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EISA TECHNICAL ASSESSMENT TEAM REPORT

MAURITIUS



MAURITIUS NATIONAL ASSEMBLY ELECTIONS 3 MAY 2010



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EISA ELECTION OBSERVER MISSION REPORT No 33

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TECHNICAL ASSESSMENT
TEAM REPORT

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EISA strives for excellence in the promotion of credible elections, participatory democracy, human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa.

EISA Election Observer Mission Report, No. 33

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Acronyms and Abbreviations

AU	African Union
EBC	Electoral Boundaries Commission
EISA	Electoral Institute for the Sustainability of Democracy in Africa
ESC	Electoral Supervisory Commission
ECF-SADC	Electoral Commissions Forum of SADC
FPTP	First-past-the-post
IOM	International Observer Missions
MMM	Mauritian Militant Movement
MLP	Mauritius Labour Party
MMSM	<i>Mouvement Militant Socialiste Mauricien</i>
MR	<i>Mouvement Républicain</i>
MSM	<i>Mouvement Socialiste Mauricien</i>
OPR	<i>Organisation du Peuple Rodriguais</i>
PMSD	<i>Parti Mauricien Social Démocrate</i>
PMXD	<i>Parti Mauricien Xavier Duval</i>
PSM	<i>Parti Socialiste Mauricien</i>
PEMMO	Principles for Election Management, Monitoring and Observation in the SADC Region
SADC	Southern African Development Community
SADC-PF	Southern African Development Community- Parliamentary Forum
UN	<i>Union Nationale</i>

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EISA's Technical Assessment Team to the National Assembly elections in Mauritius would like to thank the Mauritius Electoral Supervisory Commission (ESC) for inviting EISA to observe the 2010 National Assembly Elections, and for facilitating the accreditation of the EISA Technical Team as well as being available to respond to the Technical Team's queries. The information provided was useful to the Technical Team in achieving its objectives and especially in understanding the context within which the elections were being held. Our gratitude also goes to the political parties, civil society organisations (CSOs) and academics who made themselves available to meet with the EISA Team in Mauritius. The Team is indebted to the people of Mauritius for their warmth, and willingness to share their experiences and their opinions on the elections as well as on political developments in their country. We commend their peacefulness, which was evidenced by the calm environment within which the elections took place. Our gratitude is also extended to the Swedish International Development Cooperation Agency (Sida) without whose generous funding the election observation mission would not have taken place. Thanks go to Mr Miguel de Brito, Ms Astrid Evrensel and Ms Cecile Bassomo for preparing this report.

EXECUTIVE SUMMARY

In line with its vision of promoting credible elections and democratic governance in Africa, EISA deployed a three-member Technical Assessment Mission to the Mauritius National Assembly elections held on 5 May 2010. This report outlines the EISA Technical Team's assessment, findings and analysis of the electoral process in all its phases, namely the pre-election phase, the polling and counting, and the post-election phase, which includes the announcement of the results.

The EISA Technical Team comprised Mr Miguel de Brito, EISA's Mozambique Country Director, Ms Astrid Evrensel, Senior Programme Officer, and Ms Cecile Bassomo, Assistant Programme Officer. The Technical Team officially arrived in Port Louis on 29 April 2010. During eight days of observation, the EISA Technical Team covered eight constituencies in urban and rural areas on the Mainland namely: Stanley and Rose Hill; Curepipe and Midlands; Beau Bassin and Petite Riviere; Port Louis Maritime and Port Louis East; Pamplemousses and Triolet; Grand Baie and Poudre D'Or; Piton and Riviere du Rempart; and Quartier Militaire and Moka.

The Team used the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO) as the basis for its assessment of the Mauritius National Assembly Elections. PEMMO is a document developed by EISA and the Electoral Commissions Forum (ECF) of SADC countries. It outlines standards and best practices for the conduct and assessment of elections in the SADC region. The Declaration of International Principles for Election Observation and Code of Conduct for International Observers was also used as a reference.

On the basis of the PEMMO guidelines and its own findings over the eight days, the Technical Team concluded that the 2010 National Assembly Elections in Mauritius were free and fair. However, the Technical Team noted some areas for improvement in the electoral process. These are outlined in the recommendations.

TERMS OF REFERENCE

These Terms of Reference (ToR) of the EISA Technical Assessment Team describes the role and responsibilities of these members during their field deployment for the 2010 National Assembly Elections in Mauritius. They provide a summary of the Technical Team's objectives and outline the activities to be carried out by these members.

The Terms of Reference provide guidance on how the members of the Technical Assessment Team should behave, and their roles and responsibilities. The Team were invited guests in Mauritius and the election and related processes were for the Mauritian people to conduct. As observers, the EISA Technical Team members were expected to support and assess these processes, but not interfere with the process. EISA believes that international observers can play a critically important supportive role by helping enhance the credibility of the elections, reinforcing the work of domestic observer groups and increasing public confidence in the entire electoral process.

Specific instruments used by the Technical Team to assess the elections in Mauritius included:

- The Universal Declaration of Human Rights, which is accepted by all member states of the United Nations, 1948
- The African Union Declaration on Principles Governing Democratic Elections
- The EISA / ECF Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO), 2003
- The SADC Principles and Guidelines Governing Democratic Elections, 2004
- The Declaration of Principles for International Election Observation, 2005

In order to achieve the above, the Technical Team sought to undertake the following activities:

- Obtain information on the electoral process from the Electoral Supervisory Commission in Mauritius;
- 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 rooms 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.

THE EISA APPROACH TO ELECTION OBSERVATION

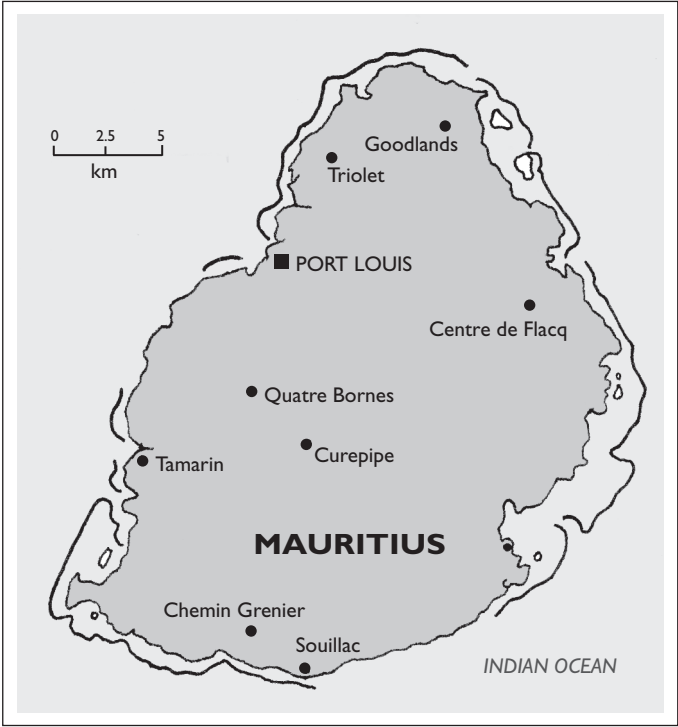
EISA seeks to realise effective and sustainable democratic governance in Africa through strengthening electoral processes, good governance, human rights and democratic values. In this regard, EISA undertakes applied research, capacity building, advocacy and other targeted interventions. It is within this broad context that EISA deploys election observer missions to assess the context and the conduct of elections in the SADC region. In order to assess the 5 May 2010 National Assembly elections in Mauritius, EISA established a three-member technical team. The Technical Team conducted a range of activities, including but not limited to desktop research, structured and open interviews with electoral stakeholders, attendance of press conferences, political party rallies and preparation activities by the election management body. The Election Day, counting and announcement of results was covered by direct observation by the technical team. Documents reviewed include the legal framework of Mauritius, national policy documents, past election reports and analyses, and media coverage. Through these activities all phases of the election preparations, including the pre-election, election and post-election phases could be covered.

Stakeholder meetings

The EISA Technical Assessment Team arrived in Port Louis on 29 April 2010, six days before the Election Day. The main objective of the Technical Team was to assess the level of preparedness and readiness of all the domestic stakeholders and the environment within which the elections were to take place. Within this timeframe, the Technical Team held meetings with the following electoral stakeholders: officials of the Electoral Commissioner's Office, the media, academia, CSO and political party representatives and other International Election Observer Missions (IOM). Unfortunately, the Technical Team was unable to meet political party representatives of the two leading alliances for reasons out of the Technical Teams' control, but it was able to meet with the other political parties. The Team attended the rallies of the two major alliances. The Team also met with other observer missions and attended their events, including the SADC-ECF stakeholder meeting, and the SADC post-election press conference.

Observation of voting and counting

On 5 May 2010, the EISA Technical Team observed the voting process in eight polling centres: Stanley and Rose Hill; Curepipe and Midlands; Beau Bassin and Petite Riviere; Port Louis Maritime and Port Louis East; Pamplemousses and Triolet; Grand Baie and Poudre D'Or; Piton and Riviere du Rempart; and Quartier Militaire and Moka. The Technical Team observed the opening and the closing of the polls in Stanley and Rose Hill. On 6 May 2010, the Technical Team observed the counting process in the following three counting centres: Stanley and Rose Hill, Belle Rose and Quatre Bornes, and Beau Bassin and Petite Riviere. This report is based on the activities and findings of the EISA Technical Assessment Mission deployed for the 2010 Mauritius National Assembly Elections.



1

Historical Overview



1.1 Political developments and electoral background



1.2 The National Assembly Elections 2005



1.3 Political developments between 2005 and 2010

In 1505, the Portuguese discovered uninhabited Mauritius. Dutch settlers occupied the island in 1598, and subsequently abandoned it in 1710. The French in 1715 and the British in 1810 seized Mauritius successively before its independence on 12 March 1968 and its accession to the Commonwealth. From independence until 12 March 1992, a governor-general presided over the parliament on behalf of the British monarch when the constitution was amended, leading to the establishment of the Mauritius Republic.

The total land area of Mauritius, including Agalega Islands, Cargados Carajos Shoals (Saint Brandon), and Rodrigues, is 2,040 km². In July 2006, the population of Mauritius was estimated at 1,240,827. With virtually 600 inhabitants per square kilometre, Mauritius has one of the highest population densities in the world. Hindu and Muslim Indo-Mauritians, the largest ethnic group, make up 68% of the entire population. The Creoles, the descendants of mixed Afro-European origin, account for 27%, followed by the Sino-Mauritians and the Franco-Mauritians or the descendants of the early French settlers, who constitute 3 and 2% respectively. Over the years, Mauritius has been acclaimed for its stability and racial harmony among its mixed population of Asians, Europeans and Africans, notwithstanding sporadic ethnic tensions.

1.1 POLITICAL DEVELOPMENTS AND ELECTORAL BACKGROUND

In 1968, the government of Mauritius with Sir Seewoosagur Ramgoolam as the leader of the Mauritius Labour Party (MLP) led Mauritius to independence.

Two parties dominated the political scene at the time: the MLP, mainly representing the Indian community; and the *Parti Mauricien Social Démocrate* (PMSD), under the leadership of Gaetan Duval, which generally rallied the Franco-Mauritian and Creole communities. In the early 1970s, the MLP faced a major 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. The emergency came to an end in 1976 following the dissolution of parliament and the long-awaited general elections called in December 1976.

The MMM received the largest share of the votes in the 1976 elections (38.64%), 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 seven seats. The MLP joined forces with the PMSD in order to secure a majority in the National Assembly and thereby lock the MMM out of power. However, internal division and political corruption scandals within the government led to a split of the MLP and the formation of the *Parti Socialiste Mauricien* (PSM) under the leadership of Harish Boodhoo. Against that background, the MMM–PSM alliance secured a landslide victory 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 as a result of a split in the MMM. The Prime Minister Anerood Jugnauth created a new party, the *Mouvement Socialiste Militant*, which merged with the PSM, to form the *Mouvement Socialiste Mauricien* (MSM). However, as the government lacked a majority in the National Assembly, Jugnauth called for elections ahead of the normal schedule. The MSM entered into a partnership known as ‘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 21 seats only, whereas the Alliance won 49.86% and 39 seats.

In the late 1980s the government disintegrated and in the September 1991 elections, which were called ahead of normal scheduling, the MSM–MMM alliance emerged as a counter political force to the MLP–PMSD coalition. Support for the MSM–MMM alliance rested partly in its promise to transform Mauritius into a republic. The MSM–MMM 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, which led to the proclamation of the Mauritius Republic in March 1992.

The opposition's political comeback put an end to the supremacy of the MSM when the LP–MMM secured a landslide victory in the December 1995 elections. The LP–MMM alliance won 60 of the 64 National Assembly seats. Navinchandra Ramgoolam, the LP¹ leader, became prime minister, while Paul Bérenger, the MMM leader, was appointed deputy prime minister and minister of foreign affairs. Ramgoolam's dismissal of Paul Bérenger in June 1997 led to a split of the coalition. Following corruption allegations against some cabinet ministers, Ramgoolam called for an early general election on 11 September 2000.

