

EISA Pre-Election Assessment Mission Report



MAURITIUS
23 – 29 November 2014

LIST OF ABBREVIATIONS

ADS	Africa Democracy Strengthening Programme
CSO	Civil Society Organisations
EBC	Electoral Boundaries Commission
ECCAS	Economic Community of Central African States
EISA	Electoral Institute for Sustainable Democracy in Africa
ESC	Electoral Supervisory Commission
FPR	Front Patriotique Rodriguais
IBA	Independent Broadcasting Authority
ICCPR	International Covenant on Civil and Political Rights
MACOSS	Mauritius Council of Social Services
MBC	Mauritian Broadcasting Corporation
MLP	Mauritius Labour Party
MMM	Mauritian Militant Movement
MMSM	Mouvement Militant Socialiste Mauricien
MR	Mouvement Républicain
MR	Mouvement Rodriguais
MSM	Mouvement Socialiste Militant
MSM	Mouvement Socialiste Mauricien
OPR	Organisation du Peuple Rodriguais
PMSD	Parti Mauricien Social Démocrate
PMXD	Parti Mauricien Xavier Duval
PSM	Parti Socialiste Mauricien
UN	Union Nationale
UNHRC	United Nations Human Rights Commission

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EXECUTIVE SUMMARY

In seeking to contribute to the improvement of electoral processes in Africa, the Electoral Institute for Sustainable Democracy in Africa (EISA) conducts pre-election assessments (PAMs) in countries holding elections. The conduct of PAMs is in line with the goal envisioned in the Africa Democracy Strengthening Programme (ADS), of “promoting a more vibrant democracy and better electoral processes in Africa”. Through the presence of its pre-election assessment missions in these countries, EISA assesses the political and electoral environment to gauge the level of competitiveness and the democratic nature of elections.

Comprised of Mr. André Kabunda, EISA Regional Representative to the Economic Community of Central African States (ECCAS) and Ms. Cecile Bassomo, Programme Officer, Elections and Political Processes, EISA Head Office, the EISA PAM was in Mauritius from 23 to 29 November 2014. The Mission held consultative meetings with key electoral stakeholders in Port Louis and surrounding areas, and on the Rodrigues Island. EISA expresses its gratitude to Mauritian stakeholders consulted for their contribution to the work of the PAM during the period of its stay in Mauritius.

While examining various pre-election aspects in consultation with electoral stakeholders, the EISA PAM noted that the 2014 parliamentary elections will be held within a context characterised by heightened suspicion and growing misunderstanding among socio-political forces about proposals, by the ruling party and the main opposition party, to change the political system in Mauritius. The atypical political rapprochement between the ruling Labour Party and the leading opposition party the Mouvement Militant Mauricien has been geared towards establishing a second republic in Mauritius grounded in a power sharing arrangement between the President and the Prime Minister. The former President of the Republic’s comeback to active politics was also unusual. The Mission noted a change in the perception of certain stakeholders’ trust in the ability of the Electoral Supervisory Commission (ESC) to act as an effective arbiter of political contestation. In

its assessment of the regulatory framework governing the EMB, the EISA PAM noted the limited decision-making powers of the EMB as impacting on the institution’s independence in certain respects, such as the delimitation of constituencies. Delimitation of constituency boundaries remains a stumbling block in Mauritius, largely owing to lack of political will to review the status quo.

The constitutional and legal framework for the conduct of National Assembly elections largely guarantees the rights and civil liberties of the Mauritian citizenry. The PAM noted that the adoption of a mini-amendment of the Constitution in July 2014 re-opened the national debate on the need for candidates to declare their ethnic community for the purpose of seat allocation under the best loser system. The existing legal framework, and the lack of political will within political parties, are two major impediments to increased women’s representation in elective positions.

The Mission noted that the Mauritian legal and regulatory framework does not grant the right to civil society organisations to formally participate in the electoral process, including to observe elections. Renewed efforts by civil society groups and past recommendations on the adoption of electoral reforms made by international election observer groups, including EISA, has not yielded the expected results.

The EISA PAM is of the opinion that the political and electoral environment in Mauritius is conducive to the deployment of international election observer missions. Mauritian political forces would welcome the presence of the African Union election observer missions as well as other missions.

1. HISTORICAL BACKGROUND AND CONTEXT OF THE 2014 NATIONAL ASSEMBLY ELECTIONS

The political history of Mauritius, since its attainment of independence in 1968, has been characterised by an endless reconfiguration of ruling and opposition party alliances centred around three dominant parties.

Mauritius' stability has rested upon the division of the political system dominated at the time by the Mauritius Labour Party (MLP) and the Parti Mauricien Social Démocrate (PMSD). The dominance of these political formations has closely been intertwined with interests of their leaders' ethnic community. The emergence of Paul Bérenger's Mauritian Militant Movement (MMM), as an opposition force, plunged the country into turmoil following mass action of trade unions and thereafter the proclamation of a state of emergency and the promulgation of the Public Order Act. These political developments set the scene for the rise of coalition politics in Mauritius.

