EISA

Promoting Credible Elections and
Democratic Governance in Africa

**Realising effective and sustainable
democratic governance in Southern
Africa and beyond.**

Mauritius Electoral Reform Process

**By
L. Amédée Darga**

Introduction

In the mid-1960s, deep social cleavages contributed to an extremely negative prognosis for democracy in Mauritius. Ethnically polarised groups squabbled over the shape of a new government, and forty four per cent of the electorate voted against independence from Great Britain. Ethnic riots erupted in 1964 and 1967, threatening to plunge the country into civil war. Violence between Muslims and Creoles killed at least twenty-five people (the exact count was never official) and wounded over one hundred others just six weeks before Mauritius declared independence. Prime Minister Sir Seewoosagur Ramgoolam clamped down upon political dissent and suspended elections almost immediately after assuming office in 1968, igniting suspicions that the much-feared "Hindu Peril" of Indo-Mauritian political domination had arrived (Mathur 1991).

Despite a debut which felt as though it could follow the same path as many others on the continent, democracy has grown and thrived in the years since independence. Over the last thirty-six years, Mauritius has completed seven democratic elections, and the winning coalitions have shifted on most occasions. Political contest is alive and well, evidenced by the colourful and provocative posters plastered ubiquitously across the island at election times. The clear ideological stance of parties which was characteristic of the seventies and early eighties has gradually faded. Though ethnic discourses regularly surface during elections, several broadly-based parties that now lack significant ideological distinctions attract the vast majority of votes.

Mauritius ranks among the most stable countries in the world, and its citizens enjoy political and civil rights comparable to citizens in Belgium, France or Germany

(World Bank 1998, Freedom House 2001). Even though Mauritians regularly express frustration with the quality of their government, political participation at least at national election time is quite high. More recently however, disenchantment with the present political elite has been becoming increasingly evident. In the years since independence, Mauritius has developed from a socially fractured, unstable, and potentially authoritarian system to a functional, multi-party regime ranked among the most democratic in the world.

Executive Recruitment

Since gaining independence from Britain in 1968, Mauritius has recruited its chief executive through competitive multiparty elections, although the 1972 elections were cancelled as the government clamped down on challenges from the labour movement and new political forces. The majority party (or majority coalition) in the National Assembly selects the Prime Minister. Members of the legislature are popularly elected. In an alliance made during the September 2000 election, the MMM and the MSM formed a coalition bloc to challenge the ruling Labour Party. As part of this agreement it was decided that Anerood Jugnauth (MSM) would serve as Prime Minister for three years with Paul Berenger (MMM) as his deputy Prime Minister. Jugnauth would then step down in 2003 and allow Berenger to take over the position of Prime Minister for the remaining two years of his term. Berenger, who assumed office on 30 September 2003 is currently the country's Prime Minister, and the first non-Hindu incumbent.

Executive Constraints

The Parliamentary structure of government found in Mauritius places significant constraints on the political autonomy of the chief executive. The Prime Minister is directly accountable to the legislature. The coalition-based nature of governance in Mauritius further limits the independence of executive action. The judiciary is independent from executive influence.

Political Participation

At the time of independence from Britain, the prospects for political stability in Mauritius seemed bleak. Ethnic pluralism and economic stagnation culminated in violent communal riots during this period. However, over the past thirty years Mauritius has developed a reputation as one of the most stable and democratic countries in Africa. Key to both its economic and political success has been the ability of the country's ethnically diverse populations to balance their communal interests in a multicultural setting.

Mauritius had no indigenous population. Nearly one-third of its population (the Creoles) are descendants of slaves brought from the African mainland and from Madagascar by French colonial settlers in the 18th century to work on the island's sugar plantations. Most Creoles have remained near the bottom of the country's socioeconomic ladder while the small Franco-Mauritius elite continue to dominate the island's largest financial and business institutions. About 17% of the population are Muslim. Their ancestors hailed from India, but they have developed their perceived identity on the basis of religion. However, the dominant ethnic group is comprised of Hindu descendents of Indian plantation workers brought to the island as indentured labour after the British seized control of the country in 1810 and "abolished" slavery in 1833. The major fault line that divides Indo-Mauritians separates "Hindus" (of northern Indian origin) from "Tamils" (from the Dravidian south). The caste system has been replicated in a modified form in Mauritius, and the Vaish caste of Hindu society (a caste coming after the Brahmins) pertains to dominate the highest levels of public sector establishment.

