suggests that access by all political parties and candidates to public resources be clearly regulated in order to level the playing field for political competition.

With regard to election expenses, the relevant authorities must reconsider the current spending limits and adjust them to more realistic levels

Electoral System and Representation of Women

The constitutional and legal framework does not provide explicitly for gender equality and affirmative action as measures to ensure more gender-balanced representation. The EISA Mission observed that positive measures or mechanisms to ensure the meaningful representation of women were conspicuously absent, both at party and at institutional levels.

Therefore, the Mission recommends a reform of the electoral system in order to guarantee a more balanced gender representation, in line with the SADC Declaration on Gender and Development of 1997. In addition, the Mission

encourages political parties to introduce specific measures to improve the representation of women.

Delimitation of Constituencies

The Mission noted with concern the huge discrepancies in the size of constituencies in terms of the number of registered voters. Indeed, while the smallest constituency, namely Constituency 3: Port-Louis Maritime/Port-Louis Est, has an electorate of 22 145 voters, Constituency 14: Savanne/Rivière Noire has the highest number of registered voters, 53 002. On the other hand, although Rodrigues is bigger than some constituencies in the mainland, it is entitled to elect only two representatives to the National Assembly. As provided in the PEMMO, the EISA mission recommends that constituencies be delimited in such a way that they contain approximately the same number of eligible voters.

Political Violence and Intimidation

Whilst the Mission has commended the generally peaceful environment in which the elections were held, it should be noted that acts of election-related violence did occur during the campaign. Although seemingly only sporadic, it is critical that Mauritius does not underplay their significance, but instead sends a strong message by dealing with such incidents as strictly as possible in order to discourage this behaviour.

All electoral stakeholders should therefore commit themselves to a culture of peace and tolerance before, during and after election day. The Mission believes that the adoption of a code of conduct regulating the behaviour of political parties and their supporters through a consultative process involving political parties and all other electoral stakeholders could help consolidate and enforce the culture of peace and tolerance in Mauritius.

Domestic Observers

The Mission noted the total absence of domestic observers in Mauritius. EISA believes that steps can be taken to ensure that local organisations are effectively involved in the monitoring of the electoral process, as that is the case in most countries throughout the SADC region and the world. In this case, domestic observers can help to meaningfully enhance the ownership and quality of democracy in Mauritius.

APPENDICES

Appendix 1 Composition of the EISA Observer Mission

Observers	Position and Organisation	Country	Gender
Chachiuia Martinho	Manager, EISA – Mission Coordinator	Mozambique	Male
Chiroro Bertha	Researcher, EISA	Zimbabwe	Female
Elklit Jorgen	Professor, Aarhus University	Denmark	Male
Gasashi Kwanza Totoh	RENOSEC	DRC	Female
Kadima Denis	Executive Director, EISA Mission Leader	DRC	Male
Kavugho KarondiClarisse	IEC	DRC	Female
Khumalo Nosipho	Senior Programme Assistant, EISA	South Africa	Female
Matsimbe Zefanias	Programme Officer, EISA	Mozambique	Male
Mukendi Caroline	RENOSEC	DRC	Female
Musanhu Belinda	Programme Officer, EISA	Zimbabwe	Female
Nzinga Maluka Simon (Bishop)	RENOSEC	DRC	Male
Pereira Anacleta Maria	Lawyer, Angolan Civic Association	Angola	Female
Rugarabura Emmanuel	RENOSEC	DRC	Male
Seedat Zahira	Senior Programme Assistant, EISA	South Africa	Female
Shematsi Baeni Marie	Provincial Coordinator, IEC	DRC	Female
Tohbi Vincent	Country Director, EISA-DRC	Ivory Coast	Male
Tshiyoyo Dieudonné	Programme Officer, EISA	DRC	Male



The EISA Observer Mission to the 2005 National Assembly Elections in Mauritius

Appendix 2

The EISA Observer Mission's Terms of Reference

This Terms of Reference (ToR) memorandum describes your role and responsibilities as an EISA Observer during field deployment for the 2005 Parliamentary Elections in Mauritius. It provides a summary of the Mission's objectives and outlines your activities as an international observer.

