

**Report by the MDCF, in Partnership with the CERSS, on the
Elections of September 7, 2007
-Preliminary Assessment-**

The present document is a summary of preliminary conclusions, drawn from “still fresh” observations and remarks by members of the Moroccan Democratic Civil Forum (MDCF), based on regional and provincial assessments of the election campaign, the official campaign and the voting process. MDCF has trained, using the qualitative monitoring system, over 210 observers from some sixty constituencies, covering the entire country.

It is not our intention to simply gather data regarding electoral violations and irregularities, real or imagined instances of fraud and manoeuvrings, but rather to offer a comprehensive and interesting overview of the process. Regarding this year's elections in Morocco, there is no doubt that the aim is, above all, to find out whether we are witnessing here a “foundational” or “transitional” election process, compared with previous years.

Was there any particularly noteworthy progress? Any signs of regression? What is the nature of the progress achieved, and what are the obstacles that still need to be overcome? What is the proportion of positive aspects compared to negative ones? What lessons should we learn? And what should we look for in the future?

The present text is based on reports received by the central unit charged with coordination among the sixty monitored constituencies (60 out of 90), at the rate of three reports per constituency. The first report deals with the period that preceded the start of the election campaign, the second with the campaign itself and the third with the voting process. This synthesis of events is only a prelude to the detailed report that the Forum promises to complete in the next few weeks, based on detailed observations received from each constituency. This detailed report will be presented to stake-holders interested in the conditions under which the elections of September 7 2007, in Morocco, were held.

The Forum is an umbrella group comprising several associations, or associated groups. In September 2007, MDCF counts around 500 member organisations. A total number of associations, varying between 15 and 110 associations, which took part in the establishment of regional and provincial forums, organised around the regional and provincial commissions. This number is over and above that of NFRLI (National Federation for Reform and Local Initiative), which alone comprises around one hundred associations.

This comprehensive work was executed in partnership with CERSS.

The present exercise highlights those aspects of the September 7, 2007 elections that stand out in particular, namely:

- The experience gained
- The role of the state
- Political parties
- The monitoring issue
- Dysfunctional aspects, irregularities and violations in the period that preceded the campaign, and on election-day
- The election system put to the test as a practice and an experiment
- Impact of the elections on political life

Experience gained

We have been able to gauge a significant amount of gained experience, starting with the announcement of the elections. These relate to relevant preparations by concerned state institutions, the definition of the latter's role and abilities, political parties, different visions regarding methods of communication, and the new factor of national and international monitoring.

Preparations for the elections

This relates to various preparations undertaken by stake-holders, starting with the statements of intent delivered through speeches by state and government officials, and relevant positions, steps and initiatives by political actors and civil society. This includes positions stated prior to the election such as the drafting of laws, rules, regulations and procedures, the re-examination and renewal of electoral lists, distribution of voting cards, awareness campaigns, etc.

The debate has expanded to include youth participation, the role of women in the country's political life and mobilisation efforts underway to register the entire electorate on lists. Anyone observing Morocco's political landscape at these election times, will easily be able to ascertain that the previous legislative body has lived, since the first days, on the tempo of the debate surrounding the legal and organisational aspects of the Moroccan political landscape, mainly linked to the holding of the following rounds of voting: on the political parties law, the election code, the threshold issue, and on the debate that ended with an appeal to the Constitutional Council, and the latter's decision reconfirming the principle of political and party pluralism.

The atmosphere surrounding these preparations gave civil society the chance to manifest its desire to join the debate, since several of its associations participated in the awareness campaigns designed to highlight the importance of these elections.

Communications

The issue of communications was the object of relentless efforts by all stakeholders; the Ministry of the Interior held regular press conferences, and its representatives imparted important relevant information during the entire period that preceded the elections.

Another aspect, so far unprecedented, was the reliance of political parties on modern technical methods of communication (marketing, advertising and communication booths...). Also of note was the large role, in relation to the past, played by the High Authority for Audio-Visual Communication in the organisation and enlivening of political life in the period that preceded the elections (June 13 to August 24), and while the campaign was in full swing (August 25 to September 6). Efforts were also made to gauge the respect of the elements of time and equal opportunity afforded to all parties, to ensure fair and equal access by all, within the context of equitable audio-visual regulations and rules of the game.