National identity is weak in Mauritius and political parties tend to coalesce around ethnic identities and strong political families. Despite the dearth of Mauritian nationalism, main political parties are pluri-ethnic, and the Mauritian political system has historically forged governing alliances

mitigating ethnic, religious, and ideological cleavages through Parliamentary coalition-building. Moreover, democracy in this country has been bolstered by the presence of a common language (Kreol), the lack of a standing army and the existence of a vibrant and healthy civil society that notwithstanding the manoeuvres of certain elites to broaden the ethnic fault lines, cuts across cultural cleavages. Additionally, the electoral system, which guarantees up to eight seats in the 70-member Parliament for correcting under representation of ethnic groups, has also worked to facilitate political stability. However, as the ethnic-based riots and communal violence of 1999 demonstrate, this harmony remains delicately balanced.

Legitimacy of the Electoral Process

The electoral system is well anchored in electoral law, which is accepted as ensuring the autonomy and independence of the electoral system from all organs of state and political parties. The legitimacy of the electoral authority as manager of the electoral process is largely accepted by political parties and all candidates, as well as its fairness and the transparency of its activities.

The registration, voting and results reporting process is fully credible, and legal action against violations as well as mechanism to challenge election results are considered to be largely effective.

Independence of the Electoral Commission/Commissioners

An independent Electoral Supervisory Commission and an Electoral Boundaries Commission are set up under the Constitution, which also creates the post of Electoral Commissioner. The latter is responsible amongst other things for the registration of electors, under the supervision of the Electoral Supervisory Commission. The Electoral Commission and Electoral Supervisory Commission are fully able to perform their duties and no blame has ever been ascribed to them despite

instances of dissatisfaction by opposition parties. This is expressed in general terms but never in fact, through direct attack.

The two institutions concerned with the electoral process are the Electoral Supervisory Commission and the Electoral Boundaries Commission.

The Electoral Boundaries Commission consists of a chairman and between two and seven members all appointed by the President "acting in accordance with the advice of the Prime Minister tendered after the Prime Minister has consulted the leader of the Opposition."[1] The Commission may "take into account representations made to it in respect of any proposed alteration of a boundary "and it has to give public notice of any proposed alteration to be made and fix the manner in which and the time frame for any representation to be made.[2]

The Electoral Commissioner and the Electoral Supervisory Commission are totally independent. The post of Electoral Commissioner is provided for in the Constitution and the only qualification imposed is that the person must be entitled to practice as a barrister. The Electoral Supervisory Commission supervises the registration of electors and the conduct of elections. Its chairman is appointed by the President of the Republic in accordance with the advice of the Judicial and Legal Service Commissions. The members are appointed by the President acting in accordance with the advice of the Prime Minister tendered after the Prime Minister has consulted the leader of the Opposition.[3]

Transparency Of The Electoral Commission Process

Once the decision has been made regarding the holding of elections and details thereof such as the date and time and the like are then published in at least three newspapers.

---

[1] The Constitution of Mauritius section 38 (2)
[2] The Electoral Boundaries Commission Regulations 1976
[3] The Constitution of Mauritius section 38 (1)

Anyone who wishes to stand for elections is given documentation by the Electoral Commissioner's office providing all the details of the election process. Details on the emblems used by the other parties are also available from the Commission.

There is complete transparency as regards election details such as copies of register of electors, nomination of candidates, declaration of ethnic identity of candidates (for general elections only), voting process, preservation of order at polling stations, vote by proxy, counting of votes, appointment of electoral agents by candidate to supervise the actual voting and the counting (yard agents, classroom agents and counting agents). These matters are detailed in the *Election Regulations* of 1968 which is available to all parties/individuals.

Transparency Of Voter Registration Process

The Law provides for the appointment of registration officers and for registration to be done per constituency. This is carried out on an annual house-to-house basis. Should the registration officer need to carry out further enquiries, he is able to do so. The law also provides that, at the time of publication of an electors list, the population is informed of this by publication in the *Government Gazette* and in at least three recognised daily newspapers. Furthermore, political parties are free to ensure that their followers are registered, and that their names have not been erased for some unknown reason. People are also informed of the days on which they can go personally to check if their names have been properly recorded in the constituency in which they should be registered. For the general elections this is based on their place of residence. They have the right to claim to be registered and one relative or their legal representative can accompany them, which is important for those who are either incapacitated physically or illiterate. A list of claimants is then prepared. The law further provides for a very thorough procedure for objections to be made by electors and claimants against

persons whose name appear on the list and for the determination of such objections.

