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Political and Socio-economic Liberalizations in Morocco: Genuine Democratization or Smart Authoritarianism?

by

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Abstract

"Regime change" in the Arab world has attracted strands of literature which, especially in the last 20 years, variously tried to explain a general "reluctance to democratize" and/or the singular "resilience of authoritarianism" that most Arab countries were showing, at times when other areas of the world were experiencing wide processes of democratization and political/economic liberalization.

Among them, Morocco has so far been reported as one of the most "successful" cases of gradual democratization: partly since its independence in 1956 but mostly in the last two decades, Morocco has indeed been fairly responsive to the mainly external pressures toward political liberalization, endorsing a transition path marked by top-down liberalizing reforms on the political and economic spheres, along with attempts to improve unsatisfactory levels of social indicators and reduce poverty and inequality across the country.

Though, this path - far from being linear and incremental – hinder tensions and contradictions which question the easy hypothesis of a country inscribed on a pattern of simultaneous successful democratization and structural change.

Besides, Morocco also showed somewhat of a "partial" resilience to the revolutionary upheaval which has been shaking the Arab World since the eve of 2011: mass protests did spread out - leading the King to make concessions in terms of the adoption of a new constitution – but were much milder than in the neighbouring countries and no "revolution" as such took place.

This partial resilience represents a further puzzle to explain, in so far as it can be read as a natural outcome in either one or the other of the two contrasting views presented above.

By analysing thus the dynamics of political and socio-economic transformations occurred in Morocco during the last few decades, this work aims at answering to two interrelated questions:

1) Should Morocco be defined as a country embarked in a comprehensive *path of democratization* (of which the recent adoption of the new constitution represent a major significant step), or rather as trapped into a *stalled democratization*, or even as just pursuing a *piecemeal strategy* of ad hoc and often superficial reforms which cannot be described as an overall coherent process of transition (in which both cases the new constitution would be read as just cosmetic change)?

2) Morocco's partial resilience to the recent revolutionary upheaval in the Arab world should be read as the result of a substantial (satisfied) acceptance by the population of the country's socio-economic conditions and ongoing path of democratization (with thus protests calling for just reforms and not for radical regime change) or it is rather the result of a particularly smart and successful "survival strategy" by part of an authoritarian monarchy able to suffocate real demands for change coming from the masses, even when it appears to respond to them?

Introduction

The overall work will consist of six chapters to be organized as follows:

A first introductory chapter will present and contextualize the topic of the work, highlighting the research questions it aims to explore and including a summary review of the broad literature on change in Arab countries, aimed at framing Morocco's "transition" as a particular case study in the broader context of the Middle East and North African countries (MENA).

The second chapter will illustrate the non-linear path of liberalizing political/constitutional reforms embarked by King Mohammed V (1956 – 1961), and subsequently by his successors Hassan II (1961 – 1999) and Mohammed VI (1999 – present).

The third chapter will present the current situation concerning civil rights and freedoms in Morocco, assessing its achievements and shortcomings, as well as an overview of Moroccan civil society.

The fourth chapter will rapidly overview the structure and evolution of poverty and inequality in the country, before presenting its different phases of socio-economic development and economic reforms, with a more detailed analysis of the country's current social policies/development strategies and of its key economic shortcomings and challenges ahead.

The fifth chapter will overview the external pressures toward democratization and liberalization variously exerted on the country by some relevant external actors, such as the EU, the US, the countries of the MENA region, several International Organizations (i.e. the UNs, the WB, the IMF) as well as some relevant international NGOs.

A sixth and final chapter will then sum up the main conclusions emerging from the above presented analysis and try to answer to the two questions: "*new development model, stalled democratization or piecemeal reforms?*", and thus, "*exemption from revolutionary contagion as a symptom of democracy or of veiled authoritarian repression?*"

1. The Theoretical Framework

Between the end of the 1980s and the first half of the 1990s, a huge number of Arab countries have started reforms aimed at adopting some of the basic features of what is known as the western-liberal model of democracy, such as multi-partitism, more or less free and competitive legislative or administrative elections, constitutional reforms, stricter laws for protecting human and civil rights, and so on. Moreover, these reforms have generally been accompanied on the economic sphere by a widespread endorsement of the mainstream Washington Consensus, with the consequent adoption of broad processes of economic liberalization (privatizations, deregulation of external trade, etc).

These liberalization processes undertaken in most Arab countries had largely been interpreted – in the academic field and in political contexts as well - as the start of a sort of "regional wave of democratization", connected to the broader so-called "third wave of democratization"[1] taking place at the global level (with the dissolution if the Soviet Union), which was thus supposed to be expanding to the Arab world as a contagious force.

However, these expectations were soon to be reversed, as by the second half of the 1990s these measures of political liberalization introduced earlier had already been circumvented or watered down in most of the countries, and in some cases had even been accompanied by measures of repression of human, civil or political rights.

This until December 2010, when an unprecedented wave of mass protests, street demonstrations and global civil uprising invested the MENA region: on December 17 the self-immolation of Mohammed Bouaziz in Tunisia drove off the "*Jasmine Revolution*" which, following almost one month of mass street demonstrations and civil unrest in the country, led to the ouster of the 24-years ruling President Zine El Abidine Ben Ali on January 14, 2011. The revolutionary upheaval was soon to spread out in two other long-lasting authoritarian neighbouring regimes: on January 25 the "*White Revolution*" broke out in Egypt, leading to the end of the 30-years long semi-dictatorial regime of President Hosni Mubarak on February 11, 2011; on February 15 violent protests broke out in Libya, leading to a bloody civil war which lasted until 20 October 2011, when the ruling Colonel Muammar Gaddafi was captured and killed, leaving the UN-officially recognized National Transitional Council at the guide

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[1] Huntington S. (1991)

of the country. Major protests also spread out in many other countries around the region, notably in Algeria, Bahrain, Jordan, Yemen and Syria, in many cases pushing the MENA rulers to make minor concessions and reforms in order to prevent the protests to turn into a revolutionary upheaval. In the case of Syria, violent uprisings against the ruling President Bashar al-Assad kept on steadily and increasingly since January 2011, pushing the country into a long-lasting and bloody civil war, which is still on-going and worrying the entire international community.

In such a context, the Kingdom of Morocco represents a fairly interesting case: on the one hand, it has been one of the Arab countries which embraced most rapidly and positively a "democratic discourse", largely responding to the external pressures toward "democratization", "structural change" and "socio-economic development" coming from a wide arrow of actors (European Union, United States, International Organizations and so on); on the other hand, it did only respond in a moderate measure to the contagion of the revolutionary movement which spread in the MENA region in December 2010/ January 2011, by experiencing mass protests and demonstrations which – even if finally leading the King to make concessions in terms of the adoption of a new constitution – only asked for democratic reforms and never questioned the legitimacy of the Monarchy nor had any revolutionary aspiration whatsoever.

Indeed, partly since its independence in 1956 but basically in the last two decades, Morocco did endorse a path of transition characterized by liberalizing reforms both on the political and economic sphere, together with attempts to improve its unsatisfactory levels of social indicators and reduce poverty and inequality across the country. It thus gave the impression of having found its way for a thorough structural change, intended as a comprehensive strategy combining continued economic liberalization, increased democratization, efforts to reduce poverty and inequality and to promote social and human development.

Though, this trajectory - far from being linear and incremental – presents in itself tensions and contradictions which put in discussion the simplistic hypothesis of a country inscribed on a pattern of simultaneously successful democratization and structural change.

Indeed, as Willis affirmed in 2009, "Morocco's programme of reforms represents a fascinating case study of a country pushed by both internal and external factors to transform significant aspects of its economy, politics and society, whilst simultaneously seeking to accommodate certain countervailing tendencies in favour of the maintenance of the status quo. Although such a description could arguably be applied to any state, in any period, what is

remarkable is that these tensions have produced a demonstrable dynamic of change in the country, in sharp contrast to the stasis found in virtually all the other states of the southern Mediterranean. Although for many critics the pace of reform may be far too slow and its achievements too uneven, change is clearly occurring and although the long term impact of this change is still uncertain it remains the most interesting southern Mediterranean country to watch."[2]

Morocco appears thus as an interesting case-study precisely for this reason: on the one side, it has been widely assumed and reported – in the political discourse as well as in the academic field – as the best "success story" of gradual democratization in the Arab world (with the recent adoption of the new constitution representing a meaningful step); on the other side, though, a wide array of insightful analyses exist raising awareness on the challenges and grey zones that these alleged progresses turn out to hinder (with the adoption of the new constitution being targeted as simply cosmetic change).

Plus, its "partial" resilience to the 2010/2011 revolutionary movement do undoubtedly offer an interesting puzzle to be explained in this context, in so far as it can be read as a natural outcome in either one or the other of the two contrasting views.

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[2] Willis M.J. (2009)

1.1. Morocco: Genuine (Albeit Slow) Democratic Transition or Just "Smart Authoritarianism Refined"[3]?

The aim of my research is thus to focus the complex dynamics of economic, social and political transformations occurred in Morocco during the last few decades, in order to (try to) answer to two interrelated questions:

1) To what extent is it possible to give reason to those analyses which see Morocco as being endorsing a truly "*new development model*" on the road to a comprehensive path of democratization (of which the recent adoption of the new constitution would represent a major significant step), and to what extent are rather more truthful those who see the country as being trapped into a "*stalled democratization*", or even as just being adopting a "*piecemeal strategy*" of ad hoc, selective and often superficial reforms which cannot be described as an overall and coherent process of transition (in which both cases the new constitution would be read as just cosmetic change)?

2) Having answered to this, how Morocco's partial resilience to the recent revolutionary upheaval in the Middle East and North Africa should be interpreted? Is it the result of a substantial satisfied acceptance by the population of the country's socio-economic conditions and the allegedly ongoing path of democratization, or is it rather the result of a particularly smart and successful "survival strategy" by part of an authoritarian Monarchy which – by either suffocating or supposedly responding to them - is able to smartly handle, before they explode, the demands for change coming from the masses?

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[3] The definition comes from Kausch K. (2009a)

1.2. A Summary Review of the Literature on Change in Arab Countries

The debate about liberalization and democratization processes in Arab countries, in its complexity and multi-layered nature, has nourished a huge and variegated literature, mostly beginning with the end of the Cold war era.

Broadly speaking, the variety of approaches to the study of democratization processes in the field of political science can be resumed in three principal general theories: the modernization theory, the transition theory and the structural theory.[4]

The modernization theory is a structure-based approach - born at the end of the '50s - which sees the socio-economic development of a country as the essential condition for the sustainability of democracy, even postulating a positive correlation between levels of socio-economic development and levels of democracy.[5]

The transition theory is an agency-based approach - born at the end of the '70s - which focuses on the transitions from authoritarianism to democracy, identifying in the elites' behaviour the key factor for the success or failure of the transition itself and of its consolidation.[6]

Lastly, the structural theory – born contemporaneously to the transition theory - identifies as the determinant variables in democratization processes the developments of capitalism with respect to the social classes, the state structure and the international power equilibriums.[7]

Within this broad literature on democratization - oriented towards one or the other of the over-mentioned theories – the interest for middle-eastern countries has been fairly modest up until the late '80s.

Since the end of the Cold war – with the adoption by many Arab countries of some basic features of electoral democracy such as multi-partitism and free elections - the issue of democracy in the Arab world has become more and more relevant in the political science debate, passing through different historical phases: an initial phase of pessimism regarding the structural obstacles to democracy diffusion in the region (mid and late '80s) has been followed by a widespread optimistic belief in a regional wave of

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[4] Guazzone L. (2004); Guazzone L. and Bicchi F. (2004)
[5] Lipset S. (1960)
[6] Rustow D. (1970); O'Donnel G. et al. (1986); Mainwaring S. et al. (1992)
[7] Moore B. (1966)

democratization (first half of the '90s) and again by a renewed caution in the last years, eventually overcome by a new wind of optimistic appraisal – though not widely concern-exempt - in the wake of the 2011/2012 Arab Spring.

Though, the debate upon the democratization in the Arab-Muslim world has been qualified, rather than by the general theoretical approaches adopted, by the positions shown on three/four dominant themes: (a) the socio-economic pre-conditions necessary to the introduction of democracy; (b) the role of the specific political culture; (c) the role of international factors; and finally (d) a methodological debate about the definition of democracy adopted to judge the presence/absence of democracy in the region.

a) The socio-economic pre-conditions

Many authors have adopted a functional/instrumental perspective which stresses the importance of some socio-economic and political pre-conditions, mainly the role of civil society, the economic system, and the pressures from the masses.

As concerns the role of civil society, two opponents views can be outlined: the optimistic vision of Norton[8] - which recognizes the presence of a noticeably liberal civil society impulse, even if coming from a small minority – and the more pessimistic approach of Gellner[9] - which emphasizes the distinctiveness of the Muslim social context, whose kind of associative life is unpropitious to the emergence of a genuine liberal democracy. Actually, there are many scholars who take a position which is half way among these two, recognizing the democratic potential of Muslim civil societies but at the same time emphasizing the actual difficulties in making this potential effective.[10]

Many others studies have indeed stressed the political structural impediments which can explain the extraordinary resilience of authoritarian ruling elites in Arab countries, analyzing in particular: the peculiar organization of state power;[11] the strength of coercive apparatuses;[12] the notion of *asabiyya* (the particular Islamic social solidarity and sense of community);[13] the ability of ruling elites in co-opting their opponents and in exploiting and manipulating the splits between opposition groups, in order to weaken opponent political parties and neutralize demands for democracy coming from

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[8] Norton A. (1995)

[9] Gellner E. (1994)

[10] Al Sayyid M. K. (1995); Catusse M. (2004); Desmeres M. (2004); Korany B. and Amrani S. (1995); Yom S.L (2005); Zoubir Y.H. (1999)

[11] Guazzone and Pioppi (2004a, 2004b, 2007); Korany B. (1995)

[12] Bellin E. (2004); Propstein Posusney M. (2004); Sorenson D.S. (2007)

[13] Volpi F. (2009)

the masses;[14] the kind of social pacts[15] and the survival strategies[16] that Arab authoritarian elites have been able to build and carry on.

Analyses have also been focused on the role of the economic system and economic change in fostering or preventing democratization pressures, emphasizing in particular the linkages between economic systems/economic reforms and regime types,[17] the delicate dialectic between continuity and change,[18] and the role of particular social classes.[19]

Recently, a growing number of area specialists have been joining Heydemann's call for a "post-democratization" era in Middle-Eastern studies,[20] namely the necessity to go beyond the democratization paradigm, transcending the optimist/pessimist divide of this strand of the literature and thus trying to interpret the dynamics of authoritarianism focusing just on the analysis of how political rule in Arab countries is effectuated, organized and executed, leaving apart questions such as when democratization might occur or what the Middle-East lacks.[21]

b) The political culture

A very important strand of the literature on the Middle-East has been stressing the role of the specific political culture which is said to characterize Arab polities. Bringing on the legacy of the *orientalist* approach to Islam - that tries to build a comprehensive and systematic picture of an Islamic civilization, with its own logic and system of values – these authors (called neo-orientalist) propose a set of culturalist/essentialist assumptions (generally supported by tenuous historical correlations) which argue for an Arab exceptionalism in politics, basically asserting the intrinsic incompatibility between Islam and democracy, as the "fundamentals" of Islam are the reason for the systemic clashes with western notions of democracy.[22]

On the opposite side, many authors criticize this political culture approach, opting rather for a *contingentist* approach, which argues that Islam, just like any other religious doctrine, is malleable enough to be conceptually and practically

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[14] Langhor V. (2004); Lust Okar E. (2004); Perthes V. (2004)
[15] Heydemann S. (2007)
[16] Brumberg D. (1995 and 2003); Kausch K. (2009a)
[17] Colton N.A. (1999); Erdle S. (2004); Farsoun S. and Zacharia C. (1995); King R. J. (1999); Layachi A. (1999); Luciani C. (1987); Pioppi D. (2004); RichardsA. and Waterbury J. (2008)
[18] Spencer C. (1999); Zerhouni S. (2004); Werenfels I. (2004)
[19] Luciani G. (2007)
[20] Heydemann S. (2002)
[21] Schlumberger O. (2007)
[22] For a review: Guazzone L. (2004)

interpreted in such a way to reduce the areas of friction with liberal notions of democracy.[23]

Partially mid-way approaches also exist between the two extremes, such as those authors who see the political culture approach as an useful tool of analysis, if used with the necessary caution,[24] or those others arguing that the peculiar state-society relations characteristic of Arab polities is not to be ascribed to the Islamic culture but rather to the predominance of the *neo-patrimonial system*, which, by creating a social structure based on personal affiliations, impedes the creation of class interests and thus prevents the emergence of an opposition strong enough to challenge the policies of the regime.[25]

Strongly connected to the issue of the Islamic political culture, is the literature stressing the increasingly important role which Political Islam can play in fostering or preventing democratization, with a huge amount of analyses focusing on the dynamics of Islamist moderation and on the politics of Islamist inclusion in the political game.[26]

c) *The international factors*

Another strand of the literature has indeed tried to outline the role played by international factors and actors in shaping democratization attempts and authoritarian responses in Middle-Eastern countries, either focusing on a global level of analysis[27] or on more specific sub-levels, such as the European Union (mostly showing a certain scepticism on the EU capacity/willingness to foster democratic paths in this region),[28] the United States[29] and regional influences.[30]

d) *The definition of democracy*

Finally, a more properly methodological debate has to be added to the above-mentioned predominant themes, the one upon the definition of democracy which is adopted in referring to development in the Middle-East and North African (MENA) region.

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[23] Anderson L (1995); Esposito, Kramer, Piscatori, reviewed in: Guazzone L. (2004)
[24] Hudson M.C. (1995)
[25] Brynen R. et al. (1995); Schlumberger O. (2000)
[26] Amghar S. (2007); Boubekeur A. and Amghar S. (2006); El Din Shahin E. (2005); Langhor V. (2002); Ottaway M. and Hamzawy A. (2008); Wegner E. and Pellicer M. (2009); Willis M.J. (2006)
[27] Cavatorta F. (2004 and 2005); Ben-Dor G. (1995)
[28] Boubekeur A. and Amghar S. (2006); Dillman B. (2003); Haddadi (2002); Joffé G. (1999); Pace M. (2009); Pace M. et al. (2009); Powel B.T. (2009)
[29] Zoubir Y.H. and Zunes S. (1999)
[30] Gause III F.G. (1995); Mortimer R. A. (1999).

Indeed, the region has seen in the past years the widespread emergence of forms of democracy which couldn't actually be identified with the traditional western model of liberal democracy, but which can nonetheless be theoretically placed somewhere within a sort of continuum between the two extremes of democracy on the one side and authoritarianism on the other.