Please remember at all times that EISA and all other international observers are invited guests in Mauritius and that the election and related processes are for Mauritian people to conduct. As observers, EISA Mission members are expected to support and assess these processes, but NOT to interfere. EISA believes that international observers can play a critically important supportive role by helping enhance the credibility of the elections, reinforce the work of domestic observer groups and eventually increase popular confidence in the entire electoral process.

The overall objective of this Mission is in line with EISA's vision of promoting credible elections and democratic governance in Africa and beyond. Following an invitation extended by the Mauritius Electoral Commissioner's Office, EISA established a mission to observe the 2005 Parliamentary Elections in Mauritius.

Specific objectives for this particular Mission include the following:

- To assess whether the conditions exist for the conduct of elections that reflect the will of the people of Mauritius;
- To assess whether the elections are conducted in accordance with the electoral legislative framework of Mauritius;
- To assess whether the elections meet the benchmarks set out in the 'Principles for Election Management, Monitoring and Observation in the SADC Region' (PEMMO), developed under the auspices of EISA and the Electoral Commissions Forum of SADC countries (ECF) and the SADC Principles and Guidelines Governing Democratic Elections.

In order to achieve the above, the mission seeks to undertake the following activities:

- Obtain information on the electoral process from the Electoral Commission;
- Meet with political parties, civil society organisations and other stakeholders to acquaint itself with the electoral environment;
- Report accurately on its observations and refer any irregularities to the relevant authorities;
- Observe all aspects of the election in the areas it will visit;
- Assess if all registered voters have easy access to voting stations and whether or not they are able to exercise their vote in freedom and secrecy;
- Assess the logistical arrangements to confirm if all necessary materials are available for the voting and counting to take place efficiently;
- Find out if all the competing parties and candidates are given equal opportunity to participate in the elections.

Upon arrival in Port Louis, the members of the EISA Mission will gather for a short briefing session before observing the final rallies on 25-26 June 2005. Following this exercise, the observers will attend a one and half day briefing session during which they will receive information on the political situation in Mauritius, deployment plans and reporting requirements. A deployment kit including all the necessary forms required to record your observations will be issued. Teams will also receive necessary funds to cover daily allowances to delegates and other incidental expenses. The specific deployment plans and schedules will be supplied during the briefing session in Port Louis.

Appendix 3

EISA Mission Arrival Statement



EISA ELECTION OBSERVER MISSION

The 2005 National Assembly Elections in Mauritius

Sunday, 3rd July 2005

EISA is pleased to announce the official launch of its Election Observer Mission to the 2005 National Assembly Elections in Mauritius scheduled on Sunday, 3rd July 2005. The Mission led by Mr Denis Kadima, the EISA Executive Director, is present in the country at the invitation extended by the Electoral Commissioner's Office to observe the 2005 National Assembly Elections.

The EISA Mission consists of 17 members, which include representatives from Electoral Commissions and Civil Society Organisations (CSOs) from SADC countries (namely Angola, Democratic Republic of Congo, Mozambique, South Africa and Zimbabwe), as well as an electoral expert from Denmark.

The overall objective of the Mission is in line with EISA's vision of promoting credible elections and democratic governance in Africa.

Specific objectives for this particular Mission include the following:

- To assess whether the conditions exist for the conduct of elections that express freely the will of the people of Mauritius;
- To assess and determine whether the elections are conducted in accordance with the electoral legislative framework of Mauritius;
- To determine whether the final results of the electoral process as a whole reflect the wishes of the people of Mauritius;

- To assess whether the elections met the benchmarks set out in the 'Principles for Election Management, Monitoring and Observation in the SADC Region' (PEMMO), developed under the auspices of EISA and the Electoral Commissions Forum (ECF) of SADC countries.