There are no legal provisions, which debar any resident adults, except prisoners, from registration, voting or standing for elections in any part of Mauritius including in Rodrigues or Agalega which are inhabited outer islands.

The Sachs Commission has also pointed out that since a young person attaining the age of 18 after the 15 August will have to wait for the next registration exercise to register, he or she may be excluded from voting if elections take place after the 15 August of a year when he is 18 but cannot register. The proposal is to allow registration of anyone at any time, hence this provides for continuous registration**.**

Credibility of Election Results/Outcomes

Election results are generally accepted by all candidates. There have been a few cases of recount of votes, especially when the margin is very slim. At the General Elections of 1976, certain votes were expressed otherwise than by a cross namely by a stroke on the ballot paper or by a cross on the dividing line separating two candidates names with one of the names boldly underlined. In a third case, the crosses were found to have been made on the reverse side of the ballot paper which, due to the transparency of the paper or to the heavy impression, allowed the symbols of the candidates to appear on the verso and over the similar symbols of which the crosses had been made. The Supreme Court held that in the first two instances, the votes as expressed were validly cast whereas in the third case, the vote was invalid as not having been marked on the face of the ballot paper.[4]

In the past, there has been a fair amount of violence and political intimidation, especially in during the first post independence general elections in 1976. But as the years went by, and the population became more and more mature, voters

---

[4] Bappoo and ors v; Bhugaloo and others

became more careful and have shown some cynicism to the point of sometimes accepting electoral bribes but maintaining their choices. In fact, the system is such that no one can really know how an elector has voted since there is only one voting sheet on which the names of all candidates appear in alphabetical order and this is deposited in the transparent urn. The elector does not exit with any paper to show anyone how he has voted. One can safely say that the incidence of any kind of malpractice or intimidation such as distributing money or gifts on the election results is marginal. As for violence, the party that is seen as involved in violent practices is shunned by the electorate. The Electoral Commission, the police and the candidates and their agents ensure the smooth flow of events.

Credibility of Electoral Challenge Mechanisms

Electoral challenge is through the judicial process. There are very few cases of electoral challenges, the latest being in 1998.This involved a challenge by the losing candidate of a by-election made on allegations of electoral bribery against the winning candidate fielded by the then ruling party.

What are the Issues Being Considered for Reform?

As explained above, the process, the legislative framework, the regulatory and supervisory functions have given satisfaction to all stakeholders. These have therefore not been considered necessary for important reforms.

The need for reform has been raised and is being debated around the following issues:

- Modernisation of the voting process.
- The need to ensure more balanced gender representation
- The question of public funding of political parties
- The need or not to prohibit religious or ethnic political parties

- The question of the electoral system itself

In order to examine and provide a report on which reforms could be effected and the necessary methodology to implement them, an independent commission was appointed in 2001.

The new government formed after the general elections of September 2000, committed itself to reform the electoral process. It established a Commission on Constitutional and Electoral Reform in 2001, hereinafter referred to as the Sachs Commission, named after the chairperson of that Commission, Judge Albie Sachs from South Africa. Its brief was to investigate the following issues, amongst others and to make recommendations thereof:

- review the role of the Electoral Supervisory Commission and make recommendations on how it can be strengthened and its responsibilities extended to uphold the democratic fundamentals of the Mauritian society in particular to ensure really free and fair elections;
- review all practical aspects relating to the holding of elections and make recommendations for greater transparency and for securing a level playing field for competing parties;
- propose a draft Public Funding of Political Parties Bill;
- make proposals regarding representation in Parliament on a proportional basis within the existing electoral system;
- make proposals for the prohibition of communal or religious political parties;

The Commission was made up of three Commissioners, Judge Albie Sachs, B.B Tandon a member of the Electoral Commission from India, and former Mauritian Judge, Robert Ahnee. The commission presented its report early 2002.

Modernisation of the Voting Process

This was not a question put to the Sachs Commission. However consideration is presently being given to the introduction of electronic voting. This would have the

advantage of providing results extremely quickly, most probably on the same day.

A delegation of Parliamentarians and officials of the Electoral Commission visited India during the last general elections a few months ago to view the voting system in operation. Although public views appear still divided on the matter and no decision has yet been made, it is understood that all the members of the delegation were favourably convinced.