This evidence has nourished a rich literature which calls for the need to better "qualify" and "connote" the term democracy in order to take account of these different ambiguous realities. Indeed, a full array of labels has been coined over time to designate these extremely broad and variegated set of regimes all over the world, among which: *façade democracies*, *semi-democracies*, *partial democracies*, *exclusionary democracies*, *pseudo-democracies*, *electoral democracies*, *illiberal democracies*, *defective democracies*, *competitive authoritarianisms*, *semi-authoritarianisms*, *mixed regimes* and *hybrid regimes*.[31]

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[31] More specifically: *façade democracies* (Finer S.E., 1970), *semi-democracies* (Diamond L et. al, 1989), *partial democracies* (Epstein D.L. et al., 2006), *exclusionary democracies* (Remmer K., 1985), *pseudo-democracies* (Volpi F., 2004 and 2006), *electoral democracies* (Diamond L., 1999), *illiberal democracies* (Zakaria F.,1997), *defective democracies* (Merkel W., 2004), *competitive authoritarianisms* (Levitsky S. and Way L.A., 2002), *semi-authoritarianisms* (Ottaway M., 2003), *mixed regimes* (Bunce V. and Wolchik S., 2008) and *hybrid regimes* (Karl T., 1995; Diamond L., 2002; Morlino L., 2011) . For a comprehensive review and bibliography of the abovementioned literature, as well as for a more detailed and deeper theoretical and empirical analysis of the phenomenon of the *hybrid regimes*, see Morlino L. (2011), specifically Chapt. 3.

2.   Political System and Reforms

2.1.   Morocco's Political Institutions

Morocco - as is stated in the Constitution - is a parliamentary constitutional monarchy with a multi-party system and a formally granted separation of powers: an executive power exercised by both the government (headed by the Prime Minister) and by the King as Head of State; a legislative power vested in both the government and the two chambers-Parliament, and an independent judiciary branch.

The last constitutional revision - endorsed in July 2011 following the spread of the Arab's spring's mass protests – brought some changes in the balance of powers which was enshrined in the previous 1996 Constitution.[1] Though, it actually still provides for a strong monarchy but weak Parliament and Judiciary.

The king is constitutionally empowered of extremely extensive powers: he is the secular political leader as Head of State; he presides over the Council of Ministers, appoints the Head of Government following legislative elections and - upon this latter's recommendations - all members of the cabinet, and may as well terminate the tenure of any minister at his discretion; he can dissolve the Parliament, call for new elections and rule by decree; he is the Commander in Chief of the Army and - as a direct descendant of the Prophet Mohammed - holds the country's religious leadership with the title of *Commander of the Faithful (Amir al-Mou'minin)*.

The Parliament – since the 1996 constitutional revision - consists of two chambers: the Chamber of Representatives (*Majlis al-Nuwab/Assemblée des Représentants*), or lower house, with 395 members elected for a five-year term through direct universal suffrage with a party-list proportional representation system (305 elected in multi-seat constituencies and 60 from women-only national lists); and the Chamber of Councillors *(Majlis al-Mustasharin/Chambre des Conseillers)*, or upper house, with 270 members elected for a nine-year term

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[1] Constitution of the Kingdom of Morocco, July 1, 2001. French version:
http://www.parlement.ma/fe/images/CONST/constitution%20du%201er%20juillet%202011.pdf
Constitution of the Kingdom of Morocco, September 13, 1996. French version:
http://www.al-bab.com/maroc/gov/con96fr.htm

through indirect vote by local councils (162 seats), professional organizations (91 seats) and labour union (27 seats).

Its powers were expanded with the 1992 and 1996 constitutional revisions and further more in the 2011 text, but still remain limited, and include: legislative competence on individual freedoms and rights, on civil procedure, on local electoral systems, on budgetary matters; approving bills; questioning ministers; establishing ad hoc commissions of inquiry to investigate the government's actions; power to dissolve the government through a majority vote of no confidence (only for the lower house).

The Judiciary relies upon a dual legal system consisting of secular courts based on French legal tradition on the one side, and on courts based on Jewish and Islamic traditions on the other side, and it's constitutionally recognized as independent from the other constitutional powers (art. 107).

The secular system consists of: First Instance Courts, Trade Courts, Communal and District Courts (first degree jurisdiction); Courts of Appeal (second degree jurisdiction); Administrative Courts; a Supreme Court; a Special Court of Justice (competent for cases involving magistrates or government employees); a High Court of Justice (competent for offences or crimes committed by government members during the discharge of their function); a Standing Tribunal of the Royal Armed Forces (for cases involving military personnel and occasionally matters pertaining to state security); an Audit Court (responsible for supervising the implementation of the budget); a Constitutional Council (which supervises the constitutionality of the approved laws, with six members appointed by the King, three by the Head of the Lower House and three by the Head of the Upper House); and a Supreme Council of the Judiciary (which is presided by the King and upon whose advice magistrates are appointed by royal decree).

The non-secular system, instead, consists of 27 *Sadad Courts*, which are First Instance Courts for Muslim and Jewish personal law and are divided into 6 sections (Shari'ah, Rabbinical, Civil, Commercial, Administrative and Criminal).[2]

A key role in Morocco's political system is held by the *Makhzen*, the traditional Moroccan royal governing apparatus, a network of patronage and arbitration centered around the King and not accountable to the parties, the legislature or the judiciary. It is basically comprised of an extra-constitutional council of royal advisors (notables and bureaucrats forming a sort of "shadow

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[2] Touchent D. (2006)

government"), the "Sovereignty Ministers" (Justice, Interior, Foreign Affairs, Defence and Islamic Affairs, plus the Prime Minister), high military and security service personnel, key economic players (such as rich landowners and or businessmen), plus the structure of regional and sub-regional leaders centered around the *Walis* and the Governors (directly appointed by the King) as well as the *Caids* and the *Pashas* (appointed through the Minister of Interior).[3]

As regards the country's administrative organization, Morocco is divided into 16 administrative Regions, subdivided in 61 second-level sub-divisions (13 Prefectures and 48 Provinces). Each Prefecture and Province is divided into Districts (*Cercles*), Municipalities (*Communes*) and Urban Municipalities (*Communes Urbaines*). The Districts are further sub-divided in Rural Municipalities and the Urban Municipalities are in some cases further sub-divided in *Arrondissements*. In 1981 a new mid-level administrative division was created, the *Wilaya*, which groups together different Prefectures or Provinces or both at the same time.

Each District is under the supervision of a *Caid*, each Prefecture and Province is under the authority of a Governor, while each Region is administered by a *Wali*, appointed by the King.[4]

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[3] Dillman B. (2003)

[4] US Department of State (*http://www.state.gov/r/pa/ei/bgn/5431.htm*); Cherkaoui M. and Ben Ali D. (2007);

2.2. Political Development: Five Phases of Institutional Reforms

In contrast to most of its Arab neighbours in North Africa, Morocco did not embark on a thoroughgoing reform program as a way of securing its independence from European colonial rule, obtained in 1956. This was largely due to the fact that the main actor promoting such reforms in other states, the nationalist party which had led the struggle for independence, did not emerge as the dominant political force in the aftermath of independence in Morocco.

The Moroccan nationalist party, the Istiqlal, was in fact sidelined in the post-independence power struggles by the monarchy, which, after the leave of the French, aimed at reasserting its political supremacy as a restoration of pre-colonial traditional structures of power. In the decades following the independence, most of the monarchy's efforts were thus spent on entrenching and protecting its own position rather than on public policy, and on recruiting allies similarly interested in the maintenance of the status quo rather than radical reform.

As a result, large-scale, all-encompassing, revolutionary reform programmes on the line of those witnessed in Tunisia, Algeria and Egypt were not introduced in Morocco, where the regime rather opted for a more technical, small-scale and case-by-case approach to the problem of development.

Thus, the start of a more comprehensive and thorough reform programme in Morocco did not happened until several decades after independence, most dating its commencement to the late 1990s, namely in the closing years of King Hassan II reign (1961 – 1999).[5]

Taking into consideration the entire post-independence period, however, Moroccan political developments and its process of supposedly progressive political liberalization - intended as the expansion of public space and the recognition and protection of civil and political liberties - can be described into six different phases.[6]

2.2.1. The First Phase (1956 – 1961): the Reign of King Mohammed V

The first period (1956 – 1961) begins with the conquering of Morocco's independence from French colonial rule in 1956 and coincides with the brief reign of King Mohammed V. The basic 1955 Franco-Moroccan Agreement was

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[5] Willis M. J. (2009)
[6] Baracani E. (2005); Korany B. (1995); Zerhouni S. (2004)

in principle to be the first step toward the birth of the country's democratic statehood on the basis of constitutional democracy: in practice, however, Mohammed V's consultative monarchy left little place for effective democratization.

At the institutional level, the process started with the setting up of a Consultative National Assembly composed of various political tendencies and representing different religious, socio-professional and trade union settings. Though, the democratic value of this Council was more in appearance than in substance, since first, it was only a consultative body, and second, its members were chosen by the monarch rather than elected by universal suffrage.

At the doctrinal level, the 1958 Royal Charter proclaimed the monarch's desire to respect and reinforce individual and collective liberties, with the aim to consolidating the multiparty system within the framework of constitutional monarchy. In reality, however, the monarch played a strategy of fragmenting the political forces rather than one of good-faith multi-partytism, by constantly intervening among the political parties, and even by establishing new political organizations.

Indeed, after the initial phase of national front politics that united all Moroccan political parties around the monarch and against French occupation, divisions were soon to emerge for the effective exercise of political authority. The contenders were the monarch versus the political parties, principally the Independence Party (*Al-Istiqlal / Parti de l'Independence*, PI) - the oldest Moroccan opposition party, created in 1943, incarnation of the anti-colonial and independence movement, claiming its right to share power with the King in virtue of its strength as the main representative of civil society in country. Alongside the Istiqlal, other minor parties were the Moroccan Communist Party (*Parti Communiste Marocaine*, PCM), the Democratic Independence Party (*Parti Démocratique de l'Independence*, PDI) and the Popular Movement (*Mouvement Populaire*, MP).

Despite its apparent strength, however, Istiqlal failed to represent a serious challenge for the monarchy's power, because of its intrinsic weaknesses: a too much heterogeneous base of support (rural and urban bourgeoisie, liberal professionals, members of the middle-class, workers, small land owners and peasants, merchants), and internal ideological divisions concerning the basic orientations of strategy and tactics to adopt toward the monarchy and the other political forces. Indeed, soon two sides were to emerge within the party: a conservative wing (lead by the historical chief Allal Al-Fassi), accepting the democratization process as presented by the King, and a more progressive one (headed by younger leaders as Mohamed Basri, Mehdi Ben Baraka, Mhajoub

Ben Siddiq), calling for a limitation of the monarchical power as a first step toward more radical political and institutional reform. This latter group eventually quit and, in 1959, founded its own party, the National Union of Popular Forces (*Union Nationale des Forces Populaires*, UNFP).

By the end of the 1950s, thus, Morocco showed a political landscape characterized by a weak and fragmented multi-party system and very fragile parliamentary politics (the Consultative Assembly was indeed dissolved in 1959), which allowed for further consolidation of the monarchy's power monopoly, with the king holding its control over the principal bases of political power: the legislature (although), the executive (including the Army and the Police) and the local and regional administrative apparatus.[7]

2.2.2. The Second Phase (1962 – 1974): King Hassan II between Liberalization and Authoritarianism

The second period (1962 – 1974) follows the death of King Mohammed V in 1961 and the accession to the throne of his son Hassan II in 1962. The new King's reign was characterized by cycles of liberalization and authoritarianism, depending on the way the King chose to react to repeated regime crises. On the whole, however, he managed to preserve the monarchy's central role in the political system and marginalize the opposition political parties by adopting an undoubtedly authoritarian approach, while at the same time demonstrating a certain willingness to modernize the regime.[8]

This attitude clearly emerged since the beginning when, taking on the constitutional process initiated by his father in 1960 with the creation of an ad-hoc constitutional council charged to draft the first Moroccan constitution, he decided to bypass this body and ask French constitutional jurists to carry on this task. The new text - boycotted by the UNFP, the PCM and the Moroccan Workers Union (*Union Marocaine du Travail*, UMT), while supported by Istiqlal, the MP and several liberal independents – was submitted to national referendum in 1962 and eventually adopted by a majority of 85% of the population.[9]

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[7] Korany B. (1995)

[8] Meaningfully, his 30-years long reign (1962 – 1999) are widely known as *les années de plomb* ("the years of lead"), being engraved into Moroccans' collective memory as a period of dictatorship, violent repression and torture.

[9] Korany B. (1995)

The 1962 constitution was modelled after the 1958 French constitution, though granting even greater powers to the head of state. It instituted a hereditary monarchy (art. 20) and prohibited any constitutional revision regarding the monarchical nature of the state and the Islam religion (art. 108). The king was acknowledged as both secular and religious leader: his person being declared sacred and inviolable, symbol of national unity and guarantee of the State's continuity, the respect of Islam and the Constitution, as well as of national boundaries, territorial integrity and country's independence (art. 19); he was Head of the Royal Army and of the Supreme Judiciary Court (art. 33); he presided over the Council of Ministers and had the powers to promulgate the laws and to submit them to referendum, to appoint the ambassadors, to sign and ratify the treaties (art. 31), to nominate and dismiss the Prime Minister and the Ministers (art. 24) as well as to declare the state of emergency in case of danger for national integrity or national institutions (art. 35).

The constitution created a bicameral parliament consisting of a Chamber of Representatives (two-thirds of which were directly elected) and a Chamber of Councillors nominated through electoral colleges. Theoretically, this parliament was relatively strong since both chambers were to be consulted prior to the implementation of any royal legislative decree (art. 72) but practically its powers were limited by the King's capacity to dissolve the Chamber of Representatives (art. 27). [10]

In reality, thus, the constitution maintained the traditional nature of Morocco's political structure and processes, with the government and the legislature being kept subordinate to the palace. [11]

The first legislative elections in Morocco were held in 1963 and represented fairly well the weaknesses of this alleged democratization process. While formally all opposition forces were allowed to participate and campaign, the monarchy worked to offset their impact, by setting up a pro-palace coalition of loyalist parties - the Front for the Defence of Constitutional Institutions (*Front pour la Défense des Institutions Constitutionnelles*, FDIC), grouping together the Constitutional Democratic Party (*Parti Constitutionnel Démocratique*, PCD), the Independent Liberals (*Parti des Liberals Independents*, PLI) and the MP.

Though the FDIC didn't manage to get the majority necessary to govern (winning 69 seats, while other parties getting 75), they were nonetheless asked to form the government. Soon a legislative impasse was created, with the opposition parties – namely Istiqlal and the UNFP, which together held 69 seats

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[10] Leveau R. (2000)
[11] Korany B. (1995)

– systematically opposing the government policy. This difficult situation was compounded by the ongoing economic turndown which finally led to the Casablanca riots in March 1965.

The King reacted by suspending parliamentary politics and declaring the state of emergency on the basis of art. 35, in June 1965.[12]

This stalemate political situation lasted from 1965 to 1970, with Hassan II practically re-establishing absolute monarchy: he actually governed with the help of his own cabinet and close advisers, reducing the government to a pure administrative body, formed by non political personalities and civil servants loyal to him. Limits to the freedom of expressions for political parties were imposed; the Army was given accrued authority.

In 1970, in order to revive the constitutional legitimacy of the kingdom against the wave of student strikes and protests that was shaking the country, Hassan II urged for the promulgation of a new constitution, emerging as an authoritarian compromise. The new text endorsed a significant reduction of the Parliament's powers: the bicameral system was abandoned and replaced by the creation of a single Chamber of Representatives whose composition was left unspecified (art. 43)[13]; the deadline for the establishment of the Chamber was also left undetermined, so that elections could be postponed indefinitely; the king no longer needed to obtain the approval of the Chamber before issuing royal legislative decrees and became the sole person capable of initiating constitutional revisions (while previously sharing this power with the Prime Minister and the Parliament). The new constitution was submitted to national referendum and, despite being boycotted by both the Istiqlal and the UNFP, was eventually approved by 98.7% of the population, a plebiscite which was most likely the result of extensive vote manipulation. [14]

The following period saw a continuing political stalemate and a worsening of the economic conditions which fostered general discontent with royal policy, eventually culminating in two attempted coups to the life of Hassan II (in July 1971 and in August 1972), both of which failed.

On the wake of these events, the King tried to reassert his image as a democratizer by proposing a new constitution in 1972. It was less authoritarian than the second one, but failed to affect in any way the monarch's basic supremacy. Both the Chamber and the Prime Minister were granted more powers in the economic, social, and cultural realms; the Council of Ministers

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[12] Korany B. (1995)

[13] Actually, only one-third of this new Chamber would be directly elected by universal suffrage.

[14] Leveau R. (2000)

was now to be consulted on key issues such as declaration of war, state of emergency and constitutional revision (art. 65); it was reintroduced the universal suffrage for two-thirds of the Chamber, as it was in 1962.

Despite the call for boycott by the main opposition parties, the proposed constitutional reform was approved in a national referendum by 98.1% of the voters.

Yet, following this supposedly consensual approval, the political stalemate still continued: the elections expected for 1973 were delayed until 1977 and no representative government was established.

In such a context, social and political crises intensified and strikes multiplied. The monarchy reacted by increasing its authoritarian rule to defend the "threatened national security", by increasing restrictive measures against opposition parties, repressing civil society associations and even revising the code if individual liberties in a restrictive sense.

2.2.3. The Third Phase (1975 – 1992): the Western Sahara War and the 1992 Constitution

The third period (1975 – 1992) was mainly characterized by the attempt of Hassan II to restore his authority after such a critical period, by trying to forge national consensus through the Western Sahara campaign.[15] His mobilization of Moroccans behind a national cause – with the 1975 "*Green March*" which led to the occupation of 80% of the Western Sahara territory - contributed to restore the centrality of the monarchy and to build a consensus between the monarchy and the main opposition parties.

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[15] The Western Sahara is a disputed territory, bordered by Morocco, Algeria, Mauritania and the Atlantic Ocean. Formerly a Spanish colony since the late XIX, it was decolonized in 1966 upon UN demand. Since then, the control of the territory has been disputed between Morocco, claiming its sovereignty in virtue of the historical traditional loyalty of tribal Saharawi leaders to the Moroccan Sultan, and the Saharawi national liberation movement POLISARIO Front (*Frente Popular de Liberación de Saguía el Hamra y Río de Oro*), supported by Algeria and - until 1984 - Libya. In November 1975, King Hassan II ordered the massive, non-violent "Green March" (consiating of roughly 350 000 unarmed Moroccans) to assert the country's claim on Werstern Sahara, occuping almost 80% of the territory. In response, in 1976 the POLISARIO Front, controlling the remaining 20% of the area, proclaimed the Saharawi Arab Democratic Republic (SADR) - claimeing its sovereiginty upon the whole territory as representative of Saharawi people – which has been recognized until now by 81 states wolrd-wide. In 1988, Morocco and the Polisario Front agreed on a UN settlement proposal for a referendum, which yet never took place due to disagreements between the two parts on many issues. In 1991, a cease-fire and a settlement plan were established by the 690 UN Resolution, with the setting up of the United Nations Mission for the Referendum in Western Sahara (*MINURSO*), which deployed a roughly 200-person monitoring force to the territory.

The June 1977 elections, indeed, took place in a consensual climate, where the opposition forces resulted quite domesticated and fragmented[16], and were thus won by the pro-palace MP and the independents.[17].

Following the elections, no major political changes occurred until the early 1990s. It was only then that Hassan II, subject to increasing criticism from the lower classes and from Moroccan politicians for his incapacity to face the negative economic situation and for his foreign policy orientations[18], as well as from many European human-rights activists for cases of human right violations,[19] decided to undertook a process of political liberalization.

Among the most relevant palace's initiatives in this sense, there was the setting up in May 1990 of a Royal Consultative Council on Human Rights (*Conseil Consultatif des droits de l'homme*, CCDH) to resolve cases of disappearance and compensate victims of human rights violations, and the June 1991 political amnesty, which released 300 political prisoners.