Mauritians will go to early National Assembly elections on 10th December 2014 called by the President following the issuing of a writ on 7th November 2014. These elections will be held within a context characterised by heightened suspicion and a growing misunderstanding among socio-political forces about proposals of the LP-MMM alliance made at the expense of electoral reforms long awaited by national stakeholders. Negotiations in early 2014, between Navin Ramgoolam, the Prime Minister and leader of the ruling Labour Party, and Paul Bérenger, the leader of the MMM, pointed to signs of a growing political rapprochement between the Government and the leading opposition party. The conclusion of a pre-election alliance between the two leaders prompted the dissolution of the National Assembly on 6th October 2014. Allegations of corruption and strike actions by workers in the sugar and transport industries in the course of the year impacted negatively on popular perception of the Government and Government's ability to deliver certain basic services.

An overwhelming electoral victory of the Alliance de l'Unité et de la Modernité, composed of the Labour Party and the MMM, will lead to the implementation of the pre-election power sharing accord between Navin Ramgoolam and Paul Bérenger. Within the framework of this arrangement, the head of the Government and the leader of the opposition seek to establish the Second Republic; to adopt a semi-presidential system of Government grounded on power sharing

arrangements which will reportedly tilt the balance of powers towards the President of the Republic; the election of the President of the Republic to serve for renewable terms of 7 years based on a one-round simple majority system; to initiate electoral reforms including the review of proportional representation for increased women representation in decision-making and public affairs. The LP and the MMM would require a three quarters majority in Parliament to circumvent the holding of a referendum. Under the current political dispensation, executive powers lie in the hands of the Prime Minister. Stakeholders met by the EISA PAM voiced their opposition to the Second Republic and the introduction of the semi-presidential system. They are of the opinion that these proposals are designed to strengthen Ramgoolam's and Bérenger's grip on power at the expense of Mauritius democracy, whose quality was questioned by certain national stakeholders.

The context prevailing ahead of the 2014 elections is also marked by the adoption of a constitutional amendment in July 2014. The amendment came about following Government compliance with the decision of the United Nations Human Rights Commission (UNHRC) on a candidate's obligation to declare their ethnic community during the nomination process. In the past, candidates were constitutionally obliged to declare their ethnic community for the purpose of the best loser system established after independence to balance out the numerical advantage of the majority ethnic group, especially on the mainland. Candidates are no longer obliged to do so. It is worth noting that Mauritians from the Rodrigues Island do not view the need to maintain the system owing to the noticeable socio-cultural homogeneity of the population.

2. ELECTORAL FRAMEWORK

2.1. The constitutional and legal framework:

The 2014 National Assembly elections in Mauritius are governed by a constitutional, legal and regulatory framework comprised of the 1968 Constitution amended in 2014 and referred to as Constitution (Declaration of Community - Temporary Provisions) Act of 2014, the Representation of the People Act of 1968, the National

Assembly Elections Regulations of 2014, and the code of conduct for the National Assembly elections of 2014.

Fundamental civil liberties and human rights are guaranteed by the amended Constitution, the supreme law of the land. Mauritians are constitutionally entitled to freedom of expression, freedom of assembly and association, freedom of movement and the right not be discriminated against on the basis of race, origins, gender, political opinions, colour, caste and creed. The right to vote in the National Assembly elections by universal, direct and secret suffrage is protected by the Constitution provided that the person is registered in his/her constituency.

For the representation of the four constitutionally recognised ethnic communities¹ in Mauritius, the Constitution, through the best loser system, provides for the allocation of 8 seats exclusively reserved for members of these communities. For the purpose of the best loser system, candidates in elections were constitutionally bound to declare the ethnic community to which they belong prior to the amendment of the Constitution in July 2014. *Rezistans ek alternativ*, one of the parties contesting the National Assembly elections lodged a complaint against the Government of Mauritius to the UNHRC over the declaration of the ethnic group. The party questioned the relevance of categorising Mauritians on the basis of ethnicity which is in violation of the International Covenant on Civil and Political Rights (ICCPR) to which Mauritius is a party. UNHRC issued a decision in favour of *Rezistans ek alternativ* in 2012. The decision of the UNHRC offers an opportunity to candidates to run for election as Mauritians, regardless of their ethnic background. However, the possibility for a candidate to still declare his/her ethnic group creates room for discrimination on the ground of ethnicity against candidates who would opt against declaring their ethnic group.

The Constitution was slightly amended in July 2014 following the pronouncement of UNHRC. In line with

the amended Constitution (Declaration of Community - Temporary Provisions) Act of 2014, candidates have the option to or not to declare their ethnic community during the candidate nomination process. The decision of a candidate not to declare his/her ethnic community however, precludes a candidate from gaining a seat under the best loser system based on this constitutional supplement. The decision of the UNHRC offers an opportunity to candidates to run for election as Mauritians, regardless of their ethnic background. However, the possibility for a candidate to still declare his/her ethnic group creates room for discrimination on the ground of ethnicity against candidates who would opt against declaring their ethnic group.

