



**PRELIMINARY STATEMENT OF THE
INTERNATIONAL OBSERVER DELEGATION TO
MOROCCO'S 2007 LEGISLATIVE ELECTIONS**

Rabat, September 8, 2007

This preliminary statement is offered by the international election observer delegation to Morocco's 2007 elections. The leadership group for the delegation consists of: Abdul Rahman Abu Arafah, Director of the Arab Thought Forum (Palestinian Territories); Paul Dewar, Member of Parliament (Canada); Jorge Quiroga, former President of Bolivia and Member of the Club of Madrid; Hélène Scherrer, former Minister of Canadian Heritage; Sally Shelton-Colby, former U.S. Ambassador and Deputy Secretary-General of the Organization for Economic Cooperation and Development; Judy Baar Topinka, former Treasurer and State Senator for the State of Illinois (United States); Louise van der Laan, former Member of the European Parliament (Netherlands); and Leslie Campbell, Senior Associate and Regional Director for the Middle East and North Africa at the National Democratic Institute (NDI) (Canada).

The delegation, which was organized by NDI, is composed of 52 individuals who are current and former legislators, former government ministers and ambassadors, elections and human rights experts, civic leaders and regional specialists from 19 countries in Asia, Europe, the Middle East, North Africa, North America and South America. The delegation has been visiting Morocco since September 3, 2007 at the invitation of the Consultative Committee on Human Rights (CCDH). In addition to visiting polling stations and tabulation centers, delegation members have met with representatives of political parties, candidates, civic leaders, domestic observers, electoral authorities, government officials, representatives of the domestic and international media and voters. The delegation benefited from the findings and recommendations of a pre-election assessment team that visited Morocco from August 9 to 15.

The purposes of this delegation are to demonstrate the international community's interest in and support for the development of a democratic political process in Morocco and to provide an impartial assessment of the September 7 polls. The delegation conducted its activities in accordance with the laws of Morocco and the *Declaration of Principles for International Election Observation*, and without interference in the elections process.

The delegation recognizes that it is still early in the post-election period and that votes are still being tallied, results have not yet been officially announced and election complaints and challenges that may be lodged will need to be resolved in accordance with the rule of law. It is therefore not the intention of the delegation to render a complete or definitive assessment of the election process at the time. Indeed, it is the people of Morocco who, as citizens and voters, will determine the credibility of these elections and their significance for ongoing democratization processes. Further statements may be released in the post-September 7 period, and a final report will follow after the election process is completed.

The delegation presents below a summary of its preliminary observations and recommendations.

I. EXECUTIVE SUMMARY

The delegation wishes to thank the Government of Morocco and, in particular, the Consultative Committee on Human Rights (CCDH) for inviting it to observe the 2007 parliamentary elections and for allowing it open access to the process at all stages. The delegation also wishes to thank political party, government and civil society representatives and the people of Morocco who warmly welcomed the delegation members in every location they visited.

Members of the delegation visited 375 polling stations in 12 regions on election day and met with voters, citizens, government officials, political party representatives, candidates, domestic observers, representatives of civil society organizations, national and international journalists and academics on election day and in the days preceding the election.

While members of the delegation witnessed or heard reports of isolated irregularities on election day, overall, the voting went smoothly and was characterized by a spirit of transparency and professionalism. Through the elections, the Government of Morocco provided a significant opportunity for Moroccans to make their political views known.

The low voter turnout (estimated in preliminary figures at 37 percent) and significant number of protest votes suggest that Moroccan authorities will need to undertake further political reforms in order to encourage widespread engagement in the political process. Those reforms should aim to enhance the power of elected representatives while also increasing the transparency of the system and accountability to the electorate. The reforms should also strive to more directly translate votes to the allocation of seats in parliament and to increase the prospect that voter preferences will result in concrete policy changes that positively affect voters' lives. Only significant change will inspire greater enthusiasm for the political process among the Moroccan potential voting population.

In all countries, credible elections are just one part of a larger process of strengthening democratic practices and institutions. Given the laudable transparency and efficiency of the election process and the increasing activity and sophistication of the campaigns by some political parties, the clear message sent by voters, either through abstention or protest votes, should be an impetus for advancing democracy in Morocco. What follows the elections in Morocco will be at least as important as the events of election day.

A description of the context for the elections, the general observations of the delegation during the casting and counting of ballots and the period immediately preceding election day and an outline of the delegation's recommendations follow.

