



STATEMENT OF THE INTERNATIONAL PRE-ELECTION DELEGATION TO MOROCCO'S 2007 LEGISLATIVE ELECTIONS

Rabat, August 15, 2007

This statement is offered by an international pre-election delegation to Morocco, organized by the National Democratic Institute (NDI) as part of the overall international election observation mission invited by the Advisory Council on Human Rights (ACDH), the Moroccan advisory board charged with overseeing election observation activities. The delegation visited Morocco from August 9 through 15, 2007. The purposes of the pre-election mission are to demonstrate the interest of the international community in the development of the democratic political process and democratic governance in Morocco, to present an accurate and impartial assessment of the political environment and its implications for the September 7 parliamentary elections and to provide recommendations in support of increasing democratic development in Morocco.

The delegation was led by Frances Fitzgerald, Senator from the Upper House of the Irish Parliament (*Seanad Éireann*). Members included: Joseph Gaylord, political consultant and former Executive Director of the Republican Congressional Committee; Matthew Frumin, Senior Advisor for NDI; Tamara Cofman Wittes, Senior Fellow and Director of the Middle East Democracy and Development Project at the Saban Center for Middle East Policy of the Brookings Institution; and Abdulredha Hasan Ali Mohamed, Secretary General of the Bahrain Human Rights Society. The delegation conducted its assessment in accordance with Moroccan law and on the basis of international standards for non-partisan election observation found in the *Declaration of Principles for International Election Observation*.

During its stay, the delegation met with a broad spectrum of Moroccan political and civic leaders, government officials, election authorities, and representatives of the media and international community in Rabat. In addition, the delegation traveled to Fez, Meknes, and Benslimane.

An international delegation of approximately 40-50 people will visit Morocco for the week surrounding election day. That delegation will deploy across the country to observe the campaign, the election day processes and the post-election political process. They will issue a separate report on their observations.

The delegation does not seek to interfere in the election process, nor does it intend to, or could it, render a final assessment of the election process. Ultimately, it will be the people of Morocco who determine the meaning and importance of the 2007 elections. The delegation offers this pre-election statement in the spirit of supporting and strengthening the democratic process in Morocco.

I. EXECUTIVE SUMMARY

The September 7, 2007, parliamentary elections offer the Moroccan people an opportunity to build on the democratic openings of the past 10 years. While the progress has not always been consistent, the overall progress over that period to increase political and social openness in the framework of a centralized monarchy has been quite positive. The 2007 elections offer an important opportunity to deepen the process of democratization in Morocco.

The current electoral environment is marked by a number of positive factors, including an invigorated effort by major political parties to differentiate themselves through issue-based platforms and more competitive campaigns based on voter interests. Similarly, voter registration and civic education efforts have aggressively sought to reverse downward trends in voter turnout, particularly among younger voters. In addition, the administrative preparations for the elections seem to be impressive. The role played by civil society in terms of policy advocacy, voter education, and in preparing for domestic observation of the upcoming elections has been noteworthy and positive.

This positive election activity, however, occurs in the context of declining confidence in political institutions and systemic structures that could limit the impact of the elections. The impressive efforts aimed at increasing voter turnout reflect the substantial concern regarding the risks to democratic development posed by voter disaffection, resulting in low turnout. At the same time, given the mechanics of the election law, it will be extremely difficult for any party to achieve a substantial plurality in the parliament. Also, there could be a significant disconnect between the popular vote totals garnered by the various parties and their representation in the elected parliament.

There are active efforts to promote the role of women. Ongoing focus, however, will be necessary to determine the best means to increase women's political empowerment. Also, recent episodes of challenges to the press could have an effect on political coverage and, therefore, on the election.

It will be important for Moroccan authorities to allow for maximum openness for campaigning and the free exchange of ideas in the run-up to the election. Equally important, in the wake of the elections, every effort should be made to insure that representation in the successor government reflects, as fully as possible, the expressed will of the Moroccan people, and that the elected government and parliament are given increased capacity to represent citizen interests and be effective in their role. To be effective, the democratic process must connect voter preferences to policy decisions. This is likely to be the primary task for Morocco in its democratic development after the 2007 elections are over.

II. THE ELECTORAL CONTEXT

The pre-election period is critical to understanding and evaluating the degree to which elections are democratic. A full and complete assessment of any election must take into account all aspects of the election process: the legal framework; the political environment before and during the campaign; voting and ballot counting procedures; the tabulation of results; the investigation and resolution of complaints; and the conditions surrounding the implementation of the election results.

