



Promoting Credible Elections and
Democratic Governance in Africa

ELECTION · TALK

A monthly newsletter from EISA

No. 26, 28 September 2005

Contents

MAURITIUS

Announcement of the Overall Results in the 2005 Mauritius Elections

Bertha Chiroro 1

Post Election Disputes in the 2005 Mauritius Elections

Bertha Chiroro 3

Mauritius: The 2005 Election Aftermath

Sydney Letsholo 4

Why Do We Observe Elections? The Mauritius Experience 2005

Belinda Musanhu 6

ANNOUNCEMENT OF OVERALL RESULTS IN THE MAURITIUS 2005 ELECTIONS

Bertha Chiroro

Introduction

The Mauritius elections were held on 3 July 2005 in an environment that was hailed as a generally peaceful and orderly atmosphere by election observers.¹ 81, 5% of the registered voters turned out to vote. It is worth noting that the percentage of voter turnout has never fallen below 80% during any post independence election, a manifestation of the vibrancy of Mauritius multiparty democracy. The contest was fought between the two parties, Paul Berenger's MMM/MSM alliance and Navin Ramgoolam leader of the Alliance Sociale. In Mauritius the Election Management Body (EMB) is responsible for the official announcement of results. The National Assembly Regulations, 1968 states that as soon as the returning officer has ascertained the result of the poll he will immediately publicly announce the result of the poll. On 4 July, the day the counting took place, results from counting centres in the constituencies started to be broadcast live on national television from around 12 o'clock midday. By late afternoon it was clear that the opposition Alliance Sociale was leading and the incumbent MMM/MSM was being ousted from power. The smooth alternation of power from one party to the other and the split in alliances is an essential part of the Mauritius democratic tradition.

The Election Results

Table 1: The 2005 National Assembly Election Results

SEATS	MSM/MSM Alliance	Alliance Sociale (AS)	Organisation du peuple de Rodrigues (OPR)	Movement Rodrigues (MR)	Total
Men Elected	15	34	2	0	51
Women Elected	7	4	0	0	11
Best loser Seats	M	4	0	2	7
	W	0	0	0	1
Total Seats	24	42	2	2	70

The opposition Alliance Sociale won with 49.386% of the vote and Alliance MSM/MSM got 43.295%. This is a very narrow margin which is not reflected by the allocation of seats. This was translated into 38 elected seats for alliance Sociale and 22 seats for MSM/MSM, the remaining two seats all went to the OPR in Rodrigues. The First Past the Post System fails to portray a proper representation of the voters in the National Assembly, the more reason why Mauritius should revisit its electoral system reforms although the old electoral system has served them well for the past 30 years. The increase of the number of women in the legislature from 4 to 12 (5.7%- 17%) is a welcome development, nonetheless it does not reach anywhere near the 30% target stipulated in the SADC declaration on Gender and Development of which Mauritius is also a signatory. Those few women who got elected should be congratulated

¹ EISA Election Observer Mission Interim Statement, Port Louis, Tuesday 5 July 2005.

Report of the Election Observer Mission of the Electoral Commissions Forum of SADC Countries (ECF) 5 July 2005.

for their bravery to enter as candidates in a campaign environment that was very hostile to women candidates².

Acceptance of Results

The leader of the MSM/MMM alliance, Paul Berenger conceded defeat to the Alliance Sociale congratulated the winners and promised a smooth and proper handing over of power to the new government even before the final results were announced.³ Mauritius has a culture of accepting results which has been built up over the years mainly because of the credibility of its electoral management body in promoting a transparent electoral process. However Paul Berenger won his seat in his constituency and is now the chief of the opposition in the Assembly. There are a number of reasons that have been given to explain the defeat of the ruling MSM/MMM alliance. Some political analysts posit the ethnic factor. They argue that Alliance Sociale won in rural areas that were predominantly Hindu and in the commercial areas with Muslim predominance. However the MMM/MSM also did well in urban areas with Creole predominance. There is still a

strong belief that the ethnic factor continues to dominate Mauritian politics even after 35 years of independence.⁴ It is believed that Berenger's (MSM/MMM) ethnic background as a white Mauritian of French descent might have influenced the results of the vote in some parts of the country.