II. ELECTORAL CONTEXT

Over the past decade, Morocco has witnessed substantial 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, liberalization efforts picked up momentum following the accession of King Mohammed VI to the throne in 1999.

Under the Moroccan governance system, in addition to the leading role of the King, there are two chambers of parliament: an upper chamber whose 270 members are indirectly elected and a Chamber of Representatives whose 325 members are directly elected. The government is led by a Prime Minister appointed by the King. Following the 1997 legislative elections, King Hassan II chose a member of the leading party, which had historically been a leading opposition party, to serve as Prime Minister, marking the first alternation in the government since the country's independence in 1956.

In preparation for the 2002 parliamentary elections, the Moroccan government completed a reform of electoral laws, choosing a two-tiered proportional representation electoral system, with multi-member districts and a remainder system for allocating seats. Each party running in a particular district puts forth a list of candidates equal to the number of seats in the district, designating the order of the candidates on the list. The new system moved away from a multiple ballot system to a single ballot, which reduced opportunities for vote-buying. The system for allocating seats, still in effect today, however, makes it 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.

The 2002 parliamentary elections were reported to have been well-administered, with election authorities giving limited sanction to domestic monitors for the first time and launching government-sponsored voter education initiatives. After the elections, King Mohammed VI appointed a Prime Minister from outside of the political parties, whom he had appointed as Minister of Interior in 2001. The 2002 elections resulted in an enhanced role for women in the political realm through a national list that all parties agreed to reserve for women candidates. This step increased the number of female members of parliament from two to 35. The openness of the process created momentum for further human rights, social and economic reforms, such as the family code (*moudawana*) and the Equity and Reconciliation Commission (IER) that addressed human rights abuses during previous decades through public investigation and public hearings, many of which were televised.

The process also created hope and momentum for additional political reforms. As a first step, a consultative process with political parties led to the passage of a new political party law in December 2005, which appears to have been an important factor contributing to consolidation among parties and to some renewal of leadership through increasingly democratic internal processes.

After the political party law was revised, there was consideration given to changing the electoral law, which was ultimately revised in early 2007. The electoral law revisions

could have provided the opportunity for insuring that representation within the parliament lined up closely with the popular vote. The final version, however, did little to address the structural impediments to parties winning more than one seat in a district and the attendant fracturing of power within the elected chamber. In early 2007, several adjustments were also made to districts, raising their numbers to 95 and creating a maximum number of five seats per district. In some cases, there were allegations of undue political motivation in the delineation of districts.

Until recently, the press in Morocco had enjoyed increasing freedom. There are a number of independent news outlets which air opinions on many issues and there has been thorough coverage of the election campaigns and processes. However, recently there has been substantial concern on the subject of press freedom. Certain issues remain off limits and in the months leading to the elections there were a series of high profile cases brought against journalists and publications in Morocco relating to alleged violations of those limitations which include criticisms of the King, challenges to territorial integrity (Western Sahara) and criticism of Islam. For example, in July 2007, the Committee for the Protection of Journalists raised concerns about increasingly sophisticated pressures on Moroccan journalists.

In advance of the 2007 elections, significant effort was made by the government, civil society and political parties to increase voter participation in response to declines in such participation in recent elections. In the 2002 parliamentary elections, approximately 52 percent of registered voters cast ballots, and approximately 17 percent of those were spoiled or blank ballots. In the 2003 municipal elections, approximately 54 percent of registered voters cast ballots, compared to approximately 75 percent of registered voters casting ballots in the previous municipal elections in 1997.

As part of the effort to increase participation, the Ministry of Interior, which is charged with administering the election process, launched a process of registering new voters during April and May 2007, with a goal of registering 3 million new voters. An innovative aspect of that effort enabled citizens to send short message service (SMS) messages to a designated 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. Approximately 1.5 million new voters were eventually registered, contributing to a total of around 15.5 million (or close to 80 percent of the eligible population) now registered to vote. Women constitute 48.7 percent of the registered voters. Eighty percent of newly registered voters are under 34 years of age and 57 percent are between the ages of 18 and 24.