It was therefore possible to create a special unit, for the specific purpose of ensuring political pluralism in every television and radio station, in constant coordination with the relevant authorities. This was designed to regulate the parties' interaction with the audio-visual outlets, give them the opportunity to introduce their programmes and be able to allocate a fair amount of time to each party during the campaign despite complaints by certain parties about the allocation of time for political speeches.

It is also worth noting that within the context of the issue of communications, it is wise to consider the problem arising from stakeholders who advocate and defend abstention, or the boycott of the elections. Can non-participants, and those who call for a boycott of the elections, have the same right of communication as the others? Are they in a position to demand this right? A debate regarding this very important election issue should take place in Morocco, in the future.

Scope and limits of the September 7, 2007 ballot

This topic covers the role and nature of the state's intervention, which constitute the main aspects of change in these elections.

Role of the state in the elections

The Forum's observers have noted the absence of any direct intervention by the once omnipresent authorities in the election process, and a shift from the way they used to impose their control over the process, from the very beginning till the announcement of the final results. This fundamental change and its importance, should not, however, absolve us from the need to ask questions regarding the state and its administration's presence, or absence from the scene.

The state tried to present the image of serious preparations for the elections, and of its readiness to courageously take charge of them, to demonstrate that major political change is underway in the country. The King's speech sent a number of signals to the effect that the reorganisation of the political landscape and reconfiguration of the political parties' prerogatives, are in the offing.

The speech of August 20 made particular reference to the respect of the law, and to the fight against corruption and against those who seek to mar the elections.

A number of reports, however, mention instances of direct intervention by the state, though there is no proof to support these claims. Also unproven is the assertion that the state had used underhand measures to influence the vote without appearing at the forefront. In certain cases, the state's presence was not visible, though it seemed to adopt a deliberate attitude of "laissez faire" and of "letting go" in favour of certain candidates, despite the violations they had committed, like the few cases highlighted in a number of regional reports indicate. On the other hand, the state seemed to increase its surveillance over other candidates, like sending "highly visible" security agents to escort demonstrations organised by certain candidates.

Positive aspects

- The state tried to assume a neutral stance during all stages of the elections;
- It proceeded against official agents who tried to interfere in the elections by summoning them back to the central administration;
- It filed legal cases against a number of candidates who violated the laws in effect, investigated a dozen cases and insisted that it will pursue the relevant investigations after the elections are over;
- It redefined its role and prerogatives. The Ministry of the Interior is no longer alone in the forefront; new stake-holders have joined their ranks, namely the Ministry of Justice, which was already officially involved in the process. As to the coordination between the Ministry of the Interior and the Ministry of Justice, though violations have led to legal pursuits, the entire process was little noticed by the public, given that the political landscape remains, overall, under the constraining climate of the September 2006 by-elections.

New stake-holders have appeared on the scene, like the CCDH (Human Rights Advisory Council) and the Haca (the Higher Authority for Audiovisual Communication). The CCDH was transformed from intermediary to observer, with its prerogatives expanded for the occasion, with the addition to its arsenal of the right to look into fundamental aspects of the country's political life. The situation has in fact changed, making it apt for us to evaluate the new x-roles it was granted on and above the strict issue of human rights, as well as the political *raison d'etres* of this institution's establishment and reorientation of its responsibilities. The CCDH has tried to assume sole responsibility over the observation and monitoring of the elections, in which international actors from

many countries have joined local Moroccan associations, including our own Moroccan Democratic Civil Forum.

The aim of such diversification is to confer legitimacy on the elections, register any mistakes that could be identified, and analyse the compatibility between various practices and laws in effect, and between human rights and organisational procedures specific to the elections (election and parties law, etc). The state has also accepted the principle, and fact, of foreign aid to local associations for the purpose of training monitors, facilitating contacts, providing transportation and utilising advanced means of communication. It has itself used advanced logistical technology in making contact and spreading information in view of facilitating the elections.

Has Haca, in its capacity as manager of the audiovisual sector, replaced the prerogatives of the Ministry of Communications? Did it really affect the management of political communication in the national audiovisual media, both public and private, and if so, how? Haca has undertaken to release its own analysis of the issue.

Negative aspects

The state seemed to experience huge technical difficulties in controlling the overall electoral process. One of its demonstrated shortcomings was its inability to control, in areas where they were present, either the candidates' behaviour in general, or that of its own agents. This is due to the lack of human resources at its disposal. Nonetheless, this lack of control over the electoral landscape is seen in the country today, either as a simple shortcoming that can be overcome in the future, or a deliberate strategy that gives the state a margin for manoeuvres to influence public expression, at the right moment in time, in one direction or the other.