The Need to Ensure More Balanced Gender Representation

Within the SADC region, Mauritius has the lowest level of women participation in Parliament and Cabinet.

All political parties concur on the need to redress the imbalance and foster more women participation in elected political institutions. However, they are not very clear on the ways and means to achieve this objective.

The Sachs Report maintained that the under representation of women could be addressed through the reform of the electoral system by introducing a mixed PR system, but further highlighted that "the major responsibility for correcting the massive gender imbalance rests with the parties"[5].

The Commission however, pointed out that a number of measures could be introduced with relative technical ease for progress to be made on that front. These vary in the extent to which they operate directly or indirectly. The Commission listed them as follows :

- following the Indian approach, a requirement could be made that in each bloc of three candidates nominated in the twenty constituencies, that at least one be a woman and one, a man;
  - If guided by the South African experience, the parties could be required

to rank their candidates on the PR lists in such a sequence that at least every third candidate be a woman and every third, a man. Since women, like men, share all the characteristics of the nation, the parties could factor in appropriate balancing of elements other than gender when nominating women candidates.

If public funding of political parties is to be introduced, the allocation of funds could be made dependent in significant part on the extent to which women are put forward as candidates and women obtain seats.

The Question of Public Funding of Political Parties

There is to date, no public funding of political parties. They mobilise funds either through some direct corruptive practices during tenure of office, or through what is diplomatically called "donations" mainly from private sector companies, such "donations" being always unofficial and unacknowledged.

The Sachs' Commission having considered the issue of public funding as part of their mandate, made the following recommendations:

- the adoption of a law providing for the establishment of a Fund which would receive funds appropriated by Parliament and such other funds which it may lawfully received. Such funds would be administered by the Electoral Supervisory Commission, which shall allocate moneys –
- to political parties represented in the National Assembly on the basis of –

(i) the number of members it has in the Assembly;
(ii) the percentage of votes cast in favour of its candidates; and
(iii) taking account of the number of women it has in the Assembly;

- to elected candidates and those who although not elected, have scored 15% or more of the votes expressed in their respective constituency;

---

[5] Report of the Commission on Constitutional and Electoral Reform 2001/2002, page 28

- before the election, to those parties which field the 20 constituencies of Mauritius, 60 candidates, at least 20 of whom are women.

The Question of Prohibiting Religious or Ethnic Political Parties

As explained earlier, national identity is still weak in Mauritius and ethnicity often strongly influences social power relations as well as political competition. However, a large number of Mauritians have a schizophrenic relationship with the ethnic factor, often consciously or unconsciously involved in an ethnic discourse and practice, but publicly rejecting it. The majority of Mauritians have, indeed, been particularly alarmed at the appearance in the last ten years of overtly ethnic political movements. The question of prohibiting such groups corresponds therefore to a dominant popular feeling.

However a decision to prohibit religious or ethnic political parties raises a serious issue of contradiction with the practice of democracy. The Sachs Report further pointed to the fact that such prohibition might raise questions of constitutionality. In terms of Section 3 of the Constitution, everyone in Mauritius may, subject to respect for the rights and freedoms of others and for the public interest, enjoy the right to freedom of assembly and association. The report underlined:

Clearly a direct prohibition of communal or religious parties would diminish the freedom of assembly and association of their members. The question would be whether or not such limitation could be justified in terms of upholding the rights and freedoms of others or the public interest.

The Report therefore proposed some constitutional amendment that would not be in direct prohibition of communal or religious parties as such, nor prevent such parties from participating in elections simply because they were communally or religiously based, but indicated that appropriate legal provisions could be made

so that such parties could, however, be prevented from running in elections if the electoral officials had reason to believe that they were actively fomenting harmful division based on religion, ethnicity, race, community or caste. The question still remains to be debated.

The Question of the Electoral System

The electoral system which has been practised in Mauritius since independence is the FPTP (First Past The Post) system. The Mauritius electoral system however, distinguishes itself with two unique features. The first is the division of the country into twenty constituencies in which each voter has to vote for three candidates, with the three candidates receiving the most votes being elected. The choice of which three candidates is left open to the voter and no block party vote is legally imposed. The second is what is known as the Best Loser System (BLS). The system has worked well in terms of its own stability and the stability of the elected governments by providing conditions for the practice of consociationalism. This provided an often fragile but sustainable democracy in an ethnically plural society.