In addition to the Ministry of Interior and civil society efforts regarding voter registration, Morocco has witnessed a large and sophisticated voter education effort in advance of the 2007 elections. One element of that effort was led by 2007 Daba which brought together business and community leaders, with the implicit encouragement of the King, to educate voters about the election process and to encourage engagement in the political process, particularly among the youth. Another element included the government-sponsored billboards, television advertisements and other outreach such as placing large ballot boxes in city centers showing a ballot being cast with the message “Rendez-vous on

September 7.” In the weeks prior to the elections, projected turnout became a significant issue of speculation, with some suggesting that the limited powers of the parliament and/or the limited confidence in political actors could contribute to voter apathy and low voter turnout and others viewing the new elections as very important for Morocco and hoping for and expecting high voter turnout.

There has been substantial competition among the 33 political parties that have put forward a total of 1862 candidates on the local lists for the 95 multi-member districts from which 295 members of the Chamber of Representatives will be elected and for the 30 seats set aside on national lists for women candidates. The parties include the members of the governing coalition in the current parliament: the Socialist Union of Popular Forces (USFP), the Independence Party (Istiqlal), the National Rally of Independents (RNI), the Popular Movement (MP) and the Party of Progress and Socialism (PPS). The leading opposition party in the current parliament, the Justice and Development Party (PJD), is competing in the elections. In addition to the members of the current governing coalition and the PJD, 27 smaller parties, some of which hold seats in the current parliament, have put forward lists of candidates.

There are also political forces outside of the electoral process, notably the banned Justice and Charity Association. Unlike the recognized political parties, the Justice and Charity Association does not recognize the legitimacy of the current government, the King, or the Constitution, and calls for the imposition of Shari’a law.

In addition to this international delegation, which is the first such delegation to observe a Moroccan election, a coalition of domestic groups—the *Collectif*—has organized to observe the elections. The *Collectif* observed the pre-election period and, on the eve of the election, planned to field over 2,000 observers on election day and to issue a post-election statement and report. While the Ministry of Interior is charged with administering the elections, the CCDH was given the mandate by the King to facilitate the work of, and serve as the liaison with, domestic and international observers and as their interlocutor with the Ministry of Interior.

III. OBSERVATIONS

PRE-ELECTION AND CAMPAIGN PERIOD

Voter Registration. As described in the August 15 statement of the pre-election delegation, there was a substantial effort to increase voter registration in the spring of 2007. That effort fell well short of the reported goal, resulting in an additional 1.5 million voters as compared to the goal of 3 million new voters. Once the voter lists were finalized, the Ministry of Interior made CDs with the lists available to political parties during a 30-day period. While the parties that secured copies of the CDs identified some errors on the lists, in general the parties acknowledged that those problems were limited.

Administrative Election Preparations. With one important exception, the Ministry of Interior preparations for the elections proceeded smoothly and without controversy.

Serious concerns were raised regarding the delimitation of districts which was part of the administrative preparation process and the sometimes substantially unequal number of voters per member of parliament to be elected between districts. In some cases, political parties alleged that the delimitation of certain districts may have been the product of undue political influence.

Voter Education Efforts. Efforts to mobilize voters and to educate them on polling procedures, undertaken by the government, political parties and civil society actors and included newspaper, television and radio advertisements, billboards, flyers, concerts and other innovative public outreach techniques, were significant.

Nomination of Candidates. Candidates were nominated between August 16 and 23. While the delegation heard reports of controversies within parties regarding the nominations, the delegation did not hear reports of significant obstacles to the nomination of candidates presented by election authorities. However, one important issue regarding nominations is the fact that only five percent of the slots on the local lists were filled by women candidates, and only three percent of the local lists were headed by women. In the 2002 elections, with women securing 30 seats from the national list process and five from the local lists, Morocco became a leader in the region in terms of women's representation in parliament. While the results are not final, in the 2007 elections Morocco is unlikely to have made further progress in this important area.

Party Campaigning. A culture of consensus that is predominant among many of the political parties and that is encouraged by the structure of the political system, works as an impediment to parties engaging in a real national debate. This environment makes it difficult for the electorate to perceive the differences among many of the parties. In the 2007 elections, however, the campaigns of some parties marked an improvement over recent previous elections, with those parties responding more directly to voter interests and engaging more directly with citizens around the country. This included taking advantage of new media, such as the Internet and mobile phone technology, as well as more compelling use of advertisement in media and improved voter outreach techniques. It is also noteworthy and positive that major parties also participated in public debates and town-hall meetings to present their platforms.