However other observers argue that analysing the results of the 2005 elections solely on the ethnicity factor is a very simplistic approach. The MSM/MMM were architects of their own demise because of their failure to keep their 2000 election promises. Losing a 2003 by-election was a precursor of what was to come. The MSM/MMM government was accused of failing to deal with corruption and the unprecedented closure of sugar and textile mills which led to an increase in unemployment. To compound their problems, senior ministers from the MSM/MMM alliance resigned from the MSM to join the Social Alliance of Ramgoolam. This gave ammunition to the opposition Sociale Alliance which campaigned for the necessity of change and criticised Berenger's government for failing to prepare the island for global market developments in textiles and sugar. For the opposition, the main concern was the economy whilst MSM/MMM government campaigned on macroeconomic stability and continuity in its policies.

Conclusion

The announcement of results in Mauritius was done timeously and publicly by the EMB and the quick acceptance of results by both parties reflects the confidence the people of Mauritius have in their electoral process. The election results reveal that the people of Mauritius were convinced by the concept of change while the incumbents' campaign on continuity was not so favourable. Whilst the ethnic factor could have played a role, Ramgoolam's Alliance Sociale seemed to have succeeded in convincing the rural and urban populace of their message promoting change. However, the opposition remains quite strong and also a force to reckon with by holding 24 seats in the legislature. Besides, the narrow majority of 49% for AS and 43% for MSM/MMM makes it difficult for Ramgoolam to sit comfortably without delivering. To begin with, his election manifesto highlights electoral reforms which might foster a clear representation of women and other political parties in the legislature. Civil society and other stakeholders must ensure that the new leadership keeps to their promises. Mauritians are well known for dispensing with leaders whom they think are no longer able to deliver; they are removed smoothly and democratically too.

² Colleen Lowe Morna, Missing the Mark: Audit of the SADC Declaration on Gender and Development Women in Decision Making, Gender Links, International Idea, 2005.

³ *Mauritius News* July 2005 <http://www.mauritiusnews.co.uk>

⁴ *Mauritius Times* Friday 8 July 2005 <http://www.mauritiustimes.com/080705vidur.htm>

POST ELECTION DISPUTES IN THE MAURITIUS 2005 ELECTIONS

Bertha Chiroro

Introduction

Challenging an election, its conduct, or its results in the SADC region is a normal phenomenon where parties that have lost the elections do not accept the results. Election disputes normally consists of challenging the validity of the result, violation of suffrage rights or petitions against those that have corrupted the election process by using bribery or undue influence on the voters. In most democratically consolidated countries, the resolution of disputes is secured through the ordinary administrative and judicial bodies. In Mauritius, electoral challenges go to the Supreme Court. Some countries in Central America have a permanent Electoral Court commissioned directly with the resolution of election disputes. For example in Botswana and Lesotho, Zimbabwe, Tanzania, and Zambia election petitions are submitted to the High Court within 30 days of the election. South Africa has an Electoral Court and election complaints must be submitted within 48 hours of the announcement of results.⁵ It is the responsibility of states in the SADC region to ensure that complaints relating to the

electoral process are determined promptly within the timeframe of the electoral process and effectively by an independent and impartial authority.