The Constitutional and legal framework is flawed in the area of women representation in public affairs.

Apart from the non-discrimination clause in the Constitution and the gender balance clause in the Code of conduct for the 2014 National Assembly elections, the 2008 Equal Opportunities Act and the 2008 National Gender Policy Framework makes provisions for participation of women in a cross-section of areas of work.

2.2. The electoral system:

The unicameral Parliament in Mauritius is comprised of up to 70 members for a five-year term provided that it is not dissolved by a vote of no-confidence or an act of the prime minister before the end of its tenure.

Sixty-two members of the National Assembly are elected on the basis of a multiple member plurality system. These members are elected from 20 constituencies on the Island of Mauritius and one constituency on the Rodrigues Island. Each of the 20 constituencies holds 3 seats in Parliament while two elected seats are allocated to Rodrigues Island.

Eight additional members of Parliament are nominated by the Electoral Supervisory Commission (ESC) based

¹ The Constitution recognises the existence of the following four ethnic communities: Hindu, Sino-Mauritian, Muslim and General Population. These communities were determined as such at independence as a way of ensuring a level of representation of the various social groups in Mauritius and prevent the dominance of the majority ethnic group over other social groups.

² The leading *Alliance de l'avenir* won 41 seats with 49.31% while the *Alliance du coeur* gained 18 seats only based on 42.46% of the total votes.

on the best loser system whose purpose is to redress the underrepresentation of the four constitutionally recognised ethnic communities. The allocation of seats to non-elected candidates is done as follows: candidates of the most under-represented ethnic communities, irrespective of their political party, are awarded the first four seats; the last four seats are allocated to candidates from parties that won the highest number of votes in the election, irrespective of their ethnic communities.

The attempt to ensure representation of ethnic communities, through the best loser system, is commendable in the view of the EISA PAM. The electoral system however, does not ensure proportionality between the number of seats gained in the National Assembly and the percentage of votes. Results of the National Assembly elections in 2010² attest to that imbalance.

Because the best loser system is designed to solely promote representation of ethnic communities, women end up being losers of the mixed FPTP/best loser electoral system. Women representation will be promoted provided that Mauritius adopts an electoral system in favour of equal participation of women and men.

Upon conclusion of the National Assembly elections in 2010, EISA Technical Assessment team recommended a reform of the electoral system to redress that imbalance. The 2014 elections will be conducted under the same electoral system in view of the lack of reforms.

2.3. Party and campaign finance:

Mauritius does not have a stand-alone law on political party finance. Finance of political parties and political party alliances is outside the confines of the legal and regulatory framework. Public funding of the election campaign is not provided for by the law. The Representation of the People Act of 1968 regulates finance of election campaign of candidates. The law provides for ceilings on election campaign expenditures of candidates as a safeguard.

In line with section 51 of the Representation of the People Act of 1968, independent candidates and candidates being the only contestants in a specific constituency are

allowed to expend a maximum of 250,000.00 Mauritius rupees (current equivalent of US\$7,671.00). Candidates from the same political party who are competing in the same constituency cannot have their election campaign expenses exceed 150,000.00 Mauritius rupees (current equivalent of US\$4,602.00).

Party and election campaign finance was a serious matter of concern to certain political formations met by the EISA PAM. These stakeholders expressed dissatisfaction with private funding for political parties. They were of the view that it is virtually impossible to prevent the undue influence of private funds in politics without proper safeguards, including a law on party finance, legal obligations for political parties to disclose the source of private funding and their election campaign expenses. The EISA PAM is of the view that there is a need to task an independent institution with the control of election campaign expenditures of candidates and political parties. The submission of a financial accounting report to the National Assembly is not a sufficient safeguard against potential abuse.

In 2010, the EISA Technical Assessment Mission recommended the introduction of public funding for political parties and independent candidates contesting elections.

2.4 Election management:

Election administration is the task of an independent election management body comprised of three institutions namely the Electoral Commissioner's Office, the Electoral Supervisory Commission (ESC) and the Electoral Boundaries Commission (EBC).

In terms of Section 38 of the Constitution, the Electoral Commissioner is a public official appointed by the Judicial and Legal Service Commission. The office of the Electoral Commissioner can only be held by barrister. In the discharge of his mandate, the Electoral Commissioner is supported by a team of 16 technical staff. The independence of the Electoral Commissioner is constitutionally guaranteed in line with article 40 of the Constitution. The Constitution cushions the Electoral Commissioner from the control of external authority and person.

The ESC is composed of a chairperson and a maximum of 7 additional members appointed by the President of the Republic after consultation with the Prime Minister and the Leader of the Opposition.

While the Constitution clearly delineates specific areas of responsibilities of the Electoral Commissioner and the ESC, the supreme law mandates these two institutions to share responsibilities in election administration. The ESC is constitutionally mandated with the supervision of the registration of voters for the National Assembly elections and the conduct of the National Assembly elections. The Electoral Commissioner has primary responsibility over voter registration and the conduct of the elections under the supervision of the ESC. The Electoral Commissioner's compliance with the decisions of the ESC cannot be the subject of a judicial inquiry in terms of article 41 (5) of the Constitution. This constitutional provision guarantees the independence of action of the Electoral Commissioner within the framework of the election administration architecture.