The most important one, however, was the proposal for a new constitutional revision in 1992.

Besides some minor administrative rather than structural amendments voted in 1980[20], Morocco's constitution had experienced no major changes during all the '80s decade.

In 1992 the major opposition parties - grouped in a united front known as the *Koutla Bloc[21]* - drafted a memorandum to the King requesting direct universal suffrage in parliamentary elections. Hassan II reacted by stating his intention to revise the constitution and hold free elections.

The constitutional revision proposed by the King in 1992 - the fourth one since Moroccan independence - was due to address some of the opposition's

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[16] In 1975 the Casablanca section of the UNFP had split, forming the Socialist Union of Popular Forces (*Union Socialiste des Forces Populaires*, USFP).

[17] The following year the King managed to push the independents to institutionalize and form their own party, the National Rally of Independents (*Rassemblement Nationale des Indépendents*, RNI)

[18] In December 1990, several manifestations developed in almost every city in the country, to protest against the corrupted religious values of Hassan II's government, his rapprochement to the US and his decision to take part to the II Gulf War (by sending a 1200-persons military force in Saudi Arabia in support of the multi-national force due to free the Kuwait from Saddam Hussein's occupation).

[19] As for instance, the severe armed repression of the 1981 Casablanca riots, which caused between 600 and 1000 victims (66 for the official sources) among the demonstrators (i.e. mainly the lower classes affected by the economic downturn).

[20] For instance: voting age reduced from 18 to 16 years; establishment of a Regency Council under the Presidency of the Head of the Supreme Court; parliamentary term extended from 4 to 6 years.

[21] The Koutla was composed of four parties: the Istiqlal, the USFP, the PPS and the Organization of Democratic and Popular Action (*Organization de l'Action Démocratique et Populaire*, OADP)

demands in matters of human rights protection and monarchy's powers' reduction, and represented the first time in Moroccan history in which the opposition parties were consulted and involved in revising the constitution.

Indeed, the new text endorsed some minor signs of political openness in this sense: the preamble emphasized the "kingdom's commitment to human rights as universally recognized"; a Constitutional Council was created to replace the Constitutional Chamber of the Supreme Court in supervising the constitutionality of Moroccan politics and elections (art. 76 and art. 79)[22]; the Parliament's powers were enhanced with the right to set up temporary committees of inquiry, after majority vote, for gathering information on specific facts (art. 40) as well as with the power to debate and vote the government's platform; a new consultative Social and Economic Council was set up to help the Government and the Parliament in drawing up social and economic orientation plans; finally, the King could no more nominate the ministers and held no more responsibility over the cabinet (powers which were now transferred to the Prime Minister) and, also, a more restrictive interpretation of art. 35 prevented him from dissolving the Parliament during states of emergency. As usual, also this new constitution was approved by an almost plebiscitary majority in a national popular referendum.[23]

2.2.4. The Fourth Phase (1993 – 1999): the Late King Hassan II and the 1996 Constitution

The fourth period (1993 – 1999) signs the last years of King Hassan II reign, with two parliamentary elections in 1993 and 1997 and one important constitutional revision in 1996.

The 1993 legislative elections raise serious concerns about their fairness, nourishing beliefs of huge vote manipulation and opening a deep political crisis. In these two-round elections in fact, the opposition parties, which had obtained very good results in the first round of June 1993, received a disproportionate and insignificant number of seats in the second round of November 1993: indeed, the opposition parties grouped in the *Koutla Bloc* obtained 99 seats out of 222 on the first ballot and only 15 seats out of 111 in the second one, whereas the previous pro-government majority[24] received 116 seats

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[22] According to these articles, the President and half the members of this Council are appointed by the King, while the other half by the Head of Parliament after consultation with different parliamentary groups.

[23] Korany B. (1995); Leveau R. (2000)

[24] Grouping the MP, the RNI, the PDI, the Constitutional Union (*Union Constitutionale*, UC) and the National Democratic Party (*Parti National Démocrate*, PND).

in the first round and 79 in the second one.[25] The opposition parties claimed this disproportion as resulting from direct vote manipulation by the state bureaucracy and asked the King to cancel the elections. Upon his refusal, they protested by refusing to participate in forming the government, which led the King to appoint a technocratic composed of his loyal supporters and headed by Mohamed Lamrani.

It is out of this context – in which Hassan was seeking compromises intended to convince the opposition parties to participate in the government – that in 1996 a new constitutional revision was proposed and consensually accepted by all the opposition forces.[26]

The new constitution was essentially based on the previous ones, leaving almost unchanged the King's prerogatives, but introducing a relevant constitutional change: the restoring of the 1962 parliamentary bicameralism, with a slightly different system of representation.

The new Parliament was now consisting of two chamber: the Chamber of Representatives (*Majlis al-Nuwab/Assemblée des Représentants*), or lower house, with all its 325 members elected for a five-year term through direct universal suffrage with a party-list proportional representation system (295 elected in multi-seat constituencies and 30 from women-only national lists); and the Chamber of Councillors[27] (*Majlis al-Mustasharin/Chambre des Conseillers*), or upper house, with 270 members elected for a nine-year term through indirect vote by local councils (162 seats), professional organizations (91 seats) and labour union (27 seats).

Both chambers were now empowered with the right to express their vote of no-confidence to the government, able to cause the cabinet's collective resignations (with the requirement of an absolute majority in the lower house and of a 2/3 majority in the upper house).

Another important constitutional change was the affirmation that sovereignty belonged to the nation, rather than to the King (art. 2).

The 1997 elections represented an important turning point in Moroccan political history: for the first time all political parties could use radio and TV for their election campaigns; for the first time computers were used; for the first time an Islamist party – the People's Democratic and Constitutional Movement

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[25] Source: Inter-Parliamentary Union (IPU) *http://www.ipu.org/parline-e/reports/arc/2221_93.htm*

[26] Kingdom of Morocco, Constitution of 1996: *http://www.al-bab.com/maroc/gov/con96.htm*

[27] The Chamber of Counsellors was modelled after the German system of Länders, with its members supposed to represent the country's various regions and its most important socioeconomic groups.

(*Mouvement Populaire Democratique et Constitutionnel*, MPDC), then renamed Party of Justice and Development (*Parti de la Justice et du Développement*, PJD)[28] - was allowed to compete in the race, even gaining some relevant success (9 seats); for the first time, finally, the historical opposition forces got access to the government, giving birth to the first Moroccan coalition government (*gouvernment de l'alternance*).

In these elections, indeed, three major coalitions, the *Koutla Bloc (*the opposition*)*, the *Wifaq Bloc* (pro-government right) and the *Center Bloc* received an almost equal number of seats (102, 100 and 97, respectively). The USFP won the larger number of seats (57) but not the majority.[29]However, the King appointed this party's leader, Abderrahman Youssoufi, as Prime Minister and asked him to form a coalition government. Almost all the members of the cabinet came from the USFP and the Istiqlal, but significantly the five most important ministers, the so-called "Sovereignty Ministers" (Justice, Interior, Foreign Affairs, Defence and Islamic Affairs), were still kept under the direct supervision of the King, who personally chose the ministers in charge of them. Thus, if the government was in charge of the economic situation, the state's internal and external security kept remaining an exclusive prerogative of the monarchy.

2.2.5. The Fifth Phase (1999 – 2011): the Reign of King Mohammed VI

The fifth period (1999 – 2011) started with the death of Hassan II in July 1999 and the assumption to the throne of the new king Mohammed VI.

If politically liberalization was to some extent already on the agendas of his predecessors, the new king presented himself since the very beginning as an enlightened moderniser, starting putting in place a fairly broader set of reforms

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[28] The PJD was created in 1998 from the merger of two movements. One was the pro-monarchy People's Democratic and Constitutional Movement (*Mouvement Populaire Democratique et Constitutionnel, MPDC*), created by Abdelkrim Khatib in 1957. The other was the Islamic Group Association, founded in 1981 by Abdelillah Ben Kirane, who formerly belonged to the jihadist social revolutionary Islamic Youth mouvement (*Shabiba Islamiyya*): when the Islamic Youth was banned in 1976, Kirane decided to work through legal political channels by setting up the Islamic Group Association, which in 1992 changed its name in *Islah wa Tajdid* (Reform and Renewal) and applied for legalization as a political party. Following the authorities' refusal, in 1996 Kirane decided to join the MPDC (already existing as a recognized party), bringing with him the new born League for an Islamic Future, a grouping of almost 200 Islamist associations, which was led by Ahmed Raïssouni and later renamed as the Unity and Reform Movement (*Mouvement pour l'Unité et la Réforme*, MUR). Kirane was then elected Deputy-Secretary of the MPDC, becoming Khatib's right-hand man. In 1998, the party renamed itself as the Party of Justice and Development (*Parti de la Justice et du Développement*, PJD). (Boubekeur A. and Amghar S., 2006)

[29] Source: Inter-Parliamentary Union (IPU) *http://www.ipu.org/parline-e/reports/arc/2221_97.htm*

across a wide range of sectors as well as more specific initiatives in the fields of family law, civil and human rights and poverty alleviation (respectively, a comprehensive revision of the family code, the *Moudawana*; the establishment of the Equity and Reconciliation Commission, *Instance d'Equité et de Réconciliation*, IER; the launch of the National Human Development Initiative, *Initiative Nationale pour le Développent Humaine*, INDH).[30]

In the political sphere, the parliamentary elections which took place in September 2002 signed a turning point in Moroccan elections history for their transparency and fairness, and also for the 10% quota of seats (i.e. 30 seats) reserved to women. Though, they did show a critically high abstensionism rate (the voter turnout was only at 52%)[31] and cases of independent journalists and other critics of the king being harassed and detained were reported.[32]

Of the 26 parties listed, no one obtained an absolute majority. The best performing parties were the USFP (with 15.38% of the votes and 50 seats) and the Istiqlal (with 14.77% of the votes and 48 seats), followed by the surprisingly striking affirmation of the PJD as the third political force in country (winning 12.99% of the votes and 42 seats), while the conservative RNI and MP gained respectively 41 and 27 seats.

The King appointed his loyal outgoing Interior Minister Driss Jettou as the new Prime Minister, leaving him the task to form an ideologically all-including coalition government with the USFP, the Istiqlal, the RNI, the MP, and the PPS.

The following parliamentary elections in Morocco were held in September 2007 and were hailed by both local and international observers and political leaders as the most fair and transparent in Moroccan history.[33]Nonetheless, a remarkable number of violations involving vote buying was reported in both

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[30] The revision of the *Moudawana* and the IER will be analysed in details in the chapters III, the INDH in chapter IV.

[31] Among the possible reasons behind this low turnout there is certainly the abstensionism of most of the Berbère population, to protest against the government's disregard of their demands for the teaching of the *amazigh* language in schools and for a stronger recognition of their culture.

[32] Freedom House (2010) "*Freedom in the World 2010 – Morocco*"
http://www.freedomhouse.org/report/freedom-world/2010/morocco

[33] For the first time, an international electoral observer mission as well as the involvement of domestic NGO electoral observers was accepted, and the government-sponsored Human Rights Advisory Council (*Conseil Consultatif des Droits de l'Homme*, CCDH) was officially charged with overseeing monitoring efforts. The international mission was led by the National Democratic Institute, while the local NGOs were mostly grouped into the Network of Elections Monitoring Organizations (a coalition of around 350 associations across the country). Other major local NGOs among the electoral observers were the Moroccan Association for Human rights (AMDH), the Moroccan Centre for Human Rights (CMDH), and the Moroccan Democratic Civil Forum (FCDM).

(*http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2007/09/18/feature-01*)

rural and urban areas, and besides, the voter turnout shrunk dramatically, reaching an historical low of 37% (down from 52% in 2002 and 58% in 1997).[34]

The number of contesting forces was quite extensive, with candidates from 33 political parties and 13 groups of independents running for the elections and most of the electoral programs were promising solutions to the country's various social problems, such as unemployment, housing, education, and infrastructure. The results indeed were quite unexpected to many observers: the Istiqlal got the leading position (with 10.7% of the votes and 52 seats), followed by the PJD which performed worse than opinion polls had predicted (winning 10.9% of the votes and 48 seats). The pro-monarchy MP and RNI gained 41 and 39 seats respectively, while the USFP registered an incredible decline with respect to the previous elections, winning only the 8.9% of the votes and 38 seats. The King appointed as Prime Minister the Istiqlal leader, Abbas El Fassi, who put up a cabinet composed of 33 ministers, including 7 women. Four parties were included in the government: the Istiqlal, the RNI, the USFP and the PPS, while surprisingly the well performing PJD failed to secure any participation in it.

By 2009, prime Minister El-Fassi appeared to have fallen out of favour, as Fouad Aliel-Himma, former Deputy Interior Minister and a close associate of the king, organized the pro-palace Modernity and Authenticity Party (*Parti Authenticité et Modernité*, PAM) to contest local elections in June. The new party led the voting with more than 20% of local council seats, followed by Istiqlal with about 19%. The PJD placed only sixth with less than 6% of votes, though it reportedly did well in urban areas.

The general assessment from international and local observers was that the elections took place in good circumstances and without significant irregularities, although widespread vote buying, bribery, intimidation, and other forms of manipulation were still reported, and analysts regarded the official turnout figure of 52% with some scepticism.[35]

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[34] Freedom House (2010) "*Freedom in the World 2010 – Morocco*" *http://www.freedomhouse.org/report/freedom-world/2010/morocco*
[35] Freedom House (2010) "*Freedom in the World 2010 – Morocco*" *http://www.freedomhouse.org/report/freedom-world/2010/morocco*;

Tab. 2.1 Results of the 2007 Legislative Elections, Lower House

Name	Acron.	Founded in	Vote%	Seats	Political ideology
Independence Party (*Parti de l'Independence / Al- Istiqlal*)	**PI**	1943	10.7%	52	Right Nationalism Monarchism
Justice and Development Party (*Parti de la Justice et du Développement*)	**PJD**	1998	10.9%	46	Right Islamism Conservatism
Popular Movement (*Mouvement Populaire*)	**MP**	1957	9.3%	41	Centre-right Liberalism Nationalism
National Rally of Independents (*Rassemblement National des Indépenda*nts)	**RNI**	1978	9.7%	39	Right
Socialist Union of Popular Forces (*Union Socialiste des Forces Populaires*)*	**USFP**	1975	8.9%	38	Centre-left Socialism
Constitutional Union (*Union Constitutionnelle*)	**UC**	1983	7.3%	27	Right Liberalism Monarchism
Party of Progress and Socialism (*Parti du Progrès et du Socialisme*)	**PPS**	1974	5.4%	17	Left Socialism
National Democratic Party (*Parti National-Démocrate*)	**PND**	1981	5.5%	14	Centre-right
Covenant Party (Parti de l'Alléance / *Parti Al Ahd*)		2002			Centre-right
Front of Democratic Forces (*Front des Forces Démocratiques*)	**FFD**	1997	4.5%	9	Centre Liberalism
Democratic and Social Movement (*Mouvement Démocratique et Sociale*)	**MDS**	1996	3.7%	9	Left Socialism
National Congress Party (*Parti du Congrès National Ittihadi*)	**CNI**	2001	3.2%	6	Left Socialism
Democratic Socialist Vanguard Party (*Parti de l'Avant-garde Démocratique Socialiste*)	**PADS**	1992			Left Socialism
Unified Socialist Party (*Parti Socialiste Unifié*)	**PSU**	2005			Left Socialism
Labour Party (*Parti Travailliste*)	**PT**	2005	3.0%	5	Left Socialism
Environment and Development Party (*Parti de l'Environment et du Développement*)	**PED**	2002	2.9%	5	Left
Party of Renewal and Equity (*Parti de Renouveau et de l'Équité*)	**PRE**	2002	1.8%	4	Centre
Socialist Party (*Parti Socialiste*)	**PS**	2006	1.5%	2	Centre-left Socialism

Moroccan Union for Democracy (*Union Marocaine pour la Démocratie*)	**UMD**	2006	1.7%	2	Right Monarchism
Citizens' Forces (*Forces Citoyenn*es)	**FC**	2001	0.7%	1	Liberalism
Alliance of Liberties (*Alliance des Libertés*)	**ADL**	2002	0.8%	1	Centre Liberalism
Citizenship and Development Initiative (*Initiative Citoyenneté et Développement*)	**ICD**	2002	1.1%	1	Centre
Party of Renaissance and Virtue (*Parti de la Renaissance et de la Vertu*)	**PRV**	2005	0.8%	1	Centre-right Islamism

Sources:http://psephos.adam-carr.net/countries/m/morocco/morocco20071.txt;www.ArabParliaments.org

* Formerly part of the National Union of Popular Forces, UNFP, founded in 1959

Note: Besides the parties reported in the table, two other political forces – not legally recognized and thus not appearing from the elections results - need to be mentioned as relevant to the Moroccan political landscape:

- The **Amazigh Moroccan Democratic Party** (*Parti Démocratique Marocain Amazigh,* PDMA), of centrist orientation, founded in 2005 by Berbers activists with the aim of promoting the Moroccan Amazigh/Berber identity and language. In April 2008 the party has been considered illegal and banned by a Moroccan Court of Justice's verdict pronounced after a law suit filed by the Moroccan Interior Minister.

- The Islamist movement **Justice and Charity** (*Al Adl wa Al Ishane,* JC), created by Abdessalam Yassine in 1988. Due to its extremist positions, the association was officially outlawed in 1990 and never got official recognition as a legal political party by the government, thus remaining illegal, albeit generally tolerated by the authorities.

Tab. 2.2 Other Minor Moroccan Political Parties

Name	Acron.	Founded in	Political ideology
Reform and Development Party (*Parti Réforme et Développement*)	PRD	2001	Liberalism
Moroccan Liberal Party (*Parti Marocain Libéra*l)	PML	2002	Centre Liberalism
Democratic Independence Party (*Parti Démocratique de l'Indépendance*)	PDI	1946	Center
Action Party (*Parti de l'Action*)	PA	1974	Left Socialism
Social Centre Party (*Parti du Centre Social*)	PCS	1982	Left Socialism
Party of Hope (*Parti de l'Espoir*)	PE	1999	Left Progressism
Party of Civilizasing Alternative (*Parti de l'Alternative Civilizationnelle*)	PAC	2002	Socialism
Democratic Socialist Party (*Parti Socialiste Démocratique*)	PSD	2007	Centre-left Socialism
Renaissance Party (*Parti de la Renaissance – Annahda*)	PR	2003	Liberalism
Liberty and Social Justice Party (*Parti de la Liberté et de la Justice Sociale*)	PLJS	2004	Centre

Source: www.ArabParliaments.org

2.3. A Sixth Phase? The Moroccan Arab Spring, the 2011 New Constitution and the 2011 Parliamentary Elections

2.3.1. The Moroccan Arab Spring

In early 2011, starting with the Tunisia's revolutionary upheaval on 17 December 2010, a wave of mass protests invested the whole North African region. Revolutionary upheavals took place in Egypt and Libya, but major protests spread out also in Algeria, Bahrain, Jordan, Yemen and Syria (this latter to fall later on in a bloody and still on-going civil war).