As a reminder, PEMMO is the result of 3 years of work by ECF and EISA, in consultation with CSOs who work in the field of elections. Subsequently, the election principles which serve as benchmarks in the conduct and assessment of elections in the SADC region were adopted on 6 November 2003 in Johannesburg, South Africa. PEMMO has been applied for the assessment of most elections held since April 2004 to date in the SADC region.

On Tuesday, 28 June 2005, EISA will deploy teams throughout the Mauritian mainland and the island of Rodrigues, where they will meet electoral stakeholders, including electoral officials, representatives of political parties, CSOs, and the diplomatic community, ahead of the election day. The EISA Mission will remain in the country until Tuesday 5th July 2005 in order to observe the voting and counting processes, as well as post-polling activities, including the announcement of results.

On Tuesday, 5th July 2005, all EISA Teams will reconvene in Port Louis where an interim statement expressing the Mission's preliminary views and recommendations on the 2005 National Assembly Elections in Mauritius will be issued. Principles enshrined in the PEMMO will be taken into account to direct not only the Mission's observations on the polling and results processes, but also the electoral environment as a whole.

The Mission undertakes to cooperate closely with the Mauritian electoral stakeholders and other observers, and strives to act, at every stage of the electoral process under scrutiny, with impartiality, objectivity and independence.

EISA is a regional non-profit organisation established in 1996 and headquartered in Johannesburg, South Africa. The vision of the organisation is to promote credible elections and democratic governance throughout Africa. The vision is executed through the organisational mission to

strengthen electoral processes, good governance, human rights and democratic values through research, capacity building, advocacy and other targeted interventions. EISA services electoral commissions, political parties, civil society organisations, governments and other institutions operating in the democracy and governance fields in Africa.

The EISA Mission is based at Labourdonnais Waterfront Hotel where it has established a Secretariat on First Floor, Room 'La Néréide'.

For further information, please contact **Mr Martinho Chachiua**, the EISA Mission Coordinator, on **+230 743 7330**.

Denis Kadima
EISA Executive Director
Mission Leader

Appendix 4

Interim Statement by the EISA Election Observation Mission Mauritius National Assembly Elections, 3rd July 2005

EISA ELECTION OBSERVER MISSION

THE 2005 MAURITIUS NATIONAL ASSEMBLY ELECTIONS

INTERIM STATEMENT

Port Louis, Tuesday 5 July 2005

FOR IMMEDIATE RELEASE

I. INTRODUCTION

Following an invitation extended by the Electoral Commissioner's Office, EISA deployed an Observer Mission to observe the 2005 National Assembly Elections in Mauritius. The EISA Mission delegates started arriving in Port Louis on Wednesday 22 June 2005 in order to observe and assess pre-polling activities, the voting process scheduled on Sunday 3 July 2005, the counting on the following day, as well as post-polling stages, including the tabulation and announcements of results.

From its observations and views on the electoral process in Mauritius which are based on the guidelines enshrined in the 'Principles for Election Management, Monitoring and Observation in the SADC Region' (PEMMO), the EISA Mission has made the preliminary assessments contained in this statement. EISA will produce a detailed final report in the next few weeks, which will provide an in-depth analysis of the whole electoral process. For this reason, EISA will continue to follow the process to its completion, including the confirmation of results and allocation of parliamentary seats so as to evaluate the overall post-election phase.

I.1. About EISA

EISA is a regional non-profit organisation established in 1996. The vision of the organisation is to promote credible elections and democratic governance

throughout Africa. This vision is executed through the organisational mission to strengthen electoral processes and promote good governance, human rights and democratic values through research, capacity building, advocacy and other targeted interventions. EISA services electoral commissions, political parties, civil society organisations and other institutions operating in the democracy and governance fields in Africa.