Electoral Challenge Mechanisms in Mauritius

According to sections 45 and 46 of the Representation of The People Act, election results can be contested by way of election petitions at the Supreme Court. The sections state that the petition shall be presented within 21 days or in the case of Rodrigues, 56 days after the announcement of results.⁶ Part V of the Representation of the People's Act clearly states what are considered to be elections offences in Mauritius and the penalties for each offence. The offences range from illegal payments, corrupt practices, bribery and treating and undue influence. Anything that involves paying or giving money, food or drink, gifts or loans to an elector in order to induce any elector to vote or refrain from voting is an offence. Any person who is guilty of bribery, treating or undue influence will be liable on conviction to a fine not exceeding 2000 Rupees and to imprisonment for a term not exceeding one year. Election challenge mechanisms are credible in Mauritius and the Supreme Court rulings are respected. However, election results are generally accepted by all in Mauritius. There have been a few minor disputes in 1976 and in 1998 which have been resolved by the Supreme Court. The challenge in 1998 involved a losing candidate of a by-election who made allegations of bribery against the winning candidate.

The Nature of the Election Dispute

The electoral challenge before the Supreme Court in Mauritius is that of the opposition Alliance Sociale, now in power but challenging the election results in constituency no 8 and 14 on the basis of bribery and undue influence against the former rulers the MSM/MMM alliance. The allegations that have led to the two disputes before the Supreme Court are that the MSM/MMM alliance which was in government in constituency No 8 and 14 used bribery and treating in order for their candidates to win the elections. In constituency no. 8, one candidate of the MSM/MMM won the election whilst the remaining two were won by the Alliance Sociale. In constituency no. 14, two candidates of the MSM/MMM won the election and one of Alliance Sociale won as the third candidate. The allegations by the Alliance Sociale against the MSM/MMM involve bribery, that is the use of government machinery during the campaign, the promise of jobs to voters and undue influence. Some of these allegations of abuses of government resources were raised by the opposition during the campaign period. They involved the abuse of the Mauritius Broadcasting Corporation, the use of state machinery

⁵ EISA, Post Election Disputes http://www.eisa.org.za/WEP/WEP_15.htm

⁶ Representation of the People's Act Electoral Commissioner's Office Mauritius May 2005

for party purposes, the promise of government jobs to voters or to party activists, and party agents.⁷

Conclusion

The proper and timely implementation of decisions taken by courts and electoral bodies is critical to the effectiveness of the election dispute resolution system. In some cases the period between the filing of a complaint and the final resolution is very long. This creates an impression of ineptness by the judicial system in handling electoral disputes. One hopes that the dispute before the court in Mauritius is resolved timeously and to the satisfaction of all the parties concerned.

MAURITIUS: THE 2005 ELECTION AFTERMATH

Sydney Letsholo

Introduction

Parliamentary elections in Mauritius are now water under the bridge. With the wide array of assessments made by various international and domestic observer missions, the aftermath of elections is also of scholarly interest. The primacy of this article is to reflect on issues that arose in the aftermath of the election in Mauritius. This entails the reflection on the number of political parties that participated in the electoral race. The article will also allude to the political environment under which the elections took place. Also worthy of discussion is the interesting phenomenon which the island always undergoes with each election - the constant alternation of power. In conclusion, the discussion will focus on the number of female candidates in Parliament.

The Context under which the Elections Took Place

Mauritius witnessed a total number of 645 candidates who contested the elections in 2005. These statistics include the 229 independent candidates. These significant numbers of candidates signal the kind of political environment in which these elections took place. In general, parties and candidates displayed a high degree of tolerance and respect towards each other, even though cases of violence occurred⁸. Also worth noting is the total number of 63 female candidates. In the run-up to the 2005 elections, Mauritius was one of the few countries in the SADC region where gender representation in government was not satisfactory. The country was yet to comply with the 1997 SADC Declaration on Gender and Development that urges for 30% representation of women in government.

The Aftermath

As is the norm in Mauritius, the alternation of power was in the pipeline. This has been effected mainly through alliances and has remained a permanent feature in Mauritius' political contests. What is also significant about these elections is the fact that all the parties involved in the contest had no qualms about the electoral outcome. This again alludes to the level of maturity with which that the island prides its self. In an effort to unravel the issue of alternation of power, attention will focus on the election results of 1995, 2000 and 2005. These clearly depict this phenomenon. Table 1 (below) provides an overview of election results for the above-mentioned periods.