Over the past decade, Morocco has witnessed dramatic change as it explores greater political and social openness within the framework of a centralized monarchy. Initiated during the latter years of King Hassan II's reign after decades of authoritarian control, liberalization efforts picked up significant momentum following the accession of King Mohammed VI to the throne in 1999. The parliamentary elections in September 2002 proved reasonably well-administered, with election authorities sanctioning domestic monitors for the first time, ensuring access to the media for all political parties, and launching government-sponsored voter education initiatives.

The elections also marked an enhanced role for women in the political realm through a national list that all parties agreed to reserve for women candidates. This step dramatically increased the number of female members of parliament from two to 35. The openness of the process created momentum for pushing on other human rights, social and economic reforms, such as the family code (*moudawana*) and the Equity and Reconciliation Commission. It also focused attention on additional political reforms that would prompt the creation of a responsible government that has a clear public mandate and can coalesce around a well-defined program once in office. There was some disappointment following the 2002 elections when the King appointed a prime minister from outside the political system. In advance of the upcoming elections, there is a sense among political actors that the King may entrust the governmental responsibility to a parliamentary majority based on the 2007 election results, as was stated in the speech of His Majesty King Mohamed VI during the opening of the parliamentary autumn session, October 8, 2004.

While there was significant momentum for the process of democratization after the 2002 elections, as described more fully below, some recent events have reduced that momentum, making the 2007 elections that much more important in determining the extent to which the democratization process will win the trust of the public. Some of the specific aspects of the electoral context for the 2007 parliamentary elections are discussed below.

Political Party Law: As a first step in political reform in the run up to the 2007 elections, a consultative process with political parties led to the passage of a new political party law in December 2005. The law outlines rules and regulations intended to strengthen political parties and move them away from being highly centralized and personality-driven organizations. These include encouraging the adoption of clearly

defined platforms based on ideologies and social policies, the use of internal democratic mechanisms to promote party member involvement and the requirement for transparency in party finances. Other areas specifically addressed include state financing of parties, minimum criteria for recognition by the state, the formalization of coalitions and requirements for a general party congress every five years.

The law was passed with the intention of making the political landscape more manageable by consolidating and strengthening parties. It appears to have been an important factor contributing to consolidation among parties and to some renewal of leadership through increasingly democratic internal processes.

Electoral Law: In 2002, the Moroccan government officially completed a reform of electoral laws in preparation for elections that same year. This system remains in effect with recent minor modifications. The Moroccan government chose a two-tiered proportional representation electoral system, with multi-member districts, to replace its former first-past-the-post system, with single-member districts. Under this system, each party interested in running in a particular district puts forth a list of candidates equal to the number of seats in the district. On the ballot, voters indicate their preference for a particular party, rather than a candidate. The Moroccan system is a closed-list system, meaning each party fixes the order in which the candidates are listed and elected. The voter can select which party he or she prefers, but not which candidate within the party list he or she would like to see elected. Those changes also included a move to a single ballot, a positive step that reduced opportunities for vote-buying. The two-tiered, proportional-representation system as applied in Morocco, using a remainder system for allocating seats, makes it very difficult for individual parties to win more than one seat per district and increases the likelihood that seats in parliament are distributed relatively evenly among major parties.

Revisions to the electoral law were finalized in early 2007. While the revisions could have provided the opportunity for making representation within the parliament more in line with the popular vote, the final version did little to address the problem of parties not being able to gain more than one seat in a district. The code did, however, raise the threshold required to take seats in the parliament from three to six percent, while proposals to raise the threshold to 10 percent were rejected. The change to the threshold is unlikely to have an impact on the distribution of seats at the district level, but could affect the distribution of seats among the national women's list. In early 2007, several adjustments were also made to districts, raising their numbers to 95 and creating a maximum number of seats per district of five. In the meantime, a stipulation that a party needed to have received three percent of the vote in 2002 in order to stand for elections in 2007 was struck down by the Constitutional Council. The net effect of these changes did not alter the likely impact of the system's design: relatively equal distribution of seats among major parties notwithstanding potentially significantly different vote totals among the larger parties.