The organisation is headquartered in Johannesburg, South Africa, and has Field Offices in Angola, Burundi, Democratic Republic of Congo and Mozambique.

Election Observation is a key component of EISA work as it allows for the collection of relevant data and information on electoral practices. Equally important, election observation provides an opportunity for Mission members to exchange their experiences in the organisation and conduct of elections and to learn from the host country.

1.2. Mission Composition

The EISA Mission, led by Mr Denis Kadima, the EISA Executive Director, consisted of 17 members, which included representatives from Electoral Commissions and Civil Society Organisations from SADC countries (Angola, Democratic Republic of Congo, Mozambique, South Africa and Zimbabwe), Côte d'Ivoire, as well as an electoral expert from Denmark.

1.3. Deployment

Upon arrival, the Mission held a one and half day briefing session during which key election stakeholders addressed the Mission on the critical issues of the process, as well as their preparedness ahead of the polling day. Stakeholders included representatives from the Electoral Commissioner's Office, the Electoral Supervisory Commission, media, political parties, as well as civil society organisations.

Following the briefing, the EISA Mission was divided into five teams which were deployed to cover all the constituencies throughout the country, including Rodrigues. At the constituency level, EISA teams held further meetings with election stakeholders, including candidates, and eventually attended political gatherings and made preliminary visits to polling stations.

1.4. Method of Work

In order to accommodate the need for a holistic approach to election assessment, EISA conducted various activities covering the pre-election phase, the polling phase and will continue to follow post-election developments. These activities included:

Election Update

Owing to limited financial resources, it was not possible for the mission to undertake long-term observation. EISA used its innovative method of information gathering and sharing aimed at keeping members of the Mission and other interested parties up to date with the electoral process as it evolved in the run up to election day. Mauritius-based researchers were contracted to gather information in close consultation with EISA on critical election-related matters. This information was published in the *Election Talk* and *Election Update* series, which were widely distributed both electronically and in print. They are also available on EISA's website: www.eisa.org.za.

Stakeholder Meetings and Political Party Rallies

Members of the EISA Mission held meetings with various electoral stakeholders, including representatives of the Electoral Commissioner's Office, the Electoral Supervisory Commission (ESC), political parties, civil society organisations, the media and academics. The Mission also met other international observer groups deployed in Mauritius. Meetings were held at both national and constituency levels. These meetings provided useful insight into the different key stakeholders' assessment of the process as well as the general atmosphere in the country as the voting day approached.

Observation of Voting and Counting

On the voting day, the EISA teams visited a total of 322 voting rooms in 57 polling stations and the following day they were able to observe the counting process in six Counting Centres.

1.5. Principles for Election Management, Monitoring and Observation in the SADC Region

The EISA Observer Mission's assessment of the 2005 National Assembly Elections in Mauritius is based on the 'Principles for Election Management,

Monitoring and Observation' in the SADC Region. PEMMO is a set of benchmarks against which an election can be measured to assess whether it is free and fair. PEMMO was developed by EISA in partnership with the Electoral Commissions Forum (ECF) of SADC Countries, which comprises all the election management bodies in the SADC region.

These principles are the result of extensive research and region-wide consultation with electoral stakeholders, in particular electoral management bodies and civil society organisations that operate in the election field.

The principles cover the whole electoral process, including the period before, during and after the poll. They provide an objective standard against which an election can be measured. Furthermore, they constitute a useful tool in the post-election review and for electoral reforms. For observers, PEMMO also outlines guidelines on the expected behaviour for the enhanced credibility of observer groups.

After its adoption at a Regional Conference on 6 November 2003 in Johannesburg, South Africa, PEMMO has been successfully used to assess elections held since April 2004 to date in the SADC region.

2 FINDINGS OF THE MISSION

The EISA Election Observer Mission is extremely appreciative of the level of commitment and professionalism of the institutions and individuals involved in the conduct of elections in Mauritius, as well as the political tolerance and maturity displayed by the Mauritian people.