⁷ Mauritius Times Friday 9 September 2005
<http://www.mauritiustimes.com/090905look.htm>

⁸ EISA Interim Statement on the 2005 Elections in Mauritius

Table 1: An Overview of Elections: 1995-2005

	1995			2000			2005		
	Parties/ Alliances	Seats	% of Votes	Parties/ Alliances	Seats	% of Votes	Parties/ Alliances)	Seats	% of Votes
Government	Labour/ MMM	60	66.22	MSM /MMM/ PMSD/ Les Verts	54 4	52.30 BL	AS	38	53.57
Opposition	PGD Hizbullah MSM- RMM	1 1 0	B.L B.L 28	Labour/ PMXD	6 2	36.95 BL	MSM/ MMM	22	41.47
Rodrigues Reps.	OPR Mouvement Rodriguais	2 2	41.98 B.L	OPR Mouvement Rodriguais	2 2	51.15 BL	OPR	2	49.43
Total		66			70			70	

Source: *EISA Update, No.1* &
<http://www.maurinet.com>

On the three occasions on which Mauritius has held elections between 1995 and 2005, there has been three new governments. Table 1 (above) attests to this. The Alliance Sociale (AS) replaced the alliance comprised of MSM/MMM/PMSD/Les Verts in Parliament in the 2005 elections. Earlier in the article, attention was drawn on the fact that Mauritius' gender representation in Parliament was below the standards determined by the 1997 SADC Declaration on Gender and Development. Remarkably, the situation improved drastically in the 2005 elections and saw the number of women in the Legislative Assembly increase by 200% (from four to twelve). This moves Mauritius from the last in the SADC ranking in terms of the numbers of women in decision-making, to fifth⁹. Although this achievement

was commended by domestic gender activists, the island still has to meet the requirements of the SADC Gender Declaration.

Conclusion

The relatively peaceful conditions under which the 2005 elections in Mauritius took place, shows the common practice of political maturity and tolerance in the island. As predicted by various local political commentators, the 2005 election witnessed yet another new regime. The overall election process that includes the pre-election atmosphere, voting day and the transparent counting of votes all received favourable comments from the various international observer missions. As mentioned previously, the elections also saw the number of women in Parliament increase significantly. Mauritius indeed has the potential of becoming a beacon of democratic stability in the SADC region.

References

- EISA Election Update 2005: Mauritius*, No.1
- EISA Interim Statement on the 2005 Elections in Mauritius
- EISA Regional Roundup: 21/07/05
- <http://www.maurinet.com>

⁹ EISA Regional Roundup, 21/07/05

**WHY DO WE OBSERVE
ELECTIONS?
THE 2005 MAURITIUS
EXPERIENCE
Belinda Musanhu**

For those observing and those being observed, the 3 July National Assembly Elections provoked different emotions and expectations and raised fundamental questions about the *raison d'être* of election observation. The amendment of the Representation of the People Act¹⁰ in April 2005 meant that this would be first time that international observers would be officially accredited to scrutinise a Mauritian election. Previous observation has been unofficial in nature and has therefore being limited in scope.

This can be attributed to the widely held perception that bar the notable exception of the low level of female participation, Mauritian elections are on the whole, very well conducted and almost perfect. The elections therefore provided observers with their first opportunity to put this perception to the test.

The Principles for Election Management Monitoring and Observation in the SADC Region (PEMМО)¹¹ provided

¹⁰ There is no provision made for the accreditation of domestic or local observers

¹¹ Principles for Election Management and Monitoring in the SADC Region – Electoral Handbook 13.

EISA/ECF. 2003

the terms of reference for EISA¹² observers in assessing the quality and credibility of the Mauritian elections. According to the PEMМО, the objective of an observer mission is to “secure the integrity of the electoral process”¹³. As general sentiment regarding elections in Mauritius has historically regarded the elections as credible and legitimate, it is understandable that some questioned the need for any observers.