Alleged Campaign Infractions. There were a substantial number of allegations of campaign rule violations presented to the Ministry of Justice through the Ministry of Interior during the campaign period. The vast majority of those allegations were found to be groundless by the reviewing judges. The delegation was not able independently to investigate the various alleged infractions. However, other than the isolated allegations of vote buying referred to below, none of the many political party pollwatchers interviewed on election day claimed that there was a serious challenge to the fairness of the elections due to alleged violations during the campaign period.

Media Coverage. Certain issues may not be discussed in the Moroccan media, particularly issues that threaten the general structure of the existing political order, and there have been troubling recent challenges to press freedom in Morocco. Nevertheless,

the competition of the political parties and the operation of the elections within the existing political order were thoroughly covered by the Moroccan press. Based on daily news summaries, it appeared that the nature of the coverage, however, emphasized highly contested races involving local notables rather than the national campaign and platforms, and the written press often gave substantial coverage to small parties at the expense of more significant races. In addition, parties were provided time to present their platforms in the official state electronic media. The parties did not receive equal time in the state media but were allotted time, in part, based on their representation in the current parliament—a practice in many other countries.

ELECTION DAY

Voter Turnout and Participation. In advance of the elections, there was substantial speculation on the issue of turnout. According to preliminary reports by the government, 37 percent of registered voters cast ballots on election day and a significant number of those ballots appear to have been protest votes intended to express dissatisfaction with the overall political context and/or the spectrum of choices presented. Indeed, it appears that perhaps fewer than 25 percent of potential eligible Moroccan voters cast ballots for proffered party lists. The turnout figures and protest votes represent an important message to Moroccan authorities regarding the need for further political reforms to inspire the population to engage in the formal political process and to believe that through voting they can have an impact on policies that will affect their lives.

Voting Process. Overall the voting process generally went smoothly and polling officials showed professionalism on election day. The most common problems related to situations where people did not have their voter identification cards. In those cases, voters and election officials had significant difficulty in identifying at which polling station they were qualified to vote. Also, where voters did not have voter cards, there was some confusion around the identification requirements. In addition, the ballot appeared to be quite complex and the differentiation between the national and local lists insufficiently clear, which may have contributed to a certain number of spoiled ballots. Members of the delegation witnessed or heard reports of incidents of multiple voting and scuffles around polling centers. In addition, there were allegations of vote buying and a perception shared by many voters that vote buying was a problem. The delegation did not witness vote buying, although such activity could have taken place away from the polling stations or such allegations could have been raised by parties as a way of explaining in advance their performance. One additional benefit of increased voter participation is that it can make vote buying efforts prohibitively expensive. In short, however, it should be noted that the most common theme the delegation members observed was well run polling stations with party pollwatchers monitoring the process.

Participation of Women and Persons with Special Needs. The delegation did not find any pattern of discrimination against women voters or persons with special needs. In some polling centers women voters appeared to outnumber men, and in others more men appeared to have voted than women. The delegation saw few women election officials at central counting centers and prefectures. It is important for women to be involved in all

aspects of election administration. Among the benefits of including more women is assistance in verifying the identity of other women wearing a veil. Access to polling stations for persons with special needs was difficult. Increased efforts should be made to facilitate access to polling stations to ensure their enfranchisement. In general, such persons were provided assistance as needed by polling station officials in accordance with the law; in some cases they were assisted by family members.

Political Party Pollwatchers. Political party pollwatchers representing the major parties and some of the smaller parties were present at the vast majority of the polling stations visited by the delegation. The party agents are best positioned to observe the process as the parties are likely to have the most thorough coverage of any of the groups observing the elections and, as a group, they have a strong stake in protecting the interests of their respective parties and the integrity of the process.

Domestic Election Observation. There was some controversy relating to the operation of the domestic monitoring group, the *Collectif*. In advance of the elections, the CCDH and Ministry of Interior expressed reluctance to accredit all of the 3,000 observers the *Collectif* suggested at the time that it hoped to field. In the days just prior to the elections, the *Collectif* suggested that practical hurdles had been placed in the way of securing formal accreditation of its observers and, therefore, it planned to observe only outside of polling stations and counting centers. In the end, the approximately 2,000 observers put forward by the *Collectif* were accredited, albeit on the eve of election day. Delegation members witnessed domestic observers at some of the polling stations and counting centers they visited.

Security on Election Day. The delegation members witnessed or heard reports of a few instances of minor disruptions and fights at or near polling stations. However, those episodes were isolated and it did not appear that either lack of security or undue police presence was a significant factor for the elections. In the most cases, the police did not maintain an obvious presence at polling stations, but rather were available to be called by the president of the polling station as needed. In some instances, however, police and plain clothes Ministry of Interior officials were present outside of polling stations.