In accordance with section 38 of the Constitution, the EBC is, within the electoral institutional framework, tasked with delimitation of constituencies in Mauritius. The EBC, comprised of not more than 8 members, is constitutionally mandated to review boundaries of constituencies every 10 years.

There is no time limit to the tenure of the Electoral Commissioner unlike the members of the ESC and the EBC who have a term of 5 years as stipulated by the Constitution.

The EISA PAM noted the presence of 9 women among the 16 technical staff members of the Electoral Commissioner's Office. The PAM regrettably noted that no woman is represented in the upper echelons of the Electoral Commissioner's Office. The absence of women in the upper echelons of election administration goes counter to the spirit of article 28(8) of the African Charter on Democracy, Elections and Governance. Despite being two separate institutions, the EISA PAM also noted that the 8 members of the ESC also serve as commissioners on the EBC.

Mauritian stakeholders' perception about the independence of the EMBs has changed between the last National Assembly elections in 2010 and the 2014 elections. Stakeholders met by the EISA PAM had a mixed reaction about the independence of the EMBs, particularly the ESC's. While some stakeholders trust in the EMBs, certain stakeholders questioned the independence of the ESC on the basis of their seeming will to maintain the status quo in Mauritius. Additionally, these stakeholders were of the view that the limited powers of the EMBs do not provide them with enough room to exercise their independence vis-à-vis the executive organ.

Challenges in the electoral framework:

- *The possibility for candidates to still declare their ethnic group creates room for discrimination on the ground of ethnicity against candidates who would opt against declaring their ethnic group.*
- *The Constitutional and legal framework is flawed in the area of women representation in public affairs.*
- *The electoral system, however, does not ensure proportionality between the number of seats gained in the National Assembly and the percentage of votes.*
- *Because the best loser system is designed to solely promote representation of ethnic communities, women end up being losers of the mixed FPTP/best loser electoral system.*
- *Mauritius does not have a political party finance law. Finance of political parties and political party alliances is outside of the confines of the legal and regulatory framework.*
- *An independent institution should be tasked with the control of election campaign expenditures of candidates and political parties to prevent the undue influence of private funds in politics.*

3. KEY FINDINGS ON THE PRE-ELECTION PHASE

3.1. Constituency delimitation

In accordance with section 38 of the Constitution, the EBC is, within the electoral institutional framework, tasked with delimitation of constituencies in Mauritius. The EBC, comprised of not more than 8 members, is constitutionally mandated to review boundaries of constituencies every 10 years. A report is thereafter presented to the National

Assembly which can either approve or reject the entire report. The last EBC report, presented in 2009, was rejected by the National Assembly.

Mauritius is divided into 21 constituencies. The mainland houses 20 constituencies while the Rodrigues Island forms one constituency. The review of boundaries of constituencies has been a stumbling block for several

years. The last review was conducted in 1986. The EBC has not been able to exercise its constitutional mandate owing to the fact that the National Assembly has repeatedly rejected its reports. As a result, the 2014 National Assembly elections will be held on the basis of old boundaries of constituencies. Table one highlights the existing disproportion between the size of constituencies in terms of the voting population and the electoral weight

Table 1: Size of the voting population per constituency in Mauritius

Constituency no	Name of Constituency	No. of voters	No. of elected seats
1	Grand River North West and Port Louis West	42,456	3
2	Port Louis South and Port Louis Central	25,470	3
3	Port Louis Maritime and Port Louis East	23,112	3
4	Port Louis North and Montagne Longue	49,865	3
5	Pamplemousses and Triolet	62,092	3
6	Grand Baie and Poudre d'Or	52,351	3
7	Piton and Rivière du Rempart	43,079	3
8	Quartier Militaire and Moka	44,314	3
9	Flacq and Bon Accueil	54,724	3
10	Montagne Blanche and Grand River South East	50,936	3
11	Vieux Grand Port and Rose Belle	42,590	3
12	Mahebourg and Plaine Magnien	38,363	3
13	Rivières des Anguilles et Souillac	35,151	3
14	Savanne and Black River	62,524	3
15	La Caverne and Phoenix	57,104	3
16	Vacoas and Floreal	46,479	3
17	Curepipe and Midlands	47,899	3
18	Belle Rose and Quatre Bornes	44,357	3
19	Stanley and Rose Hill	40,507	3
20	Beau Bassin and Petite Rivière	44,817	3
21	Rodrigues	28,785	2
Total		936,975	62

Source: National Assembly Elections 2014, registered voters per constituency, Electoral Commissioner's Office

of these constituencies in terms of number of elected seats. The largest constituencies have the same level of representation in the National Assembly as the smallest.