The 2009 political arena was dominated by two coalitions, namely the ruling Labour Party–*Parti Mauricien Xavier Duval* (LP–PMXD) alliance and the MSM–MMM alliance under the leadership of Anerood Jugnauth and Paul Bérenger from the opposition. The MMM–MSM alliance was based on an August 2000 electoral accord which guaranteed the sharing of the prime ministerial post between Jugnauth and Bérenger in the event of a victory. Jugnauth would serve the first three years and Bérenger would hold the position for the remaining two years. The MSM–MMM alliance won a resounding victory of 54 directly elected seats, whereas the LP–PMXD alliance and the *Organisation du Peuple Rodriguais* (OPR) obtained six and two seats respectively. In compliance with the pre-election MMM–MSM power transfer agreement, Paul Bérenger succeeded Sir Anerood Jugnauth as the first non-Hindu Mauritian prime minister. Sir Anerood Jugnauth took up the presidency upon the retirement of Karl Offman in October 2003.

1.2 THE NATIONAL ASSEMBLY ELECTIONS 2005

The National Assembly elections were held on 3 July 2005. The political landscape visibly changed with the emergence of a number of parties. The *Mouvement Militant Socialiste Mauricien* (MMSM), the *Mouvement Républicain* (MR) and *Les Verts* rallied behind the LP and the PMXD to form the *Alliance Sociale*. The *Parti Mauricien Social Démocrate* (PMSD) lent its political support to the MSM–MMM alliance. The balance of power shifted in favour of the *Alliance Sociale*, which obtained 38 directly elected seats, whereas the MSM–MMM coalition won 22 seats. The OPR gained two 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
Allocation of National Assembly seats 2005

Party or Coalition	Directly Elected	Best Losers	Total
<i>Alliance Sociale</i>	38	4	42
<i>Alliance MSM-MMM</i>	22	2	24
<i>Organisation du Peuple Rodriguais</i>	2	0	2
<i>Mouvement Rodriguais</i>	0	2	2
Total	62	8	70

Source: Electoral Commissioner’s Office 2005²

1.3 POLITICAL DEVELOPMENTS BETWEEN 2005 AND 2010

The *Alliance Sociale*’s victory in the 2005 National Assembly elections paved the way for Ramgoolam’s accession to the position of prime minister. Besides the defeat, the opposition alliance suffered from the withdrawal of the *Parti Mauricien Social Démocrate* (PMSD) from the MSM–MMM coalition in 2005. In 2006, the PMSD allied itself with the *Alliance Sociale*, which saw the end of the partnership between the MSM and the MMM. Thereafter, the MSM underwent a major leadership change following the resignation of Ashock Jugnauth from the party in 2006 and the establishment of the *Union Nationale* under his leadership. Under Pravind Jugnauth’s leadership, the MSM decided

to join the ruling alliance, while Ashock Jugnauth led the newly established *Union Nationale* into an alliance with the MMM. The year 2006 also witnessed the Regional Assembly elections in Rodrigues. The winning *Organisation du Peuple de Rodrigues* (OPR) received 10 seats, whereas the *Mouvement Rodriguais* won eight of the 18 elected seats.

In 2008, the *Alliance Sociale* lost one of its alliance partners, the *Mouvement Militant Socialiste Mauricienne* (MMSM). In September 2009, a PMSD split led to the establishment of the *Mouvement Mauricien Social Démocrate* (MMSD) under the leadership of Eric Guimbeau. The MMSD, the MMM and the *Union Nationale* entered into a coalition. In October 2009, the *Parti Mauricien Xavier Duval* (PMXD) and the PMSD formed a single party. Xavier Luc Duval became the leader of the merged PMSD. Following its dissolution, the *Mouvement Républicain* joined forces with the PMSD. As a result, Rama Valayden, the leader of the *Mouvement Républicain*, was appointed secretary general of the new PMSD. Following his 2007 court indictment, Ashock Jugnauth, the leader of the *Union Nationale*, lost his seat in a by-election in 2009 in spite of the MMM support.

In preparation for the 2010 National Assembly elections, the LP, the PMSD and the MSM entered into an alliance known as *Alliance de l'Avenir* under the leadership of Ramgoolam. The MMM, the UN, the MMSM and the MMSD in the opposition built the *Alliance du Coeur*. Paul Bérenger was chosen to lead the alliance.³

2

The Electoral Framework



- 2.1 Constitutional and legal framework
- 2.2 Electoral legislation
- 2.3 Electoral management bodies
- 2.4 The electoral system

The legal framework governing elections in Mauritius consists of a range of laws and regulations, including the 1968 constitution, which was amended in 2005; the National Assembly Regulations, and the Representation of the People Act, which was amended in 2010. 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 constitution⁴ establishes a parliamentary democracy and the separation of powers between the executive, the legislature and the judiciary.⁵

Head of state

The president, who is also head of state, is elected by the National Assembly for a five-year term on a motion made by the prime minister and supported by a majority vote. Chapter 4 of the constitution makes provisions for this election. The president and vice-president hold office for five years, but are eligible for re-election without restriction.⁶ Their duties are largely ceremonial.

Executive power

The executive power is exercised by the president through the prime minister, who is appointed to form a government by the president. The president appoints the member of parliament whom he believes will have the majority support in the National Assembly. The prime minister is ultimately answerable to the National Assembly.⁷ The deputy prime minister and the rest of the cabinet ministers are appointed and removed by the president on the advice of the prime minister.⁸

Legislature

Legislative power is lodged with a unicameral parliament consisting of the president and the National Assembly.⁹ The unicameral legislature is made up of a National Assembly of up to 70 seats. Out of the maximum number of 70 seats, 62 are elected by universal adult suffrage in a secret ballot from multi-member constituencies by a plurality vote. A number of up to eight assembly seats are additionally allocated using a nomination method, also known as the 'best losers' system. The Electoral Supervisory Commission nominates, according to a complex formula, non-elected candidates to ensure a fair and adequate representation of each community. Simplified, the procedure means that four of the eight possible seats are allocated to the four most underrepresented constitutionally recognised ethnic communities, and the other four remaining seats are allocated to the two biggest party alliances to counterbalance the allocation of seats with the election results. 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 political system in Mauritius grants a particular status to the opposition leader. Section 73(2) (a) of the constitution stipulates that the president formally appoints the opposition leader from representatives of opposition parties or the coalition holding the highest number of seats in the National Assembly.¹⁰

Judiciary

The Supreme Court, headed by the chief justice, is the highest judicial authority but right of appeal to the Privy Council (UK) has been retained.¹¹ The Supreme Court also has special jurisdiction to protect the constitutional

rights of citizens.¹² The judges of the Supreme Court are appointed by the president, in the case of the chief justice on the advice of the prime minister, in the case of the senior puisne judge on the advice of the chief justice and in the case of the other judges on the advice of the Judicial and Legal Services Commission.¹³ Judges may only be removed for incompetence or misconduct by the president on the advice of the tribunal.¹⁴ Lower courts include District Courts, the Intermediate Court and the Industrial Court.

Amendments to the constitution

In general, amendments require the votes of two-thirds of all the members of the National Assembly. The votes of three-quarters of all the members of the National Assembly are required to amend Sections 28-31, 37-47, 56-58 other than 57(2), 64-65, 71-72, 108, 47, Chapters II, VII, VIII, IX and the First Schedule. These cover, among other things, fundamental rights, the judiciary, executive and legislature, electoral system, service commissions and the ombudsman. To amend Section 1, which deals with the sovereign democratic state, and Section 57(2), regulating the term of parliament, a referendum is required, with three-quarters of the electorate approving the measure and all votes of all the members of the National Assembly.¹⁵

2.2 ELECTORAL LEGISLATION

Elections in Mauritius are regulated by several acts and regulations, some of them are the Representation of the People Act of 1968, the National Assembly Elections Regulations of 1968, the Rodrigues Regional Assembly Act of 2001, and the Local Government Act of 2003.

- **Representation of the People Act of 1968 (amended 1976, 1982, 2005)**

The Representation of the People Act was drafted in 1968 and amended in 1976, 1982 and 2005 thereafter.¹⁶ The law regulates the voter registration process, election offences, and election expenses. The law defines criteria for the registration of voters and makes legal provisions for a number of election-related areas such as the issuing of writs, regulations for the conduct of elections, and election petitions among other things. The following provisions were amended:

- Voters' residence and polling
- The voter register at regional and local levels

-
- Preparation of the voters' roll
 - Claims and publication of list of claimants
 - Notice of objections
 - Deposit by objectors
 - Publication of objection
 - Publication of list of deaths
 - Publication of registers
 - Vacancies in the National Assembly
 - Issuing of writs for the election of a new parliament
 - Issuing of writs as a result of the invalidity of an election
 - Unlawfulness of multiple candidature
 - Regulations for the conduct of elections
 - Appeal in relation to undue return or undue election of National Assembly member
 - Contracts and payment of election expenses
 - Election expenditure and authorisation
 - Candidate expenditure
 - Consequences of unauthorised expenditure
 - Payment of expenses by local bodies
 - Allowances to members of the commission
- **National Assembly Elections Regulations (Act 12/68) of 1968¹⁷**

The National Assembly Elections and Regulations were drafted in 1968. The law was subsequently amended in 1969, 1973, 1974, 1976, 1981, 1982, 1987, 1988, 1989, 1991, 2000, 2005 and 2009. The law regulates the following areas:

 - Appointment of returning officers and deputy returning officers
 - Registration of parties
 - Nomination and withdrawal of candidates
 - Polling and counting agents
 - Preparation for the poll
 - Allocation of symbols
 - Voting and counting
 - Blind and incapacitated electors
 - Voting by proxy

- Tendered/spoilt/rejected ballot papers
- Announcement of the poll results
- Allocation of additional seats

- **Rodrigues Regional Assembly Act (Act No.39 of 2001)¹⁸**

The Rodrigues Regional Assembly Act was drafted in 2001 and amended in 2002, 2004 and 2006. This piece of legislation established the Regional Assembly and the Executive Council of the Regional Assembly in Rodrigues. It regulates elections at the Rodrigues Regional Assembly level as well as the following areas:

- Executive Council of the Regional Assembly
- Meetings and proceedings of the Regional Assembly
- Finance
- Staff and related matters
- Amendments
- Commencement of the act

- **Local Government Act of 2003¹⁹**

The Local Government Act was drafted in 1989 and amended in 2003. It regulates elections at the municipal and village council level. The Local Government Act makes legal provisions for the following:

- Constitution of municipal, district and village councils
- Division of towns into electoral wards
- Election of municipal and village councillors
- Qualifications of local authority councillors
- Qualifications and disqualifications of electors for municipal and village council elections.

2.3 ELECTORAL MANAGEMENT BODIES

Section 38 of the constitution of Mauritius constitutes three independent bodies, which are responsible for various aspects of the electoral process: the electoral commissioner, whose office works in close collaboration with the Electoral Supervisory Commission (ESC) and the Electoral Boundaries Commission (EBC).²⁰

a) The electoral commissioner

The electoral commissioner is a public official appointed by the Judicial and Legal Services Commission. The commissioner is responsible for, among other things, 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'.²¹ This provision formally 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, 10 electoral officers and the administrative staff. The 10 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 11 male and six female members. The Technical Team regrets that not one of the chief or principal electoral officers is female:²²

Mr M. Irfan Abdool Rahman, electoral commissioner
Mr Mahmad Ally Dahoo, chief electoral officer
Mr B. K. Pudaruth, deputy chief electoral officer
Mr S. K. Ramparsad, temp principal electoral officer
Mr R. Oograh, temp principal electoral officer
Mr P. Cunniah, acting senior electoral officer
Mr D. Mulloo, acting senior electoral officer
Mr S. Tirvassen, electoral officer
Mr S. Beegoo, electoral officer
Mr A. N. Rumjaun, electoral officer
Mr A. A. Peerboccus, electoral officer
Ms V. Coonjan, electoral officer
Ms N. Seewoo, temp electoral officer
Ms L. A. Coochanah-Soobharayen, temp electoral officer
Ms P. Ramwodin, temp electoral officer
Ms R. B. Fatagar, temp electoral officer
Ms G. Gaju, temp electoral officer

b) The Electoral Supervisory Commission

The ESC is the constitutional body tasked 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. Section 38(2) of the constitution stipulates that 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 (EBC)

Section 39(2) of the constitution gives responsibility to the EBC to draw up and review the boundaries of constituencies.²³ It has the constitutional powers to perform technical operations for the geographical demarcation of constituencies in Mauritius and to present a report to the National Assembly every 10 years, or as close to that interval as possible, from the initial delimitation in August 1966. The last EBC report was presented to the National Assembly in 2009.

The commission consists of a chairman and no fewer than two and no 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 members with the ESC. Within the current composition of both commissions female representation reaches only 25%. The names of the members are:²⁴

Mr Y. H. Aboobaker, chairman
Mr D. Basset, member
Mr P. Bissessur, member
Ms N. Bundhun, member
Dr C. Yip Tong, member
Mr O. D. Cowreea, member
Mr G. A. Robert, member
Mrs C. R. Seewooruthun, member

The Technical Team recommends a higher percentage of female commissioners and representatives in the election management bodies of

Mauritius. Furthermore, it commends the fact that electoral stakeholders did not question the independence of the EMBs. On the contrary, they all seemed to have a high degree of confidence and trust in the Electoral Commissioner's Office.

