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Assessment of the Electoral Framework of Morocco

SUMMARY*

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The electoral framework in Morocco allows for democratic elections, though it would benefit from measures to increase the transparency of the electoral process. The limited role of Parliament in the constitutional architecture and the political context of Morocco reduces the importance of elections for democratisation. Democratic elections this year remain nevertheless vital for the legitimacy of the future Parliament and its capacity for promoting constitutional reforms.

Over the last 15 years Morocco has undergone a process of political liberalisation. Significant progress has been made in the fields of freedom of expression, the freedoms of associations and assembly and – to a lesser degree – media freedoms. Liberalisation has however not translated into a notable increase in democratic governance. The executive under the King dominates political life and determines overall policy and its implementation.

The constitution of Morocco (1996) is largely based on the constitution of the French Fifth Republic (constitution of 1958), but further reinforces the role of the executive. The legislative powers of the only directly-elected national institution, the Chamber of Representatives, are duplicated and potentially controlled by the other house of Parliament, the indirectly-elected Chamber of Counsellors. This constitutional architecture does not appear to respect the obligations under Article 25 of the United Nations' International Covenant for Civil and Political Rights (ICCPR) as interpreted by the United Nations Human Rights Committee.¹

The election system favours the fragmentation of the political landscape and representation in Parliament, preventing the emergence of any significant political force that could more forcefully promote an extension of Parliament's prerogatives or a better use its existing powers. The absence of a parliamentary tradition in Morocco, as well as the long-standing concentration of powers with the executive, has weakened the authority of political parties, most of which can be traced back to the independence period. The population's trust in political parties is low.

Some consider the moderate Islamic part "Parti de Justice et Développement" (PJD) to be the exception, having coherent objectives and being based on a higher degree of internal democracy than the other big parties. Since 2002 the PJD constitutes the main opposition party in Parliament, with the two larger parties, the Istiqlal and the Socialist UFSP, participating in government. The PJD hopes to emerge as the principal political party at the next elections to Parliament in 2007. Some of its adversaries consider that this may lead to political instability, but the election system does not appear to favour the party and, by deciding on the seats per district and district boundaries, the Ministry of Interior could limit the party's electoral prospects.

¹ „Where citizens participate in the conduct of public affairs through freely chosen representatives, it is implicit in article 25 that those representatives do in fact exercise governmental power and that they are accountable through the electoral process for the exercise of that power.“ Point 7, General Comment on art. 25 (right to vote). Morocco ratified the ICCPR in 1979.

Furthermore, given the constitutional safeguards it is unlikely that any party can by itself significantly influence the political course of the country. Finally, neither the programme nor practice of the PJD indicates any intent for it to confront royal prerogatives. Nevertheless, the emergence of a well-organised political party may expose the political role of the Monarchy more clearly.

Elections in Morocco have a long history of irregularities and interference by the executive. However, the last elections to the Chamber of Representatives in 2002 were generally considered to have been the most open and regular despite shortcomings which have been pointed out by civil society groups, notably a lack of transparency in the publication of results and the role of money. The scheduled elections in 2007 are a test of Morocco's commitment to democratisation. It will be important to see whether concerns raised by civil society during the 2002 elections will be taken into account. Although strengthening the practice of credible elections would in itself be an achievement, the significance of the elections will depend on the capacity of the next Parliament to play a more active role in formulating national policies.

Until now, the discussion of the 2007 elections has focused on the election system to be used (e.g. number of constituencies, thresholds, access to candidatures), but the administrative structures and the implementation of operations should also be carefully considered. A number of issues of the electoral framework should urgently be reviewed:

- In 2002 the process of tabulating votes and publishing results remained opaque, which is a serious liability to the credibility of any election process. The law should be further improved, providing for a detailed publication of all results, down to polling station levels (in the official gazette and on the internet); obviously the law needs to be fully implemented;
- Though domestic and international non-partisan election observation has become a world-wide practice to increase the transparency of elections and the confidence of the electorate, non-partisan observation is not recognised in Morocco's electoral legislation. The permission to observe and its conditions are entirely at the discretion of the Ministry of Interior.
- The ratio of voters/seats varies greatly across the territory, which is a violation of the principle of the equality of the vote. In the 2002 elections this did not however favour particular political parties (see annex 1). The law foresees no criteria for the determination of constituencies for elections to the Chamber of Representatives. The executive thus enjoys discretionary powers to determine the numbers of seats per constituency, which can effectively result in changing the electoral system (the less seats per constituency, the more majoritarian the system becomes);
- There are only cursory and ineffective provisions on campaign financing, although the issue of ethics in politics has become an important subject of political debate;