Stakeholders met by the EISA PAM were of the opinion that there will not be a review of the boundaries so long as the current delimitation of constituencies has an added political advantage. The EISA Technical Assessment Mission in 2010 had recommended a review of the boundaries to address the issue of unequal representation of the electorate.

3.2. Voter registration

Registration of voters in Mauritius is regulated by the Representation of the People Act of 2014 which is in line with constitutional criteria for voter eligibility. In addition to guaranteeing the right to register to Mauritians of 18 years old and above, the law grants the same right to citizens of the Commonwealth who are permanent resident in Mauritius or who have resided in Mauritius for not less than two years before Election Day. The law makes provision for an annual update of the voter register on the basis of a door-to-door

registration drive. The credibility of the registration process is legally guaranteed through the inspection and review of the register by the Mauritian public. For this purpose registration centres are established at constituency level for a period of two weeks in April or May every year. The final voter register comes into force on 16 August every year after the publication of the register on 14 August the latest. Persons who attain voting age are only legally allowed to register provided that they have attained voting age on 15 August in the year of registration. The EISA PAM is of the view that this legal provision is a constraint on young voters of 18 years old, particularly in an election year, when bearing in mind the coming into force of the final register on 16 August. Because of this legal provision, and considering that there is no voter registration drive conducted closer to Election Day, young Mauritians who have attained voting age between 16 August and 16 October 2014 will not have an opportunity to vote in the 2014 National Assembly elections.

As stipulated by the law, the update of the voter register for the 2014 National elections was done in the second week of January 2014. The general public was afforded an opportunity to inspect the provisional voter register for two weeks in May 2014.

The final voter register to be used for the 2014 National Assembly elections comprises 936,975 registered voters³. Women and men make up 51% of and 49% of the registered voters respectively. This figure points to an increase in the number of registered voters in comparison to voter registration statistics for the 2010 National Assembly elections⁴, an addition of 57,078 registers voters for the 2014 National Assembly elections. The EISA PAM noted that political parties can access a hard copy of the final register or in the form of CD provided that they make an application for purchase to the Electoral Commissioner. Interested parties are expected to pay a fee of MUR 500 (current equivalent of US\$15) for a hard copy of the register and MUR 100 (current equivalent of US\$3) for a soft copy. The EISA PAM is of the view that political parties should not be

imposed a fee to access the voter register. Hard copies of the voter register should be made freely available to parties to increase the level of transparency of the process in addition to voter statistics being published on the website of the Electoral Commissioner's Office.

The EISA PAM was informed that for the 2014 elections voters will be expected to present a national ID or any other valid identification document. Stakeholders met the team regarding the change as a positive measure which will increase stakeholders' trust in the electoral process and the integrity of the elections. The PAM noted that stakeholders were not at the same level of information about the application of this measure.

The EISA Technical Assessment Mission in 2010 recommended the adoption of a flexible voter registration method for the conduct of voter registration updates closer to the date of elections. The EISA PAM noted that the voter registration method has remained unchanged owing to lack of electoral reforms.

3.3. Political party registration and candidate nomination

The registration of political parties, party alliances and candidates intending to contest in an election is regulated by the National Assembly Elections Regulations of 2014 and the National Assembly Elections Regulations of 2014. A political party or a party alliance, intending to contest National Assembly elections, is legally required to submit an application along with the required documentation to the Electoral Commissioner at least 10 days before nomination day.

The Electoral Commissioner, on the basis of a writ of election issued by the President of the Republic, announces, in the Gazette and in at least one daily newspaper, the nomination day at least 14 days before the commencement of the nomination process in accordance with Article 5 of the Representation of the People Act of 2014 and the National Assembly Elections Regulations of 2014. For their registration, candidates are required on the nomination day to submit to

³ Statistics on the voting population per constituency are provided in table one.

⁴ The total voting population stood at 879,897 in 2010.

returning officers a national identity card or any other acceptable proof of identity, a deposit of MUR 1,500.00, be nominated in writing by at least 4 voters registered in the constituency of the candidate, a declaration about his qualifications to be elected as a Member of the National Assembly, a declaration that he is not disqualified to be elected as such, a declaration that he will be nominated as a candidate in one constituency only. Candidates may declare on their nomination paper the ethnic/religious community to which they belong. Prior to the 2014 National Assembly elections candidates were obliged by law to declare their ethnic/religious belonging. Based on statistics on candidatures to the 2014 National Assembly elections provided to the EISA PAM by the Electoral Commissioner 29, 36% of candidates did not declare their ethnic community. In addition to these conditions, candidates from a political party or a party alliance are required to submit a certificate which proves that the candidate belongs to the party, that he has authorisation to stand as a candidate of the party and to use the symbol of the party or party alliance.

To contest the 2014 National Assembly elections 2 alliances of political parties, 69 political parties and 739 candidates registered with the Electoral Commissioner. The EISA PAM was informed by the Electoral Commissioner about the withdrawal of 3 candidates on the nomination day on grounds that were not provided by the candidates. The National Assembly elections provide candidates with the option of withdrawing up to three days after the nomination process.