Sixty-two members are elected on a First-Past-The-Post (FPTP) or rather First-Three-Past-The-Post[6] basis, from twenty constituencies on the Island of Mauritius and two elected members from the Island of Rodrigues. Additionally, eight other members are appointed to be best loser Members of Parliament, thus giving a National Assembly of seventy. The appointment of the best losers is done by the Electoral Supervisory Commission on the basis of a mechanism prescribed under the Section 5 of the First Schedule of the Constitution[7] and in a manner that ensures adequate representation of the officially recognised ethnic groups without changing the balance of forces between the parties as obtained through direct suffrage:

---

[6] H. Mathur (1991), Parliament in Mauritius, Editions de L'Ocean Indien, p. 32
[7] http://ncb.intnet.mu/assembly/consti/index.htm

Section 5 (1) of the First Schedule of the Constitution explains as follows*: In order to ensure a fair and adequate representation of each community, there shall be 8 seats in the Assembly, additional to the 62 seats for members representing constituencies, which shall so far as is possible be allocated to persons belonging to parties who have stood as candidates for election as members at the general election but have not been returned as members to represent constituencies.*

The term "community" here means "ethnic group".
Section 5 (3) *The first 4 of the 8 seats shall so far as is possible each be allocated to the most successful unreturned candidate, if any, who is a member of a party and who belongs to the appropriate community, regardless of which party he belongs to.*

"Appropriate community " in the above section means the community, which is most under-represented. The basis for determining the under-representation is the 1972 population census figure.

Section 5 (4) *When the first 4 seats (or as many as possible of those seats) have been allocated, the number of such seats that have been allocated to persons who belong to parties, other than the most successful party, shall be ascertained and so far as is possible that number of seats out of the second 4 seats shall one by one be allocated to the most successful unreturned candidates (if any) belonging both to the most successful party and to the appropriate community or where there is no unreturned candidate of the appropriate community, to the most successful unreturned candidates belonging to the most successful party, irrespective of community.*

The best loser system has been challenged by a small extra Parliamentary party, Lalit, and by some in the elite on the basis that it institutionalises ethnicity as a political instrument. This challenge is however not as yet, mainstream. Although some of the dominant political parties are of the opinion that the system should be done away with in the context of a reformed electoral system which would provide the same safeguard BLS is supposed to ensure, none has ventured officially to propose its elimination in the fear that it would be perceived as being against minority representation safeguard.

The electoral system of First Past The Post has been challenged by most dominant parties, particularly when they are out of government. The challenge relates to the unfair nature of the system where there is a large degree of disproportionality between the percentage of votes and number of seats obtained in Parliament. Thus, in 1982 and in 1995 the result was 60-0, while in 1991 and the year 2000 the presence of the opposition in Parliament barely reached symbolic levels, and was disproportionally low with respect to the percentage of votes earned.

Although there is widespread acceptance of the necessity to correct the gross under-representation of opposition parties produced by the electoral system, this does not imply agreement on possible solutions.

The criteria of a good electoral system for a plural society such as Mauritius is clearly understood by all as one that:

- ensures government stability,
- guarantees fairness to parties in terms of representation in Parliament,
- promotes gender and diverse representation,
- encourages accountable government,
- increases voter choice,
- maintains constituency links between MPs and their constituents, and
- shuns overtly communal (ethnic) parties.

	1991			1995			2000		
	Parties (Alliances)	Number of Seats	% of Votes	Parties (Alliances)	Number of Seats	% of Votes	Parties (Alliances)	Number of Seats	% of Votes
Government	MSM/MMM	57	56.28	Labour/MMM	60	66.22	MSM/MMM/ PMSD/Les Verts	54 4	52.30 B.L
Opposition	Labour/PMSD	3 4	39.95 B.L	PGD Hizbullah MSM	1 1 0	B.L B.L 28	Labour/ PMXD	6 2	36.95 B.L
Rodrigues Reps.	OPR	2	65.93	OPR Mouvement Rodriguais	2 2	41.98 B.L	OPR Mouvement Rodriguais	2 2	51.15 B.L
Total		66			66			70	

**Table 1: An overview of General Elections results, 1991 to 2000
(Note: B.L means Best Losers)**

The present electoral system has delivered well on the first, fourth, sixth and seventh items, but not on the other criteria.