2.4 THE ELECTORAL SYSTEM

For the National Assembly elections, Mauritius uses a multiple member plurality system, a constituency-based block vote which is a variant of the first-past-the-post (FPTP) system. Each voter must mark as many votes as there are seats in his/her constituency, and the seats are then allocated to the candidates with the most votes. For example, should a voter vote in a constituency on the mainland, s/he must mark three different candidates on one ballot. The marking does not need to consider party lines and can include independent candidates. All three markings are counted and added up to determine the three winners in such a constituency.

There are 20 three-member constituencies on the main island and one two-member constituency on Rodrigues Island, yielding 62 directly elected representatives. The constitution requires that a number of up to eight additional seats are filled from a list of 'best losers' on the basis of their communities and political parties, in order to support fair and adequate representation of each community.²⁵

Notwithstanding its endeavour to accommodate constitutionally recognised communities, the electoral system has a number of shortcomings. One of these shortcomings is the lack of proportionality and numerical balance between the number of seats acquired in the National Assembly and the percentage of votes. Table 2 illustrates that imbalance by providing figures on the proportion of votes obtained and directly elected seats allocated between 1991 and 2010.

In the 2010 elections, the *Alliance de l'Avenir* secured 49.31% of the votes and won 41 seats, as opposed to 42.46% of the votes and 18 seats for the *Alliance du Coeur*. Electoral stakeholders unequivocally agree on the need for parliament's adoption of electoral reforms proposed in the Sachs report. This report offers a number of recommendations such as introducing elements of proportional representation to the Mauritian electoral system, addressing the

Table 2
Share of votes and allocation of elected seats in the National Assembly from 1991 to 2010

	1991			1995			2000			2005			2010		
	Seats	% of Seats	% Votes	Seats	% of Seats	% Votes	Seats	% of Seats	% Votes	Seats	% of Seats	% Votes	Seats	% of Seats	% Votes
Government	57	95%	56%	60	100%	66%	54	90%	52%	38	63%	49%	41	68%	49%
Opposition	3	5 %	40 %	0	0%	28%	6	10%	37%	22	37%	43%	18	32%	42%
Total	60	100%		60	100%		60	100%		60	100%		60	100%	

Source: Election Update 2005; Electoral Commissioner's Office 2010²⁶

issue of women's underrepresentation, setting up regulations for political party funding, enforcing the code of conduct for political parties and appointing a senior attorney to the Judicial and Legal Services Commission.²⁷ There has been an ongoing debate in Mauritius over the importance of introducing electoral system reforms. Civil Society Organisations (CSOs) have made renewed calls to other electoral stakeholders in an attempt to push the electoral reform agenda. Unless elements of a mixed proportional representation system are incorporated into the Mauritian electoral system, imbalances will not be corrected and the issue of disproportionality between number of seats and percentage of votes will remain a contentious issue.

The 'best loser' system intends to address the issue of underrepresentation of the four constitutionally recognised ethnic communities, which are Hindu, Muslim, Chinese and General Population. However, it also aims to counterbalance and restore the numerical election results. Therefore, the 'best loser' system de facto fortifies the power of major parties and does not boost the power of smaller parties with parliamentary seats, nor does it offer smaller parties an opportunity to be more visible. Smaller parties have no alternative but to enter into a coalition with major parties to be players in the National Assembly. The 'best loser' seats, allocated on the basis of ethnicity, also work in favour of major parties in the sense that nominees from the four ethnic communities can be members of these big parties. In the 2010 elections, out of seven nominated 'best losers' seats, two seats were nominated for representatives of the Muslim Community and five seats were given to the best losers of the group of the 'General Population'. Anyhow, as all these candidates were party candidates, the Alliance PTR-MSD-MSM gained four additional seats, the alliance MMM-UN-MMSD two, and the *Organisation du Peuple de Rodrigues* one additional seat. No independent candidate benefited from this system.

3

The Pre-Election Phase



- 3.1 Delimitation process
- 3.2 Voter registration
- 3.3 Party registration and nomination of candidates
- 3.4 Women and political representation
- 3.5 Civic and voter education
- 3.6 Electoral campaign
- 3.7 Media coverage of the electoral process

3.1 DELIMITATION PROCESS

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 10 years and presenting a report to the National Assembly for approval.²⁸ However, as the National Assembly must approve or reject the recommendations as a whole, these were not approved in 1976, 1986 and 1999, and also not in 2009. The constitution adds that the commission may reconsider the boundaries of constituencies whenever it considers this appropriate, and this process must be done transparently with full opportunity given to all stakeholders, including civil society, to make representations.

Mauritius is divided into 21 constituencies, with 20 constituencies on the mainland. Rodrigues Island constitutes in total one constituency. Table 3 illustrates the size of the electorate in each of the 21 constituencies. Despite the fact that the constitution stipulates a revision of constituency boundaries every 10 years, this has not been done for a long time, leading to a very unequal representation of voters. As Table 3 shows, the size of constituencies – measured by the number of registered voters – differs widely. The smallest constituency, Port Louis Maritime/Port Louis East, has an electorate of 22,488 registered voters, while the largest one, Savanne/Rivière Noire, has 58,341. Despite having more than double the number of voters both of the constituencies have the right to three representatives each in the National Assembly. Similarly, despite being bigger than some mainland constituencies,

Rodrigues is entitled to only two representatives. Electoral stakeholders explained that there were no adjustments of these constituencies for many years and that a new delimitation process is needed for more equal representation in the National Assembly.

Table 3
Mauritius constituencies and electorate sizes in 2010

No of Constituency	Name of Constituency	No. of Electors	No. of seats	No. of voters per seat
3	Port Louis Maritime and Port Louis East	22,488	3	7,496
2	Port Louis South and Port Louis Central	24,642	3	8,214
13	Rivière des Anguilles and Souillac	33,169	3	11,056
12	Mahebourg and Plaine Magnien	36,242	3	12,081
19	Stanley and Rose Hill	38,982	3	12,994
11	Vieux Grand Port and Rose Belle	39,432	3	13,144
21	Rodrigues	26,930	2	13,465
1	Grand River North West and Port Louis West	40,572	3	13,524
7	Piton and Rivière du Rempart	40,624	3	13,541
	Quartier Militaire and Moka	41,342	3	13,781
18	Belle-Rose and Quatre Bornes	42,173	3	14,058
20	Beau Bassin and Petite Riviere	42,656	3	14,219
16	Vacoas and Floreal	44,053	3	14,684
17	Curepipe and Midlands	45,346	3	15,115
4	Port Louis North and Montagne Longue	46,179	3	15,393
10	Montagne Blanche and Grand River South East	47,296	3	15,765
6	Grand Baie and Poudre d'Or	48,379	3	16,126
9	Flacq and Bon Accueil	50,883	3	16,961
15	La Caverne and Phoenix	53,548	3	17,849
5	Pamplemousses and Triolet	56,620	3	18,873
14	Savanne and Rivière Noire	58,341	3	19,447
	Total	879,897		

Source: National Assembly elections 2010, list of constituencies, Electoral Commissioner's Office²⁹

With regard to relevant recommendations encompassed in the PEMMO,³⁰ it is evident that constituencies in Mauritius are not delimited in a way that would ensure that they contain a fairly equal number of eligible voters.

3.2 VOTER REGISTRATION

Section 42 of the constitution clearly establishes the conditions for the registration of voters in Mauritius. In order to register, a prospective voter must be a Mauritian national or a Commonwealth citizen having resided in Mauritius for at least two years before Election Day and not less than that. The minimum voting age is 18 and the registration is residence-based. No one is allowed to register in more than one constituency.

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 comes into effect on 16 August, irrespective of the election date.

Because the voters' roll update of 2010 came into effect only by August 2010, the 2009 version of the voters roll was used for the National Assembly elections in May 2010. This practically disenfranchised all young voters who attained the age of 18 between January 2009 and May 2010.

The legitimacy of the electoral process rests on the voters' roll, hence the critical importance of its quality and accuracy. Despite the fact that most of the electoral stakeholders indicated trust in the process for the registration of voters, the Technical Team was concerned about the level of disenfranchisement of young voters. A more flexible registration process could increase the level of inclusion of young first-time voters in the voters' roll and could hence stimulate a higher participation by these voters in the electoral process.

3.3 PARTY REGISTRATION AND NOMINATION OF CANDIDATES

Sections 8, 9 and 12 of the National Assembly Elections Regulations lay down the guiding principles for the registration of political parties and party alliances, and the nomination of candidates. 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.

Section 12 (4c) states that any candidate wishing to stand in the National Assembly elections shall declare his/her candidature through the submission of appropriate nomination papers on the indicated nomination day between 9:00 and 15:00. 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, each candidate must declare his/her membership of one of the ethnic communities of Mauritius for the purpose of allocation of 'best-losers' seats. Failure to do so renders the candidate's application invalid. This legal requirement was contested in the 2005 as well as in the 2010 elections.

Eleven candidates were denied nomination in 2005 on the grounds that they had refused to indicate their ethnic group as prescribed by law. The case was brought to the Supreme Court. The judge ordered the returning officers to insert the names of the 11 candidates on the list. In the run-up to the 2010 election, Mr Emmanuel Karuthasami, a candidate of the Party Socialist Plus, faced the same obstacle and appealed to the courts to be exempted from stating his ethnicity in his nomination papers for the 2010 NA elections premised on his argument that his national identity prevails over his ethnic identity. However, contrary to the 2005 court decision, in 2010 the court rejected his application and he could not register as a candidate.

Thirty-four out of the 65 formally registered parties and alliances contested the 2010 National Assembly elections. The *Alliance de l'Avenir*, or the Blue-White-Red Alliance 'for the future', and the *Alliance du Coeur* ('Alliance of the Heart'), recognised by their purple colour, were the frontrunners in this year's elections. The *Alliance de l'Avenir*, made up of the Labour Party (LP), the

Mouvement Socialiste Mauricien (MSM) and the *Parti Mauricien Social Démocrate* (PMSD), was under the leadership of Navin Ramgoolam, Pravind Jugnauth, Xavier Duval, and Dr Beebaujun. The *Alliance du Coeur* was composed of the *Mouvement Militant Mauricien* (MMM), the *Union Nationale* (UN) and the *Mouvement Mauricien Socialiste Démocrate* (MMSD), under the leadership of Paul Bérenger, Ashock Jugnauth and Raoul Guimbeau. Of the 529 candidates, 180 were independent candidates.

Only three parties, namely the *Alliance de l'Avenir*, the *Alliance du Coeur* and the *Front Solidarité Mauricienne* (FSM), fielded candidates for all the 60 available seats on the mainland. Appendix 5 shows the numbers of candidates for each registered party in the 2010 National Assembly elections.

3.4 WOMEN AND POLITICAL REPRESENTATION

In 2005, Mauritius adopted the National Gender Policy Framework. Against the shifting policy and institutional reform background, the Ministry of Women's Rights, Child Development, Family Welfare and Consumer Protection revised the framework in 2008. The revised framework is 'a generic policy document, drafted in line with programme-based budgeting and performance management initiatives of the government that calls upon various entities to take ownership of the process of designing their own respective gender policies using a participatory approach'.³¹ The national framework offers a conceptual understanding of gender, taking into consideration past achievements and national efforts to achieve gender equality across all walks of life. The National Gender Policy Framework acknowledged women's organisations' leading role in the process of setting the agenda for gender equality in Mauritius. The framework empowers women's organisations and civil society organisations broadly speaking to hold the government accountable over its commitment to gender equality and find sustainable solutions to the issue of underrepresentation of women in government and parliament.³²

Apart from the constitution, the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW), the 1997 SADC Declaration on Gender and Development, the 2005–2015 Commonwealth Plan of Action on Gender Equality, the Protocol on the Rights of Women of the African Charter on Human and People's Rights and the Millennium Development Goal Action

Framework served as guiding principles to the Mauritius National Gender Policy Framework, which promotes gender equality at the institutional level. This framework, a generic policy document by the Ministry of Women's Rights, Child Development, Family Welfare and Consumer protection, gives institutional responsibility for the implementation of gender equality to the legislature and the executive. It also advocates multi-stakeholder outreach strategies for ensuring the empowerment of women and equality between women and men. As a result, the framework put an emphasis on the need for political parties to play a constructive role in implementing gender responsive policies and strategies.³³

Despite the framework for empowering women in politics, the political parties scored poorly in the registration of their female candidates. In 2010, only 10.9% of the total numbers of candidates were female: 58 out of the 529 nominated candidates. The ruling alliance, the *Alliance de l'Avenir*, fielded 21.6%, or 13 female candidates, while the main opposition coalition only fielded 13.3% out of a total of 60 candidates. Worth mentioning is the performance of the party '*Lalit*', with 43.7% female participation as they nominated 14 women on their list of 32 candidates. There were only nine women among the 229 independent candidates. According to the candidate statistics sheet of the Electoral Commissioner's Office, four constituencies did not have any female candidate. Moreover, a comparison with the 2005 nomination data shows an alarming trend of falling numbers of women candidates, indicating that Mauritius is now even further away from the 50% target of women representation in decision-making positions by 2015 stipulated in the 2008 SADC Protocol on Gender and Development. As long as Mauritius is not a signatory party to this SADC Protocol and fails to commit to the real empowerment of women, little improvement can be expected in the future.