Morocco was not exempted from the protests: on 20 February 2011, thousands of Moroccans rallied in Rabat, asking for democratic constitutional reforms.[36] They were mainly questioning the excessive concentration of powers in the hand of the King and asking for reforms aimed at forcing the King to give up some of his powers and strengthening Parliament's and Prime Minister's powers instead.[37] Major protests and disorders invested also Casablanca, Marrakesh, Tangier and several minor Moroccan cities such as Fez, Al Hoceima, Tétuan and others, for an estimated total number of protesters put at 37,000, according to the Interior Ministry. Other protests which followed on late February and early March saw the violet intervention and repression by part of the Police.

Main coordinator of these protests was the "20 February" youth movement – the origin of whose name is fairly obvious. Like protests movements in other Arab countries, the February 20 movement is a leader-less and structure-less amalgam of young people, holding monthly general assemblies - in the towns where it exists – which are open to the public and autonomous one from each other. Coordination among the different groups takes place, to the extent it does, via Facebook. The movement is looked at with suspicion by the mainstream political parties, although, the young wing of many parties have joined in without official blessing. It appears to have broad demands—essentially for democracy and jobs—but any such a real "program". Parallel to it, a number of leftist political parties, independent labor unions, left-leaning human rights organizations, and Islamist movements set up a Council to Support the February 20 movement.[38] Anyway, notwithstanding its ability of

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[36] The Associated Press estimated the turnout in Rabat at 4,000 while organizers put the crowd outside the Parliament at 20,000.

[37] Among the most common slogans: "*Down with autocracy*" and "*The people want to change the constitution*"(Champion M., 2011)

[38] The most important among them are the Islamist movement al-Adl wal Ihsan (Justice and Charity), the United Socialist Party (PSU), and the Moroccan Association for Human Rights (AMDH). Given the

mobilizing huge crowds of Moroccans all across the country, protests in Morocco never reached the extent of those of many of its neighbouring countries.

On 9 March, the King made a televised speech announcing his decision to undertake a comprehensive constitutional reform aimed at improving democracy and the rule of law, underlining his "firm commitment to giving strong impetus to the dynamics of the reforms taking place". [39] He announced the formation of a Royal Commission appointed by him, with the task of drafting a new constitution by June, to be submitted to national referendum by next July. On 14 April, he even granted a partial amnesty, releasing or reducing the sentences of 190 prisoners, including Islamists and Saharawi activists.

Though, such moves did not suffice protesters' demands, so that gatherings, demonstrations and protests continued to be held almost on a daily basis through the following months, most of the time ending up in riots and clashes with the Police intervened to repress them.

2.3.2. The 2011 Constitutional Revision: Process and Content of the Reforms

a) The drafting of the new Constitution

Besides the content of the reforms itself – which will be shown in details in the following paragraph - what has legitimately raised suspicions and critics among activists as well as among most external commentators is the way the revision was conducted, basically due to the non-consultative nature of the drafting process, to the excessive speediness in the pace of approval imposed by the palace and to the unbalanced referendum campaign.

Indeed, the task of drafting the new charter was assigned not to an elected constituent body – as requested by the 20 February movement – but instead to an Advisory Royal Commission, composed of 20 members all appointed by the King and chaired by the constitutional law professor Abdellatiff Mennouni, himself a close advisor to the King. The guidelines for the draft were outlined

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array and the ideological diversity of parties and organizations that belong to it, the support council is deeply divided with members forming alliances against each other. More structured than the movement itself, it holds meetings and issues communiqués, but it is not clear whether or not the February 20 members themselves agree with its positions.

[39] Text of the King's speech addressed to the Nation, 09 March 2011:
http://www.maroc.ma/NR/rdonlyres/00002015/pisgmllvmaxpxxqbirtpudaflwnownkc/Texteint%C3%A9graldu
discoursadress%C3%A9parSMleRoi%C3%A0laNationmercredi09mars.pdf

in a speech given by the King on 9 March, and the work and discussions of the commission were not made public. As a sort of counterbalance, the palace also set up a consultative body (an "accompanying mechanism") to function as liaison between the Commission and political parties, labour unions businessmen associations, human rights organizations, and other interested parts; though, its contribution was grossly limited by the fact that it also was headed by an advisor to the king, Mohammed Moatassim, and that the organizations were not shown a written draft of the new charter before 16 June.

Finally, after three months of deliberations, a written draft of the Constitution was submitted to the "mechanism" on 16 June, only 24 hours before it was presented by the King in a nation-wide televised speech.[40] The Council of Ministers was asked to vote on it on the same day of the announcement, and Moroccans were called to vote on it on national referendum in less than two weeks, on 1 July. It was quite evident the Palace's willing to pass the reform quickly in order to leave the opposition no time enough to organize.

The official referendum campaign was also grossly unbalanced, with the Palace variously trying to influence public opinion through mass manipulation and intimidation: the appeal for an equal share of airtime on TV and radio (coming from the *Mamfakinch!* group[41] along with a collective of NGOs) was ignored by the government, which instead instructed private radio stations not to invite journalists or activists known for their opposition to the draft or those calling for boycott; imams received written instructions by the Ministry of Foreign Affairs to urge a yes vote during their Friday sermons; in his speech in favour of the constitution's approval the King even cited a passage from the Qur'an enjoining the public to follow his "way", thus linking the vote to a religious duty; physical attacks on members of the "February 20" movement were also raised.[42]

The protest movement leaders opposed the reforms envisaged in the King' speech as being only a half-measure, heavy on inclusive rhetoric and light on actual reform, and actually representing nothing more than a top-down Monarchical concession - the reason why they call for boycott the referendum. Among the political parties, only four minor far leftist ones joined the call for

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[40] Text of the King's speech, 17 June 2011: *http://www.maroc.ma/NR/rdonlyres/099EE393-85FA-4F31-AC73-4D923D8E5215/0/Texteint%C3%A9graldudiscoursadress%C3%A9parSMleRoi%C3%A0laNation.pdf*

[41] The *Mamfakinch!* Group (*We won't give up!* in Moroccan dialect) is a group of web activists - representing the Internet extension of the "February 20" movement - which vehemently denounced the irregularities and the undemocratic pattern of the constitutional "debate".

[42] Aalmirat H. (2011)

boycott, while all the others – including the PJD – embraced the reforms and campaigned for a "yes" vote.

The new constitution was finally approved on national referendum on 1 July 2011, by a striking 98.50% of the voters with a remarkable turnout of 76.45% (according to the official data released), and promulgated on 19 July 2011.[43]

Referendum results were highly contested by dissenters, which widely documented incidents of voters being transported to polling stations by local officials, stations not carrying no-vote slips and electoral officials not verifying identification or requiring voter signatures, as well as reports of Moroccan residents abroad reporting looser identification requirements and consular officials' supervising voting in mosques. It was not the 98.5% approval result to be contested by protesters (blamed on a poor, under-educated and intimidated electorate) but rather the 72.45% turnout claimed by the Interior Minister, as earlier Ministry statements, media polls and anecdotal reports had put the figure at no more than 50-60%.

b) The content of the reforms

If not revolutionary, the constitutional revisions were certainly radical, responding directly to many of the protesters' demands. The new text expanded from 108 to 180 the number of articles, and very few of the older articles have remained unchanged. The main reforms enshrined in the new text can be resumed in the following set of points:

▪ The new Preamble defines Morocco as a "modern State", founded on the "principles of participation, pluralism and good governance", aiming at constructing a "democratic State of Law" together with a "solidarity society where all enjoy security, liberty, equality of opportunity, respect, dignity and social justice." This paragraph precedes the stating of Morocco as an "Islamic sovereign State", the first line of all previous constitutions.

▪ The country is redefined as a culturally and linguistically plural state. The Preamble, after stating the Kingdom's attachment to the principles of national unity, territorial integrity and national identity ("one and indivisible"), clearly specifies that "its unity is forged by the convergence of its Arab-Islamist, Berber and Saharan-Hassanic components, nourished and enriched by its African, Andalusian, Hebraic and Mediterranean influences". Indeed, while in the previous constitution the official status of

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[43] Constitution of the Kingdom of Morocco, July 1, 2001. French version:
http://www.parlement.ma/fe/images/CONST/constitution%20du%201er%20juillet%202011.pdf

Arabic was inscribed in the first line of the Preamble, in the new one it only appears later in art. 5, stating that "Arabic remains *the* official language of the state". Remarkably, the same article recognizes the Amazigh (Berber) language, common patrimony of all Moroccans, as *an official state language* along with Arabic. The implementation of its official character and the modalities of its integration into teaching and into main domains of public life are defined by organic law. The Hassani language as well, as an integral component of Moroccan cultural unity, is granted preservation - and protection of its speakers – by part of the State. A National Council of Language and of Moroccan Culture is created, charged with protecting and developing the Arabic and Berber languages, as well as all the diverse Moroccan cultural expressions (art.5).[44]

▪ A whole new section - Title II (art. 19 to art. 40) - granting the Fundamental Freedoms and Rights of the individuals, is introduced, remarkably extending the sets of liberties constitutionally protected. Indeed, in the 1996 text these were limited to: the granting of political equality to man and women (former art. 8); the freedoms of movement, opinion, expression, public gathering and association (former art. 9); the right not to be arbitrarily arrested or put into custody (former art.10); the right to the secrecy of personal correspondence (former art. 11); the guarantee of equal opportunities to all for employment in public offices (art. 12) and in seeking education and employment (former art. 13); the right to strike (former art.14); and the right of private property and free enterprise (former art. 15). In the 2011 text, they are extended as such: equality for man and women with respect to all the rights/freedoms in the civil, political, economic, social, cultural and environmental domains, with the state charged with working for the realization of this parity (art.19); right to life (art. 20); right to security (art. 21); right to physical or moral integrity and prohibition of torture (art. 22); reinforced prohibition of arbitrary arrest, detention, prosecution or condemn, and racism (art. 23); granted protection of private life, inviolability of the domicile and secrecy of private communication (art. 24); freedom of thought, opinion and expression (art. 25); freedom of the press (art. 28); rights to health care, social protection, quality education, decent housing, water, clean environment and durable development (art. 31); special safeguard of the rights of women, children, elderly persons and the disabled (art. 32 and

[44] Some Amazigh activists continue to worry that the distinction between *"the"* and *"an"* will perpetuate Amazigh's secondary status, and also remain skeptical over the effectiveness of the future law that will regulate its introduction into the education and media systems. Nonetheless, the change does put Morocco ahead of its North African neighbours in respect for indigenous rights.

art. 34); special provisions in support of the youth, such as the state investment in the arts, scientific research and sports (art. 26) and the creation of a Consultative Council on Youth and Associative Action aimed at boosting youth's participation in the economic, cultural and political life of the country (art. 33)

- Also the forms of <u>collective aggregation and representation of citizens</u> received much more extended guarantees. While in the 1996 text they were only covered by art. 3 - stating that "political parties, unions, district councils and trade chambers shall participate in the organization and representation of the citizens" - and art. 9 - granting the freedom of association and of belonging to any or political group - the 2011 text reserve them a full sets of articles granting constitutional protection to each one of the following: political parties (art. 7); union organizations (art. 8); parliamentary opposition (art. 10); civil society associations and NGOs (art 12); free, honest and transparent elections (art. 11).

- The <u>Judiciary</u> is declared as an <u>independent *power*</u> vis-à-vis the legislative and executive powers, with the King placed as a guarantee of such independence (art. 107), and with the explicit prohibition of "any intervention in the matter submitted to justice"(art. 109). The previous constitution was only affirming the independence of the "judicial *authority"* (art. 82), implying that the judiciary was an authority rather than a separate and independent power. Significantly, the name of the section itself (Title VII) is changed from a simple *"The Judiciary"* to a more explicit *"The Judicial Power*", sub-headed by *"The Independence of Justice".* Yet, though declared in name, such a full independence appears problematic in so far as the King's powers in this matter remain unchanged from the previous text: he keeps, indeed, presiding the Superior Council of the Judiciary [45] (art. 56 and art. 115) as well as approving the appointment of the judges by part of this latter (art. 57). On the other part, the new constitution adds to this section a new sub-section "on the rights of the persons amenable to justice and on the rule of functioning of justice" (arts. 117-128), granting the principles of due, fair, public and speedy process, presumption of innocence and state-provided justice, as well as providing checks on judges' partiality and on outside influence on the judicial process. Finally, an entire new section (Title XII, arts. 154-167) on "<u>good governance</u>" is added, which, among the others,

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[45] The Superior Council of the Judiciary is the body superseding the application of the guarantees accorded to the magistrates concerning their independence, appointment, advancement, retirement and discipline (art. 113)

outlines guarantees against the corruption or non-compliance of civil servants, and establishes a National Council on Human Rights (art. 161) and a national Ombudsman representing complaints of citizens regarding the public administration (art. 162).

▪ The new charter also allows for significantly <u>more territorial pluralism</u>, describing Morocco's territorial organization as "decentralized, founded on an advanced regionalization" (art. 1) and including a set of new articles (Title IX) which, among the others, recommend state efforts to foster local citizenship and human development across the regions (arts. 136-139), outline a limited degree of local financial independence (art. 141) as well as the creation of an inter-regional solidarity fund, aimed at reducing the disparities between regions through an equitable allocation of resources" (art. 142). [46]

▪ <u>Security issues</u> also received renewed attention, mainly through the inclusion of security at the head of the list of basic rights in the preamble, and through the creation of a <u>High Security Council</u> presided by the King, with the charge of coordinating strategies of internal and external security and managing crisis situations (art. 54).[47]

Top importance is also enshrined it the following set of reforms aimed at reshuffling the balance of power between the King, the executive and the legislative power, partly reducing the King's prerogatives while increasing those pertaining to the Prime Minister (now "Head of Government") and to the Parliament:

▪ The former art. 19, which stated together the King supremacy as <u>political and spiritual leader</u>, is now <u>split in two separated articles (art. 41 and art. 42)</u> affirming each one the supremacy in one realm, thus putting a sort of divide between the two spheres. He is thus recognized - on the one side - as the <u>Commander of the Faithful</u> (*Amir Al Mominine*), guarantor of the respect of Islam as well as the free exercise of beliefs, and Chair of the Superior Council of the Ulemas (art 41), and on the other side as the <u>Head and Supreme Representative of the State</u>, <u>Symbol of National Unity</u>, <u>Supreme Arbiter</u> between the Institutions, <u>Guarantor of the Constitution</u>,

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[46] The practical details of the decentralization program - like so many of the constitution's reforms - await a set of laws yet to be written, the reason why many activists either remain skeptical and on a wait-and-see approach, or (such as the February 20 movement) even oppose the reforms as insufficient and ultimately undemocratic. (Silverstein P., 2011)

[47] Especially following the April 28 bombing of the Argana tourist café in Marrakesh, Morocco's has worked hard to shed its reputation as a breeding ground for terrorists, and these reforms are key part of this strategy.

of the rights and freedoms of the citizens and social groups, of the permanence and continuity of the State <u>and of the independence and territorial integrity of the Kingdom</u> (art. 42).

- The King is <u>not anymore recognized as "sacred"</u> – as it was in the previous text – even if still recognized as "inviolable", with the additional clause that "respect is due to Him" (art. 46, 2011 Constitution; former art. 23, 1996 Constitution).

- The King must <u>appoint the Head of Government from within the party arriving ahead in the elections</u> of the chambers of Representatives and considering their results, while previously he could appoint the Prime Minister on his own autonomous will. As in the previous text, he is still in charge of appointing the members of the cabinet, upon the Head of Government's proposal, and can still terminate the mandate of one or more of them upon his own initiative, but for this latter prerogative he is now required to <u>preliminarily consult with the Head of Government</u> (art. 47, 2011 Constitution; former art. 24, 1996 Constitution). Also he is still charge of presiding the Council of Ministers (composed by the Head of Government and the ministers), but – differently from the previous text – <u>he can now delegate this power to the Head of Government</u> (art. 48, 2011 Constitution; former art. 25, 1996 Constitution).

- The powers pertaining to the <u>Head of Government</u> result slightly enhanced with the following new prerogatives: he can demand the King to <u>terminate the functions of one or more of the members of the government</u> (upon his own initiative or following their individual or collective resignation) and, in case of his own resignation, the King must terminate the functions of the whole government (art. 47); he can be <u>delegated the presidency of a Council of Ministers</u> by the King (art. 48); he <u>presides over the Council of Government</u>, which prepares the general policy of the state (art. 92) – a position previously held by the King; he can <u>dissolve the Lower House</u> - after having consulted the King and the Presidents of that Chamber and of the Constitutional Court (art. 104) – a power which was previously exclusive prerogative of the King; he makes <u>appointments to the civil offices</u> in the public administrations and to the high functions of the public establishments and enterprises (art. 91), besides making the <u>proposals to the Council of Ministers for the appointment of other major civil offices</u> such as the Governor of the Bank of the Maghreb, ambassadors, *Walis* and Governors, and the responsible persons of the administrations charged with internal security as well as of the public strategic establishments and enterprises (art. 49) – all appointments

previously pertaining to the King (former art. 30, stating that "the King shall make *civil* and military appointments"). This set of new prerogatives appears to be – at least on paper – a meaningful change, as in the previous Constitution the Prime Minister's powers were virtually limited to the exercise of the regulatory power (former art. 63) and the coordination of the different Ministers' activities (former art. 65).

▪ The <u>prerogatives of the Parliament have also been expanded</u>. Most prominently: a) Morocco is now recognized as a "constitutional, democratic, <u>*parliamentary*</u> and social Monarchy" (art. 1), whereby the previous text only stated "democratic, social and constitutional Monarchy"; b) The areas of competence of the Legislative Power have been expanded. If the previous text (former art. 46) only listed 9 areas as explicit domain of the law (namely: the individual and collective constitutional rights; the penal and civil procedure; the statute of magistrates; the general statute of public offices; the fundamental guarantees of civil and military personnel; the electoral system of local assemblies and councils; the regulation of civil and commercial liabilities; the establishment of new public agencies; and the nationalisation or privatization of enterprises), the new art. 71 expands them to 29 (most remarkable new ones being: the statute of the family and the civil estate; the status of foreigners; the regimes of broadcast media, press, technologies of information and communication; the power of granting amnesty; the statute of the central bank and the regime of banks and insurance companies; the regimes of public, private and collective real public property; the labour and social security relations; urbanism, land management, protection of the natural resources and lasting development; the orientations and the general organization of teaching, scientific research and vocational instruction); c) The requirements for proposing a motion of censure over the government by part of the Parliament have been reduced: if previously the signing by 1/4 of the members for the Lower House and by 1/3 for the Upper House was needed for the proposal to be acceptable (former art. 76 and art. 77), a lower 1/5 for both Chamber is now required with the new text (new art. 105 and art. 106).

2.3.3. The November 2011 Parliamentary Elections

In a televised speech on 30 July, the King urged the constitutional change to be implemented rapidly, starting with parliamentary elections. These were thus brought forward – from the scheduled date of September 2012 - to October 2011 and finally slightly postponed to 25 November 2011.

Thirty-one parties participated, contesting the 395 seats of the House of Representatives (with 60 seats reserved for women and 30 for under-40 years-old candidates); 18 of them gained seats.[48] The official turnout was reported at 45.4%, but doubts have been raised on the validity of such figure, suggesting it was much lower. Anyway, they have largely been reported as to be the fairest elections in Morocco's history.

