

## **Preliminary Statement on the 7 September 2007 Elections to the House of Representatives**

### **Morocco**

*Rabat, 14 September 2007*

*The election process has been more transparent than earlier elections, but no detailed voting results have yet been published. The extremely low voter turn-out reflects limited confidence in the Parliamentary process. The election system appears to combine negative aspects of several election systems, without providing clear advantages.*

*An overall evaluation of the election process can only be given when the results are published in full and possible appeals completed. This statement presents preliminary findings of a limited, qualitative assessment of the elections. A full report will be published in October.*

### **FINDINGS**

#### **Low Turn-Out, Political Disengagement**

Official turn-out for these elections was 37% of 15,5 million registered voters. As an estimated 4 million voters have not registered themselves, the turn-out rate of all eligible (rather than just those registered) voters is even lower. In addition, there was a significantly high rate of invalid votes (18% for local constituencies; 28% for the national list). Given that no distinction is made between blank and invalid votes, it is difficult to determine in which proportion these were protest votes, or the result of insufficient voter education.

The new House of Representatives is thus based on a mere 4,6 million valid votes in a country of 30 million inhabitants. Urgent steps should be taken to strengthen democratic institutions, notably the House of Representatives, in order to address the root cause of political disengagement. As long as citizens perceive that essential political decisions are made by the executive, there are too little incentives to engage in parliamentary elections.

### **A More Transparent Administrative Process at Central Level**

The central administration significantly improved the level of transparency in the conduct of the elections, but some political parties and civil society organizations alleged cases of corruption and a lack of impartiality of the local and regional election administration in some places. The Ministry of Interior updated the public regularly on the preparation of the elections and provided some useful data, as well as logistical background information. The National Aggregation Commission (*commission nationale de recensement*) held its session in the presence of political party representatives and an international observer. Still a number of key data of the process were neither published, nor given to observers before the elections, such as number of voters per constituency.

In 2002 the lack of transparency of aggregation and tabulation of results raised serious concerns with the overall process. Despite some problems which occurred this time, the presence of political party observers at polling stations and election commissions, who receive signed copies of result protocols, was an important safeguard to ensure transparency and will provide a basis for election appeals in problematic cases.

However, the legal framework is still unclear as far as the *publication* of results is concerned. According to law the constituency election commissions and the National Aggregation Commission *proclaim* the results for their respective constituency, but this is understood only as giving results to party observers present. The Ministry of Interior has provided the public with regular updates on who gained seats after the election process. There has not been however, any official public information on voting results. The Ministry should consolidate its achievements in administering a more transparent election process by providing detailed election results, down to polling station level, as a matter of information.

The publication of detailed results not only allows re-capitulating the accumulation of overall results, but also helps analysing in detail the issues of low turn-out, invalid votes, etc.

### **A Mixed Record on Election Observation**

In these elections the Government accepted for the first time international observers. This is a positive development and in line with an increasing global practice of providing access to non-partisan observers. Unfortunately, the effort of Moroccan civil society organisations grouped in the *Collectif Associatif pour L'Observation des Election*, met with difficulties, including long negotiations about accreditation procedures with the responsible *Comité Consultatif des Droits de L'Hommes* (CCDH). The result was that accreditation badges were only received on the day before the elections.

There has been no progress in this field since 2002, despite long-standing requests by civil society organisations that a clear framework be provided for observation. Places in more difficult circumstances, such as Palestine, have accommodated large numbers of election observers without any such complications.

A clear legal framework should establish the rules, procedures and deadlines to be respected in order to avoid ad-hoc negotiation. Such rules should be inspired by the 'Declaration of Principles for International Election Observation', which indicates *inter alia* that authorities should not try to limit the number of observers of a mission. Despite its efforts, the CCDH was in the uncomfortable position of having responsibility without full authority, because the Ministry of Interior is in charge of all technical aspects of the election process.