On another level, cases were the object of legal pursuits without reaching any conclusion. Thus, because these cases remained on the table without follow-up, candidates were encouraged to continue breaking the law, and violate rules in effect, while mobilising their political offices to lodge protests and threaten to boycott the elections.

-Thanks to the state's unprecedented harsh measures, several candidates devised new methods of committing fraud (see annexed list, final document).

-Observers have noted the limited training received by agents overseeing the elections.

-Also noticed was the lack of precise criteria governing the selection of individuals manning the voting stations; this generated constant complaining by political party representatives.

Political parties and the media

-Several political parties demonstrated a certain lack of control, as evidenced by the divergent speeches delivered by candidates from the same party, the absence of ethical commitment and the lack of coordination and communication between the party's central management and its local representatives. This leads us to believe that the political parties' main priority in the elections was to win, by all possible means, the largest number of seats.

-The partisan press emerged as the last hidden line of defence for party orthodoxy. They took-on an inefficient traditional colour and embodied a sort of "communicational death" at a time when a number of parties resorted to private firms and communication experts. This is why a number of political parties chose to publicise their programmes through the so-called "independent" press, which sometimes published the programmes of several parties, with differing agendas, in the same edition. Contrary to the partisan media, sales by the independent press posted record highs during the entire election period.

-Many national and regional press correspondents, who had so far been seen as "independent" journalists, became campaign managers for various candidates.

-Contrary to previous elections, commentators and analysts were markedly absent from the scene, as was any kind of political debate.

The voters

On the day of the elections, a smaller proportion of the electorate went to the polls, barely 34%, according to numbers released by the Ministry of the Interior, compared with the elections of 2002 (52%).

There could be three possible reasons for that:

1. A political reason, which has to do with the electoral platform and policies of the parties;
2. An institutional reason, which has to do with the role of representation and negative perception of Parliament today;
3. A technical reason, that has to do with the manner in which voting cards were distributed.

Thus, in September 2007, Moroccan voters seemed to fall into three different groups:

-Those that do not vote

-Those that negotiate their votes with the aim of gaining an unequivocal financial profit from public consultations, here and now. This highlights the particular importance of money and of the kind of unofficial economy to which it gives rise at election time, resulting in a kind of citizens' clientelism, and the de-politicisation of politics. It is worth noting in this respect the role played by locally-

elected candidates who imposed themselves on scene, once again, as grand electors (or the grand courtiers of the electoral market)
-Those who vote out of conviction and these seem to account for the smallest proportion of the electorate.

Election observers and monitors

One of the new developments in these elections is the public authorities' acceptance of the idea of election observation, whether national or international. After obvious resistance and openly expressed sensitivities, national and international observers were finally accepted. Several factors were considered in the choice between a quantitative election monitoring system (which proved to be more difficult than expected), and qualitative system (which the least well equipped monitors resort to).

Remains to be examined the level of training observers received, the tools they use, their manuals, guides, financial resources, as well as the management of the entire monitoring process, all of which could have been carried out with lesser amount of confusion.

Could the monitoring be a near unanimous process, using a single interlocutor, or is it necessarily pluralistic? Does it not presuppose a diversity of perspectives, even a multi-faceted appreciation? The state seems to favour dealing with a single interlocutor, when in fact observer groups have organised themselves in a manner that specifically allows them to slip into the country's organisational fabric, and practice a distinctly unique mode of observation. For example, the Moroccan Human Rights Organisation (MHRO) has trained dozens of observers some of which were integrated within associations, while others monitored the elections for MHRO exclusively.

Questions raised by the September 7 elections regarding democratic observation and monitoring, the answers given to these questions and the execution on the ground, ought to encourage a different perspective of the democratic monitoring process, now that lessons have been learned from this first considerable experience.