Basing itself on the PEMMO as a guideline, the EISA Delegation made the following findings:

2.1. Legal Framework of Elections

The EISA Mission found that the electoral legal framework in Mauritius is generally conducive to the holding of regular and democratic elections. This framework guarantees fundamental freedoms and human rights and promotes the values of political stability. The constitutional and legal provisions provide for independent and impartial structures responsible for the organisation and conduct of elections.

2.2. The Electoral Commissioner's Office and the Electoral Supervisory Commission

The Mission was pleased to learn that all the electoral stakeholders praised the electoral authorities for their dedication, independence, impartiality, transparency and professionalism. The experience of the Mission in the field confirmed this view.

2.3. Voter Registration and Voters' Roll

The Mission noted with appreciation the high rate of voter registration. Likewise, the Mission recognises that the voters' roll is easily accessible and available to all election stakeholders, including political parties.

2.4. Atmosphere of Elections

The campaign process was largely free of political violence and intimidation. In general, parties and candidates displayed a high degree of tolerance and respect towards each other, even though cases of violence occurred. The EISA Mission congratulates the electoral stakeholders, including the Electoral Commissioner's Office, the Electoral Supervisory Commission, the police, political parties and voters for the generally peaceful atmosphere maintained throughout the electoral process. The Mission acknowledges the efforts of contesting candidates and political parties to comply with the law.

The participation of more than 80% of eligible voters testifies to the continued interest of the people of Mauritius in the political life of the country. The low level of spoilt ballots demonstrates the electoral literacy of the voters.

2.5. Logistical Arrangements and the Conduct of the Poll

The Mission noted with satisfaction the efficient and competent conduct of the poll, including logistical arrangements, in all the areas visited.

2.6. Representation of Women amongst Electoral Staff and Polling Agents

The Mission was also pleased to witness the high level of women's representation amongst the electoral personnel and polling agents representing political parties and independent candidates.

2.7. The Police

The police forces were deployed throughout the country and they were

present at all polling stations and counting centres visited. The Mission appreciates the constructive and cooperative manner in which the police forces supported the whole electoral process.

2.8 Accreditation of Observers

The EISA Delegation applauds the introduction of legal provisions by the Mauritian National Assembly allowing foreign nationals to observe elections in Mauritius. The Mission further noted that the process put in place by the Electoral Commissioner's Office for the accreditation of international observers was particularly smooth, effective and friendly.

3. SUGGESTIONS FOR IMPROVEMENT

After examining the legal framework of elections in Mauritius, the EISA Mission concluded that although this framework generally provides for the conduct of democratic elections, there are areas which are not consistent with universal and regional trends. Therefore, the people of Mauritius and relevant institutions should consider initiating and implementing reforms with a view to further enhancing the quality of elections and political representation in the country.

The Mission therefore recommends the following:

3.1. Electoral System and Representation of Women

It is commonly recognised that the First-Past-the-Post (FPTP) system has an adverse impact on the representation of women and other disadvantaged groups. Under the Mauritian version of the Block Vote system, this impact is even further exacerbated.

The SADC Declaration on Gender and Development of 1997, of which Mauritius is a signatory, provides for a minimum of 30% representation of women in decision-making positions by 2005. The Mission was particularly concerned by the low number of women candidates, which clearly indicated that Mauritius would be unable to meet the prescribed target.

The Mission further noted that most political parties did not establish clear strategies aimed at enhancing the representation of women.

The Mission is pleased to note that the election results have provided for a

much stronger representation of women than foreseen. However, the Mission would like to stress that this is not a result of a deliberate commitment and strategy to balance gender representation and may therefore not be sustainable in future elections.

Therefore, the EISA Mission hopes that a new electoral system will be introduced which will guarantee a more balanced gender representation, in line with the SADC Declaration. Furthermore, political parties are encouraged to introduce specific measures to improve the representation of women. This new electoral system should also provide for a more accurate representation of political parties in accordance with the share of votes obtained nationally.