The vast majority of seats were won by three groups: the PJD, which gained alone 107 seats; the newly founded eight-party "Coalition for Democracy" (grouping RNI, MP, UC, PAM and four other minor parties), which totalled 159 seats; and the ruling "Koutla Coalition" (grouping *Istiqlal*, USFP and PPS), which gained 117 (see Tab. 2.3). The PJD was the party winning alone the largest parliamentary representation – although not a majority – which, according to the new Constitution, made his leader, Abdelillah Benkirane, the new Prime Minister. The affirmation of a moderate Islamist party as the first political force at the national level certainly represents a remarkable turning point for Morocco, which can easily be read as an outcome of the Arab Spring. Though, absent a voting majority, the PJD electoral victory was constrained by the need to negotiate with other parties in order to form a coalition government: after relatively swift and short negotiations, a heterogeneous four-party coalition government was finally announced on 3 January 2012, including the leading PJD, Istiqlal, the MP and the PPS. [49]

If the newly empowered PJD-led government will concretely be able to bring winds of change to Morocco's political scene - managing to enact the dozens of organic laws required by the new constitution, to introduce measures to tackle the cost of living, unemployment and welfare tasks at large, as well as problems of corruption and accountability – will to a large degree depend on how cooperative the other coalition parties will be and to which extent the Palace will be willing to relinquish some of its powers. The supposed gains the Arab Spring brought to Morocco's politics is thus an open question to be appraised in the near future.

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[48] As a protest against the Monarchy's handling of the situation, the 20 February movement along with the Islamist organization *Al Adl* and three minor far-leftist parties call for boycott the elections.
[49] El Katiri M. (2012)

Tab. 2.3 Results of the 2011 Legislative Elections, Lower House

Name	Acron.	Vote%	Seats	Seat change	Political ideology
Justice and Development Party (*Parti de la Justice et du Développement*)	**PJD**	22.8%	**107**	∧ 61	Right Islamism Conservatism
Independence Party (*Parti de l'Independence / Al- Istiqlal*)	**PI**	11.9%	**60**	∧ 8	Right Nationalism Monarchism
National Rally of Independents (*Rassemblement National des Indépendan*ts)	**RNI**	11.3%	**52**	∧ 13	Right
Authenticity and Modernity Party* (*Parti Authenticité et Modernité*)	**PAM**	11.1%	**47**	∧ 47	Monarchism
Socialist Union of Popular Forces (*Union Socialiste des Forces Populaires*)	**USFP**	8.6%	**39**	∧ 1	Centre-left Socialism
Popular Movement (*Mouvement Populaire*)	**MP**	7.5%	**32**	V 9	Centre-right Liberalism Nationalism
Constitutional Union (*Union Constitutionnelle*)	**UC**	5.8%	**23**	V 4	Right Liberalism Monarchism
Party of Progress and Socialism (*Parti du Progrès et du Socialisme*)	**PPS**	5.7%	**18**	∧ 1	Left Socialism
Labour Party (*Parti Travailliste*)	**PT**	2.3%	**4**	V 1	Left Socialism
Environment and Development Party (*Parti de l'Environment et du Développement*)	**PED**	2.3%	2	V 3	Left
Democratic and Social Movement (*Mouvement Démocratique et Sociale*)	**MDS**	1.7%	2	V 7	Left Socialism
Party of Renewal and Equity (*Parti de Renouveau et de l'Équité*)	**PRE**	X	2	V 2	Centre
Democratic Oath Party	**SD**	X	2	∧ 2	
Front of Democratic Forces (*Front des Forces Démocratiques*)	**FFD**	2.8%	1	V 8	Centre Liberalism
Green Left Party		0.7%	1	∧ 1	Left
Action Party (*Parti de l'Action*)	**PA**	0.3%	1	∧ 1	Left
Union and Democracy Party (*Parti de l'Union et de la Démocratie*)	**PUD**	X	1	∧ 1	Conservatism
Party of Liberty and Social Justice (*Parti de la Liberté et de la Justice Sociale*)	**PLJS**	X	1	∧ 1	Nationalism

Sources: http://psephos.adam-carr.net/countries/m/morocco/morocco2011.txt; www.ArabParliaments.org

* The **Authenticity and Modernity Party** (*Parti Authenticité et Modernité*, PAM) is a pro-palace party founded in February 2009 by the former Deputy Interior Minister Fouad Ali El Himma, with the merging of several parties: *Al Ahd*, the PED, the Alliance of Liberties and the Civic Initiative for Development.

2.4.   Substantial or *Façade* Reforms? The Grey Zones of Morocco's Political Development

As it clearly emerges from the above analysis, Morocco has gradually build up a political system which – at a first look – is characterized by the existence and functioning of the basic democratic institutions: a vibrant multiparty system, regular and largely free and fair elections both at the national and local level, a constitutionally guaranteed separation of powers, a bi-cameral parliament representative of the various social and geographical strands of the population.

Though, the establishing of democratic institutions and procedures is not itself a guarantee of democratisation, as far as these democratic mechanisms existing in name can actually be partially or totally flawed and biased and simply mask authoritarian rule behind a democratic façade.

Indeed, at a deeper look, Morocco's allegedly democratic achievements turn out to hinder several shortcomings and "grey zones" which undoubtedly question the existence of a truly democratic substance behind the country's democratic institutions.

The most relevant critical aspects of Morocco's political democratization can be resumed in the following points - which will be analyzed one by one in the next sub-paragraphs:

1.   Concentration of power in the hands of the Monarchy
2.   Absence of a credible system of check and balances
3.   Lack of meaningful elite change
4.   Corruption and nepotism
5.   Low turnout and popular depoliticization
6.   Weakness of political parties and co-optation of political opposition by the Monarchy

2.4.1. Concentration of Power in the Hands of the Monarchy

Nearly all analysts of Morocco's politics agree that Morocco's major obstacle to a genuine democratization resides in the overwhelming supremacy of the Monarchy vis-à-vis any other institution in the country's political system.

Indeed, if in theory the Constitution provides for the separation of powers between a legislative, an executive and an independent judiciary branch, in practice there has so far never been neither separation let alone balance of

powers, with virtually all decision-making power being concentrated in the hands of a Monarchy constitutionally entrusted of extremely extensive powers, and a palace-led executive leading influence over the legislative and the judiciary.

The Constitution in fact – even after its 2011 revision – still grants the Monarchy an absolutely unique position in the political system, by stating its role as supreme religious authority and symbol of national identity and historical continuity, on the one side, and by conferring him such extensive prerogatives that make him a supreme arbiter and mediator above the other constitutional powers, on the other side.

As a result, the Government and the Parliament has so far turned out to hold no real power, consequently suffering a serious lack of credibility among the electorate.

To be precise, if the 1992 and 1996 constitutional amendments were truly intended to and actually did improve the powers of the Parliament and the independence of the Government vis-à-vis the palace, they nonetheless only slightly reduced the powers of the King, substantially maintaining its position as ultimate referee both for legislative and executive powers. And a similar statement could hold true also for the recent 2011 amendment, presented as a meaningful rebalancing of the King's powers, although in this case it is way too early to assess the concrete implementation of the potential enshrined in these changes.

Indeed - resuming the analysis presented in the previous section - the 1992 and 1996 amendments slightly changed the balance of powers in the following points: [50]

- The authority over the cabinet and the choice of the ministers were granted to the Prime Minister, while previously pertained to the King (art. 24, 1996 Constitution - now art. 47, 2011 Constitution).

- A time limit of 30 days was imposed to the possibility of the King to act on a law passed by the Parliament, starting from the moment when the law is forwarded by the Parliament to the Government (art.26, 1996 Constitution – now art. 50, 2011 Constitution).

- Although the King retained the power to dismiss the Parliament (art. 27, 1996 Constitution - now art. 51, 2011 Constitution), his declaring the state of emergency no longer automatically entailed the dissolution of the

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[50] Denoueux G. and Magrahoui A. (1998); Kingdom of Morocco, Constitution of 1996, *http://www.al-bab.com/maroc/gov/con96.htm*

legislature (art. 35, 1996 Constitution - now art. 59, 2011 Constitution), as it was previously the case. This has been further strengthened with the 2011 revision, which in art. 59 clearly states that the "Parliament may not be dissolved during the exercise of exceptional powers" and that "the fundamental rights and freedoms provided by this Constitution remain guaranteed".

▪ The oversight powers of the Parliament upon the Government were enhanced with the right to create temporary commissions of investigations upon request of the majority of one of the Houses (art. 42, 1996 Constitution – now art. 67, 2011 Constitution) and with the requirement that one meeting per week in each House has to be reserved for the questions of the members of the House and the Government's responses, which are due within twenty days after their receipt of the question (art. 56, 1996 Constitution – now art. 100, 2011 Constitution). The 2011 revision goes also little further regarding the inquiry commissions', by reducing the requirement for their creation from the majority of the members to 1/3 of the members.

Though, the King still maintains extraordinary extensive prerogatives:

▪ He is the Commander of the Faithful, Guarantor of the respect of Islam and of the free exercise of beliefs, and Chair of the Superior Council of the Ulemas (art 41); Head and Supreme Representative of the State, Symbol of National Unity, Supreme Arbiter between the Institutions, Guarantor of the Constitution, of the rights and freedoms of the citizens and social groups, as well as of the permanence and continuity of the State and of the independence and territorial integrity of the Kingdom (art. 42).

▪ His constitutional rights are hereditary (art. 43, 2011 Constitution; former art. 20, 1996 Constitution).

▪ His person is inviolable and respect is due to him (art. 46). The sacredness of his person was taken off with the 2011 revision.

▪ He appoints the Head of Government and, upon this latter's recommendation, the others Cabinet members, whose services he can terminate upon his own initiative, after consultation with the Head of Government (art. 47).[51] Further, he traditionally holds complete autonomy over the choice of the five so-called "Sovereignty Ministers" (Justice,

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[51] Thus, although the authority over the cabinet and the choice of the ministers are granted to the Prime Minister, the King remains the only one who can appoint them, therefore having the possibility to veto the Prime Minister's choice.

Interior, Foreign Affairs, Defence and Islamic Affairs). He presides over the Council of Ministers and can delegate to the Head of Government the presidency of a Council (art. 48)

- He is the Commander-in-chief of the Royal Armed Forces, and has the right to make civil and military appointments as well as to delegate such power (art. 53); he presides over the newly created Superior Council of Security (art. 54); he can address messages to the Nation and to the Parliament (art. 52); he can accredit ambassadors to foreign nations and international organisations and sign and ratify treaties (art. 55); he presides over the Supreme Council of the Judicial Power (art. 56) and approves the appointment of magistrates by part of this latter (art. 57); he can exercise the right of pardon (art. 58).

- A law adopted by the Parliament does not take effect until it has been officially promulgated by the Royal Decree (*dahir*) within 30 days following its receipt by the Government (art. 50), and the King can request a second reading by the two Houses of any draft bill or proposed law, which reading the Parliament cannot refuse (art. 95).[52]

- Further, while the Parliament has always been entitled to legislate in a well delimited set of areas (formerly specified in art. 46 of the old constitution and then slightly expanded in art. 71 of the new one), the King has actually always been able to legislate in any area he deemed appropriate, as allowed to him by a non-restrictive interpretation of former art. 29 (*"the King shall, by Royal Decrees, exercise the statutory powers explicitly conferred upon him by the Constitution"*), which actually became the preferred instrument of the "executive monarchy" to circumvent, under the Constitution's blessing, the prerogatives of the Parliament and the Government.[53]In the new text, art. 29 ha been taken off and the provision has been incorporated in the art. 42 stating that *"the King exercises these missions by Dahirs by virtue of the power that are expressly devolved to him by the Constitution"*, which is likely not to bring any major change to the above-depicted situation.

- After consulting with the Presidents of the two Houses and the Chairman of the Constitutional Council (art. 96, 2011 Constitution; former art. 71, 1996 Constitution), he can dissolve one or both of the Houses of

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[52] In the previous Constitution the King was also empowered to submit to national referendum any draft or proposed bill after the second reading, unless it was accepted/rejected by a 2/3 majority in both chambers (former art. 69) - a provision which was taken off with the last revision.
[53] Bencheikh S. (2008)

Parliament (art. 51, 2011 Constitution; former art. 27, 1996 Constitution) and - should the integrity of the national territory or the regular course of action of the constitutional institutions ever be threatened - he can declare the State of Emergency by royal decree, which, though, doesn't entails the dissolution of the legislature (art. 59, 2011 Constitution; former art. 35, 1996 Constitution).

Moreover, not only the King was –and keeps being - formally empowered by the constitution of such extensive powers, but he has also traditionally being informally ruling the country through the shadow governance structure of the *Makhzen*, the Moroccan traditional governing elite loyal to him, which dictate the main lines of policy and act as a gatekeeper for any kind of political reform.[54] He has regularly being interfering with parliamentary affairs and the constitution of the executive, often resorting to the creation of widespread royal commissions with more power than the ministers.[55]

His unique position in the political system has always granted him the possibility to act as an arbiter within the Moroccan political landscape, by co-opting those opposition forces which are willing to play the political game under the Monarchy's rules and marginalizing those who refuse. In this sense, it is possible to agree with those analysts who claim that pluralism in Morocco is more cooptation of the opposition than true political power transition (as will be shown better in the sub-paragraph 2.3.6).[56]

2.4.2. Absence of a Credible System of Checks and Balances

A natural corollary of this systemic fault of Moroccan institutional setting is the absence of a true and credible system of checks and balances, either as concerns the Parliamentary control over the executive or the judiciary's control over the system as a whole.

As already mentioned, the King supervises the work of the cabinet, the legislature and the judiciary. The executive power is utterly biased towards the King, as the powerful sovereign Ministries of Interior, Justice, Foreign Affairs, Religious Affairs, and the Secretary General of the Government are directly accountable to him instead than the Prime Minister and lack any accountability to the Parliament. The Interior in particular has always been holding an overarching strength and authority which allowed him to play a leading role as the gatekeeper for the political sphere accessible via democratic mechanisms.

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[54] Kausch K. (2009b)
[55] Bertelsmann Foundation (2010)
[56] Kausch K. (2009b); Denoueux G. and Magrahoui A. (1998)

Though, it is true that some actions have been taken in order to loosen the excessive governmental centralization, through a two-pronged approach: first, opening up greater political space from the bottom up through elected councils - although with limited powers and responsibility accorded to them – and second, reducing direct ministerial control through the creation of more intermediate entities at a regional level.

As concerns the supervisory powers of the Parliament over the executive, they still remain fairly limited, despite the 1996 and 2011 constitutional revisions which aimed at slightly expend them.

Indeed, the Title VI of the constitution (former Title V in the 1996 text), regulating the relations (a) between the Parliament and the King (art. 95 to 99, 2011 Constitution – former art. 67 to 74, 1996 Constitution) and (b) between the Parliament and the Executive (art. 100 to 106, 2011 Constitution - former art. 75 to 77, 1996 Constitution) allows for a wide control power of the King over the Parliament against a restricted space for supervisory checks of the Parliament over the Executive:

a) The King may request a <u>second reading</u> by the two Houses of any draft bill or proposed law, which shall not be refused (art. 67 and art. 68, 1996 Constitution - now art. 95, 2011 Constitution)[57]; he may decree the <u>dissolution of one or both of the two Houses</u> (art. 71, 1996 Constitution - now art. 96, 2011 Constitution).

b) Upon the Prime Minister's demand, the Lower House can express a <u>vote of confidence</u> on the Government (regarding a general policy or a proposal), to be held 3 days after the matter has been raised and requiring an absolute majority for the confidence to be withdrawn (art. 103, 2011 Constitution, former art. 75, 1996 Constitution). Both the Lower and the Upper Houses may vote a <u>censure motion</u> against the Government, if signed by 1/5 of the members and approved by absolute majority, which will result in the collective resignation of the Government (art. 105 and art. 106, 2011 Constitution; former art. 76 and art. 77, 1996 Constitution).[58]

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[57] In the 1996 text, he was also empowered to submit to referendum any draft bill or proposed law - except those submitted for a new reading - which should have been adopted/rejected by a 2/3 majority of each one of the two Houses, with the results to be binding upon all (former art.69 and art. 70, 1996 Constitution); such a provision was cancelled with the 2011 revision, leaving him the right to submit to referendum only the bill of revision of the Constitution of which he may have taken the initiative (art. 172, 2011 Constitution – former art. 103, 1996 Constitution).

[58] For the Lower House, should the Government be censured, no other censure motion is acceptable before a year has elapsed.

The system of proportional representation combined with the large number of parties has led to difficulty within the Parliament in forming effective coalitions able to implement a reform program and, although the committee structure has improved, its ability to present amendments and build consensus among the various political parties still needs considerable improvement.

Also, Parliament provides very limited oversight over the implementation of laws: the executive holds substantial authority over initiating new laws and proposing changes to existing laws as most laws are drafted by ministries and then forwarded to the legislative branch; laws tend to be amended or enacted with little or no consultation from the public and the publication of laws takes place through a subscription-based Official Gazette that is not widely available.

Major changes have been introduced in the past few years - often with the support from external donor programs - aimed at strengthening Parliament's supervisory powers. Recent improvements in this sense include the adoption of money laundering legislation, the development of a code of ethics and the ability of Parliament to produce verbatim transcripts of proceeding within 48 hours (as opposed to the three years previously required).[59]

The third branch of government, the judiciary, also lacks sufficient capacity to fully perform its functions and - most prominently – it lacks judicial independence from the other branches.

Indeed, the 1996 Constitution (Title VII) formally guaranteed the independence of the judiciary, but failing to establish the judiciary as an autonomous entity, as former art. 82 clearly stated that "the judicial *authority* is independent from the legislative and executive *powers*", implying that the judiciary was an authority rather than a separate and independent power. As we saw, this has been changed with the 2011 revision, with the new art. 107 affirming that "the judicial *power* is independent of the legislative power and of the executive power".

The organization of the judiciary is regulated under *Law No. 1-74-338 of July 15, 1974*. The current judicial system is easily permeable to political influence: administrative control upon it pertains to the Minister of Justice, with managerial and financial infrastructures integrated into the Ministry; the mechanism for the appointment, promotion, sanctioning, transfer and dismissal of judges is significantly lacking in transparency and thus vulnerable to political remuneration and especially subject to the Justice Minister's influence. [60]

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[59] USAID (2010)

[60] Transparency International "*National Integrity System – Morocco Report 2009*", pages 57-64

Judicial independence is further complicated by the King's role, as he presides over the Supreme Council of Magistracy (art. 56 and art. 115) – the body responsible for the appointment, discipline and promotion of judges (art.113) - and approves by Dahir the appointment of magistrates by this latter (art. 57).[61] Moreover, since the Islamic law requires judges to be impartial and the King is constitutionally charged with protecting the principles of Islam (art. 41), the judiciary is left with very little protection against the King's potential influence, both directly and both indirectly through the appointment of the Minister of Justice (vice-president of the Supreme Council of Magistracy).[62]

No surprise then that justice in Morocco is generally perceived by the public less the function of an independent and impartial rule of law system than a matter of access to power, plagued with corruption, lacking independence, accountability and real mechanisms for enforcement, and encumbered by delays.[63]

Finally, a further potential window on the check and balances of the government and the judiciary in particular is constituted by civil society organizations which play an important role in monitoring and advocating for reform. Among the various NGOs active in Morocco, Transparency Maroc, the Moroccan Bar Association, the Moroccan Organization for Human Rights (OMDH) and the Moroccan Association of Human Rights (AMDH) are the ones at the forefront in calling for judicial reform.