The combination of reliance on the remainder system to distribute seats and the redrawing of some election districts creates a substantial risk that the elections will result,

once again, in no party winning a substantial plurality in the parliament, and some major parties winning fewer seats than their popular vote totals might suggest. It will not be known until after the election if either of these outcomes has occurred. However, the risk of such a disconnect between popular vote totals and assigned seats is substantially greater today than under the first-past-the-post, single-member district system used prior to 2002 or a more fully proportional system of representation. Moreover, if this does come to pass, power in parliament may be fractured. These two factors may well contribute to declining public confidence in parliament and political parties. Given these potential dynamics, it will be important for Moroccan authorities to take all reasonable steps to strengthen the elected parliament in order to build confidence in political institutions and the democratic process. It will be equally important for Moroccan members of parliament to actively exercise the responsibilities allocated to them by the constitution.

Voter Registration: Significant effort was made by the government, civil society and the political parties to increase voter registration as part of an attempt to stem declines witnessed over the past several national and municipal election cycles. Voter turnout has steadily decreased over the last five elections, to the point where only half of registered Moroccan voters cast ballots during the last election, and reportedly 17 percent of those who voted cast blank ballots. Even in the 2003 municipal elections, with a lowered voting age from 20 to 18, turnout fell by over 20 percent from six years earlier. The Ministry of Interior launched a process of registering new voters during April and May 2007, with a target of registering 3 million new voters. In addition to registering in person, citizens were able to send short message service (SMS) messages to a determined phone number to find out whether they were already on the voter lists and/or if they needed to register, as well as where to do so. Civic organizations also worked to increase registration and encourage participation. As a result, 15,510,505 citizens are registered to vote in the election, representing just over 79 percent of the eligible population. Of these, 10 percent are newly registered, a commendable achievement. Women constitute 48.7 percent of total registered voters. Eighty (80) percent of newly registered voters were under 34 years of age, and 57 percent were between the ages of 18 and 24.

The Ministry of Interior reportedly allowed each of the parties to have copies of CDs with the voter lists during a one-month period despite the fact that the law did not require that that be done. Most parties reported to the delegation that they had reviewed the lists, and while there were some errors, in general the problems were limited.

Electoral Administration Operation: Many transitional democracies choose to make use of an independent election commission, which has the added benefit of reassuring the public of the impartiality of the administration of the elections process. In Morocco, electoral operations are administered through the Ministry of Interior, and the Advisory Council on Human Rights (CCDH) has been tasked during this election to oversee domestic and international observation efforts.

The Ministry of Interior's preparations for election day appear thorough, and political parties across the spectrum expressed a degree of confidence at this point that election

day procedures inside the polling stations will run smoothly. The major concerns heard by the delegation about election day events, other than turnout, related to the risk of vote buying, possible confusion relating to the role of observers, and the transparency of the vote count.

Rules on Campaigning: A number of parties expressed concern that their competitors might engage in vote buying, and reportedly there is a history of such activity. The delegation's interlocutors expressed their strong sense that the authorities intend to enforce strictly the rules of the campaign, including prohibitions on actions like vote buying. It will, of course, be important for the authorities vigorously to enforce all relevant laws in an evenhanded manner with all of the parties. There are also prohibitions on using state resources or religious institutions for political purposes; these prohibitions must also be enforced impartially.

Role of Observers: The structure of the election administration gives the Ministry of Interior authority over general administration and the Advisory Council for Human Rights (CCDH) authority over observation. There is a danger that local poll workers on election day may be confused regarding the role, rights, and responsibilities of international and domestic observers. To date, the Ministry of Interior has not given election officials formal written guidance on how to interact with observers. This will be the first time that international observers will be present. The Moroccan authorities understand that domestic and international observers play a very positive role in strengthening the democratic process. In order to insure that observers can play their role as completely and positively as possible, it is crucial that specific, written guidance be provided to election officials at every local polling station on the rights and responsibilities of observers, consistent with the principles enunciated in the *Declaration of Principles for International Election Observation*.

International and domestic observations are complementary efforts. Domestic observation is an important way to engage citizens in the democratic process. The Moroccan domestic observation network should be allowed to field as many qualified and trained observers as they deem necessary. It is equally important that both international and domestic observers be fully informed regarding their rights and responsibilities and that they act in an unbiased and professional manner throughout the process.