Aside from the fact that the electoral system does not provide for the increased representation of women in decision-making, both political parties' reluctance to embrace gender-sensitive policies and the absence of political parties' gender-oriented mechanisms perpetuate the status quo. A fact sheet on 'gender, elections and media' issued by Gender Links Mauritius, a women's organisations in Mauritius, expressed deep concern about the lack of enthusiasm of political parties regarding increased women's representation

Table 4
Nomination of female candidates for the National Assembly elections
of 2005 and 2010

	2005 NA elections			2010 NA elections		
	Total No. of candidates	Female candidates 2005	% of female participation 2005	Total No. of candidates	Female candidates 2010	% of female participation 2010
Candidates in NA elections	645	63	9.7%	529	58	10.9 %
Independent candidates	229	9	3.9%	229	9	3.9%
Ruling Alliance	60	6	10%	60	13	21.6%
Opposition Alliance	60	10	16.6%	60	8	13.3 %
Lalit party	32	14	43.7%	32	14	43.7%

Source: Electoral Commissioner's Office 2005 and 2010³⁴

at institutional level. Despite several advocacy campaigns run by gender activists and women lobby groups on the need to field one woman in each constituency for the 2010 elections, this did not yield the expected results.

3.5 CIVIC AND VOTER EDUCATION

Civic and voter education programmes seek to deepen democratic awareness among voters and stimulate active participation in elections. Within the SADC region, bodies and institutions responsible for the management of the electoral process generally implement civic and voter education programmes. The Mauritian case is unique, given the absence of provisions for civic and voter education by the government, political parties and 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 high voter turnout and high literacy rate on the islands and the very low number of spoilt ballots proved that most Mauritian citizens are indeed familiar with the voting procedures. Political party campaigning

prompts voters to take active part in democratic processes. The Technical Team also noticed the positive role the Electoral Commissioner's Office played in informing voters through the dissemination of information about administrative arrangements through the regular publication of notices in the printed media, on television and on the radio.

3.6 ELECTORAL CAMPAIGN

The law and the electoral campaign

It appears that there is no defined rule regarding the timing of the electoral campaign in Mauritius. Both the Representation of People Act and the National Assembly Elections Regulations are silent on the issue of a formal period during which political parties and candidates are able to reach out to the electorate and present their programmes and policies. Sections 65(2) and 65(3) of the Representation of People Act briefly touch on the issue of canvassing, but without any mention of how parties and candidates should undertake their electoral campaigns. Nonetheless, 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.

Code of Conduct for Political Parties

A code of conduct for political parties, party alliances, candidates, and their agents and employees was put in place for the first time in Mauritius for the 2010 elections by the Electoral Supervisory Commission.³⁵ However, as it was not endorsed by parliament, it was not binding. Although candidates signed the code upon registration, there was no system of enforcement in cases of violation and non-compliance.

The main articles of the Code of Conduct for Political Parties are:

- Article 2: Principles and prescriptions, dealing generally with bribery and corruption, freedoms and rights
- Article 3: Rights of participants, dealing with rights and duties of political activities
- Article 4: Campaign and election expenses, requesting transparency and compliance with the law

- Article 5: Respect for the environment, indicating that all participants shall conduct their campaign with utmost concern for the environment, especially mentioning that all campaign material should be made out of biodegradable material (paper and textiles).
- Article 6 Campaign quarters, dealing with the setting up of political camps for campaign proposes
- Articles 7-9 Conduct on polling day, on proclamation and reporting of breaches

Despite the fact that the code of conduct was not legally binding, the political parties generally adhered to it, which is a great step towards good democratic practices. The biggest winner in this contest was the environment of Mauritius, as, contrary to the 2005 campaign, there were no plastic banners or flags used.



Campaigning of the ruling alliance



Campaigning of the opposition alliance

The technical team congratulates the Electoral Supervisory Commission and the political parties for this conscious move to protect the environment and the successful introduction of a generally accepted code of conduct.

Campaign

The 2010 electoral campaign was generally peaceful, calm, lively and characterised by a level of political tolerance in spite of a few sporadic incidents of violence reported.³⁶ The Technical Team observed the rallies of the two major alliances, both held on 1 May 2010. It is traditional in Mauritius for the two big alliances to have '1 May celebrations', which were combined in 2010 with the last big campaign rallies for the National Assembly elections. The *Alliance de l'Avenir* held its public meeting at the municipality of Quatres Bornes and the *Alliance du Coeur* held its rally about 25 km away, at the municipality of Port Louis.

There were a significant number of unarmed policemen, especially at the rally of the *Alliance de l'Avenir* due to the attendance by the prime minister. Both rallies received high media coverage. The Technical Team congratulates the political parties and their supporters for having held the public meetings in different locations of the mainland. Due to geographical separation, there were no disturbances reported, both alliances could gather freely and candidates expressed their political views in the Creole language. Buses for easy transportation were provided to supporters from any part of the island to the two campaign areas. Main issues addressed by both leaderships were the democratisation of the economy, sustainable economic growth and job creation. Party jingles and songs played for hours at the gathering places, attracting large crowds of men, women, youths wearing the t-shirts and flags of their respective alliances.

On Election Day, both alliances set up 'information posts' to direct voters to the right voting places at strategic places. As far as the Technical Team could see, at the stations visited, all of these posts were outside the range of 200 metres of the polling stations, which is the stipulation of the guidelines issued by the Electoral Commissioner's Office, article 72A(5) in the 'Guidance notes for senior presiding officers'. While this assists in informing voters, there is no clear distinction between voter information and campaigning on Election Day.

Campaign finance and access to public resources

Mauritius makes no legal provision for funding or access to public resources for electoral purposes. It also does not regulate spending limits by parties or coalitions with regard to participation in an election. Only the campaign expenses for candidates are regulated by the law.

Section 51 of the Representation of People Act sets 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\$8,400). 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\$5,000) per candidate.

Although there are no spending limits, 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. When a candidate fails to do so, the contravening candidate is exposed to a fine of up to 1,000 rupees (about US\$33).

PEMMO recommends the following principles concerning the use of public resources:

- The use of public assets and funds for party political purposes should be regulated in order to level the playing field for political competition.
- The use of public resources for political campaigns and political party activities should generally be avoided but, if permitted, access thereto must be equitable and be paid for, and conditions for such access and payment must be clearly provided for in the law.

3.7 MEDIA COVERAGE OF THE ELECTORAL PROCESS

The Constitution of Mauritius guarantees freedoms of expression, speech and press as fundamental rights. The media landscape is dominated by the state-owned Mauritius Broadcasting Corporation (MBC), which operates radio and TV channels.³⁷ 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 emerged. Mauritius possesses a long history of print media and nowadays it can be described as vibrant and influential. There are approximately 50 newspapers published in Mauritius, 30 of which are in French and 20 in English, Chinese, Hindu and Creole. They are generally critical of both the government and the opposition.

The Independent Broadcasting Authority Act (IBA) provides for the establishment of the Independent Broadcasting Authority (IBA), an independent body responsible for 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 IBA regulated the allocation of parties' airtime on the state-owned television in the 2010 elections according to the 'Political Broadcasts and Party Election Broadcasts General Guidelines for Private and Public Broadcasters: General Elections 2010'.³⁸

All of the contesting parties were allocated airtime on the MBC for the 2010 elections, based on the calculation of the number of seats held in the outgoing parliament and the number of candidates fielded for the next elections. *L'Express*, *Le Défi* and *L'Indépendant*, as some of the leading newspapers of the print media, offered balanced and fair reporting on the ruling and the opposition coalitions. They were fairly impartial in their coverage of the *Alliance de l'Avenir* and the *Alliance du Coeur*. Nonetheless, the Technical Team noted the accusations representatives from the opposition coalition repeatedly levelled against the MBC for unfair and unbalanced reporting. The media is generally perceived as free, but not independent, as all the media (print as well as electronic media and TV) receives financial support from channels close to either of the main alliances. There is no code of conduct for the media in Mauritius and no media complaints commission.

4

Election Day



- 4.1 Opening of polling centres
- 4.2 Ballot paper and boxes
- 4.3 Polling staff
- 4.4 Security
- 4.5 Voters' roll
- 4.6 Polling stations
- 4.7 Voting Process
- 4.8 Closing of polling stations
- 4.9 Observers

In terms of the Representation of People Act, the president, acting in accordance with the advice of the prime minister, can call for an election of a new parliament on a date not later than 55 days after the dissolution of parliament under section 57 of the constitution. Following the dissolution of the National Assembly on 31 March 2010, the president issued an election writ on the same day. The nomination day was fixed for 17 April 2010, with polling and counting respectively scheduled for Wednesday 5 and Thursday 6 May. The announcement of the 'best losers' was to be conducted on 7 May 2010. For the 2010 elections, a total of 305 polling centres encompassing 1,983 voting rooms were established. The allocation of polling centres and voting rooms is presented in Table 5.

Table 5
Number of polling centres and voting rooms per constituency in the 2010 elections

	Constituency name	No. of polling centres	No. of voting rooms
1	Grand River North West and Port Louis West	12	90
2	Port Louis South and Port Louis Central	8	54
3	Port Louis Maritime and Port Louis East	12	54
4	Port Louis North and Montagne Longue	12	102
5	Pamplemousses and Triolet	17	128

6	Grand Baie and Poudre d'Or	14	108
7	Piton and Rivière du Rempart	17	93
8	Moka and Quartier Militaire	20	95
9	Flacq and Bon Accueil	19	114
10	Montagne Blanche and Grand River South East	18	103
11	Rose Belle and Vieux Grand Port	21	93
12	Mahebourg and Plaine Magnien	13	82
13	Rivière des Anguilles and Souillac	13	77
14	Savanne and Rivière Noire	21	138
15	La Caverne and Phoenix	17	119
16	Vacoas and Floreal	14	97
17	Curepipe and Midlands	11	101
18	Belle-Rose and Quatre Bornes	10	95
19	Stanley and Rose Hill	10	83
20	Beau Bassin and Petite Riviere	12	94
21	Rodrigues	14	63
	Total	305	1,983


















Source: Electoral Commissioner's Office 2010³⁹

4.1 OPENING OF POLLING CENTRES

According to the 2009 amendment of section 22 of the National Assembly Elections Regulations, voting must take place between 7:00 and 18:00 and from 6:00 to 17:00 in Rodrigues, without the provision of a lunch break, which was a slight change to the polling hours from previous elections, where polling stations closed for the lunch hour. Polling staff took their lunch break on a rotation basis to allow voters to cast their votes without interruption. All polling centres visited by the Technical Observer Team opened on time. The main distribution of non-sensitive material from the capital to the constituencies was done one to two days before the Election Day and the polling stations were set up the day before. On Election Day, the election officials, in the company of security, transported sensitive material to the polling centres. The transport from police stations to polling centres went efficiently and all polling centres visited were adequately supplied at the opening. Overall, the Electoral Commissioner's Office was successful in the timely delivery and distribution of polling materials.

4.2 BALLOT PAPER AND BOXES

The Electoral Commissioner's Office is in charge of the verification of the constituency-specific ballot papers. The ballot paper included the name of parties and independent candidates, the name of the parties or party alliances and their respective symbols.

1	ADAPEN (Veeramootoo Adapen, of 7, Victoria Ave., Quatre Bornes, self-employed)		
2	BANDHOO (Belal Bandhoo, of 4, Dr. Manilal Ave., Tréfiles, Rose Hill, self-employed)	F.S.M. (Front Solidarité Mauricienne)	
3	BERENGER (Paul Raymond Berenger, of 27, River Walk, Vacoas, leader of the opposition)	Alliance MMM-LIN-MMSD	
4	BONNE (Marie Daniele Anick Bonne, of Stevenson St., Les Casernes, Curepipe, self-employed)	Party Malin	
5	CHAUVIN (Marie France Lisanne Mirella Chauvin, also known as Mirella Chauvin, of Mercury Ave., Morcellement Hermitage, Coromandel, Beau Bassin, educator)	Alliance PTR-PMSD-MSM	
6	CHUNG SIANG FAH (Ah Sew Chong Chung Siong Fah, of 4, Captain Bruce St., Rose Hill, retired chemistry teacher)		
7	CHUNNOO (Sewcoomar Chunnoo, of 20, Berthaud Ave., Stanley, Rose Hill, security officer)		
8	DOMUN (Kedarnath Domun, of 189, Hugnin Rd., Stanley, Rose Hill, pensioner)		
9	GOBURDHUN (Taleb Goburdhun, of 60, Queen St., Plaisance, Rose Hill, plumber)	F.S.M. (Front Solidarité Mauricienne)	
10	ISSACK (Ahmed Reza Goolam Mamode Issack, also known as Reza Issack, of 28E, Ledoux St., Curepipe, journalist / educator)	Alliance PTR-PMSD-MSM	
11	JANNOO (Abdoel Bashir Abul Cader Jannoo, also known as Bashir Cader, of 223, Boundary St., Rose Hill, businessman)	Les Verts Fraternels	
12	MICHEL (Jacques Elie Michel, of Hayes Hallaman Ave., Plaisance, Rose Hill, pastry cook)	Les Verts Fraternels	
13	NAGALINGUM (Darmarajan Nagalingum, of 13, Riverside Rd., Belle Etoile, Beau Bassin, self-employed)	Alliance MMM-LIN-MMSD	
14	RIBOT (Lysie Nicole Ribot, of 32C, Farguier Ave., Quatre Bornes, education officer)	Alliance MMM-LIN-MMSD	
15	RUHUMUTALLY (Yusef Ruhumutally, of Jonah Rd., Stanley, Rose Hill, taxi driver)	F.S.M. (Front Solidarité Mauricienne)	
16	SABAPATHEE (Cindy Sabapathée, of 12, Ste Anne Street, Stanley, Rose Hill, businesswoman)	Les Verts Fraternels	
17	VALAYDEN (Valayden, also known as Raina Valayden)	Alliance PTR-PMSD-MSM	

Sample of one ballot paper in 2010 National Assembly Election

A total of 2,000 translucent ballot boxes were distributed across the mainland and Rodrigues. Each voting room had four voting booths at its disposal. Cardboard voting booths were used in Mauritius for the first time in 2010. The Technical Team observed that all materials were dispatched timeously to all polling centres and in more than sufficient quantities.