Indeed, in the spring of 2009, a coalition of ten NGOs organized to respond to the plan for judicial reform proposed by the then Minister of Justice, Abdelouahid Radi. Following a first ministerial meeting, they released a memorandum evaluating the current judiciary and voicing the organizations' concerns about the Moroccan Judiciary and the suggested desirable reforms.[64]

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[61] The previous constitution was also including the provision that "all judgments are rendered in the name of the King" (former art. 83), which was then took off in the 2011 text.

[62] USAID (2010)

[63] According to the Transparency International Global Corruption Barometer 2010/2011, the extent to which the judiciary is perceived as corrupted by Moroccans is fairly high, showing an average score of 3.5 (on a scale ranging from 1, not at all corrupt, to 5, extremely corrupt).
http://gcb.transparency.org/gcb201011/results/

[64] The document was fairly critical of the current system, particularly regarding the lack of constitutional guarantees for judicial independence and explicitly called for the guarantee of the right of union for judges (prohibited by the 1974 law), the restructuring of the Supreme Council of Magistracy (especially to make it independent from the Justice Minister) and a general reform of hierarchy and appointment of judges. (USAID, 2010)

However, while the coalition's efforts did play an important role in advocating for the reform in specific areas, they were then left fairly outside the reform discussion and policy decision-making taking place within the Minister.

Up to now, no judicial reform has yet been approved, though the issue is always on the agenda of the rulers. Such reluctance is most likely due to a general reluctance in embracing the required constitutional reform which would be necessary to change the Supreme Council's powers, which are definitely at the heart of most of the problems related to judicial independence: constitutional reform surely represent a major challenge which it's not apparent there is political will for.

2.4.3. Lack of Meaningful Elite Change

Another point which is often critically remarked is the absence of a genuine transformation in the elite attitudes and behaviour alongside the apparent changes in elites' composition witnessed during Mohammed VI's reign.

An insightful analysis on this point has been held by Zerhouni[65], focusing on the concept of *politically relevant elite (PRE)*, which are, in Perthes' words, "people in a given country that held political influence and power in that they make strategic decisions or participate in decision making at the national level, contribute to defining political norms and values and directly influence political discourse on strategic issues".[66]

In applying this category to the Moroccan case Zerhouni claims that, if basic changes in the *composition* of the politically relevant elite have actually being occurring under Mohammed VI's rule, they have not been accompanied by changes in elites' *attitude* and *behaviour*, which in turn prevented them from having any substantial impact on liberalization.

In Morocco, the appointment of the members of the PRE and the advancement of individual careers has traditionally been regulated at the level of central power, with the King holding an almost complete discretionary power on it, playing thus a strong role in the perpetuation of elite *immobilisme* during time.

Such a feature indeed still holds true under Mohammed VI, although the new king has operated some remarkable changes in the composition of the core elite, by replacing most of his father "old guard" appointees with a new

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[65] Zerhouni S. (2004)
[66] Perthes V. (2004)

generation of elites composed mainly of people from his close circle of friends and technocrats.

What is relevant in this context is thus to appraise whether the extent of these new appointments is wide enough to represent a true "elite renewal" or is rather just a simple "elite recycling", and also whether these changes are confined to the composition of the PRE or whether they go beyond that into the realm of their attitudes and behaviour.

Following Perthes' PRE model structured on three concentric circles[67], Zerhouni identifies for the case of Morocco: a first circle comprising, apart from the king, counsellors and members of the royal cabinet; a second circle including senior army officers, representatives of the official Islam or Islamic institutions, important government ministers, public officials from various public institutions, the business elite, leaders of the two traditionally most important political parties (i.e. the Istiqlal and the USFP); and finally a third circle including regional governors and *walis*, influential members of parliament, representatives of important NGOs, leaders of the other main political parties and some new actors such as entrepreneurs, Islamists and journalists.

Although elite changes operated by Mohammed VI regarded all three circles, is the third circle the one who witnessed the most substantial transformation.

The major change concerning the PRE as a whole consisted in a general broadening of the elite with the inclusion of new actors from civil society and political parties, such as Islamists, entrepreneurs, businesspeople, and especially bureaucrats and technocrats, which testifies the king's strategy of directing attention to economic issues and away from political matters and resolves in an overall depoliticization and technocratisation of its entourage.

If the strategy of elite co-optation has always been a tool for system maintenance in Morocco, what is new under Mohammed VI is that, as opposed to Hassan II, he is co-opting an elite which have emerged from the ongoing process of political liberalization and which is thus drawn more and more from a dynamic civil society.

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[67] Perthes' model conceptualize the PRE as composed of three concentric circles: the first circle comprises a *core elite* of those who make decisions on strategic issues; the second circle is the *intermediate elite*, comprising those groups and individuals who exert considerable influence on or make decisions of minor importance, without the power to make decisions on strategic issues unless they are delegated to; the third circle comprises a *sub-elite* of less influential groups and individuals capable of indirectly influencing strategic decisions or contributing to national agenda setting through their position in the government or administration, lobbies, media and other means.

Nonetheless, the three circles experienced very different degrees of change: if the third circle truly witnessed a renewal and broadening of its composition with the access of more liberal components from within civil society, left-wing parties and media, which are willing to play an active role in politics and in the process of liberalization, the other two circles actually showed much more a kind of reshuffling than a true renewal, with the widespread recycling of members from the Hassan II's entourage, the predominance of conservative social groups oriented towards economic reform instead than political change, and an overwhelming loyalty to the king that makes them more likely to act as advisors and executors of decisions taken above than as real decision makers.

Thus, Zerhouni's analysis reveals that there are elements of both continuity and change in Morocco's elites transformation, although continuity seems largely to prevail. Indeed, not only the extent of the access of new actors is fairly limited when considering the first two circles - where it is more the case of elite recycling than elite renewal - but also the mode of elite recruitment has totally remained unchanged, relying solely on the king's discretionary willing, so that the informal system of personal and clientelistic network based on the Makhzen has remained untouched. Moreover, elite's awareness of their active role in the process of political change remains confined to small segments, with the great majority of them considering themselves as mere executors of the will of the king.

The modernization of the monarchical institution – Zerhouni concludes - is indeed leading towards a hybrid system of monarchical control and elite integration into the political system, which is still far from being likely to exert indigenous pressures toward a more systemic process of regime renewal and political democratic change.

2.4.4. Corruption and Nepotism

Among the number of socio-political challenges which Morocco has to face, corruption - both financial and misuse of authority and power - is largely recognized, from foreign and domestic analysts as well, to play a leading role.

Corruption in Morocco is present, both petty and grand, in virtually all sectors: an anti-corruption campaign carried out in 2001 revealed corruption and embezzlement in banking, social security, agricultural credits, public housing, state contracts, public companies, municipal councils and even international aid projects. Transparency International ranks Morocco as the 80th nation in the world (out of 183 countries) in terms of perceived corruption

(with the Corruption Perception Index scoring 3.4, on a scale ranging from 1-most corrupt to 10- least corrupt).[68]

Corruption in the political system in Morocco can be seen as almost endemic, due to the kind of elite-driven, clientelistic way the power is exercised between a small circle of privileged centered around the monarchy, with decision-making authority, and a slightly larger network of patronage, with executive tasks.

Apart from such a culturalist explanation based on Moroccan political mentality, other key drivers for such a high level of corruption are likely to be the existence of a large informal sector (estimated around 40% of the economy), the several failures in the justice system, and the presence of a significant drug trafficking in the northern part of the country (Morocco is the world's largest producer and exporter of cannabis).[69]

The country's media and civil society have long been strongly publicising the issue and calling for the government to take a firm commitment upon the fight against corruption. Actually, Mohammed VI and the successive governments under his rule have publicly made the cause one of the cornerstones of their policy programs.

This has resulted in a series of public anti-corruption initiatives, among whose:[70]

a) The draft of a national cross-sector anti-corruption action plan, under the direction of the Minister for Public Sector Modernisation, in 2005. The action plan - incorporating many demands from civil society (notably from Transparency Morocco) - outlined 6 focus areas of intervention: the anchoring of anti-corruption values and norms in society; the institutionalisation of the strategy of prevention; strengthening transparency in public procurement; strengthening of control and auditing mechanisms; simplifying the administrative procedures; awareness raising. Apart from administrative procedures - which have been in many cases simplified - the implementation of the action plan is still lagging behind in many other areas. A second two-year anti-corruption plan was launched by the government in October 2010, including over 40 new anti-graft measures, such as asset declarations for top state officials,

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[68] Transparency International Corruption Perception Index 2011
http://www.transparency.org/cpi2011/results#CountryResults
[69] Bertelsmann Foundation (2012)
[70] Business Anti-Corruption Portal, Morocco Country Profile 2011
http://www.business-anti-corruption.com/country-profiles/middle-east-north-africa/morocco/

government protection of whistle-blowers, anti-corruption classes in schools and channels for the public to report graft and extortion by government officials.

b) The ratification of the UNs' Convention against Corruption (UNCAC) in May 2007 – although being the only one country not to have signed the African Union Convention on Preventing and Combating Corruption.

c) The criminalisation of money laundering, under AML Law No. 43-05 of May 2007, which also provided for the creations of a Processing Unit of Financial Data (*Unité de Traitement du Renseignement Financier*, UTRF), established in April 2009, entitled to collect financial information, coordinate the means of action of investigating authorities and public agencies, and advising the government about desirable anti-money laundering reforms.

d) The creation of the Central Commission for the Prevention of Corruption (*Instance Central pour la Prévention de la Corruption*, ICPC) in December 2008. The Commission has received many criticisms concerning his mandate (which is limited to investigative powers and corruption prevention, thus excluding the possibility of receiving or acting on complaints), to his lack of independence from political influence (as the Chairman is appointed by the King and the agency itself belongs to the Prime Minister), to its too small budget (further decreased of 5% in 2011) and lack of human resources as well. [71]

e) The set up of an Ombudsman Institution (*Diwan Al Madhalim*) in December 2001, entitled to oversee the actions of the Moroccan administration with regard to the respect of the rule of law.[72]

f) The establishment of the Ethical Customs Observatory on Private Sector, in January 2010, as a public-private cooperation between the customs administration, the ICPC, the General Confederation of Moroccan Enterprises (*Confédération General des Entreprises Marocaines*, CGEM) and Transparency Maroc, with the aim of analysing the compliance of the customs and private enterprises with ethical principles and presenting

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[71] Transparency International, National Integrity System, Morocco Report 2009; Global Integrity Report, Morocco 2010. Due to these pitfalls, the ICPC is stated by Transparency International as a merely consultative institution with just an awareness-raising and information-gathering responsibility. (Transparency International, 2009)

[72] The Transparency International National Integrity System - Morocco Report 2009 assesses that the institution has a certain impact on the fight against corruption with regard to identifying corruption risks and proposing measures for improvement. (Transparency International, 2009)

proposals for reforms that will enhance transparency and help to fight corruption within the customs.

g) The approval of the Decree on Public Procurement (Decree No. 2-06-388) in February 2007, aiming at establishing transparency in the procurement system and introducing measures to reduce fraud and corruption.

Indeed, while the government has truly carried out several prosecutions against officials - many of them resulting in convictions – both the prosecutions and the other anti-corruption measures taken have nevertheless been accused of targeting only petty corruption: high profile cases and cases where the government's style of governance was involved have been promptly closed down in order to avoid political embarrassment.[73] Also - apart from occasional campaigns - the problems of the huge informal sector have been largely left unaddressed by the authorities as the underground economy is largely tolerated for the sake of internal stability.

Besides, public perceptions upon corruption in the country and upon government's anti-corruption measures are fairly negative. Data from the Transparency International's Global Corruption Barometer 2010/2011 reveal that: the police, the public official/civil servants and the judiciary are considered the most corrupt sectors in the country, followed by the political parties, the parliament and the educational system, and in a minor measure the private sector, the media, the NGOs, the military and the religious bodies;[74]only 11% of the respondents in Morocco believe the level of corruption in the country has decreased (while 77% believe it has stayed the same, and 13% it has increased); only 18% of respondents consider government's efforts in fighting corruption as ineffective (while 17% as effective, and 65% as neither of the two); finally a high 35% of the respondents confirmed that they had to pay a bribe in 2008, while only 1% said that they did not.[75]

2.4.5. Low Turnout and Popular De-politicization

Another remarkable problematic feature is the apparent "depoliticization" of Moroccans, strikingly emerged in the 2007 Parliamentary Elections, which

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[73] Moreover, the country has no law regulating conflict of interests between a minister's official functions and his private activities. Ministers and parliamentarians are obliged to declare their assets, but declarations are not publicly available. (Transparency International, 2009)

[74] On a scale from 1, not at all corrupt to 5, extremely corrupt, their average score is as follows: police 3.3; public official/civil servants 3.5; judiciary 3.5; political parties 2; the parliament 2; educational system 2; private sector 1.6; media 1.3; NGOs 1.4; military 1.1; religious bodies 1.

[75] Transparency International Global Corruption Barometer 2010/2011. (NB. The last data are taken from the GCB 2009 as data for Morocco were not available in the GCB 2010/11).

registered an historically low voter turnout of 37%, plunged down from an already low 51% in 2002 and 58% in 1997, and sidelined by a stunningly high number of invalid or spoiled ballots casts – 19% of the votes, amounting to a over a million ballots paper.[76] The November 2011 elections saw a slight recover, with a turnout of 45%.

Although, by definition, there was no hard evidence to indicate the reasons behind such extreme figures, substantial anecdotal evidence from those who chose not to vote indicated that such a low level of participation was a result of dissatisfaction with the choice of parties and candidates on offer. This was further supported by election observers reporting about significant numbers of spoiled ballot papers featuring complaints and abuse against the political parties and candidates.[77]

As it has already been argued for the previous elections, this discontent against the running parties could also have been favoured by the new electoral code (voted in 2003)[78] based on a party list system which had encouraged the proliferation of political parties, causing an high degree of party fragmentation and thus reducing the cohesiveness of any grouping able to form a government.[79]

Though, anecdotal evidence from surveys testify that voter's dissatisfaction has probably not to be confined to the choice of parties and candidates running in these elections, but has to be extended to the broader political system.

Indeed, analysts have largely interpreted these figures as the sign of a diffuse popular apathy, disenchantment, and lack of enthusiasm due to a widespread perception that elections are meaningless in so far as the real decision making power resides elsewhere than the elected Parliament.[80]

Besides, what was even more striking in this context was the profile of the people who didn't vote or casted blank ballots: the urban middle-class mostly comprised of educated and unemployed young people.

The fact that the lowest turnout rates were registered among the richest, youngest and most educated segments of the population, could suggest that abstensionism was more an act of passive protest intended to penalize the regime than just simply a passive act of renounce and apathy.

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[76] Willis M. J. (2008)

[77] Willis M. J. (2008)

[78] Dahir 1-03-83 of March 24, 2003; *http://www.parlement.ma/fe/images/textes_de_base/code_electoral.pdf*

[79] Dillmann B. (2003)

[80] Hamzawy A. (2007)

However, the fact that disillusionment with the whole political system was not confined to the poor disempowered and rural segments of the population but rather emerged largely among the "empowered" middle-class is all the more worrying about the actual significance of the electoral process in Morocco.[81]

Mention apart must be made for the referendum on the approval of the new constitution held on 1 July 2011, which showed a striking figure of a 74.46% turnout. Indeed, such a figure could not be considered an inversion of the trend but rather a sole case exception due to the particularly relevant issue at stake, and - most of all – to the official referendum campaign conducted by the monarchy, which openly called for Moroccan voters' participation and against the boycott of the vote, by influencing public opinion through various means (from the media to the imams). Beside these considerations, it should also be noted that the figure itself has highly been contested by many dissenters as to have been manipulated and not responding to the real participation (as well as it is the case of the striking figure of the 98.5% yes vote, which easily raised up suspicions of manipulation).[82]

2.4.6. Weakness of Political Parties and Co-optation of Political Oppositions by the Monarchy

Although multi-partitism has a long story in Morocco, having been formally introduced in the aftermath of its independence in 1962, the effective role that political parties have been playing in the country's political decision-making has been fairly marginal and political parties – both secular and Islamist ones - still remain fragile and weak. Such a weakness is mainly a consequence of their extremely high fragmentation (there are currently more than 30 registered parties in Morocco), which creates an easy way for the Monarchy to play a divide-et-impera game turning out in his only advantage.

On the one hand, all Moroccan secular parties – both opposition and pro-government ones – recognize the legitimacy of the Monarch as both the secular and religious leader (recognition which is condition for registration), thus basically not asking for any complete separation between state and religion. Also, they are all strongly reluctant to impose their programs whenever they go against the King's will.

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[81] Ben Layashi S. (2007)

[82] "Morocco: Referendum Results, July 3, 2011", Morocco Board News Service, *http://www.moroccoboard.com/news/5339-morocco-refrendum-results*; Almiraat H. (2011)

The historical opposition parties (USFP, *Istiqlal*) have solid bases of support and well established party structures, but they also have very generic and almost indistinguishable political platforms (unemployment's reduction, development of key economic sectors, improvement of education and housing support) and, while proclaiming the need for constitutional reforms to enhance parliament's powers and judiciary's independence, they nonetheless never challenge the monarch's authority, by making clear that reforms can only go as far as the king allows.

Secular parties also include those traditionally allied with the Monarchy (MP, RNI, UC) which also have their strong bases of support, and which evidently never constitute any challenge to the King's authority, only searching for participation in the circles of power close to him. [83]

On the other hand, Islamist parties and organizations are fairly less fragmented and more tightly organized than secular ones, as well as more ideological, more vigorous and often younger. But they are also untried: the PJD has been for long the only legally recognized political party in Morocco – albeit one of the major political forces - until the recent formation of two new small parties, the Renaissance and Virtue Party (PRV) – which managed to get one seat in the last 2007 elections - and the Civilized Alternative Party – which on the contrary did not manage to get any seat.

In addition, there's a full panoply of non-violent Islamist movements and organizations, including the Movement for Unity and Reform (MUR) – the religious movement associated with the PJD - and the militant (although nonviolent) and openly anti-monarchist, pro-republican and socially revolutionary Justice and Charity, which, in virtue of its clandestine nature, shall be considered the most important Islamist group in Morocco.

Islamist parties and organizations are likely the only potential serious challenge to the monarchy in the country, a potential which is indeed strictly restrained by the monarchy, through both the severe requirements imposed for obtaining official recognition and the co-optation of registered parties (i.e. basically the PJD).[84]

Stating at the Constitution, no parties may be founded on the basis of religion, race or ethnicity and they are all subject to judicial supervision. Such a requirement, supposedly aimed at safeguarding basic citizen rights, actually turns out to play the game of the palace, in so far as it has the power to allow or refuse legal recognition to parties on the ground of constitution-based

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[83] Ottaway M. and Riley M. (2006)
[84] Ottaway M. and Riley M. (2006)

prohibitions. For instances, in 2007 the government banned the Moroccan Amazigh (Berber) Democratic Party as an ethnic-based party, and the Islamic fundamentalist Justice and Charity never managed to obtain official recognition due to its religious fundamentalism.[85]

Finally, in addition to the already weak position of parties in Moroccan political game, several restrictions on parties' life have been introduced from above in recent years: the two-tiered proportional representation system settled down by the 2002 electoral code's reform makes it virtually impossible for any one party to win a majority of seats in parliament, and prevents parties failing to win at least 3% of the vote in the previous election to field candidates in the following legislative elections; moreover, the 2005 reform of the Parties' Law allows government funding to parties that garner more than 5% of votes in legislative elections, mandates the monitoring of the parties' budgets by the Supreme Court, and prohibits any candidate from switching parties after winning a seat in Parliament.[86]

Hence, what do all these critical remarks tell us about political development in Morocco? Is it reasonable to talk of a "genuine democratization" for what concerns the political-institutional reforms carried on during the post-colonial period, in particular in the last decade under Mohammed VI's rule? And what about the allegedly "Copernican revolution"[87] brought on by the 2011 Constitutional revision? Will it concretely make Morocco a real Parliamentary Monarchy, as it was supposed to?