3.2. Delimitation of Constituencies

The Mission noted with concern the fact that the size of constituencies in terms of the number of registered voters widely differs. While the smallest constituency, namely Constituency 3: Port-Louis Maritime/Port-Louis Est, has an electorate of 22 145 voters, Constituency 14: 'Savanne/Rivière Noire' has the highest number of registered voters, 53 002. On the other hand, although Rodrigues is bigger than some constituencies in the mainland, it is entitled to elect only two representatives to the National Assembly.

As stated in the PEMMO, EISA recommends that constituencies be delimited in such a way that they contain approximately the same number of eligible voters.

3.3. Voters' Registration

The EISA Mission learnt with concern that the 2005 elections were conducted on the basis of the 2004 voters' register, which effectively disenfranchised an estimated 5,000 to 7,000 prospective voters. Based on the PEMMO, the Mission recommends that the voter registration process be regulated in a flexible way that promotes a broad participation of the electorate and does not hinder the participation of qualified voters. In addition, eligible voters must be provided with a continuous and accessible voter registration facility.

3.4. Access to Media

The Constitution of Mauritius guarantees freedom of the press. A vibrant independent media has emerged as a consequence of this provision.

However, various actors, including the opposition, alleged that the ruling coalition has been manipulating or using the state-owned media to its advantage. It was also noted that the independent media is regarded as partisan.

The EISA Mission did not have an opportunity to monitor the coverage of the elections by the media. The Mission, however, recognises the existence of regulations on the allocation of airtime to contesting parties and candidates during the electoral campaign. Nonetheless the system is not designed in such a way that it ensures equitable access.

The Mission recommends that measures be taken to ensure that all contesting parties and candidates have equitable access to the public media and fair coverage during elections.

3.5. Funding of Political Parties

The law in Mauritius does not provide for the public funding of political parties. The regulation only lays down a ceiling for parties and candidates expenditures for electoral purposes and requires the disclosure of private contributions. Most of our interlocutors pointed out that parties and candidates generally spend more than the maximum permitted, and do not declare the actual expenses for the campaign.

The EISA Mission proposes that appropriate steps be taken to strengthen the regulation on the funding of political parties with effective enforcement mechanisms.

3.6. Identification of Voters

The Mission is of the opinion that the current system of establishing the identity of voters at the voting rooms could be manipulated. The Mission therefore recommends that legislation be reviewed to require voters to produce a documentation that establishes their identity more convincingly.

3.7. Use of Public Resources

The use of incumbency is an area of serious concern which has been raised by various stakeholders. The Mission recommends that provisions be put in place for the regulation of the use of public resources as an electioneering instrument.

3.8. Political Violence

Whilst the Mission has commended the generally peaceful environment in which the elections were held, it should be noted that acts of election-related violence occurred during the campaign. As sporadic as they may appear, it is critical that Mauritius does not underplay their significance, but instead send a strong message by dealing with these incidents as strictly as possible in order to discourage this behaviour.

3.9. Domestic Observers

The Mission noted the absence of domestic observers in Mauritius. EISA believes that steps should be taken to allow for domestic organisations to be effectively involved in the monitoring of the electoral process, as this is the case in all other SADC countries. The involvement of national civil society organisations enhances the quality of democracy through increasing local ownership and participation in the process.

4. CONCLUSION

Mauritius is a well established democracy. The peaceful political alternation which characterises the Mauritian government remains a rare phenomenon in the SADC region. The Mission commends the electoral authorities for their impartiality, transparency, efficiency and professionalism. The EISA Mission's recommendations are therefore aimed at advocating for a further enhancement of a model that already works.

Basing itself on the guidelines enshrined in the ECF/EISA PEMMO, the EISA Election Observer Mission concludes that the 2005 National Assembly Elections in Mauritius were free and fair.