The issue of fairness of representation was the centrepiece of the Sachs' Commission mandate. A number of representations from political parties and other civil society stakeholders were received by the Commission. In consonance with the views of the general public, the submissions converged on:

- The need to introduce a carefully carved eligibility threshold of 10% to reduced the danger of too much fractionalisation, and to reduce the likelihood of ethnic based parties from emerging.
- Favouring a mixed FPTP/PR system rather than replacement of FPTP by a full PR.
- There is no one system that fits all for the mixed FPTP/PR system. Such a system must be crafted to fit local conditions.

Therefore, the critical questions to be addressed are:

- What should be the share of seats allocated through FPTP and the PR modes
- What is the appropriate mathematical formula for distributing PR seats
- The choice of a parallel or compensatory formula to allot PR seats.

After examining five different models and concluding that "no single model meets all

the requirements in an unqualified manner", the Commission recommended:

- The maintenance of 62 seats (20 constituencies x 3 members + one constituency x 2 members) to be returned on the basis of the present FPTP system, and
- That in addition there shall be a further 30 members chosen on the basis of lists provided by parties receiving more than 10% of the national vote. Such lists will be in descending rank of eligibility. They will be published in advance of elections and may contain a restricted number of names of persons standing for constituencies (should such persons in fact end up being as constituency members then their names on the list would be disregarded). The objective of the lists will be to introduce a measure of compensation in the outcome of elections so as to make the final totals of seats held by the different parties reflect more accurately the support that the parties have received in the country at large. The lists will be composed in such a way as to secure greater gender representativity and to provide the reassurance that the Best Loser System has until now provided.

In other words, the Sachs' Report was doing away with the present Best Loser System.

Post the Sachs Commission

The Sachs' Report unfortunately did not give rise to much comment or debate from

civil society, save for one or two interested individuals. Government then set up a Select Committee of Parliament made up of Parliamentarians from both the ruling parties and the opposition to:

- To examine further the Commission's report and the recommendations in the matter of the introduction of a measure of proportional representation in our electoral system;
- To make recommendations, without prejudice to the existing best loser system, regarding the modalities for the implementation of the Commission's recommendations that the National Assembly should be composed of 62 members as at present and of a further 30 members chosen proportionately from parties having obtained more than 10 per cent of the total number votes cast at a general election; and
- To propose appropriate legislative measures to give effect to the recommendations.

In short, the terms of reference given by government to the Select Committee indicated clearly that:

- The system proposed by the Sachs' Commission had been accepted at least by the ruling coalition of parties, but that
- These parties wanted the reinstatement of the Best Loser System.

Divergence emerged in the Select Committee chaired by the Secretary General from the same party as the Prime Minister, and which comprised members of the opposition parties. The divergence interestingly, was not between the ruling coalition and the opposition, but between the two partners of the coalition and saw sometimes bitter exchanges in the media between the chairperson and the Attorney General, who comes from the other party in the ruling coalition. The Select Committee therefore failed to agree on one model and came up with two propositions:

The first one was almost a confirmation of the recommendation made by the Sachs' Report, but in which the BLS was included, thus giving 62 members returned through the FPTP + 8 BLS + 30 PR seats to be allotted on a compensatory basis.

The second one concentrated on one of the models which the Sachs' Commission had examined but discarded, namely 62 on FPTP basis + 8 BLS + 30 seats attributed on a parallel basis.

The matter has been resting at this point and the issue has now shifted to a negotiation between the partners of the ruling alliance. It has been rumoured through the media that they might be heading towards a formula of 62 FPTP + 8 BLS + 10 PR seats. Some refer to it as an extended BLS system.

The Rodrigues Trial Run

In the wake of changes brought in favour of decentralised government for the Island of Rodrigues, it was decided that there should be a Rodrigues regional Parliament and a Rodrigues regional administration.

Elections were run to elect the regional Parliament and two parties contested the elections. It was decided that the mixed FPTP/PR system would be used to elect the 18 member Parliament.

The results (shown in the table below) shocked some party leaders when they saw that the difference of 4 resulting from the FPTP, had been narrowed down to two after application of the PR system, which indeed gave a seat distribution closer to the reality of votes obtained by the contending parties.