Indeed, what seems to emerge from the above analyses, is a much more controversial state of affairs than that often depicted by large part of the political discourse of major Moroccan donor countries (i.e. the EU and the USA), let alone the image portrayed by Moroccan official sources.

Indeed, despite the numerous liberalizing measures taken under Mohammed VI's rule, authoritarianism in Morocco has nonetheless continued to be a reality: "consensus under royal hegemony" has kept being the guiding principle in the country. [88]

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[85] It was not till 1996 that an Islamist party was allowed to participate in elections: the newly created Islamist PJD did manage to obtain legal recognition, soon becoming one of the major players of Moroccan politics, while the more fundamentalist Justice and Charity party was and still remained banned.

[86] Ibn Khaldun Center (2010)

[87] Le Matin, 18 June 2011

[88] Joffé G. (2009)

Some critics have defined Morocco as a *reluctant democratizer*, taking significant steps to liberalizing politics but failing to adopt the key institutional and electoral changes that would allow for a full democratic transition. [89]

Others have called it a kind of *upgraded authoritarianism*: "the monarchy is indeed consolidating its authoritarianism through *soft power*, by substantially liberalizing in politically non-threatening areas while keeping tight control over those policy areas and political opponents with the potential to meaningfully challenge the current distribution of power. The endorsement of a piecemeal approach to the liberalisation of legislation has made possible the adoption of laws that are broadly permissive but lack effective safeguards against arbitrary application of the law, leaving broad scope to the monarchy for sidelining opponents in political parties, civil society, the media and the business sector, through the co-optation of political elites." [90]

Basically, the positive liberalizing developments gone ahead at least up until the 2011 events did not suffice to seriously challenge the undemocratic distribution of powers. Moreover, the fact that under a comparative regional perspective Morocco's has long appeared as may have helped stalling the domestic political reform process, by reducing foreign pressure on the Moroccan government to consolidate initial steps toward genuine democratization.[91] As some critics has pointed out, in order to really capture what was happening in the country, it should have been way more appropriate to go beyond the authoritarian state model and the democratic transition paradigm and just talk about "reforms".[92]

This holds true at least up until the 2011 events, which undoubtedly represented a turning point in Morocco's institutional history. The 2011 constitutional reforms - *à la carte* – did inject in the system significant democratic developments, and do enshrine a potential for meaningful democratic change. But if this potential will concretely be realized - so that these reforms will not represent just "survival" cosmetic changes – depends on the way the new Constitution will be implemented and the Parliament will adopt the necessary legislation and make sure that it provides maximum space

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[89] Dillman B. (2003). As the author adds: "Morocco's case fails to be properly explained by either the standard *internalist* or *externalist* arguments which are often used to account for the reluctance to democratize of many Arab countries in the MENA region: Moroccan "*exceptionalism*" (lack of democratic transition but significant political liberalization) can only be understood if looking at the interaction and mutually causal role of internal and external influences, rather than relying either on one or the other set of variables."

[90] Kausch K. (2009a)

[91] Kausch K. (2009b)

[92] Maghraoui D. (2009)

for the political forces.[93] It is thus a question which cannot be answered at this stage and will require at least some time to see how concrete developments will look like.

Indeed, the words used by Denoeux and Maghraoui to depict the situation under Hassan II may still seem appropriate to describe the actual situation: "[...] one of Morocco most striking features today is the survival of the monarchy not merely as a ceremonial institution, but as a governing body, despite major socio-economic mutations which, according to development theory, should have undermined the king's position. [...] Ironically, therefore, further democratization in Morocco may depend, for a while at least, on the occasional resort to nondemocratic ways of exercising authority. Conversely, [...] the monarchy may have realized that it can remain the dominant political actor only if it carries out genuine democratic reforms. In short, royal arbitration and other practices that are designed to assert the monarchy's political supremacy have paradoxical effects on prospects of democratization in Morocco".[94]

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[93] Ottaway M. (2011)
[94] Denoeux G. and Maghraoui A. (1998)

3.   Civil Rights and Society

Following the analysis of Morocco's political institutional setting presented in the previous chapter, this section will illustrate the country's institutional setting concerning civil rights and freedoms, trying to outline its achievements and shortcomings, with a view on both the legal framework and its actual implementation. Also, a short overview of Morocco's civil society will be outlined, in virtue of its being the immediate realm where these developments on the civil rights side are enshrined and concretely expressed and actuated.

3.1.   Freedom of Association, Assembly and Movement

3.1.1. Freedom of Association

The legal framework governing the freedom of association in Morocco mainly consists of three major legal grounds: art. 29 of the Constitution; the International Covenant on Civil and Political Rights (ICCPR), ratified by Morocco in 1979[1]; and the 1958 Law on Association (*Royal Dahir 1-58-376*), as amended in 2002 and 2006.[2]

Art. 29 of the Moroccan Constitution guarantees the freedom of reunion, assembly, peaceful demonstration, association, any trade-union and political membership and strike.

The ICCPR (art. 22) guarantees that "everyone shall have the right to freely associate with others, including the right to form and join trade unions for the protection of his interests" and sets narrow and specific conditions for the state to restrict this right, stating that "no restrictions may be placed […] other than those which are prescribed by law and necessary in a democratic society in the interests of *national security* or *public safety*, *public order*, the *protection of public health or morals* or the *protection of the rights and freedoms* of others".

The *Royal Dhahir 1-58-376* regulates the establishment and functioning of associations in Morocco. In theory, it affirms a <u>declarative instead than a prior-authorization regime</u>, meaning that associations – in order to be legal - need only to declare their creation to authorities and do not need to obtain any prior authorization.

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[1] *United Nations' International Covenant on Civil and Political Rights (ICCPR)*, adopted by Resolution 2200A-XXI of the UN General Assembly on 16 December 1966, ratified by Morocco on 3 May 1979.
[2] *Dhahir 1-58-376 of 15 November 1958* (as amended by law 75.00 in 2002 and law 36.04 in 2006)

Its main provisions are stated in the following points:

- No association can be legally recognized if its cause or objective is *illegal*, *contrary to good morals*, harmful to the *Islamic religion*, the *integrity of national territory* or the *monarchical regime*, or calls for *discrimination* (art.3);

- Any association must declare itself to local authorities in the jurisdiction where its headquarters are located, and – for its declared status to be maintained - must notify authorities in writing of specific internal developments. The procedure for declaration requires that: the representative of the association must furnish the authorities a list of specified documents about the association and then wait up to 60 days; upon receiving the documents, *the local administrative authority has to issue a provisional receipt*, and *it holds no discretion to refuse to accept the documents or to refuse to issue the receipt* (art. 5).

- Once an association has been legally declared, only the courts of first instance have the power to dissolve it (art. 7).

- Associations can be dissolved – and its leaders be subject to fines – if conducting activities other than those foreseen in their statutes (art. 36).

Indeed, if on paper Moroccan associations enjoy such a progressive legal framework for a *declarative* regime, the reality is much different, as local authorities regularly fail to implement many of these provisions.

The administrations responsible for handling the declarations do in fact routinely and freely disregard the procedures laid out in the law, opposing an administrative obstruction to the declaration process. The most common ways by which they enact such obstruction is either through: a) *refusing to receive* the association's founding documents (or the other documents required at later stages during specified moments of the association's life); or b) accepting these documents but *refusing to issue the provisional receipt* confirming the place and date of their submission. Further, no justification or motivation is usually provided by authorities in support of such refusals.

The widespread occurrence of these practices, as well as their similarity across the country, indicates that such interference with associational life is not the result of isolated initiatives, but rather part of a high level-decided nationwide policy, aimed at weakening certain categories of associations whose methods or objectives disturb the authorities. A strategy which does not thus consists in crushing outright such associations but rather in leaving them in a legal limbo whereby they are kept legally vulnerable, deprived of the legal protections that would allow them to operate freely.

Indeed, an association which is legally declared is entitled, according to art.6 of the law, to file actions in courts, make purchases, acquire and administer public subsidies, private donations and foreign grants as well as offices and material needed for its activities. All these prerogatives lose their legal guarantee when associations are left in the legal limbo.

In practice, the most common and relevant practical consequences for associations of not being declared consist in: difficulty of renting offices or booking halls; ineligibility to organize gatherings in public thoroughfares and difficulty on posting public announcements; exclusion from official events and consultations; obstacles to opening bank accounts; ineligibility for subsidies; risk of prosecution for membership; dissuasion of potential members to join. Indeed, while the targeted associations have for the most part continued to operate, these obstacles have nonetheless undercut and weakened them.

Besides, if it's true that Moroccan law specifies remedies available to an association when local officials do not fulfil their obligations, it is also a matter of fact that associations have variously tried these remedies but held no satisfactory results overall.

The number of associations which have been affected by such kind of "legal harassment" is pretty wide and its range include for the most: several working to defend human rights of the Saharawi and Amazigh populations; others promoting the rights of unemployed persons and of immigrants in Morocco from sub-Saharan Africa; and others whose leaders are affiliated to the (not legally recognized) Islamist movement *al-Adl wa'l-Ihsan* (Justice and Spirituality).

As reported by Human Rights Watch, the following rank among the most prominent examples: [3]

▪ The Moroccan National Association of Unemployed University Graduates (*Association Nationale des Diplômés Chômeurs du Maroc*, ANDCM), a large nationwide umbrella group of local associations composed of unemployed Moroccans holding university degrees, which seek to promote state's commitment to provide work opportunities to young graduates. The ANDCM presented its founding papers to the local governorate in 1991, but was refused, without explanation, to be provided with the receipt - a refusal which has further kept occurring each time the association has tried to inform the authorities of its internal developments such as congresses results and elections.

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[3] Human Rights Watch (2009) *"Freedom to Create Associations - A Declarative Regime in Name Only"*

- The Amazigh Network for Citizenship *(Réseau Amazighe pour la Citoyenneté)*, advocating for the cultural, political, and civil rights of Morocco's Amazigh population. Both the association's national bureau based in Rabat and its four other local branches submitted founding papers to local administration in 2000 and repeatedly in the following years in occasion of each congress, but they always were refused to be provided with the provisional receipt, except for the national bureau who only got its receipt after a long delay, in 2009.

- The Aguelmam Association for Development and Culture (*Association Aguelmam pour le Développement*), a small Amazigh organization located in the commune of Dayet Aoua, near Ifrane. Though formally recognized in 2005, it was unable to obtain a receipt for filing the papers informing the authorities of the results of its internal elections held in 2007. The same thing happened to the similar Thawiza Association for Culture and Development, which was recognized in 2005 but was refused to be provided the receipt in occasion of its internal elections in 2009.

- Two of the largest Saharawi human rights associations, based in in El-Ayoun, - the Saharawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State (*Association Sahraouie des Victimes de Violations Graves des Droits de l'Homme Commises par l'Etat Marocain*, ASVDH) and the Collective of Saharawi Human Rights Defenders (*Collectif des Défenseurs Sahraouis des Droits de l'Homme*, CODESA) were openly refused legal recognition in virtue of their political views pro-Western Sahara's independence, which violates Moroccan Constitution. The ASVDH was never accepted the submission of its founding documents since 2005, while the CODESA encountered obstacles even before that, as the authorities stepped in to prevent it from holding its constitutive assembly, set in 2008.[4]

- The Union of the *Promotion Nationale* Workers in al-Ayoun. The *Promotion Nationale* is a national public-sector program, with a particularly large presence in Western Sahara, aiming to provide work for underemployed adults in labour-intensive activities. In 2007 a group of workers under this program in Western Sahara decided to form a union in al-Ayoun, but the submission of their founding documents was never accepted by the authorities on the ground that the *Promotion* workers have no right to form a union.

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[4] See also: Human Rights Watch (2008) "*Human Rights in Western Sahara and the Tindouf Refugee Camps*"

- The National Commission for the Protection of Public Property in Morocco (*l'Instance Nationale pour la Protection des Biens Publics au Maroc*, INPBPM), a Rabat-based organization dedicated to safeguarding Morocco's land resources and heritage from corruption and misappropriation, which was refused to be provided the provisional receipt after it submitted its founding papers in 2006.

- Various associations led by *al-Ad wa'l-Ihsan* members. A large number of associations exist in Morocco that are not formally affiliated with *al-Adl* but whose leadership includes members of that movement, and which are thus subjected to the same regime of restriction and harassment that *al-Adl* is subject to. Examples include: *al-Ma'rifa*, an educational association working to defend the socioeconomic interests of teachers in the city of Sidi Slimane, which was always refused to be accepted its documents since its creation in 2005; *al-Mishkat* and *as-Sobh,* two other small cultural/social association (based respectively in the cities of Sidi Slimane and Sidi Kassem), which had no problems at the moment of filing their documents and obtaining the final receipt (both in 1999), but which both encountered repeated administrative obstruction by part of the authorities in carrying out their activities.

- The Group against Racism for Assisting and Defending Foreigners and Migrants (*Groupe Anti-raciste d'Accompagnement et de Défense d'Etrangers et Migrants*, GADEM), which monitors the treatment by Moroccan authorities of migrants, in particular sub-Saharans, and was unable to obtain its registration receipt as the authorities objected the reference to racism in its name.

3.1.2. Freedom of Assembly

As the freedom of association, the freedom of assembly is also granted by art. 29 of the Constitution. Further, art. 21 of the ICCPR affirms the right of peaceful assembly and excludes any restrictions other than those imposed in conformity with the law for the same reasons stated for the right of association (i.e. for safeguarding *national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others)*.

The margins allowed by the law to Morocco's authorities to restrict freedom of assembly are indeed pretty large. The *Law on Public Gatherings[5]* does not

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[5] Law on Public Gatherings, *Dhahir No. 1-58-377 of November 15, 1958*
www.sgg.gov.ma/rec_lib_pub_fr.pdf

require prior authorization to hold a demonstration in a public space (art. 2), but obliges the organizers to notify the planned event at least 3 days in advance to the authorities, which may forbid the demonstration if they deem it "likely to disturb the public order" (art. 13). Further, the law only entitles legally recognized political parties, trade unions, and professional associations to organize public demonstrations, and forbids "armed gatherings" as well as "unarmed gatherings capable of threatening public security", which public authorities are thus empowered to disperse (art. 11).

Indeed, public gatherings and demonstrations appear to be normally tolerated by the regime, with the notable exception of those organized by Saharawi activists, which on the contrary often encounter harsh repression by part of the authorities.[6] Another most frequent target of police repression are the protests organized around the country by chapters of the National Association of Unemployed University Graduates (ANDCM).[7]

With regard to the recent protests which spread out starting on February 2011, Human Rights Watch reports that while the police tolerated some of them, in several other cases it intervened attacking and beating protesters severely, causing many injuries, even though they were generally peaceful protests.[8] Some of the harshest police violence occurred at peaceful protests organized by the 20 February Movement in Casablanca, Kenitra, and Rabat, and slightly less violently in Fès, Tangiers and Témara.

The security forces which dispersed the demonstration were reported to belong to the Moroccan Auxiliary Forces (*Forces Auxiliaires Marocaines*, FAM), a law enforcement agency in charge of certain public order functions, and the Mobile Intervention Unit (*Corps Mobile d'Intervention*, CMI) – both corps that have often been used by the Moroccan authorities to break up peaceful demonstrations.[9] Hundreds of protesters were detained; most were released, but some were tried and received prison sentences.[10] Also, during one of these demonstrations - organized in the town of Safi on 29 May and violently dispersed by security forces - the 30-year old protester Kamal Ammari was severely beaten and died 4 days later.[11]

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[6] For human rights' abuses on Saharawis and conditions in Western Sahara, see analysis in par. 3.5.2.

[7] Human Rights Watch (2011) "*World Report 2011 – Morocco and Western Sahara*"

[8] Human Rights Watch (2012) "*World Report 2012 – Morocco and Western Sahara*"

[9] Amnesty International (2011) "*Moroccan authorities must uphold freedom of assembly*" (Public Statement, 24 February 2011)

[10] Security forces were also reported to have harassed relatives of the 20 February Movement activists. Amnesty International (2012) "*Annual Report 2012– Morocco / Western Sahara*".

[11] The forensic doctors concluded that Ammari died from a pre-existing condition, aggravated by "a simple blow to the torso". The case remains under investigation (Human Rights Watch, 2012)

3.1.3. Freedom of Movement

Art. 24 of the Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation.

These rights are generally respected, although in some cases the Ministry of Interior restricts the freedom of civil servants to travel outside the country, mostly teachers and military personnel. Also in Western Sahara the freedom of movement is generally respected, travel documents are usually made available to Saharawis and only fewer cases of movement restrictions are reported. Indeed, the government tends to encourage the return of Saharawi refugees if they acknowledge its authority over Western Sahara.

As concerns the situation of refugees, the government usually cooperates with the UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers and stateless persons. As the country has not yet established a national asylum procedure, it defers to the UNHCR as the sole agency in the country entitled to grant refugee status and verify asylum cases.

Though, in the past years there have been some credible reports of government authorities expelling illegal migrants into the desert along the border with Algeria, with no food and water or any kind of assistance.[12]

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[12] US Department of State "*2010 Human Rights Practices – Morocco Country Report*" (8 April 2011)

3.2. Freedom of the Media and Freedom of Expression

The Moroccan Constitution formally guarantees the freedom of thought, opinion and expression (art. 25), as well as the freedom of the press (art. 28). Also the right of access to information held by public administrations, elected institutions and public service bodies is granted, but with the important clause that it can be restricted by the law in order to assure the *protection of national defence, internal and external security, the private life of persons as well as their freedoms and rights* (art. 27).

Indeed, precise red lines exist which include questioning the integrity of the Monarchy, the state officials, Islam and national territory. Several forms of speech and expression are criminalized under Moroccan law - well beyond the limits allowed from international law - and they have variously and often been used to arrest, condemn and imprison journalists. Most prominent among them: [13]

- Under the penal code: defamation (art. 442);

- Under the press code: offenses or insults directed to the king, any of the princes or princesses, the Islamic religion, the monarchical system, or the national territorial integrity (art. 41); publication of false information either if done in bad faith, or disturbing the public order, or stoking fear in the population (art. 42); defamation against individuals (art. 44); defamation of courts, state institutions and officials (art. 45 and art. 46); offensive speech directed toward heads of state, prime ministers, and foreign ministers (art. 52);

- Under the 2003 Counterterrorism Law: any expression seeking to justify terrorism (art. 218.2).

There are 17 daily and 90 weekly publications in Morocco, over 70% of which are privately owned.