4.3 POLLING STAFF

For the 2010 elections, the Electoral Commissioner's Office employed 12,824 electoral officers on Election Day. Within polling stations, 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 were directing clerks to channel the flow of voters to the correct voting rooms. About half of the personnel employed on voting day were used on counting day for the tabulation operations. The Technical Team noticed that at the observed polling centres the ballot box clerks were all women.

The Technical Team was particularly impressed with the high level of professionalism and efficiency displayed by the electoral personnel. The Technical Team was equally pleased to witness the high level of women's representation among both the electoral personnel and the polling agents representing political parties and independent candidates. The latter were present at all voting rooms visited.

The Electoral Commissioner's Office ran eight briefing sessions for all election officers. The last training was held on 29 May 2010. Returning officers provided training to all junior support staff. On the eve of the polls, the Technical Team observed a final training session for polling staff ran by the senior presiding officers.



Last instructions given to polling staff the day before the elections

The Technical Team noted that the Electoral Commissioner's Office issued notes and memos to its personnel to ensure the proper conduct of elections. These notices generally provided guidance to senior presiding officers, presiding officers and all other election officers. For example, the following guiding documents were made available to the polling officials:

- ✓ Notes for the Guidance of Senior Presiding Officers
- ✓ Memo for Presiding Officers
- ✓ Instructions on Counting

At the centres visited, electoral officers seemed to be fully cognisant of the procedures governing the polling process.

4.4 SECURITY

The Technical Team observed that there were a reasonable number of unarmed 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.

4.5 VOTERS' ROLL

The 2010 elections were conducted on the basis of the voter registration undertaken in 2009. The Technical Team consistently observed that the computerised voters' roll produced by the Electoral Commissioner's Office was available at every polling station visited. The presiding officer, the polling clerk and all party agents had copies of the voters' roll. A voters' list, containing the names of the voters assigned to the voting room in alphabetical order, was displayed in front of each voting room for easy orientation of the voters. Each voting room accommodated between 400 and 450 voters. The Technical Team did not record any complaints with regard to the accuracy of the voters' roll. However, it was concerned about the issue of disenfranchisement owing to the fact that the updated voters' roll, which includes voters who turned 18 in early 2010, has yet to come into force.



Voters' roll is placed outside each polling station to allow the voters to find the right voting room



Sample of the voters' roll used in 2010

The voter turnout for the 2010 National Assembly elections was as follows:

Table 6
Voter turnout in the 2010 National Assembly elections

Constituency No.	Name	No. of voters	% of voter turnout
1	Grand River North West and Port Louis West	29,383	72.42
2	Port Louis South and Port Louis Central	18,984	77.04
3	Port Louis Maritime and Port Louis East	17,345	77.13
4	Port Louis North and Montagne Longue	34,434	74.57
5	Pamplemousses and Triolet	43,379	76.61
6	Grand Baie and Poudre d'Or	36,586	75.62
7	Piton and Rivière du Rempart	32,376	79.70
8	Quartier Militaire and Moka	34,349	83.08
9	Flacq and Bon Accueil	39,652	77.93
10	Montagne Blanche and Grand River South East	38,611	81.64
11	Vieux Grand Port and Rose Belle	32,739	83.03
12	Mahebourg and Plaine Magnien	28,802	79.47
13	Rivière des Anguilles and Souillac	27,658	83.39
14	Savanne and Rivière Noire	46,396	79.53
15	La Caverne and Phoenix	41,853	78.16
16	Vacoas and Floreal	34,166	77.56
17	Curepipe and Midlands	34,232	75.49
18	Belle-Rose and Quatre Bornes	32,445	76.93
19	Stanley and Rose Hill	29,240	75.01
20	Beau Bassin and Petite Riviere	31,383	73.57
21	Rodrigues	20,755	77.07
	Total	684,768	77.82

Source: Electoral Commissioner's Office 2010⁴⁰

4.6 POLLING STATIONS

The Technical Team observed that polling stations were laid out in a manner that promotes easy flow for the voters. The layout and facilities in all polling

stations were adequate, orderly and their perimeters were clearly marked. Polling stations were generally situated in 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. In one of the polling centres visited, the Technical Team observed a senior voter in a wheelchair struggle to access the voting room located on the first floor of the building. Party candidates expressed their concerns over the lack of adequate facilities for voters with special needs.

4.7 VOTING PROCESS

The process of voting was conducted in a peaceful and orderly way. Voters took about 1.5 minutes to go through the voting process. Throughout the day, it was observed that the flow of voters was smooth and without any significant interruption. Generally, vehicles were not allowed to stop or park within a 200-metre radius from the boundaries of any polling station, except those transporting electoral staff and incapacitated voters.

The team observed the presence of some crowds of party agents on Election Day who provided assistance to voters to find the right polling station. Due to the lack of a clearly set limit for the official end of the campaigning, the lines between Election Day campaigning and pro bono work became blurred.



Voters waiting patiently outside the polling stations for their turn to vote

Although the voting rooms were laid out in a manner which promotes a good flow for the voters, the Technical Team observed that the direction of the booth did not fully promote secrecy of the ballot, as the opening of the booth was directed to the general room. On some occasions, observers, party agents or polling staff could identify the marking of the ballot paper when the voter was folding the ballot paper.

Overall, Mauritians are familiar with voting procedures. The Technical Team observed that there were very few voters who lacked knowledge of voting procedures. The Technical Team noticed polling officials' readiness to assist voters who were uncertain about the process. Supervisory officials provided assistance to voters due to the uncertainty of some polling clerks over the handling of incapacitated voters.

Mauritius offers civil servants, members of the police, election and public officers who are on duty on Election Day the opportunity to vote by proxy. The electoral commissioner receives the lists of the electors entitled to vote by proxy at least 14 days before the Election Day. The eligible voter designates one person in her/his application and a proxy paper is issued. The returning officer keeps a record of the 'list of proxies' of electors for whom proxies have been appointed, which serves as the document with which to countercheck the proxy voting on Election Day. The Technical Team observed several proxy voters and noticed that the procedure was clearly understood and followed. Upon presentation of the proxy paper the voter received a ballot paper and continues with the normal voting procedure.

The names and addresses of registered voters were openly displayed in alphabetical order at the entrance of each and every voting room. By law, Mauritian voters are not required to produce any formal identification prior to receiving a ballot paper. This opens up the possibility of impersonating of voters or other attempts for fraudulent voting. The Technical Team observed in rare cases that some presiding officers requested voters to produce their ID. A number of voters visibly showed a readiness to produce their ID without any formal request. In one of the polling stations visited, the Technical Team observed that one of the senior presiding officers checked the identity of one voter against his ID because of doubts over his identity. Overall it would appear that voter recognition is done by the community. Several cases of

alleged impersonation were reported in the media.⁴¹ The non-use of indelible ink further opens the way to fraudulent or double voting.

In 2010, because of the date of the elections in May, the Election Day was in the middle of university exams. This made it impossible for many students from Rodrigues Island to return home for the voting and therefore this group was clearly disenfranchised from their right to vote. This case was brought to the court and was dismissed due to insufficient clarification in the Representation of the People Act.

As the national ID is widely used in Mauritius, the checking of the national ID card as well as the usage of indelible ink (as recommended in the PEMMO) might prevent speculation about misuse of the system and could help to enhance the process.

4.8 CLOSING OF POLLING STATIONS

The Technical Team observed the following steps for closing:

- The door of all voting rooms and the main entrance of the polling station were closed at 18:00.
- The presiding officer sealed the ballot boxes with red and white seals. Party agents used their own seals to optimise their own control mechanism. Polling officials and party agents in each voting room affixed their signatures on the serially numbered tamper-proof plastic seals as witnesses.
- Presiding officers placed unused ballot papers in envelope A; spoiled ballot papers in envelope B; tendered ballot papers in envelope C; the poll clerk's marked copy of the register and the counterfoils of ballot papers in envelope D; the tendered vote list and the list of assisted voters in envelope E; and the list of proxies and proxy papers in envelope F. The envelopes were sealed off individually with the provided self-adhesive tape following senior presiding officer's verification of all envelopes.
- Ballot boxes from all the polling stations were taken to the sealed storage room in the presence of party and candidates' agents, as well as international observers. The proceedings were closely monitored by security forces.



All ballot boxes of one constituency were stored overnight in a sealed room

Polling officials used the memo and the instructions on counting as a checklist during the procedures. The Technical Team did not observe any irregular incidents regarding the closing of polling station. Ballots from the polling stations were transported under police escort to the polling station which had been the nominated counting centre.

4.9 OBSERVERS

The 2010 elections were the second elections in which international observers conducted observer missions in Mauritius following the implementation of legal reforms in 2005. The Electoral Commissioner's Office issued invitation letters to interested international observer groups.

The accreditation process was run in an efficient and professional manner. This allowed the missions to move around freely and engage with electoral stakeholders. The international missions included the African Union (AU), the SADC Secretariat, the SADC Parliamentary Forum (SADC PF) and the Electoral Commissions' Forum (ECF) of SADC countries.

The Technical Team noticed the absence of domestic observer groups, as the law does not provide for the accreditation of national observer groups. The Mauritius Council of Social Services (MACOSS), a network of local civil society organisations, held discussions with the Electoral Commissioner's

Office over the issue of domestic observation and its willingness to register as a domestic observer group. However, as the law does not provide for it, no national observer group could be deployed to observe the elections.

The introduction of legal reforms is important to support the formation, accreditation and work for domestic observation to ensure the transparency of and to improve trust in the electoral process. In accordance with the recommendations of PEMMO, the Technical Team recommends the legal provisions for the accreditation of national observer groups in Mauritius.

5

Counting and Results



- 5.1 Counting and announcement of results
- 5.2 Announcement of best losers

5.1 COUNTING AND ANNOUNCEMENT OF RESULTS

Section 47 of the National Assembly Elections Regulations provides for the counting of votes to begin at 8:00 on the day following the poll and to conclude by 18:00. Otherwise, the counting process must be suspended between 18:00 and 8:00 the following day. Counting takes place at a nominated centre in each constituency, under the supervision of the returning officer.

The Electoral Commissioner's Office issued instructions on counting for the 2010 elections. The counting started right at 8:00 in the morning by breaking the seals of the doors at the rooms where all the ballot boxes were kept under safeguard overnight. Party agents and observers were allowed in to inspect the seals of the polling boxes. Afterwards, only polling officials and international observers were allowed inside the counting room, but party agents could observe the process through the windows. The counting process was conducted according to the following procedures.

After the seals were broken and ballot boxes opened, all the cast ballots were unfolded and reconciled to the number of votes cast according to the statement for each polling station. The counting officials bundled the ballots in bunches of 100 ballots. These bundles were reconciled for each voting room before the returning officer mixed them to ensure that it was not possible to trace back the results to certain polling stations. There was one counting centre for each constituency, and each counting centre had about 20 to 30 counting teams which all counted simultaneously. After having received a

number of about 1,200 ballots, the bundles were opened, each ballot was shown to the party agents, and the three markings at each ballot were openly announced, which gave the officials and the party agents an opportunity for their tabulation. The procedure was clearly understood, easily followed and transparent.



The ballot boxes are opened and the ballots are counted and bundled into rolls of 1,000 papers simultaneously at the counting centres



Party agents watch as the counting officers verify the ballot papers and announce the marks on each paper

The results for each counting station were collected and openly posted at the counting centre. The returning officer collected the results for the whole constituency every hour and also posted them on a board inside the counting centre so that the party agents were able to follow the developments over the day.

After the count, the returning officer certified, by endorsement on the writ, the candidates declared elected as members of the National Assembly and the number of votes they had respectively obtained. The endorsed writ was transmitted to the Electoral Commissioner's Office.