Transparency of the Vote Count: Given the way in which votes are tallied in Morocco and the complex formula for allocating seats, it could take some time after the polls close for results to be released. The longer the delay, however, the higher public concerns regarding fraud and manipulation will rise. International practice demonstrates that every effort should be made to release results as promptly as possible. It is important that the vote-counting process be fully transparent at all stages to political party representatives, domestic observers, and international observers. An important element of this transparency is that final vote tallies should be released promptly and publicly, reflecting not only national and district-level results but vote tallies for each local polling station.

This may have implications for the procedures regarding retention of ballots at the local level.

Party Campaigning: The official two-week campaign period for the election will run from August 25 through September 6. Candidates will be able to formally register August 17 to 24, though many parties have already announced their intended candidates. Given the current political dynamic, there are clear indications that most major political parties recognize they must respond directly to voter interests, differentiate themselves with clear platforms and engage more directly with citizens around the country. Political parties have developed more detailed campaign platforms on specific issues, increased outreach activities, and participated in public debates and town-hall meetings. These efforts represent a significant break from the approaches taken in recent elections, in which campaigns centered on individual candidates and relied on personal relationships.

Financing campaigns, however, requires substantial resources. As a result, it appears that in some cases candidates are being chosen by parties based less on their history with the party or commitment to party principles and based more on their ability to finance campaigns. In that sense, the Moroccan political landscape looks similar to political landscapes around the world with the challenge of linking national platforms to local candidate campaigns. It is important that the impressive work being done by the parties on the national level to place specific issues at the center of the coming campaign translates into the post-election period. Given the disaffection with the political system in Morocco, it will, however, be important that that occur. If parliamentary members are not able to demonstrate concrete achievements to the voters over their coming five-year term, voters may not only abandon the party, but the democratic process as well.

Role of Women: Women were able to make significant gains in the 2002 elections, primarily due to an agreement among political parties to set aside spots on national lists for female candidates. As a result, 30 of the 325 seats in parliament automatically went to women. Five other women were elected to seats contested at the district level. As a result, the number of seats occupied by women rose from two to 35, making Morocco one of the countries in the region with the highest percentages of women's representation in parliament. This is an impressive achievement.

Hopes had been high for an expanded national list or other mechanisms to ensure an increase in the number of women representatives to more than 10 percent. However, the final electoral law did not increase opportunities for women's representation and maintained the status quo. With no change to the national list, more effort has been made by women's civic groups and women within parties to promote women's representation on party lists at the district level and prepare women candidates to run more effective and competitive campaigns – with limited results. Women's groups expressed concern that the national list had reduced incentives for political parties to give qualified women activists the opportunity to rise to the top of local party lists. Moroccan society will benefit from engaging in an ongoing examination of the impact of recent changes, to determine the best long-term manner to promote women's participation in politics and increase women's representation in parliament.

Role of Civil Society: Civil society organizations responded to the openings presented by the King's earlier initiatives by becoming more actively engaged on key issues of interest to them and mounting relatively effective public information campaigns on particular topics. The revision of the family code (*moudawana*), for example, provided a number of opportunities for groups to come forward and demonstrate their ability to influence policy. The Equity and Reconciliation Commission likewise enabled civic groups to act as a linkage between decision makers and the public. As space has increased, civil society groups have taken on more sensitive issues, such as the defense of human rights and access to information, in a more aggressive manner.

This effort has now translated into preparations for the elections. Civil society groups have taken on leadership roles in promoting voter education, which is essential to bringing down the number of invalid votes from the unusually high rate of 17 percent in 2002. Efforts by *2007 Daba* and other local organizations, for example, have already reached over two million citizens directly in every region of the country. Similarly, advertisements on radio and television by civic groups have reached millions more, and the civic groups have been essential in fostering debate among parties on specific campaign issues. Equally important, civil society groups have banded together to mount a substantial domestic observer effort. Domestic election observers can provide invaluable support to an election process. As described above, however, it will be important that election officials be fully informed regarding observers' rights and responsibilities, and that observers be fully trained on those subjects as well as on relevant election day procedures.

Role of Media: Morocco is sometimes considered a "relative oasis of press freedom" in comparison with its neighbors and other Arab countries. Press censorship was first eased by King Hassan II shortly before his death in 1999, and there was much hope for continued liberalization when his son King Mohammed VI took power amidst promises for democratic change. Freedom of expression is guaranteed by the Constitution of Morocco; however, according to the press law, it is illegal to criticize Islam, the King, and Morocco's "territorial integrity" (i.e., its claim to the Western Sahara). Journalists who violate this law are subject to lengthy prison sentences and heavy fines.