Political parties met by the EISA PAM did not express concerns about the administration of the nomination process. Certain parties regretted the fact that registration of political parties is done solely for election purposes.

3.4. The media

Freedom of expression, of the press and of speech are guaranteed by the Constitutional framework. The liberalisation of the media landscape was achieved following the enactment of the Independent Broadcasting Authority Act in 2000. Article 1 of the code

of conduct for the 2014 National Assembly elections provides for equitable access to public and private media and balanced coverage of political views. The media landscape is occupied by several private and public media.

Although there is no legally set official election campaign period, public and private broadcasters are expected not to broadcast any politically-related issues and political programmes from the eve of Election Day to the close of the polls.

The Mauritian Broadcasting Corporation (MBC) has, for the purpose of the 2014 National Assembly elections, put in place a written agreement between itself and political parties and party alliances contesting the elections. This agreement sought to guide the allocation of airtime and scheduling of party election broadcasts during the period from 1st to 9th December 2014. The MBC allocated airtime to contesting political parties and party alliances on the basis of the number of their candidates and the number of outgoing members of Parliament from the party/party alliance. Through this agreement, the MBC committed itself to air election broadcasts of contesting parties and party alliances for one hour on two radio channels and for one hour MBC TV channel⁵. Airtime allocation to parties and alliances was done on the basis of the following formula: parties and alliances with not less than 6 candidates from the 20 constituencies on the mainland or with not less than 2 candidates in the constituency of Rodrigues are entitled to half a unit of airtime per candidate; and parties and alliances would be entitled to an additional half a unit provided that they field a candidate who was a member of the outgoing Parliament. Social media has gained wider currency as a tool for election campaigns of political parties.

Regulation of the radio and television broadcasting services is the task of the Independent Broadcasting Authority (IBA). The IBA issued Guidelines for private and public broadcasters for the 2014 National Assembly elections. The Guidelines serve as a supplement to the Independent Broadcasting Authority Act. They are designed to serve as a code of conduct for the media during the election period.

Certain political parties met by the EISA PAM expressed criticisms about unbalanced and unequal coverage as well as biased reporting by the public broadcaster. They were of the opinion that the formula used for the allocation of airtime does not contribute to the creation of a level playing field for small parties. Furthermore, it was reported that female candidates were portrayed in a negative light in the media. The MBC informed the EISA PAM about a communiqué issued by Alliance Lepep on 11 November 2014. The Alliance registered its opposition to have the MBC present during campaign activities. The MBC and political parties informed the EISA PAM about a meeting convened by the MBC on the allocation of airtime. It was reported that political parties use social media and their own print media outlet to inform the electorate and their supporters about their campaign activities.

3.5. Civil society

Despite being recognised as an established representative democracy, Mauritius does not have a legal and regulatory framework which guarantees formal participation of civil society in the electoral process. The absence of such framework does not contribute to creating conditions that are conducive for the contribution of civil society to the entrenchment of a culture of democracy as enshrined in the African Charter on Democracy, Elections and Governance. The law does not grant the right to Mauritian citizens to observe the electoral process. International observation is the only type of observation legally allowed since the introduction of electoral reforms in 2005. Freedom of association and assembly entrenched in the Constitution serve as the legal foundations for the role of civil society organisations (CSOs) in Mauritius.

The Mauritius Council of Social Services (MACOSS), a network of civil society groups, has over several years expressed to the Electoral Commissioner its willingness to constitute a citizen observer group to observe the elections. MACOSS informed the EISA PAM about their renewed attempt to reiterate their interest to the Electoral Commissioner to observe elections. The EISA PAM is of the opinion that advocacy and lobby for citizen observation by MACOSS will not yield expected results

unless there is an amendment to the existing legal framework.

Certain stakeholders met by the EISA PAM questioned the capacity of Mauritian civil society groups to bring about societal change in view of the reportedly narrow space they operate in Mauritius. The EISA Technical Assessment Mission in 2010 recommended the introduction of citizen observation. The 2014 National Assembly elections are another round of elections which will not be observed by Mauritian civil society groups owing to the lack of requisite electoral reforms. Most stakeholders met by the EISA PAM were critical of the alleged partisan pronouncements of certain socio-cultural organisations in Mauritius.

3.6. Gender and minority rights

The non-discrimination clause in the Constitution of Mauritius is the only provision in the enforceable legal framework which speaks to the question of equality between women and men. Article 3 (2) of the code of conduct for the 2014 National Assembly elections seeks to promote a fairer gender balance in political activities and the election campaign. The legal framework for National Assembly elections does not make provision for the application of quotas for women representation. In its assessment of the legal framework, the EISA PAM noted that the electoral system in use in Mauritius is a major barrier to the exercise of women's right to stand as candidate in elections.

Women represented 18.8 % members of the last Parliament in Mauritius. The figure is far lower than the 50% target of women representation in decision-making stipulated in the 2008 SADC Protocol on Gender and Development of which Mauritius is still not a signatory.