### **The Role of Money in the Election**

There have been wide-spread allegations of cases of vote-buying and other electoral corruption, which should be investigated. Detailed publication of results may be helpful for substantiating such concerns, e.g. if some polling station results show unusual patterns. The election system based on small

constituencies, together with the low turn-out, favour such practices, because relatively few voters can make a difference.

The legal obligations for accounting of campaign expenses are insufficient and weak. According to the electoral code candidates have to provide a statement of campaign expenses with proofs to a verification commission (*commission de verification*). There are no publication requirements, but for the sake of transparency the commission should publish all the information it receives.

### **The Election System**

The election law stipulates that a proportional system be used for parliamentary elections, with 295 seats of Parliament elected in sub-national constituencies, while 30 seats are distributed through a nation-wide list, which is reserved by political consensus to women.

The proportional aspect of the system is significantly reduced by the fact that sub-national constituencies are very small, comprising only 2-5 seats.

In theory such an election system should lead to only a few parties winning seats and it could even help one party to become dominant, contrary to what is often asserted. Nevertheless, as these elections have shown again, the system produces fragmented Parliaments, with 23 parties/coalitions and five independent candidates winning seats. The reason lies less in arithmetic aspects of the electoral system, but the political context: Because of the small number of seats per constituency, winning seats depends less on political programmes and platforms, but more on local personalities, who can carry large number of votes; their political affiliation may not be very relevant and can change. This strengthens the negotiating power of these *Notables* vis-à-vis parties.

### **Unequal Votes**

The 2007 changes of constituency boundaries were adopted by government decree, proposed by the Minister of Interior. Reportedly only government parties were consulted on the changes. The opposition expressed concerns about the way some constituencies had been de-limited. The Ministry did not provide any detailed explanations, except for the need to adjust boundaries in line with the 2003 administrative re-districting.

Overall there remains a high disparity of voters per seat between election districts, which has not been addressed by the 2007 re-districting<sup>1</sup>: E.g. the number of seats has been reduced from five to three in the constituency of Aïn Sebaa – Hay Mohammadi, making this the most under-represented constituency (83,000 votes per seat). In the rural district of Aousserd a seat represents no more than some 3,700 voters. While existing administrative boundaries and the size of rural districts, some of which are very large in Morocco, may justify diversions from the fundamental principle of the equality of votes, the absence of detailed information and explanations by the Ministry make it difficult to assess this issue and to ascertain in each individual case if constituency boundaries are based on objective criteria.

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<sup>1</sup> For details see “Assessment of the Electoral Framework of Morocco”, January 2007

Democracy Reporting International (DRI) and Transparency Maroc (TM) have assessed selected aspects of the 7 September elections, following up on a comprehensive review of the electoral framework published in January. DRI/TM have not conducted a comprehensive observation of the elections and cannot therefore provide conclusions on all aspects of the process.

DRI is a signatory of the 'Declaration of Principles for International Election Observation', which stipulates *inter alia*, that specialised assessment missions should make clear the remit of their mission in public statements. DRI was accredited to follow the result aggregation process in a prefectural election commission and in the National Aggregation Commission.

DRI would like to thank the Consultative Committee for Human Rights and the National Democratic Institute for their support with accreditation procedures.

#### **Democracy Reporting International (DRI)**

is a non-partisan, independent, non-for-profit group of experts with its office in Berlin, Germany.

DRI promotes political participation of citizens, accountability of state bodies and the development of democratic institutions world-wide. DRI helps finding local ways to promote the universal right of citizens' to participate in the political life of their country, as enshrined in the UN Universal Declaration of Human Rights.

[www.democracy-reporting.org](http://www.democracy-reporting.org)

#### **Transparency Maroc (TM)**

is an association under Moroccan law, established in 1996. It aims at fighting corruption and promoting transparency in public life. TM is active in awareness-raising, training and education, analysis and reporting on corruption and the provision of recommendations to public bodies. TM is an active member of Transparency International and the global anti-corruption movement.

[www.transparencymaroc.org/](http://www.transparencymaroc.org/)