On behalf of the EISA Observer Mission to the 2005 National Assembly Elections in Mauritius

Mr. Denis Kadima
EISA Mission Leader

Appendix 5
Schedule of Briefing Meetings in Port Louis, Mauritius

EISA ELECTION OBSERVER MISSION TO MAURITIUS

OBSERVERS BRIEFING

Labourdonnais Hotel, Port Louis

Monday 27th –Tuesday 28th June 2005

DAY ONE – Monday 27th June

SESSION 1 WELCOME AND INTRODUCTIONS

08:30 – 08:45 **Welcoming Remarks**

Mr Denis Kadima: Mission Leader and Executive Director – EISA

08:45 – 09:15 **Introductions**

SESSION 2 THE OBSERVATION PROCESS

09:15 – 10:00 **Mission Outline**

This session gave a general overview of the Mission and the activities to be undertaken

Mr Martinho Chachiua – Mission Coordinator and Acting Manager Elections and Political Processes, EISA

10:00 – 10:30 **EISA Mission Photograph – Coffee/Tea Break**

SESSION 3 THE HISTORICAL AND POLITICAL CONTEXT

10:30 – 11:30 **The Mauritius Electoral System**

Professor Jorgen Elklit

University of Aarhus and EISA Board Member

The Electoral Reform Process: the issues at stake

*Mr. L. Amedée Darga,
Electoral Consultant*

- 11:30 – 12:30 **The Political Context of the Mauritius Elections**
Dr Sheila Bunwaree and Dr Roukaya Kasenally
University of Mauritius
- Political History of Mauritius
 - The Development of Political Parties
 - The Role of Civil Society
 - The Appointment and Operation of the Election Management Body
- 12:30 – 13:00 **PRESS CONFERENCE**
EISA Mission Arrival Statement
- 13:00 – 14:00 **LUNCH**

SESSION 3 (continued)

- 14:00 – 15:00 **The Media and the Electoral Process**
- Independence
 - Impartiality
 - Coverage of Different Political Parties
- Dr Sheila Bunwaree and Dr Roukaya Kasenally*
- 15:00 – 15:45 **Readiness of the Office of the Election Commissioner's Office**
Preparations thus far.
Mr M.I Abdool Rahman – Electoral Commissioner
Mr Mahmud Ally Dahoo – Electoral Commissioner's Office
Mr Y.H. Aboobaker – Electoral Supervisory Commission
- 15:45 – 16:15 **Discussion**

SESSION 4 THE PERSPECTIVE OF POLITICAL PARTIES

Facilitator: Dr Sheila Bunwaree

16:15 – 16:45 Mauritian Militant Movement/ Militant Socialist Movement
Mr. Ivan Collendavello, MP, MMM Secretary-General

16:45 – 17:15 Alliance Sociale
Dr. Navin Ramgoolam, Leader of the Opposition
Mr. Sanjay Bhuckory, Legal Adviser of Dr. Ramgoolam

DAY TWO – Tuesday 28th June 2005**SESSION 5: The Principles for Election Management, Monitoring and Observation in the SADC**

08:30 – 10:30 **Assessing the Election in Accordance with PEMMO**

- Discussion of the PEMMO and how it will be used to assess the elections
- Key aspects of the Mauritian election to be placed under PEMMO scrutiny
- Checklists

Ms Belinda Musanhu – Programme Officer
Elections and Political Processes, EISA

10:30 – 11:00 **Tea Break**

SESSION 6 DEPLOYMENT PLAN

11:00 – 13:00 **Deployment Plans and Logistical Packages**

Mr Martinho Chachiua – Mission Coordinator and Acting Manager
Elections and Political Processes, EISA

Appendix 6

List of International Observer Groups

1. EISA
2. The African Union
3. The SADC Parliamentary Forum (SADC PF)
4. The Electoral Commissions' Forum (ECF) of the SADC countries
5. The SADC Secretariat
6. La Francophonie