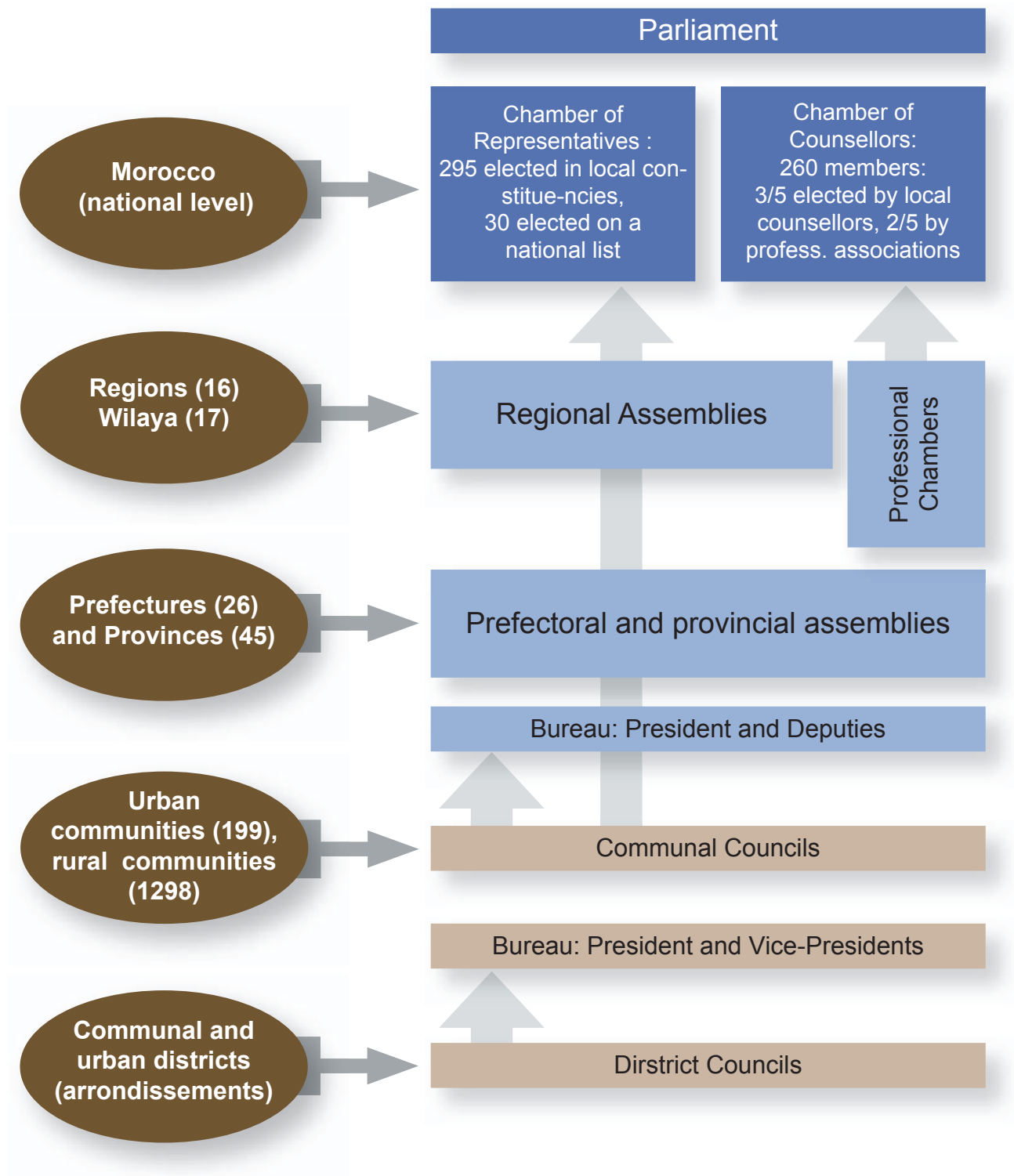
- Procedures for election complaints and appeals are incomplete and are unlikely to provide an effective remedy should the legality of an election process become contested;
- Equitable access to media for candidates should be clearly regulated and enforced by the newly created «High Authority for Audio-Visual Communication»;
- The Voters List appears to be inaccurate, containing double entries, names of deceased persons, etc. Provisions for registering on the Voters List should be streamlined and procedures facilitated, in order to encourage accurate registration.

Annex 1:

RESULTATS OF THE ELECTIONS TO THE CHAMBER OF REPRESENTATIVES 2002 (Unofficial Results, Official Results are not available)					
Party	Votes	Constituencies won	Ratio Votes – Seats per constit..	Seats won Nat. List	Seats won TOTAL
Union Socialiste des Forces Populaires.	718733	45	15 971,84	5	50
Parti de l'Istiqlal	604577	44	13 740,38	4	48
Parti de la Justice et du Développement	595439	38	15 669,44	4	42
Rassemblement National des Indépendants	562314	37	15 197,67	4	41
Mouvement Populaire	409878	25	16 395,12	2	27
Mouvement National Populaire	311639	16	19 477, 43	2	18
Union Constitutionnelle	310982	14	22 213,00	2	16
Parti National Démocrate	269208	10	26 920,80	2	12
Front des Forces Démocratiques	294007	10	29 400,70	2	12
Parti du Progrès et Socialisme	272863	9	30 318,11	2	11
Union Démocratique	246305	9	27 367,22	1	10
Mouvement Démocrate Social	169118	7	24 159,71	0	7
Parti Socialiste Démocratique	179844	6	29 974,00	0	6
Parti Al Ahd	138186	5	27 637,20	0	5
Alliance des Libertés	132210	4	33 052,50	0	4
Parti de la Réforme et du Développement	110633	3	36 877,66	0	3
La Gauche Socialiste Unifiée	94473	3	31 491,00	0	3
Parti Libéral Marocain	91350	3	30 450,00	0	3
Forces Citoyennes	109485	2	54 742,50	0	2
Parti de l'Environnement et du Développement	82637	2	41 318,50	0	2
Parti Démocratique et d'Indépendance	66594	2	43 297,00	0	2
Congrès National Ittighadi	120330	1	120 330,00	0	1

Comment : Smaller parties needed significantly more votes to win a seat than larger parties. This is a normal effect in a system with small constituencies (2-6 seats per constituency). Parties with similar support needed approximately the same number of votes to gain seats, suggesting that the system does not benefit any particular party.

Annex 2: System of Representation



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is a non-partisan, independent, non-for-profit group of European experts. DRI was registered in January 2006 and has 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.

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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.

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