According to Section 51 of the National Assembly Elections Regulations, 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. At the 2010 election this happened in one constituency on the mainland. In fact, the recount changed the final result for this constituency. The regulation also stipulates that, apart from the election officials, only candidates, accredited international observers, party and candidates' agents and members of the press are allowed access to counting stations.

The Technical Team 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. Nonetheless, the Technical Team 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.

By the end of the counting day, all major constituencies had their declared winners. The 2010 elections provided 62 seats for the National Assembly by direct vote as follows.

The *Alliance de l'Avenir* won the 2010 National Assembly Elections with 41 elected MPs, the *Alliance du Coeur* obtained 18 seats, the *Mouvement Rodriguais* won the two seats for the island, and the *Front Solidarité Mauricienne* won one seat. The voter turnout of 77.82%, or 684,768 voters of 879,897 registered

voters, was similar to the turnout of previous years. Appendix 6 shows the results of the elected candidates of the National Assembly Election 2010.

5.2 ANNOUNCEMENT OF BEST LOSERS

On 7 May, the best losers were announced. Following the calculations based on a formula, there were seven seats allocated for the 2010 elections. Two of the best losers' seats had to go to candidates of the Muslim group, and five additional seats had to be allocated to candidates representing the general population of Mauritius. The best losers are determined by the percentages of votes non-elected candidates received in their respective constituencies. As all these candidates were also members of parties, the seven seats were allocated as following: four additional seats went to the *Alliance de l'Avenir*, two more seats to the *Alliance du Coeur* and one additional seat was nominated for the *Organisation du Peuple de Rodrigues*. Appendix 7 shows in detail the nominated candidates according to the best loser system.

Table 7
Seat distribution for the National Assembly in 2010

Coalition/Party	% votes	Candidates	Elected seats	Best loser seats	Total seats	% seats
<i>Alliance de l'Avenir</i>	49.31	60	41	4	45	65.21
<i>Alliance du Coeur</i>	42.46	60	18	2	20	28.99
<i>Front Solidarité Mauricienne (FSM)</i>	2.54	60	1	0	1	1.45
<i>Mouvement Rodriguais (MR)</i>	1.04	2	2	0	2	2.90
<i>Organisation du Peuple Rodriguais (OPR)</i>	0.93	2	0	1	1	1.45
Others	3.72	0	0	0	0	0
Total	100.00	182	62	7	69	100.00

Source: EISA webpage (2010)⁴²

Table 8
Comparison of 2005 and 2010 National Assembly election results

	2005			2010		
	Parties - Alliances	Elected Seats	Best Losers Seats	Parties - Alliances	Elected Seats	Best Losers Seats
Government	LP/PMXD/ MMSM/MR/the Greens	38	4	<i>Alliance de l'Avenir</i>	41	4
Opposition	MSM/MMM/ PMSD	22	2	<i>Alliance du Coeur</i>	18	2
Rodrigues	<i>Mouvement Rodriguais</i>		2	<i>Mouvement Rodriguais</i>	2	
	<i>Organisation du Peuple de Rodri- gues</i>	2		<i>Organisation du Peuple de Rodrigues</i>		1
Other parties				FSM (<i>Front Solidarité Mauri- cienne</i>)	1	0

6

Conclusions and Recommendations



- 6.1 Electoral system
- 6.2 Delimitation of constituencies
- 6.3 Voter registration
- 6.4 Access to media
- 6.5 Campaign finances and access to public resources
- 6.6 Representation of women
- 6.7 Domestic observers

On the basis of the PEMMO guidelines, the EISA Technical Team concluded that the 2010 National Assembly Elections were credible and transparent. The Technical Team congratulates the people of Mauritius and the electoral management for the conduct of peaceful, orderly and well-planned elections. The elections took place in a peaceful, lively and orderly environment, except for isolated incidents of political violence reported in some constituencies. The Technical Team commends the general positive attitude of the Mauritian people. The constitutional and legal framework governing the conduct of elections guarantees fundamental freedoms and human rights. On the basis of observations made, the Technical Team would like to make the following recommendations.

6.1 ELECTORAL SYSTEM

The Technical Team noted the lack of proportionality between number of seats and percentage of votes received. In 2010 the ruling alliance obtained 68% of the seats with 49% of the votes. There is a need for proportionality between seat allocation and percentage of votes won in an election. The Technical Team recommends that the lack of proportionality should be addressed through the adoption and implementation of electoral system reforms.

6.2 DELIMITATION OF CONSTITUENCIES

The Technical Team noted with concern 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, had an electorate of 22,488 voters, Constituency 14: Savanne/ Rivière Noire had the highest number of registered voters, 58,341. On the other hand, although Rodrigues, with 26,930, is bigger than some constituencies on the mainland, it is entitled to elect only two representatives to the National Assembly. In line with PEMMO, the Technical Team strongly recommends constituencies be delimited in such a way that they contain approximately the same number of eligible voters.

6.3 VOTER REGISTRATION

The Technical Team was concerned about the fact that the 2010 elections were conducted on the basis of the 2009 voters' roll, and prospective voters who turned 18 in early 2010 were consequently disenfranchised. In order to promote broader participation and greater enfranchisement of the population, the Technical Team recommends that the voter registration methodology should be more flexible to allow for voter registration updates closer to the date of elections.

6.4 ACCESS TO MEDIA

The IBA, the independent authority tasked with the regulation and monitoring of the media, should ensure proportional access of contesting parties to public media. Although the Technical Team hails the initiative of Electoral Commissioner's Office to reach an agreement with the media on their conduct in the 2010 elections, it strongly recommends the adoption of a permanent code of conduct for the media which will regulate not only quantitative coverage but also clearly defines ground rules and journalistic ethics.

6.5 CAMPAIGN FINANCES AND ACCESS TO PUBLIC RESOURCES

Mauritius makes no legal provision for funding or access to public resources for electoral purposes. It also does not regulate spending limits by parties or coalitions with regard to participation in an election. Only the campaign expenses for candidates are regulated by the law at approximately US\$5,000 to 8,400 depending on the numbers of candidates in a party.

Based on the PEMMO principles, the Technical Team recommends clearly defined criteria for public funding allocation to give all contesting parties and independents a fair and equal chance in the election. Additionally, provision

should be made for the disclosure of not only the spending during campaign but the source of private funding for political parties and candidates. Thirdly, the amount set by the law as a ceiling for expenses for each candidate during campaign should be realistically set and reinforced.

6.6 REPRESENTATION OF WOMEN

The Multiple Member Plurality system does not do any justice to women's representation, as it tends to skew further the representation. Based on the gender breakdown of the candidate statistics by the Electoral Commissioner's Office, the Technical Team noted the absence of women candidates in four constituencies. As much as the system makes room for three seats on the mainland and two seats in Rodrigues, the implementation of the system does not guarantee equal representation of men and women. Therefore, the Technical Team recommends the adoption of a system at party and institutional level to ensure the inclusive participation of both men and women, and it strongly recommends that Mauritius signs the 2008 SADC Protocol on Gender and Development.

6.7 DOMESTIC OBSERVERS

The Representation of the People Act was amended ahead of the 2005 National Assembly elections in order to allow international observer groups in Mauritius for the first time ever. Notwithstanding this positive reform, Mauritian law does not make room for domestic observation. The Technical Team recommends the introduction of domestic observation through the implementation of electoral system reforms.

APPENDICES

APPENDIX I

Members of the EISA Technical Observer Team

Name	Organisation	Country	Gender
Mr Miguel de Brito	EISA	Mozambique	Male
Ms Astrid Evrensel	EISA	Austria	Female
Ms Cecile Bassomo	EISA	Cameroon	Female

APPENDIX 2

List of stakeholders interviewed during the mission

Name	Organisation
Mr Abdool Rahman	Electoral Commissioner's Office
Mr D. Whan Mulloo	Electoral Commissioner's Office
Mr Premchand Ramlochun	Freelance journalist
Mr O. D. Cowreea	Mauritian Council of Social Services (MACOSS)
Ms Rubyna Ramah	Mauritian Council of Social Services (MACOSS)
Dr Sadasivam Reddi	University of Technology Mauritius
Mrs Loga Virashsawmy	Media Watch
Mr Pravesh Ramful	Student Union – University Mauritius
Mrs Paula Atchia	Women in Networking (WIN)
Mr Reaaz Chuttoo	Trade Union Representative
Mr Indurdeo Balgobin	Mauritian Council of Social Services (MACOSS)

APPENDIX 3

Mauritius 2009 Registration Statistics

Constituency No.	Constituency Name	No. of registered voters
1	Grand River North West and Port Louis West	40,572
2	Port Louis South and Port Louis Central	24,642
3	Port Louis Maritime and Port Louis East	22,488
4	Port Louis North and Montagne Longue	46,179
5	Pamplemousses and Triolet	56,620
6	Grand Baie and Poudre d'Or	48,379
7	Piton and Riviere du Rempart	40,624
8	Quartier Militaire and Moka	41,342
9	Flacq and Bon Accueil	50,883
10	Montagne Blanche and Grand River South East	47,296
11	Vieux Grand Port and Rose Belle	39,432
12	Mahebourg and Plaine Magnien	36,242
13	Rivière des Anguilles and Souillac	33,169
14	Savanne and Black River	58,341
15	La Caverne and Phoenix	53,548
16	Vacoas and Floreal	44,053
17	Curepipe and Midlands	45,346
18	Belle Rose and Quatre Bornes	42,173
19	Stanley and Rose Hill	38,982
20	Beau Bassin and Petite Riviere	42,656
21	Rodrigues	26,930
TOTAL		879,897

Source: Electoral Commissioner's Office

APPENDIX 4
List of Registered Political Parties for the 2010 National Assembly
Elections

All National Congress Party
All United Mauritius Hindu Sanatan Association (AUMHSA)
Alliance MMM-UN-MMSD
Alliance PTR-PMSD-MSM
Comité D'Action Musulman Mauricien (CAMM)
Démocratie Mauricienne
F.P.M. (Front Populaire Musulman)
F.S.M. (Front Solidarité Mauricienne)
Forum des Citoyens Libres (FCL)
Front Commun Musulman
Front Peuple Mauricien (FPM)
Front Progressiste du Peuple Rodriguais
Front Socialiste
Groupe de Cinq
La Ligue Républicaine
Lalit
Le Front Patriotique Mauricien
Les Verts Fraternel
Mauritius Labour Party
Mauritius Party Rights
MDN (Mouvement Démocratique National)
Mouvement Authentique Mauricien (MAM)
Mouvement Citoyen Mauricien (MCM)
Mouvement Démocratique Mauricien (MDM)
Mouvement Libération Militant (MLM)
Mouvement Mauricien Social Démocrate (MMSD)
Mouvement Militant Mauricien (MMM)
Mouvement National Mauricien
Mouvement Rodriguais
Mouvement Socialiste Militant (MSM)
Mouvement Solidarité Travailleur Mauricien Rodrigues Agalega (MSTMRA)
Mouvement Travailleurs Mauricien

Mouvement Travailleur Socialiste (MTS)
Muslim League
Muvman Independantis Rodriguais
Muvman Premye Me
Organisation du Peuple de Rodrigues
Parti Action Liberal
Parti Congrès National
Parti du Peuple Mauricien (PPM)
Parti Mauricien Social Démocrate (PMSD)
Parti Réconciliation Nationale
Parti Réformiste Mauricien
Parti Rodriguais Travailleur Démocrate
Parti Social Démocrate (Prakash Bheeroo)
Parti Socialiste Mauricien
Parti Tireurs Disables
Partie Mauricien Social de Republic (PMSR)
Party Malin
Party Socialiste Plus
Platform pou nouvo konstitisyon: Sitwayennte Egalite ek Ekoloji
PLM Parti Libérateur Mauricien
Rajput Socialist Party
Rassemblement Socialiste Mauricien (RSM)
Regional Autonomy Movement
Regroupement Jeunes Socialiste Démocrates (RJSD)
Rezistans ek Alternativ
Socialist Labour Party
Tamil Council
Union Démocratique de Rodrigues
Union Nationale
Union Patriotique pour l'Avenir (UPA)
Union Patriotes Ilois Mauricien (UPIM)
Unir pour Batir
Voice of Hindu

Source: Electoral Commissioner's Office

APPENDIX 5

Number of Candidates by Party at the 2010 National Assembly Elections

Coalition/Party	Candidates
Alliance de l'Avenir (Alliance of the Future – Alliance MMM-UN-MMSD)	60
Alliance du Coeur (Alliance of the Heart – Alliance PTR-PMSD-MSM)	60
Front Solidarité Mauricienne (FSM) Mauritian Solidarity Front	60
Mouvement Démocratique National Raj Dayal (MDN Raj Dayal – National Democratic Movement Raj Dayal)	34
Party Malin	17
Mouvement Démocratique Mauricien (MDM – Mauritian Democratic Movement)	15
Parti du Peuple Mauricien (PPM – Mauritian Peoples' Party)	12
Mouvement Authentique Mauricien (MAM – Authentic Mauritian Movement)	10
Parties with less than 10 candidates (22 parties, see below)	77
Independent candidates	190
Total Island of Mauritius	535
Total Island of Rodrigues (5 parties, see below)	10
Grand total	545