It poured a cold shower on the desire to proceed with electoral reform as was initially intended and as recommended by the Sachs' Report. This explains the conflicting views in the Select Committee. The matter remains unresolved

The summary of the election results is as follows
:

	% FPTP votes	FPTP seats	% FPTP seats	P PR seats	% List votes	Total seats
OPR	55.5	8	66.7	2	55	10
MR	44	4	33.3	4	43.6	8
Total	99.5	12	100	6	98.6	18

References

Mathur, Hansraj *Parliament in Mauritius,* Edition de l'Ocean Indien, 1991

Mauritius. *Constitution of Mauritius of 1968* (and subsequent Amendments)

Mauritius.*Laws of Mauritius 2001* – CD Rom, by V-Street Legal Series Vol 1

Mauritius. *The Representation of People's Act*

Sachs Commission: *Report on the Commission on Constitutional and Electoral Reforms* (2001)

Sithanen, Rama *A Critical Appraisal of the Select Committee Report on Electoral Reforms in Mauritius*, February 2004

Sithanen, Rama Proposals for Electoral Reforms in Mauritius, Moving from First Past The Post to Mixed Member Proportional, A pathway for government stability, party fairness and rainbow representation, Submission

ABOUT THE AUTHOR

L. Amedee Darga is a private consultant in economic strategy and a social science researcher. He is a member of the African Association of Political Science. He has carried out extensive research in political and governance issues. He has also served as a mayor, a Member of Parliament and minister in Mauritius.

THE EISA MISSION STATEMENT
To strengthen electoral processes, democratic governance, human rights and democratic values through research, capacity building, advocacy and other strategically targeted interventions.

ABOUT EISA
The Electoral Institute of Southern Africa (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 field 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, practices and 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 is currently the secretariat of the Electoral Commissions Forum (ECF) composed of Electoral Commissions in the SADC region and established in 1998. EISA is also the secretariat of the SADC Election Support Network (ESN) comprising election-related civil society organisations established in 1997.

EISA OCCASIONAL PAPERS

CODE	TITLE
OP 1	Municipal Elections in 1999, P. Roome, 1999
OP 2	An Overview of Local Government: Municipal Demarcation Act 27 of 1998, R. Cameron, 1999
OP 3	An Analysis of the Legal Framework for Elections, Lisa Thornton, 1998
OP 4	Voter Registration & Demarcation in Local Government, B. Gerber , 1998
OP 5	South African Electoral Commission: The Old and the New, Glenda Fick, 1998
OP 6	An Analysis of the Constitutional and Legal Framework For Elections in the Local Government Sphere, D. Craythorne
OP 7	Developmental Local Government and Local Economic Development, F. Khan, 1998
OP 8	Techniques of Public Participation in Local Government, Doreen Atkinson, 1997
OP 9	Issues of Representation in Local Government, Doreen Atkinson, 1997
OP 10	Local Government: A Review of Selected Legislation, Glenda Fick, 2001
OP 11	Conflict Management Programme Report: South Africa Local Government Election, August-December 2000, EISA AND IEC
OP 12	Survey of Electoral Systems and Reform Imperatives in the SADC Region, Khabele Matlosa, 2003
OP 13	Impact of Democracy on Public Participation in the SADC Region, Claude Kabemba, 2003
OP 14	The OAU, NEPAD and the Promotion of Good Governance in Africa, John Akopari, 2003
OP 15	Democratic Consolidation and Political Parties in Lesotho, 2003
OP 16	Party Systems in the SADC Region: In Defence of the Dominant Party System, Shumbana Karume, 2004
OP 17	Interrogating Challenges for Intra-Party Democracy in Southern Africa, Khabele Matlosa, 2004
OP 18	Political Parties and Governance in Zimbabwe, Wole Olaleye, 2004
OP 19	Ethnic Conflict in the Horn of Africa, Victor Shale, 2004
OP 20	Impact of HIV/AIDS on Electoral Processes in Southern Africa, Kondwani Chirambo, 2004
OP 21	Decentralisation, Development and Conflict: Challenges Awaiting Local Authorities in Lesotho, Victor Reatile Shale, 2004
OP 22	Democratisation, Dominant Parties, and Weak Opposition: The Southern African Project, Chris Landsberg, 2004
OP 23	Election Monitoring and Observation in Nigeria and South Africa: A Decade Review,Adewale Banjo, 2004

To order or for a full list of list publications contact publications@eisa.org.za

The Electoral Institute of Southern Africa (EISA)
P.O. Box 740, Auckland Park 2006, South Africa
Tel   27-11-4825495
Fax   27-11-4826163
http://www.eisa.org.za/EISA/publications/publications.htm