Why Observe the Mauritius Elections?

Members of the Mauritian public and those in civil society had a perception that election observation is only necessary in those countries that are fundamentally undemocratic and where elections face serious challenges of legitimacy and credibility. This view assumes that observers are there only to point out the mistakes of the election management body and make recommendations. Those holding the opinion that the Mauritian electoral process has little to fault could be excused for questioning the need for observers.

Election observation has evolved into a more sophisticated process than those days when observer missions were hurriedly constituted and dispatched for the polling period, only to make pronouncements based as much on what had been observed as on whether the result was acceptable to the observer or not. The realisation that elections do not begin and end with voting and counting has resulted in the deployment of long-term observation missions which observe the pre-elections period. This includes voter registration, nomination and campaigning as well as events around the polling date. It is now widely acknowledged that these pre-election activities have as equally important an effect on the outcome of the election as to the Election Day activities. One of the deficiencies of the Mauritian electoral system noted by observers is the low representation of women in the political system. Recommendations have been put forwards to strengthen the electoral system in Mauritius. In election matters there is always room for improvement and it is also the duty of observers to contribute with constructive recommendations on how to improve election processes.

This is reflective of recent trends in the field of election observation. Firstly whether an election is judged as being credible and legitimate, or not, an election assessment has no value unless it is backed by well-researched and documented information. On many occasions, observers have undermined whatever assessments they make of an

¹² Taking into account the size of the island(s), the EISA Regional Observer Mission that observed the 2005 Mauritius National Assembly was small in size with only 20 observers. Apart from EISA staff and an electoral expert from Denmark, the mission was composed of representatives from countries in transition to democracy. That is, Angola and the Democratic Republic of the Congo which have not had elections for twelve (12) and forty (40) years respectively.

¹³ Ibid. pg 1

election process by not providing supporting information to prove their allegations of fraud or to support their judgement that the election is free and fair. The information is useful not only for the immediate election assessment but can be stored and disseminated electronically and otherwise. Thus one of the objectives of the EISA mission was to research and document the Mauritian elections.

Much can be learned from direct interaction with the electoral process and electoral stakeholders in other countries. For example in Mauritius, our observers learnt that an election is NOT by definition a conflict-ridden exercise. In addition, away from the tensions in their own countries, electoral stakeholders had an opportunity to interact on more or less neutral ground and to build relationships that can be nurtured upon their return to their countries.

The EISA Regional Election Observer Mission to the 3 July National Assembly Elections in Mauritius found several aspects of the electoral process that need amelioration. These include the complicated electoral system which some have gone so far as to describe as the worst in the world. There is need to reduce levels of elected related conflict and violence. A surprise to all as was the great improvement in the representation of women in the legislature, which although

still below SADC standards, more than doubled from the figure achieved in the previous election(s)

Recommendations on the above and other areas needing improvement have been made to Mauritius electoral authorities. Indeed, these will be subject of a post-election review workshop to be held in Mauritius in due course. This process is expected to result in some changes to the Mauritian electoral system including the accreditation of domestic observers, an area in which Mauritius falls below regional standards. Thus we observe elections mainly to learn and to grow whether it is we who are being observed or who are observing.

Conclusion

In general, Mauritius is seen as a good example of how election should be conducted and many observers have called for other African countries to learn from Mauritius in terms of electoral democracy. Previous research on the Mauritius elections had not revealed any of the typical election related problems that characterise elections in SADC, such as defective registration of voters and compilation of voters' rolls; violent electoral campaigning; suppression and persecution of the private media; abuse of the public media; intimidation of voters and so on. Despite all this, Mauritius needs election assessment especially after an election has taken place. This assessment must be based on informed data and information, which in most cases are provided by election observers both local and international.