17.32% of the 739 nominated candidates contesting the 2014 National Assembly elections are women. While women will participate in the 10th December elections in all the 21 constituencies. The EISA PAM noted that 6 out of the 21 constituencies have the lowest number of female candidates.

⁵ The broadcasts will air on Kool FM and Radio Maurice from 18:30 to 19:30 and from 20:05 to 21:00 on MBC TV.

Some stakeholders met by the EISA PAM were critical of certain organisations working for the promotion of women participation and representation. Most stakeholders were of the view that the existing legal framework and the lack of political will within political parties are the two major obstacles to increased women representation in elective positions. The lack of political will lies partly in the fact that women, as opposed to ethnic communities, are not perceived by political parties as an election game changer. The EISA PAM was informed of the introduction of a gender neutral quota for elections at the village level in 2012. Political parties met by the EISA PAM noted that small parties fare better than big parties in terms of the percentage of female candidates.

The EISA Technical Assessment Mission recommended the adoption of a system at party and institutional level and the signing of the 2008 SADC Protocol on Gender and Development. There has not been any measure taken at party and institutional level in line with these recommendations.

3.7. Civic and voter education

The legal framework does not make provision for civic and voter education in Mauritius.

The EISA PAM was informed about the conduct of a civic and voter education campaign by the Electoral Commissioner's Office in consultation with MACOSS. Voter registration was the focus of the campaign. Political parties met by the EISA PAM indicated to have undertaken some voter education activities for their members. The perception that civic and voter education is not needed in Mauritius, owing to high literacy rate and Mauritians' ingrained culture of participation in elections, was noted by the EISA PAM among certain stakeholders.

3.8. Campaigns

The legal and regulatory framework regulating election campaigns in Mauritius does not set a campaign period. The ESC put in place a non-binding code of conduct for the 2014 National Assembly elections for political parties, political party alliances and candidates. The

code also applies to party and candidate agents, employees and supporters of political parties and party alliances. The code of conduct provides prescriptive measures on issues pertaining to the election campaign and campaign expenditures, set-up of campaign quarters commonly known as "BAZ"⁶, protection of the environment and the conduct on polling day.

At the time of its assessment the EISA PAM noted that the election campaign on the mainland was calm, peaceful, lively and colourful. The campaign of most political parties met by the EISA PAM was conducted through door-to-door activities. The EISA PAM observed a rally of the Alliance Lelep at Piton and Rivière du Rempart in constituency no. 7 on 27 November 2014. The rally drew several supporters who were wearing colours of the alliance. The EISA PAM noted that in contrast to the atmosphere prevailing on the mainland there was virtually no election fever on the Rodrigues Island. The team met two cars of the Mouvement Rodriguais (MR) and the Front Patriotique Rodriguais (FPR) that were driving around the island.

Stakeholders from political parties met by the EISA PAM expressed general satisfaction with the conduct of the campaign and the atmosphere prevailing during the campaign up to the time of their consultative meeting with the team. Candidates from most political parties met the EISA PAM reportedly self-financed their campaign. One of the contesting parties informed the EISA PAM about a public fundraising event organised by the party. These funds were reportedly utilised to assist candidates of the party in financing their election campaign. The EISA PAM was informed by the party of a communiqué they had issued to publicly refuse funding from private companies for the purpose of election campaign financing. The EISA PAM is of the opinion that the lack of an enforcement mechanism in the code of conduct does not empower the election management body to monitor and to ensure compliance with the principles of the code of conduct.

3.9. Preparedness of the EMB

The Electoral Commissioner's Office intends to train 13,000.00 civil servants who would serve as polling

personnel on Election Day. The EISA PAM was informed that most of the polling personnel are people who have performed this function before. A two-day training for returning officers and deputy returning officers was conducted on 25th and 26th November 2014. On the eve of Election Day the polling staff will attend a refresher training workshop. The polling personnel will administer the Election Day process in 2072 polling stations located in 317 polling centres nationwide. The Electoral Commissioner's Office issued a memo for presiding officers and detailed notes for the guidance of senior presiding officers to guide their work on Election Day. At the time of the assessment, the Electoral Commissioner's Office was awaiting the completion of the candidate nomination process scheduled for 27th November 2014 to produce the final list of candidates for the purpose of ballot printing. In its overall assessment of the preparedness for the 2014 elections, the EISA PAM noted the high level of confidence displayed by the Electoral Commissioner. The Mission is of the opinion that the EMB is prepared for the 2014 elections largely owing to the fact that the institutional memory rests with the Electoral Commissioner's Office in charge of election administration.

The Electoral Commissioner reported to the EISA PAM to have a budget of US\$10 million fully funded by the Government of Mauritius. A large portion of the election budget has been utilised for the purchase of ballot papers and publicity in the campaign.

⁶ BAZ are ad hoc campaign quarters temporarily set up by political parties and party alliances for canvassing support from party members and the electorate in general.