There have been notable challenges to press freedoms in advance of the elections. In January 2007, Driss Ksikes and Sanaa al-Aji, editor and journalist, respectively, of the Moroccan-dialect weekly *Nichane*, were sentenced to suspended three-year jail terms and fined \$9,000 each for publishing a 10-page article entitled "How Moroccans laugh about religion, sex and politics." They were also banned from practicing journalism for two months, during which time their magazine and its website were closed. Aboubakr Jamai, editor of the French-language weekly *Le Journal Hebdomadaire*, was fined \$350,000 in January 2007 for writings on the Western Sahara issue. He was forced to resign as editor and left Morocco shortly thereafter. On August 5, 2007, the French-language weekly *Tel Quel* and *Nichane* were seized by the government. Their director, Ahmed Reda Benchemsi, was charged with "lack of respect to the King's person and public morality,"

for an editorial analyzing the King's recent Throne Day speech and an article entitled "Sex in Islamic culture." Benchemsi is due to appear in court August 24th.

None of these cases directly concerned election coverage. The delegation heard no allegations of direct intimidation of the press in support of or opposition to any individual candidates or parties. Nonetheless, the changing press environment could have an effect on the broader political debate and thereby work against the broader, key goal of strengthening democratic processes and institutions.

With regard to access to the media during the campaign, time on the state broadcast media will be allocated based on current representation in the parliament. As a consequence, the seven parliamentary caucuses of larger parties that will equally split 70 percent of the media time are satisfied with the allocation, while the other, smaller parties that do not currently have seats in the parliament and will equally split the remaining 30 percent of the time are not. While different countries take different approaches to assigning time on the state media, the main issue is whether there is sufficient opportunity provided for parties to present themselves so that voters may make an informed political choice. The Moroccan approach seems to meet this threshold and is similar to approaches applied elsewhere. It has the effect, whether intended or not, of encouraging coalitions and larger parties and discouraging the formation of smaller parties, which is an important question facing every political system.

III. RECOMMENDATIONS

In the spirit of international cooperation and of the democratic values we share, we respectfully offer the following recommendations:

- 1) The Moroccan authorities should enforce, in an evenhanded and impartial manner, all the rules regarding campaigns, including the prohibition on vote buying, the prohibition on the use of public resources or religious institutions for campaigning, and campaign finance regulations.
- 2) Moroccan authorities should allow for maximum openness for campaigning and the free exchange of ideas in the run-up to the election. Open and full coverage of the election process and of political issues generally by the Moroccan press and broadcast media should be encouraged. Actions that might have the effect of discouraging political discourse should be carefully avoided, both in advance of the election and afterward.
- 3) Parties at both the national and regional level should follow through on their efforts to earn the loyalty of voters through issue-based platforms and voter outreach. In particular, parties should work to encourage and enforce active participation in parliamentary work by their newly elected members. Parliamentarians should be encouraged to actively exercise the responsibilities allocated to them by the constitution.

- 4) Clear, written guidance should be provided to election officials at every local polling station regarding how to interact with domestic and international observers, and that guidance should meet the requirements noted in the *Declaration of Principles for International Election Observation*, which should apply equally to domestic observer rights and responsibilities.
- 5) Observers should have a universally recognized credential to ensure open access to polling places.
- 6) Domestic observation is an important means of engaging voters in the democratic process and improving their faith in the political process. The domestic observation network should be allowed to field as many qualified and trained observers as they deem necessary.
- 7) Domestic and international observers should be fully informed regarding their rights and responsibilities and should act in an unbiased and professional manner.
- 8) Voting results should be released as expeditiously as possible, and observers should have open access throughout the ballot counting and tabulation of results. Final voter tallies should be made available publicly immediately upon their tabulation, including both aggregated totals and disaggregated tallies by polling station.
- 9) Government, political parties and civil society should continue voter outreach efforts. However, over the longer term, increasing citizen engagement will require substantive efforts to tighten the links between voter preferences, parliamentary representation and policy outcomes.
- 10) Over the longer term, Moroccan authorities should consider what legal changes might cultivate consolidated and effective political party representation in parliament and increase the effectiveness of political institutions.
- 11) The long-term effects of the electoral structure on women's participation should be closely monitored and evaluated to determine the best means to increase women's political empowerment and women's representation in parliament and in political party leadership.

The delegation would like to express its appreciation to all with whom it met.

IV. CONTACT INFORMATION

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