Counting of Votes. Delegation members witnessed the counting of votes at 25 polling stations as well as a portion of vote tallying at a number of central polling offices and prefectures. The vote count at each of these sites was transparent and there was no evidence of significant irregularities at those sites. In some cases, delegates observed confusion regarding the procedure for burning ballots and in the handling of unused ballots. Also, in light of the complex ballot and a complex counting procedure, the counting process was slower than might otherwise have been the case. In the vast majority of cases witnessed, political party pollwatchers were provided with a protocol recording the results at that polling station following the vote count.

Tallying of Votes and Announcement of Results. A characteristic of the Moroccan election procedure is that after the votes are counted and the protocol provided to political party pollwatchers, the valid ballots are burned before the invalid and contested ballots

and the protocol are forwarded to the relevant central office. This procedure, which was followed in these elections, makes it difficult to contest results after their announcement. In 2002, this compounded the problem of the fact that detailed results at the polling station level were never released. As of this writing, while the delegation did not witness problems in the vote count, official results have not been released and, therefore, it will be important for all parties to continue to monitor the process.

IV. RECOMMENDATIONS

In the spirit of international cooperation, the delegation respectfully offers the following general recommendations:

- The low voter turnout and significant number of protest votes send a clear message to Moroccan authorities regarding the need for further political reform if they hope to inspire greater numbers of Moroccan citizens to engage in the political process. Such reforms should strengthen the authority of elected officials while at the same time increasing the transparency of the system and accountability to the electorate. The delegation does not presume to propose the specific contours of the political reforms that should be undertaken. Rather, the delegation suggests that the precise reforms to be implemented should be the subject of an open dialogue among Moroccans, including representatives of the Palace, government, public, political parties, press, academia and civil society. The delegation suggests, however, that the participants in such a dialogue recognize the urgency of promoting the interests of Morocco as a whole and the well being of all Moroccans.
- Through the use of the national list system in 2002, Morocco made substantial progress in promoting women's participation in parliament. Unfortunately, the 2007 elections do not appear to have furthered women's political participation. As other political reforms are pursued, consideration should be given to the best means to increase women's political representation as elected officials, in political party leadership and as election officials.
- In order to ensure the transparency of the election process, as promptly as possible after the elections, the Moroccan authorities should release detailed election results by polling station. In future elections, Moroccan authorities should once again allow for the transparency that comes from domestic and international observation and should make accommodations in the election law for such efforts.
- A close review of election procedures should be undertaken, taking into account the experience in these elections, with the goal of improving procedures to minimize any confusion in future elections—an important example being simplification of the ballot. In addition, in an effort to minimize such confusion, additional voter education programs, akin to the programs used in these elections, should be undertaken. Additional specific election procedure recommendations will be provided in the final report of the delegation.

V. THE DELEGATION AND ITS WORK

An accurate and complete assessment of any election must take into account all aspects of the process, and no election can be viewed in isolation from the political context in which it takes place. Among the factors that must be considered are: the legal framework for the elections set by the constitution, including electoral and related laws; the ability of citizens to seek and receive sufficient and accurate information upon which to make political choices; the ability of political competitors to organize and reach out to citizens in order to win their support; the conduct of the mass media in providing coverage of parties, candidates and issues; the freedom that citizens and political competitors have to engage in the political and electoral process without fear of intimidation, violence or retribution for their choices; the conduct of the voter registration process and integrity of the final voters' register; the right to stand for election; the conduct of the voting, counting, results tabulation, transmission and announcement of results; the handling of election complaints; and the installation to office of those duly elected. It should also be noted that no electoral framework is perfect, and all electoral and political processes experience challenges.

The delegation arrived in Rabat on September 3, and held meetings with Moroccan political and civic leaders, candidates, domestic observers, electoral authorities, government officials, representatives of the media, the international community in Morocco and voters. On September 5, 82 delegates and staff members deployed in 25 teams across 12 regions of the country. On election day, the teams observed voting or counting processes in 375 polling centers across the country. Following the elections, the delegation members returned to Rabat to share their findings and prepare this statement.

The delegation is grateful for the welcome and cooperation it received from voters, election officials, candidates, political party leaders, domestic election observers and civic activists.

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