Parties on Island of Mauritius with fewer than ten candidates

Party	Candidates
Front Socialiste (FS – Socialist Front)	9
Mouvement Travailleurs Mauriciens (MTM – Mauritian Workers' Movement)	9
Les Verts Fraternelles (Greens Brotherhood)	8
Parti Tireurs Décapés	7
Parti Action Libéral (PAL – Liberal Action Party)	6
Unir pour Bâtir (Link to Build)	6
Forum des Citoyens Libres (FCL – Free Citizen's Form)	5
Parti Social Démocrate (Prakash Bheeroo) (Social Democratic Party (Prakash Bheeroo))	5

Mouvement Citoyen Mauricien (MCM – Mauritian Citizen’s Movement)	3
Regroupement Jeunes Socialiste Démocrates (RJSD – Social Democratic Youth Regrouping)	3
Socialist Labour Party	3
Party Socialiste Plus (PSP)	2
Démocratie Mauricienne (Mauritian Democracy)	2
Regional Autonomy Movement	1
Parti Libérateur Mauricien (PLM – Mauritian Liberator Party)	1
Mauritius Party Rights	1
Mouvement Solidarité Travailleur Mauricien Rodrigues Agalega (MSTMRA)	1
Mouvement Travailliste Socialiste (MTS – Socialist Labour Movement)	1
Rassemblement Socialiste Mauricien (RSM – Mauritian Socialist Rally)	1
Union Patriots Illois Mauricien (UPIM – Union of Isle of Mauritius Patriots)	1
Parti Socialiste Mauricien (PSM – Mauritian Socialist Party)	1
Groupe de Cinq	1
Total	77

Parties on Island of Rodrigues

Party	Candidates
Organisation du Peuple de Rodrigues (OPR – Organization of the People of Rodrigues)	2
Mouvement Rodriguais (MR – Rodrigues Movement)	2
Front Progressiste du Peuple Rodriguais (FPPR – Rodrigues Peoples’ Progressive Front)	2
Parti Rodriguais Travailleur Démocrate (PRTD – Rodrigues Democratic Workers Party)	2
Union Démocratique de Rodrigues (UDR – Democratic Union of Rodrigues)	2
Total	10

Source: Electoral Commissioner’s Office

APPENDIX 6**The 2010 National Assembly Elections: List of Elected Candidates**

Elected Candidates	Party or Coalition	No. of votes
Grand River North West and Port Louis West		
NAVARRE MARIE Marie Arienne	Alliance MM-UN-MMSD	15,834
BARBIER Jean-Claude	Alliance MMM-UN-MMSD	15,655
BALOOMOODY, Vedasingam Vasudeva Chariar,	Alliance MMM-UN-MMSD	15,103
Port Louis South and Port Louis Central		
BEEBEEJAUN Ahmed Rashid	Alliance PTR-PMSD-MSM	8,617
UTEEM, Muhammad Reza Cassam	Alliance MMM-UN-MMSD	8,245
HOSSEN, Abdullah Hafeez	Alliance PTR-PMSD-MSM	7,986
Port Louis Maritime and Port Louis East		
AMEER MEEA, Sayed Muhammad Aadil	Alliance MMM-UN-MMSD	7,278
MOHAMED, Shakeel Ahmed Yousuf Abdul Razack	Alliance PTR-PMSD-MSM	6,917
FAKEEMEEAH, Cehl Mohamad	F.S.M. (Front Solidarité Mauricienne)	6,204
Port Louis North and Montagne Longue		
MARTIN, Maria Francesca Mireille	Alliance PTR-PMSD-MSM	16,607
LESJONGARD, Georges Pierre	Alliance MMM-UN-MMSD	16,535
JUGGOO, Kalyanee Bedwantee	Alliance PTR-PMSD-MSM	15,803
Pamplemousses and Triolet		
RAMGOOLAM Navinchandra	Alliance PTR-PMSD-MSM	27,694
RITOO, Satyaprakash,	Alliance PTR-PMSD-MSM	25,501
FAUGOO, Satya Veyash,	Alliance PTR-PMSD-MSM	22,955
Grand Baie and Poudre d'Or		
GUNGAH, Ashit Kumar	Alliance PTR-PMSD-MSM	22,479
BUNDHOO, Lormus	Alliance PTR-PMSD-MSM	21,962
CHOONEE, Mookhesswur	Alliance PTR-PMSD-MSM	20,844
Piton and Rivière du Rempart		
BHOLAH, Prateebah Koomaree	Alliance PTR-PMSD-MSM	19,173
HOOKOOM Balkissoon	Alliance PTR-PMSD-MSM	18,537
VIRAHSAWMY, Devanand,	Alliance PTR-PMSD-MSM	16,895
Moka and Quartier Militaire		
JUGNAUTH Ashock Kumar DAYAL	Alliance PTR-PMSD-MSM	19,649
DOOKUN LUCHOOMUN, Leela Devi	Alliance PTR-PMSD-MSM	19,109
DAYAL, Surendra	Alliance PTR-PMSD-MSM	17,392
Flacq and Bon Accueil		
BACHOO, Anilkumar,	Alliance PTR-PMSD-MSM	25,876
KHAMAJEET, Dhiraj Singh	Alliance PTR-PMSD-MSM	25,088
ROOPUN, Prithvirajsing	Alliance PTR-PMSD-MSM	21,931

Montagne Blanche and Grand River South East		
JEETAH, Rajeshwar, SEETARAM, Jangbahadoorsing Iswurdeo Mola Roopchand, SAYED-HOSSEN, Sayyad Abd-Al-Cader	Alliance PTR-PMSD-MSM Alliance PTR-PMSD-MSM Alliance PTR-PMSD-MSM	21,171 20,720 19,652
Rose Belle and Vieux Grand Port		
BOOLELL, Arvin SEERUTTUN, Mahen Kumar MOUTIA, Sutyadeo,	Alliance PTR-PMSD-MSM Alliance PTR-PMSD-MSM Alliance PTR-PMSD-MSM	21,788 20528 18,796
Mahebourg and Plaine Magnien		
JHUGROO, Purmanund, BUNWAREE, Vasant Kumar HENRY, Joseph Hugo Thierry	Alliance PTR-PMSD-MSM Alliance PTR-PMSD-MSM Alliance PTR-PMSD-MSM	15,238 14,633 13,965
Rivière des Anguilles and Souillac		
PEETUMBER, Maneswar, KASENALLY, Abu Twalib PILLAY CHEDUMBRUM, Tassarajen,	Alliance PTR-PMSD-MSM Alliance PTR-PMSD-MSM Alliance PTR-PMSD-MSM	14,968 14,457 14,276
Savanne and Rivière Noire		
GANOO, Alan HANOOMANJEE, Santi Bai, AIMÉE, Louis Hervé	Alliance MMM-UN-MMSD Alliance PTR-PMSD-MSM Alliance PTR-PMSD-MSM	23,511 23,356 22,949
La Caverne and Phoenix		
ASSIRVADEN, Patrick Gervais SOODHUN, Showkutally HAWOLDAR, Rihun Raj	Alliance PTR-PMSD-MSM Alliance PTR-PMSD-MSM Alliance PTR-PMSD-MSM	21,145 21,131 21,027
Vacoas and Floréal		
BODHA, Nandcoomar, BAPPOO, Sheilabai LABELLE Marie Noëlle Françoise	Alliance PTR-PMSD-MSM Alliance PTR-PMSD-MSM Alliance MMM-UN-MMSD	17,491 16,695 16,574
Curepipe and Midlands		
GUIMBEAU Eric Joseph Raoul MARTIN BOOLELL, Satish OBEEGADOO, Louis Steven	Alliance MMM-UN-MMSD Alliance MMM-UN-MMSD Alliance MMM-UN-MMSD	19,294 18,073 17,983
Belle-Rose and Quatre Bornes		
DUVAL, Charles Gaetan Xavier-Luc RAMANO, Kavydass DEERPALSING, Kumaree Rajeshree	Alliance PTR-PMSD-MSM Alliance MMM-UN-MMSD Alliance PTR-PMSD-MSM	18,164 16,301 16,122
Stanley and Rose Hill		
BÉRENGER Paul Raymond CUTTAREE NAGALINGUM, Darmarajen RIBOT, Lysie Nicole	Alliance MMM-UN-MMSD Alliance MMM-UN-MMSD Alliance MMM-UN-MMSD	18,424 16,693 15,476

Beau Bassin and Petite Rivière		
BHAGWAN Rajesh Anand ALLET Daniel	Alliance MMM-UN-MMSD	19,050
LI KWONG WING, Kee Chong	Alliance MMM-UN-MMSD	17,954
QUIRIN, Jean Patrice France,	Alliance MMM-UN-MMSD	16,604
Rodrigues		
LEOPOLD, Joseph Christian	Mouvement Rodriguais	10,477
VON-MALLY, Louis Joseph,	Mouvement Rodriguais	10,456

Source: Electoral Commissioner's Office, Mauritius.

APPENDIX 7

2010 National Assembly Elections: Additional Seats according to the 'Best Losers' System

Seat Number	Name	Community	Party
1	Anquetil, Marie Geneviève Stéphanie	General Population	Alliance PTR-PMSD-MSM
2	François, Jean Francisco	General Population	Organisation du Peuple de Rodrigues
3	Radegonde, Marie Josique	General Population	Alliance MMM-UN-MMSD
4	Sorefan, Mohamud Raffick	Muslim	Alliance MMM-UN-MMSD
5	Yeung Sik Yuen, John Michael Tzoun Sao	General Population	Alliance PTR-PMSD-MSM
6	Issack, Ahmed Reza Goolam Mamode	Muslim	Alliance PTR-PMSD-MSM
7	Perraud, Marie-Aurore Marie-Joyce	General Population	Alliance PTR-PMSD-MSM

Source: Electoral Commissioner's Office, Mauritius

APPENDIX 8

National Assembly Elections, 2010-05-24, Election Calendar

ACTIVITIES		DATE (2010)
1.	Dissolution of Parliament	Wednesday 31 March
2.	Appointment of Returning Officers (RO's)	Wednesday 31 March
3.	Issue of Writs	Wednesday 31 March
4.	Publication of Notice of Election	Thursday 1 April
5.	Signing of Writs by RO's	Friday 2 April
6.	Affixing of 'Notice of Election'	Friday 2 April
7.	Applications for Registration of Political Parties	Friday 2 April to Tuesday 6 April
8.	Invitations to International Election Observer Missions	Tuesday 6 April
9.	Appointment of Deputy Returning Officers (DRO's)	Wednesday 7 April
10.	Registration of parties & approval of Party-symbols by electoral Supervisory Commission	Wednesday 7 April
11.	Submission of Lists of Senior Presiding Officers	Thursday 8 April
12.	Submission of venues for Briefing of SPO's	Thursday 8 April
13.	Recommendations for Junior Staff	Thursday 8 April
14.	Meeting with Returning Officers and Deputy Returning officers	Friday 9 April
15.	Submission of Junior Staff lists	Saturday 10 April / Sunday 11 April
16.	Inspection of polling stations	As from Monday 12 April
17.	Submission of venue for General Staff Meetings	Monday 12 April
18.	Briefing of ROs & DROs – RE: NOMINATION	Wednesday 14 April
19.	Briefing of Senior Presiding Officers	Thursday 15 April / Friday 16 April
20.	NOMINATION DAY	Saturday 17 April
21.	Submission of ROs Reports of candidates nominated	Sunday 18 April
22.	Approval of symbols for independent candidates	Monday 19 April
23.	Briefing of ROs & DROs- RE: GENERAL STAFF MEETING	Monday 19 April
24.	Last date for withdrawal of candidature	Tuesday 20 April (by 3p.m.)
25.	Submission of ROs Reports of candidates remaining nominated	Tuesday 20 April (after 3 p.m.)
26.	Collections and affixing of Notice of Facsimile of symbols	Tuesday 20 April (after 3 p.m.)