Summary of findings and challenges related to the pre-election phase:

- *The review of boundaries of constituencies has been a stumbling block for several years since the conduct of the last review of boundaries in 1986. The EBC has not been able to exercise its constitutional mandate owing to the fact that the National Assembly has repeatedly rejected its reports.*
- *There is a disproportion between the size and the electoral weight of constituencies in Mauritius. The issue of disproportion will remain one until there is genuine political will for a review of constituency boundaries.*
- *Political parties can access a hard copy of the final register or in the form of CD provided that they make an application for purchase to the Electoral Commissioner and pay a fee.*
- *For the 2014 National Assembly elections, registered voters are expected to present a national ID or any other valid identification document contrary to the practice in past elections.*
- *Registration of political parties is done solely for election purposes.*
- *Although there is no legally set official election campaign period, public and private broadcasters are expected not to broadcast any politically-related issues and political programmes from the eve of Election Day to the close of the polls.*
- *Certain political parties met by the EISA PAM expressed criticisms about unbalanced and unequal coverage as well as biased reporting by the public broadcaster. They were of the opinion that the formula used for the allocation of airtime does not contribute to the creation of a level playing field for small parties.*
- *Mauritius does not have a legal and regulatory framework which guarantees formal participation of civil society in the electoral process. The law does not grant the right to Mauritian citizens to observe the electoral process. Certain stakeholders met by the EISA PAM questioned the capacity of Mauritian civil society groups to bring about societal change in view of the reportedly narrow space they operate in Mauritius.*
- *The non-discrimination clause in the Constitution of Mauritius is the only provision in the enforceable legal*

framework which speaks to the question of equality between women and men. Most stakeholders were of the view that the existing legal framework and the lack of political will within political parties are the two major obstacles to increased women representation in elective positions.

- *The legal framework does not make provisions for civic and voter education in Mauritius.*
- *The legal and regulatory framework regulating election campaign in Mauritius does not set a campaign period. The ESC put in place a non-binding code of conduct for the 2014 National Assembly elections for political parties, political party alliances and candidates. The code does not have an enforcement mechanism to monitor and to ensure compliance with the principles of the code of conduct.*

ABOUT EISA

INSTITUTIONAL BACKGROUND

EISA has since its inception in July 1996 established itself as a leading institution and influential player dealing with elections and democracy related issues in the African continent. It envisions an African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment. The Institute's vision is executed by striving for excellence in the promotion of credible elections, citizen participation, and the strengthening of political institutions for sustainable democracy in Africa.

Having supported and/or observed over 70 electoral processes in Africa, EISA has extensive experience in formulating, structuring and implementing democratic and electoral initiatives. It has built an internationally recognised centre for policy, research and information and provides this service to electoral management bodies, political parties and civil society organisations in a variety of areas, such as voter and civic education and electoral assistance and observation. Besides its expanded geographical scope, the Institute has, for the past several years, been increasingly working in new in-between election areas along the electoral and parliamentary cycle, including constitution and law making processes, legislative strengthening, conflict management and transformation, political party development, the African Peer Review Mechanism (APRM) and local governance and decentralisation.

EISA provides assistance to inter-governmental institutions, like the African Union, and the Pan-African Parliament, to reinforce their capacity in the elections and democracy field. The Institute has just signed an MOU with the Economic Community of Central African States (ECCAS); the East African Community (EAC); and the Common Market for East and Southern Africa (COMESA). Within the framework of these recently signed memoranda, the Institute will also provide similar assistance respectively to these intergovernmental institutions. Its MoU with the African Union was also renewed in 2014.

With its headquarters in Johannesburg (South Africa), EISA has had field offices across the African continent and currently has offices in Central African Republic, Democratic Republic of Congo, Kenya, Madagascar, Mali, Mozambique and Somalia, and a regional liaison office at the secretariat of the ECCAS in Libreville, Gabon.

Election observation activities

EISA has deployed continental witness missions for the past ten years including missions to Angola (2008), Botswana (1999, 2004, 2009), Central African Republic (2010, 2011), Democratic Republic of Congo (2005 referendum, 2006 elections), Egypt (2011, 2012, 2014), Ghana (2008, 2012), Guinea Conakry (2010), Lesotho (1998, 2002, 2007, 2012, 2015), Liberia (2011), Madagascar (2005, 2007, 2013), Malawi (1999, 2004, 2009), Mauritius (2000, 2005, 2010, 2014), Mozambique (1999, 2004, 2009, 2013, 2014), Namibia (1999, 2004, 2009), Senegal (2012), Seychelles (2011), South Africa (1999, 2004, 2009, 2014), Tanzania (2005, 2010), Uganda (2011), Zanzibar (2005, 2010), Zambia (2005, 2008, 2011, 2015), and Zimbabwe (2000, 2002, 2008), Reports on these missions can also be found on our website.



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About EISA

EISA is a not for profit organisation established in 1996 based in Johannesburg (South Africa) with field offices in Central African Republic, Gabon, Kenya, Madagascar, Mali, Mozambique and Somalia.

Our vision

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

Mission statement

EISA strives for excellence in the promotion of credible elections, citizen participation, and the strengthening of political institutions for sustainable democracy in Africa.

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