Results of the observation and monitoring process

While awaiting the final report, due to be presented in early October, and based on regional reports that have already been analysed, the following list of violations and malfunctions has been compiled:

Violations and malfunctions observed during the period that preceded the election campaign

Reports from different regions and provinces indicate that a large number of violations were observed in the period that preceded the start of campaigning, ahead of the September 7, 2007 elections. These could be summarised as follows:

- taking advantage of and/or holding big banquets, family celebrations, weddings and funerals;
- exploiting poverty, the reopening of schools (providing school supplies) and the approaching month of Ramadan (providing basic foodstuffs);
- exploiting road accidents by providing needed medical care, medicine and even funeral costs;
- the use by some candidates of public funds and property;
- candidates organising leisure trips for voters to win their votes

Violations and malfunctions observed during the election campaign

- mobilising the service of government employees during office hours;
- quoting verses from the Koran, and using national symbols like the flag, portraits of the King, etc;
- lack of respect, in some cases, for spaces reserved for election posters;
- money exchanging hands;
- the use of mosques by certain candidates;
- using religious, regional and tribal sentiments as a tool

Violations and malfunctions observed on election-day

- absence of party representatives in many voting stations, especially in rural areas;
- attempts to influence voters in front of voting stations, by individuals working for different candidates, without intervention by the authorities;
- confusion and disorder in a number of voting stations, especially in the last few hours of voting;
- a number of voters losing their way while looking for their voting cards on election-day;
- failure of the state, in certain cases, to allocate a special area where voting cards can be retrieved;
- voters using their mobile phones while voting;
- a number of voter-lists comprising names of deceased individuals;
- a number of voters complaining that they neither received their voting cards, nor found their names on computer lists in their constituencies.

This data was gathered from observers' reports received by the central coordination unit. As for the Forum's final report, it will be published with all the relevant details, up to and including contestations submitted the day following the September 7, 2007 elections.

The election system and Morocco's political life

The election system put into effect for the September 7, 2007 elections seems to comprise a number of technical, legal and institutional gaps, relevant to the distribution of voting cards, training of agents, allocation of voting stations, posting of lists and various irregularities. One of the most significant problems is the existence of two lists, one so-called local and the other national, which created an added complication for the voter, on and above the problems it created for members of voting stations during the vote-counting process.

It also raises many political questions.

The choice of an election system based on proportional lists in which the strongest survive, the reduction in the number of seats as a result of the division of constituencies (all of which are allocated between two and four seats) and the difficulties arising from constituency divisions retained from the 2002 elections, have together raised a large number of issues and uncovered several gaps in the system.

The system has also failed to foster conditions under which political competition could flourish among various electoral lists, during the parliamentary elections, and has negatively affected the level of participation. Among other, it allowed "large parties" to use "small parties", and for "big candidates" to use "small candidates". The 6% threshold, on which the current election system stipulates, compelled candidates who wanted to eliminate their rivals, to destroy their cards in return for payments of money, or finance a boycott without real "conviction", but based solely on a purely mathematical estimate of what it takes to win a seat.

Furthermore, new fraudulent techniques and manoeuvres, relevant to the current phase, have recently seen the light.

The voting system that has been adopted encourages political parties to seek "wealthy candidates" to head their lists, given that these would be able to finance the campaign single-handedly, especially in large constituencies with a pluralistic electorate, particularly in rural areas. Moreover, this type of system fosters the clientilisation of citizens.

The current election system also seems to negatively affect the formation of a coherent parliamentary majority, capable of conferring on the legislative institution the characteristics of efficiency and proper representation, and allowing the formation of a government.

Some conclusions

1. The political landscape is markedly balkanised while, at the same time, the ability of parties to influence citizens politically seems exceedingly limited. The elections have demonstrated, from their own perspective, the degree to which communication and debate, around fundamental national issues, are absent between political actors and large layers of society.
2. The balkanisation of political life makes citizens wonder about the centrality of elections and the role that parliament plays in the political game. Perceptions regarding the place and role of parliament appear to be negative. The race to utilise new methods of cheating (circumventing the law, using money, abusing power), results in a further loss of confidence and a less advantageous image of the institution.
3. Betting on voter participation levels was a dominant motivation in these elections for both, the state and political parties.
4. Declining levels of participation, from 52% to 37%, in just 5 years or so, compels us to raise anew the question of reform, introduced during the previous legislature, as well as the scorecard of government activities during that same period.
5. There is progress in the behaviour of the state that shed its old practices; however, while we notice a tendency by the latter not to intervene directly in election-related activities, the elections themselves have turned into a bilateral relationship between the candidate and the electorate, where even the parties' apparatuses to which candidates belong do not interfere. This gives rise to new questions regarding Morocco's political life and chances for its eventual democratisation.