27.	Printing of ballot papers	As from Tuesday 20 April (after 3p.m)
28.	General Staff Meetings	Wednesday 21 April
29.	Last date for 'Applications to vote by proxy'	Wednesday 21 April
30.	Publication of 'Notice of Taking of Poll'	Thursday 22 April
31.	Submission of lists of Replacements	Thursday 22 April
32.	Meeting for replacements	Thursday 29 April
33.	Collection of candidates cards	As from Thursday 29 April
34.	Briefing of ROs and DROs – RE: COUNTING & RESULTS	Friday 30 April
35.	Last date for submission of lists of polling & counting agents	Friday 30 April
36.	Conveyance of sealed boxes from ECO to police stations	Monday 3 May
37.	Taking over of polling stations from MPI	Monday 3 May
38.	Preparation of polling stations	Tuesday 4 May
39.	POLL DAY	Wednesday 5 May
40.	COUNTING OF VOTES	Thursday 6 May
41.	Last date for submission of returns of election expenses	Thursday 17 June

APPENDIX 9

ECF –SADC Observer Mission Seminar with Electoral Stakeholders

Venue: St Georges Hotel, Port Louise
Mauritius, Monday 3 May 2010

08:00 -08:30	Registration
08:30- 08:45	Welcome and Objectives of the Seminar
	J.L. Kazembe – ECF Mission Leader
	Remarks by Ms Ivy Mutwale – Representative of SADC NGO Council
	Remarks by Mr Denis Grandport – Chairperson of MACOSS
SESSION 1	The Historical and Political Context of Mauritius Elections
08:45 – 09:10	Dr Sadasivam Reddi – Chairman of the Board of the Governors – University of Technology Mauritius
09:30 – 10:00	Discussions
10:00 -10:30	Tea Break
10:30 -11:15	Media and Elections
	Speakers: Mrs Loga Virashsawmy – President of Media Watch
	Mrs Chit Dukhira – Political Analyst
11:15- 12:15	Perspective by contesting Political Parties (awaiting confirmation)
12:15 – 12:45	Discussions
12:45 – 14:00	Lunch
SESSION 2	
14:00 – 14:15	Youth Representative – Mr Pravesh Ramful President of Student Union – University Mauritius
14:15 – 14:30	Women Representative – Mrs Paula Atchia
14:30 – 15:20	Trade Union Representative – Mr Reaaz Chuttoo Président – Confédération des Travailleurs du Secteur Prive
15:00 – 15:20	CSO Representative – Mr Indurdeo Balgobin Representative from MACOSS
15:25 – 15:45	Discussions
15:20 – 15: 25	Closing Remarks Mr Helmut Elischer – Resident Coordinator: FES – Botswana Office
15:45 – 16:15	TEA
17:30	Cocktail

NOTES

- 1 The Labour Party formerly known as the Mauritian Labour Party.
- 2 Electoral Commissioner's Office 2005.
- 3 The 2005-2010 political developments are drawn from 2010 'Mauritius: Economic reform and recovery (2005-2010), EISA website, May, [www] <http://www.eisa.org.za/WEP/mauoverview11.htm> (accessed May 2010).
- 4 Constitution of the Republic of Mauritius came into force on March 12, 1968. Amended 1982, 1983, 1986, 1990, 1991, 1995, 1996, 1997, 2000, 2001 and 2005.
- 5 Constitution of the Republic of Mauritius 1968, [www] <http://www.gov.mu/portal/site/AssemblySite/menuitem.ee3d58b2c32c60451251701065c521ca/> [opens new window] (accessed 1 June 2010).
- 6 Constitution 1968, Article 28(1), (2), 29(1), (2).
- 7 Constitution 1968, Article 58-60.
- 8 Constitution 1968, Article 59(3), 60(4).
- 9 Constitution 1968, Article 31(1).
- 10 Constitution 1968, Article 73 (2) (a).
- 11 Constitution 1968, Article 76, 81.
- 12 Constitution 1968, Article 84.
- 13 Constitution 1968, Article, Article 77(1)-(3).
- 14 Constitution 1968, Article 78 (2) – (4).
- 15 Amendments to the Constitution [www] <http://www.eisa.org.za/WEP/mau5.htm> (accessed August 2010).
- 16 The Representation of the People Act was drafted in 1968. The law was amended in 1976, 1982 and 2005 thereafter.
- 17 http://aceproject.org/ero-n/regions/africa/MU/National%20%20Assembly%20Elections%20Regulations%201968.pdf/at_download/file [PDF document, opens new window] (accessed 28 May 2010).
- 18 Rodrigues Regional Assembly Act (Act No.39 of 2001), [www] <http://aceproject.org/regions-en/eisa/MU/Rodrigues%20Regional%20Assembly%20Act%202001.pdf> [PDF document, opens new window] (accessed 8 Mar 2010).
- 19 Local Government Act of 2003, [www] <http://aceproject.org/regions-en/eisa/MU/Local%20Government%20Act%202003.pdf> [PDF document, opens new window] (accessed 8 Mar 2010).
- 20 Section 38(1) and 38(2) of the Constitution of the Republic of Mauritius talk respectively about the composition of the Electoral Boundaries Commission and the Electoral Supervisory Commission.
- 21 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'.
- 22 Website of the Electoral Commissioner's Office, <http://www.gov.mu/portal/site/eco/menuitem.da9121d6a1b35f3a9459d9a365d521ca/> (accessed April 2010).
- 23 Section 39(2) of the Constitution of the Republic of Mauritius stipulates that the Electoral Boundaries Commission 'review the boundaries of the constituencies'.
- 24 Website of the Electoral Commissioner's Office, <http://www.gov.mu/portal/site/eco/menuitem.c0abeb461219a34a9459d9a365d521ca/> (accessed April 2010)
- 25 Section 5, Constitution of Mauritius.
- 26 EISA 2005 Election Update, Mauritius, Number 1, June, [www] <http://www.eisa.org.za> (accessed April 2010); Electoral Commissioner's Office 2010.
- 27 Sachs Commission 2001 Report of the Commission on Constitutional and Electoral

- Reform 2001/02, [www] <http://www.gov.mu/portal/goc/pmo/file/reform.doc> [MS Word document] (accessed 22 Feb 2010).
- 28 Constitution of the Republic of Mauritius, Article 39.
- 29 Electoral Commissioner's Office, 2010 'List of constituencies' National Assembly Elections.
- 30 In section 4.1, the PEMMO recommends that delimitation should ensure that each constituency contains approximately the same number of eligible voters, taking into account the following factors: population density; ease of transport and communication; geographical features; existing patterns of human settlement; financial viability and administrative capacity of electoral area; financial and administrative consequences of boundary determination; existing boundaries; and community of interest.
- 31 The National Gender Policy Framework, p. 3.
- 32 The National Gender Policy Framework, p. 41.
- 33 The National Gender Policy Framework, pp. 9-10.
- 34 Electoral Commissioner's Office 2005 and 2010.
- 35 Electoral Supervisory Commission 2010, 'Code of conduct for the National Assembly Elections'.
- 36 A newspaper article in *Le Défi* 4 May issue talked about the assault of a taxi driver by militants of the *Alliance de l'Avenir* in the afternoon of the 1 May Rally (*Le Défi* 2010 'Des partisans de l'Alliance de l'Avenir agressent un conducteur' 4 May). A second newspaper article depicted the rather violent clash between militants of the two major alliances (*Le Défi* 2010 'Tension a Rose-Hill' 5 May).
- 37 As for the TV, MBC operates MBC 1, 2, 3 and MBC movies, concerning radio channels, MBC runs kool FM and MBC Radio Mauritius.
- 38 Independent Broadcasting Authority 2010 'Political Broadcasts and Party Election Broadcasts General Guidelines for Private and Public Broadcasters: General Elections 2010', 7 April, [www] <http://www.gov.mu/portal/goc/iba/file/Doc-2010-04-12-%20Guidelines%20Genral%20Elections%202010.pdf> [PDF document, opens new window] (accessed 18 May 2010).
- 39 Electoral Commissioner's Office 2010.
- 40 The Electoral Commissioner's Office 2010.
- 41 An article in the 6 May issue of *L'Express* titled 'Neuf cas allégués d'usurpation d'identité recensés' talks about allegations of impersonation in Port Louis Maritime and Port Louis Est (*L'Express*, 6 May 2010, p. 4). There is another article on the same issue in the 6 May issue of *Le Défi*. It is an interview in which Ramgoolam voiced his concern about a case of attempted impersonation in Quatre-Bornes (*Le Défi*, issue 24, 6 May 2010, p. 3).
- 42 Results overview National Assembly Elections 2010 Mauritius [www] <http://www.eisa.org.za/WEP/mau2010results.htm> (accessed 3 June 2010).

All pictures in this report were taken by Astrid Evrensel

ABOUT EISA



EISA is a not-for-profit and non-partisan non-governmental organisation which was established in 1996. Its core business is to provide technical assistance for capacity building of relevant government departments, electoral management bodies, political parties and civil society organisations operating in the democracy and governance fields throughout the SADC region and beyond. Inspired by the various positive developments towards democratic governance in Africa as a whole and the SADC region in particular since the early 1990s, EISA aims to advance democratic values and practices and to enhance the credibility of electoral processes. The ultimate goal is to assist countries in Africa and the SADC region to nurture and consolidate democratic governance. SADC countries have received enormous technical assistance and advice from EISA in building solid institutional foundations for democracy. This includes: electoral system reforms; election monitoring and observation; constructive conflict management; strengthening of parliament and other democratic institutions; strengthening of political parties; capacity building for civil society organisations; deepening democratic local governance; and enhancing the institutional capacity of the election management bodies. EISA was formerly the secretariat of the Electoral Commissions Forum (ECF) composed of electoral commissions in the SADC region and established in 1998. EISA is currently the secretariat of the SADC Election Support Network (ESN) comprising election-related civil society organisations established in 1997.

VISION

An African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment

MISSION

EISA strives for excellence in the promotion of credible elections, participatory democracy, human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa

VALUES AND PRINCIPLES

Key values and principles of governance that EISA believes in include:

- Regular free and fair elections
- Promoting democratic values
- Respect for fundamental human rights
- Due process of law / rule of law
- Constructive management of conflict
- Political tolerance
- Inclusive multiparty democracy
- Popular participation
- Transparency
- Gender equality
- Accountability
- Promoting electoral norms and standards

OBJECTIVES

- To enhance electoral processes to ensure their inclusiveness and legitimacy
- To promote effective citizen participation in democratic processes to strengthen institutional accountability and responsiveness
- To strengthen governance institutions to ensure effective, accessible and sustainable democratic processes
- To promote principles, values and practices that lead to a culture of democracy and human rights
- To create a culture of excellence that leads to consistently high quality products and services
- To position EISA as a leader that consistently influences policy and practice in the sector

CORE ACTIVITIES

- Research
- Policy Dialogue
- Publications and Documentation
- Capacity Building
- Election Observation
- Technical Assistance
- Balloting

OBSERVER MISSION REPORTS

CODE	TITLE
EOR 1	Mauritius Election Observation Mission Report, 2000
EOR 2	SADC Election Support Network Observer Mission's Report, 1999/2000
EOR 3	Tanzania Elections Observer Mission Report, 2001
EOR 4	Tanzania Gender Observer Mission Report, 2001
EOR 5	Zimbabwe Elections Observer Mission Report, 2001
EOR 6	South African Elections Observer Mission Report, Denis Kadima, 1999
EOR 7	Botswana Elections Observer Mission Report, Denis Kadima, 1999
EOR 8	Namibia Elections Report, Tom Lodge, 1999
EOR 9	Mozambique Elections Observer Mission Report, Denis Kadima, 1999
EOR 10	National & Provincial Election Results: South Africa June 1999
EOR 11	Elections in Swaziland, S. Rule, 1998
EOR 12	Lesotho Election, S. Rule, 1998
EOR 13	EISA Observer Mission Report: Zimbabwe Presidential Election 9-11 March, 2002 (P/C)
EOR 14	EISA Observer Mission Report: South Africa National and Provincial Elections 12-14 April 2004
EOR 15	EISA Observer Mission Report: Malawi Parliamentary and Presidential Elections 20 May 2004
EOR 16	EISA Observer Mission Report: Botswana Parliamentary and Local Government Elections 30 October 2004
EOR 17	EISA Observer Mission Report: Mozambique Parliamentary and Presidential Elections 1-2 December 2004
EOR 18	EISA Observer Mission Report: Namibia Presidential and National Assembly Elections 15-16 November 2004
EOR 19	EISA Observer Mission Report: Mauritius National Assembly Elections 3 July 2005
EOR 20	EISA Observer Mission Report: Tanzania Presidential, National Assembly and Local Government Elections 14 December 2005
EOR 21	EISA Observer Mission Report: The 2005 Constitutional Referendum in the DRC/ Le Référendum Constitutionnel en RDC 18-19 December 2005
EOR 22	EISA Observer Mission Report: Zanzibar Presidential,

-
- House of Representatives and Local Government Elections
30 October 2005
- EOR 23 EISA Observer Mission Report: Zambia Presidential, Parliamentary
and Local Government Elections 28 September 2006
- EOR 24 EISA Observer Mission Report: Madagascar Presidential Elections
3 December 2006
- EOR 25 EISA Observer Mission Report: DRC Presidential, Parliamentary
and Provincial Elections / Elections Presidentielles, Parlementaires et
Provinciales 30 July and 29 October 2006
- EOR 26 EISA Election Observer Mission Report Lesotho National Assembly
Elections 17 February 2007
- EOR 27 EISA Election Observer Mission Report Madagascar National
Assembly Elections 23 September 2007
- EOR 28 EISA Election Observer Mission Report The Zimbabwe Harmonised
Elections of 29 March 2008 Presidential, Parliamentary and Local
Government Elections with Postscript on The Presidential Run-off of
27 June 2008 and the Multi-Party Agreement of 15 September 2008
- EOR 29 EISA Election Observer Mission Report Swaziland House of
Assembly Election 19 September 2008
- EOR 30 EISA Election Observer Mission Report Malawi Presidential and
Parliamentary Elections 19 May 2009
- EOR 31 EISA Election Observer Mission Report Zambia Presidential By-Election
30 October 2008 EOR 31
- EOR 32 EISA Election Observer Mission Report The Mozambique Presidential,
Parliamentary and Provincial Elections of 28 October 2009