Broadcast media remain dominated by the State: the main sources of information on standard television are state media whose coverage is monopolized by the government,[14] and the State holds the authority to appoint the heads of all public radio and television stations. The regime retain thus considerable control over the editorial content of domestic broadcast media and

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[13] Human Rights Watch (2012) *"Comments on the EBRD's Technical Assessments for Egypt, Jordan, Morocco and Tunisia"* (Human Rights Watch, 7 May 2012)

[14] Namely *Qanat al Aoula* (Channel 1) and *2M*, which provide daily news in Arabic, French and Amazigh.

radio stations are largely prohibited from broadcasting programs of a political nature.

Further, though the King claims to have liberalized this sector by establishing in 2002 the High Authority of Audio-visual Communication (HACA) - responsible for issuing broadcast licenses and monitoring content to ensure compliance with licensing requirements - as an "independent administrative body", this organization fails to have the necessary requirements to factually operate independently, as of its nine members, five are appointed by the King, two by the Prime Minister, and two by the Presidents of the Houses of Parliament. [15]

Indeed, Moroccans can access critical reports through pan-Arab and other satellite television channels, and foreign publications are widely available. Though, nor domestic neither foreign media are immune from the regime's supervision and/or repression, with the government carefully monitoring both printed and broadcast media, as well as blogs and websites, and often cracking down on those producing critical content.

According to many observers – among which Freedom House, Amnesty International and Human Rights Watch - critical journalism and critical expression in general in Morocco is widely harassed and curbed by government authorities through various means, such as: legal prosecutions against journalists or activists (leading to large fines or prison condemns); revoking of licenses; suspension/confiscation of publications; and aggressive financial harassment/boycott. Also self-censorship is consequently largely widespread. In the last three years, indeed, the following most prominent cases were reported: [16]

- In January 2009, the independent daily *Al-Jarida al-Oula* was fined US$19,000 for defamation after a trial in which the newspaper was not represented by legal counsel or staff. In March, the paper's managing director, Ali Anouzla, and its publisher, Jamal Boudouma, were sentenced to two-month jail terms and fined US$23,000 for defamation and insults against the judiciary.

- In February 2009, Fouad Mourtada was sentenced to three years in prison for "identity usurping," for creating a falsified – though non-defamatory -

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[15] Actually, the new constitution includes a provision on HACA (art. 165), but there's no evidence so far of any real change towards a stronger autonomy.
[16] Freedom House (2011) "*Freedom of the Press Annual Report 2011 - Morocco*"
Freedom House (2010) *"Freedom of the Press Annual Report 2010 - Morocco"*

profile of the King's brother on Facebook. He was then pardoned by the King the next month.

- In April 2009, journalist and blogger Hassan Barhoun was sentenced to 10 months in prison and a US$570 fine for allegedly circulating false news and for collusion in a corruption case.

- In June 2009, five journalists from three independent dailies were fined US$11,400 (the maximum amount designated under the press law) and ordered to pay damages for US$114,000, for insulting Libyan leader Gheddafi, following complaints from the Libyan embassy in Rabat.

- In August 2009, upon the Ministry of Interior's order, over 100,000 copies of the newspaper *TelQuel* (and its Arabic-language sister publication *Nichane*) were seized and destroyed, after the newspaper published results of an opinion poll on the King's decade in power, despite the results being positive.[17]

- In September 2009, the newspaper *Akhbar al-Youm* was banned, upon the Ministry of Interior's order, for publishing a cartoon of a royal family's member at his wedding ceremony. Its publisher, Taoufik Bouachrine, and the cartoonist, Khalid Gueddar, were sentenced to three-year prison terms and fined US$11,370 plus US$340,000 in damages for "lacking respect toward the royal family."

- Always in September 2009, blogger Mohammed Erraji was arrested and sentenced to two years in prison for insulting the King in a blog entry. Though, the verdict was overturned on appeal and he was released.

- In October 2009, Idriss Chahtane, publisher of the *Al-Michaal* newspaper, was sentenced to one year in prison and a US$1,140 fine for running articles about the king's health (he was then pardoned and released in June 2010, after serving 8 months). Other two *Al-Michaal*'s journalists, Rachid Mohamed and Mostafa Hiran, were sentenced to two months in prison and fined US$572 each. In November, the newspaper was banned on the grounds that Chahtane was serving a prison sentence.

- In February 2010, blogger Boubaker al-Yadib was sentenced to six months in jail for posting photos of police brutality online.

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[17] The act was criticized by The Moroccan National Press Syndicate as *"doubly illegal"*, due to the absence of legislation forbidding the publication of opinion polls, besides the fact that the publications were seized without a judicial order. (Freedom House, 2010)

- In June 2010 Radio Mars was fined and suspended for 48 hours after a guest claimed he wanted to one day become president of Morocco.

- In 2010, the Ministry of Communication banned the distribution of the French weekly *L'Express* several times. Also, the regime was able to shut down the independent weekly *Le Journal Hebdomadaire* by draining its financial resources, through successfully organizing an advertising boycott of the paper and seizing its assets after a court declared its parent company bankrupt.

- In October 2010 – after having already denied accreditation renewal to two *Al-Jazeera* journalists earlier in the year - the government accused the Qatari-based satellite network of reporting on the Western Sahara with a bias against the regime, damaging the country's image. All accreditations for *Al-Jazeera* journalists in Morocco were thus rescinded, effectively suspending all the channel's reporting in the country.

- In November 2010, the same allegations for biasedly reporting on Western Sahara were addressed towards Spanish media coverage, and the officials expelled three Spanish journalists and prevented 10 others from flying there to report on the conflict.

- On 28 April 2011, Rachid Nini, columnist of the Moroccan daily *al –Masa'*, was arrested and prosecuted for "gravely offending state institutions, public figures and the security of the nation and citizens" (under art. 263, 264 and 266 of the criminal code) for having published stories about Moroccan intelligence Chief Abldellatif Hammouchi. On 9 June he was sentenced to one-year in prison.[18]

- On 11 May 2012, popular rapper Mouad Belghouat (*al-Haqed)* was sentenced to one-year in prison for "insulting the police". He had previously been in pre-trial custody since March 29 because of a rap song ("Dogs of the State") and its related YouTube video denouncing police corruption, for which he was charged of "showing contempt toward public servants in the exercise of their duty with the intention of undermining their honor"[19]

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[18] Human Rights Watch (2012), Errazouki S. (2012)

[19] Human Rights Watch, *"Morocco: Prison for Rapper Who Criticized Police"*, 12 May 2012 http://www.hrw.org/news/2012/05/12/morocco-prison-rapper-who-criticized-police. The main evidence was a YouTube video containing a photo-montage of a policeman whose head had been replaced by a donkey's. Belghouat denied any connection to the video and its lawyers told HRW that no evidence was presented in court implicating Belghouat in the production or posting of the video.

Occasionally, also physical attacks on journalists do occur, but they are far less common than legal actions. There were no reported physical attacks in 2010, while in November 2009 the *al –Masa'*s journalist Moustafa Hajiri was reported by the Press Syndicate to have been assaulted by the police while covering demonstrations against price increases in Rabat.

Indeed, the *Press Freedom Index* annually released from Freedom House reports a gradually deteriorating score for Morocco in the last decade, and records the country's media as passing from a *"Partly Free"* status in 2000 to a *"Not Free"* status in 2011.[20]

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[20] The index assesses the degree of print, broadcast, and internet freedom in every country in the world, analysing the events of each calendar year. It provides numerical scores ranging from 1 to 100, and rates each country's media as *"Free"* (1-30), *"Partly Free"* (31-60) or *"Not Free"* (61-100). Morocco has kept steadily deteriorating in the last decade, passing from a 49 score in 2000 *(Partly Free),* to 58 in 2002 *(Not Free)*, 61 in 2004 *(Not Free)*, 62 in 2007 *(Not Free),* 64 in 2009 *(Not Free),* 66 in 2010 *(Not Free)* and finally 68 in 2011 *(Not Free).* (Freedom House, Freedom of the Press data 2012: "*Scores and Status Data 1980-2011*" *http://www.freedomhouse.org/report-types/freedom-press*)

3.3. Religious/Cultural Freedoms and Women Rights

3.3.1. Freedom of Religion

Morocco recognizes Islam as the state religion, though granting all Moroccans the freedom of religion.

Indeed, according to the 2011 Constitution: Morocco is a Muslim State, and "the pre-eminence accorded to the Muslim religion […] is consistent with the attachment of the Moroccan people to the values of openness, of moderation, of tolerance and of dialog for mutual understanding between all the cultures and the civilizations of the world" (Preamble); Islam is the State religion, though the free exercise of beliefs is guaranteed to all (art. 3); the guarantee of such freedom as well as the respect of Islam is assured by the King, in his role as the Commander of the Faithful and Chair of the Superior Council of the *Ulemas* (art. 41).[21]

Further, the International Covenant on Civil and Political Rights (ICCPR) – which Morocco has ratified without reservations – also affirms the right of individuals to adopt any religion or beliefs they want as well as to manifest it either individually or in community, privately and in public, through worship, observance, practice, and teaching (art. 18).[22]

The almost totality of Morocco's 34.8 million population is Muslim (98.7%) – the overwhelming majority being Sunni Muslims, while the Shia Muslims are estimated between 3,000 and 8,000. Other religious minorities are the Christians (1.1%) and the Jews (0.2%).

Although the constitution provides for the freedom to practice any religion, restrictions on this right are in practice identified by the law and put in place by the government and some discrimination is operated between the different religious minorities:[23]

- Any expression of opinion alleged to offend Islam can be legally prosecuted.

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[21] Constitution of the Kingdom of Morocco, July 1, 2001
The Supreme Council of Ulemas, appointed by the king with representatives from all 16 regions of the country, has the exclusive right to issue fatwas. A separate Brussels-based Council of Ulema was established for the more than 3 million Moroccans living abroad.
[22] United Nations *International Covenant on Civil and Political Rights* (ICCPR), (adopted by Resolution 2200A-XXI of the UN General Assembly on 16 December 1966)
[23] US Department of State (2011) "*2010 Human Rights Practices – Morocco Country Report*"

- Sunni Muslims are allowed to proselytize others, while it's explicitly prohibited by the law to proselytize Sunni Muslims.

- The Ministry of Endowments and Islamic Affairs (MEIA) monitors and provides guidance on Friday mosque sermons and the Koranic schools, to ensure the teaching of the approved doctrine and prevent extremist rhetoric.

- The government must authorize the construction of any new mosque.

- The authorities generally tolerate activities limited to the propagation of Islam, education, and charity, while often suppressing the activities of religiously-oriented political groups.[24]

- Minor religious communities are tolerated with varying degrees of restrictions, but the distribution of non-Muslim religious materials is forbidden.[25]

- Judaism enjoys a protected status that other religions and non-majority forms of Islam do not: a separate set of laws and courts covering personal status and family matters exists for Jews, while for all other faiths normal courts run by *Sharia*-trained Judges cover personal status matters. Further, the government's annual education budget funds the teaching of Islam in all public schools and Judaism in some public schools.

- Authorities and police closely monitor the small communities of Shia Muslims as well as of Christians, though they not often interfere with their activities. Occasional credible reports exist that authorities closed down unauthorized or informal mosques, apparently suspected of conducting extremist religious activities or not complying with state-defined standards.[26]

- According to the law, non-Muslims must formally convert to Islam before they can adopt children in the country; a Muslim man may marry a non-Muslim woman, while a Muslim woman may not marry a non-Muslim man unless he converts to Islam.

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[24] Political parties founded on religious bases are prohibited by law, though the government permits several parties identified as "Islamic oriented" to operate.
[25] The government often confiscate Bibles, Shia tracts, and other literature that did not adhere to Sunni Islam, as allegedly used for purposes of proselytizing.
[26] Human Rights Watch (2012) *"Comments on the EBRD's Technical Assessments for Egypt, Jordan, Morocco and Tunisia"*

- Though, the designation of religion on passports or national identity documents is not required and there are no prohibitions on religious clothing or symbols in either the public or private sphere.

- The government is entitled to summarily expel, without due process, any foreign resident alleged to be "a threat to public order," regardless of the due process requirement (art. 26 of the *Law on Entry and Residence of Foreigners in Morocco and Illegal Immigration and Emigration*). This is actually not in contrast with art. 13 of the ICCPR, which allows expulsion of foreigners only if "in accordance with law" and for "compelling reasons of national security".[27]

3.3.2. Women's Rights and the Family Code *(Moudawana)*

Among Arab Muslim countries, Morocco stands remarkably progressive in terms of women rights. [28]

The new 2011 constitution formally guarantees equality between man and women through its art. 19, which clearly states that "man and woman enjoy, in equality, the rights and freedoms of civil, political, economic, social, cultural and environmental character" enounced in the Constitution and in international conventions, and also provides for the commitment of the State in working for the realization of such parity, in particular through the creation of an authority specifically in charge of the struggle for parity and against all forms of discrimination (further reaffirmed in art. 164).[29]

Further, on 8 April 2011 Morocco withdrew its reservations - while maintaining other reservations, though - to articles 9.2 and 16 of the *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)[30]*, signalling a commitment to eliminate gender discrimination in marital rights/responsibilities and in the right of spouses to confer Moroccan nationality on their children when the other spouse is non-Moroccan.

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[27] Recently, over 150 Protestant Christians have been victims of summary expulsions in 2010, as a measure of "urgent necessity for state or public security". Human Rights Watch (2011) "*World Report 2011 – Morocco and Western Sahara*"

[28] Human Rights Watch (2012) "*World Report 2012 – Morocco and Western Sahara*"

[29] Constitution of the Kingdom of Morocco, July 1, 2001

[30] "*Convention on the Elimination of All Forms of Discrimination against Women*", adopted by UN General Assembly on 18 December 1979, ratified by Morocco on 21 June 1993. http://www.un.org/womenwatch/daw/cedaw/cedaw.htm

Last but not least, in 2004 major progressive reforms have been brought to the Family Code *(Moudawana)[31]* improving women's rights in marriage, divorce and child custody.

The *Moudawana* is the traditional personal status code (or family code) in Moroccan law, which regulates all issues related to the family, in particular the marriage, polygamy, divorce, inheritance, and child custody. Its first version was codified in the immediate post-independence, in 1957-58, by a group of *Ulamas* working under the auspices of the Monarchy. Intended to signify the nation's unity and modernity as well as its Islamic identity, it basically codified the system of existing patriarchal and kin-based social structures within the newly independent state, by drawing most of its substance on the classical Maliki Sunni Islamic law. Remarkably, it is the only section of Moroccan law that relies primarily on Islamic sources (rather than Spanish or French civil codes), virtually conferring it some sense of immutability which strongly contributed to obstacle any attempts to amend it later on.

Indeed, though some calls for reform were already raised during the 1960s and 1970s, its religious origins managed to block any serious movement for reform until the late 1980s. It was not before 1993 that some modest reforms were enacted under King Hassan II, as a result of a new born attention on women's rights brought by the flourishing of many Moroccan civil society organizations - including many women's ones - along with an increased international attention on these issues. An increased activism followed this initial change, bringing to the set-up of a working group[32] - composed by several Moroccan women's organizations and led by the Moroccan Association for Women Rights (*Association Marocaine pour les Droits des Femmes*, AMDF) – to examine the family code in order to propose amendments. The outcome was the formulation of a *Plan of Action for the Integration of Women in Development*, mainly centred on strengthening women involvement in development and politics as well as their education's opportunities.

The Action Plan, which was presented in 1999, divided Morocco's political elite and the government as well into two opposing factions - the *traditionalists* (supported by the Ministry of Religious Affairs), opposing the proposed reforms as allegedly rooted in Western influence, and the *modernists*, willing to prevent the influence of Islamic extremists on these issues. The debate extended

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[31] *Royal Dahir n° 1.04.22* issued on 3 February 2004, to implement Law n° 70.03 as the Family Code *(Moudawana) http://www.hrea.org/moudawana.html*

[32] The initiative was mainly funded by the World Bank.

beyond the realms of politics, eventually generating huge rallies in Casablanca and Rabat in March 2000.[33]

In 2001, Mohammed VI set up a commission tasked with reforming the *Mudawana*, and consisting of a Supreme Court justice, religious scholars, political representatives, and various intellectuals - including many representatives from women's organizations. In October 2003, a plan to replace the whole family code was submitted to the Parliament and finally approved – with over 100 amendments - in January 2004, receiving the overall praise of international actors, among which the United States, the European Union, the World Bank and Human Rights Watch. [34]

The major provisions brought by the 2004 reforms were the following:[35]

- The minimum age of marriage for man and women was raised from 15 to 18 years; in addition, boys and girls under custody may choose their custodian once they reach the age of 15.

- The requirement of a marital tutor as a condition of marriage for women was removed (though still possible for a woman to voluntarily designate a male relative as her marital tutor); any imposition to a woman to get married against her will was forbidden, as well as the wife's duty of obedience to her husband was rescinded.

- Limits to polygamy were introduced, subjecting the possibility to have a second wife to a series of strict conditions: the authorization by a judge; the existence of a an exceptional and objective justification for it; the first wife's consent; the man's disposal of sufficient resources to assure equal maintenance and support to both families in all aspects of life. Further, woman were recognized the right to petition for divorce in case of polygamy as well as to explicitly insert in their marriage contract a clause preventing polygamy.

- The right to petition for divorce was recognized to both men and women (though procedures for reconciliation and mediation are encouraged); divorces become legally allowed in situations of mutual consent, of abandonment or violence, or in cases where men fail to fulfil their marriage contract's obligations. Further, divorce proceedings were placed under secular courts' competence, rather than religious officials' one.

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[33] Harrak F. (2009)

[34] The King deliberately chose to have these reforms endorsed by the Parliament as a further source of legitimacy, whereas the original *Mudawana* and its 1993 amendments were enacted by royal decrees.

[35] Harrak F. (2009)

- The family was placed under the joint responsibility of both spouses; priority on child custody (which entangles the keeping of the house) was conferred – in order - to the mother, then the father, then the maternal grandmother and finally to the most qualified relative as deemed by the judge; the protection of children's rights according to the international conventions that Morocco has signed was affirmed, along with the right of children born outside of wedlock to be acknowledged of the paternity.

- Married couples were given the possibility to negotiate an agreement the management of their assets separate from the marriage contract.

Though, despite these positive achievements, the new code still preserved some discriminatory provisions with regards to inheritance rights and to the right of husbands to unilaterally repudiate their wives (with prior authorization by a judge).

But, beside this, the most worrying concerns reside in its implementation, due to the fact that it largely depends on the judiciary's willingness to enforce it and that its content and intents remain controversial and not widely agreed. In the country's rural and underdeveloped areas in particular, the gap between formal legal reforms and their practice in reality is significant.

Also, another most worrying trait concerning women rights is the still on-going absence of a specific legislation addressing or criminalizing violence against women and girls, so that real women conditions appear to be still lacking concrete protection and safeguard. The first comprehensive Moroccan *National Study on Violence against Women* carried out in 2009 by the High Planning Commission (*Haut Commissariat au Plan,* HCP*)* - a government agency tasked with compiling socio economic and demographic national statistics - furnishes insightful data on this issue: on a population of 9.5 million women aged 18-64, almost 6 million, or 62.8%, experienced some act of violence during 2009, 3.8 million of which in urban areas and 2.2 million in rural areas. Among these, the most frequent form of violence was the psychological violence, reported by well 48% (i.e. 4.7 million) of the interviewed, while 1.4 million (15.2%) reported physical violence and 827,000 (8.7%) reported sexual abuses. Further, most of the violence occurs within the domestic context, with 3.7 million women (55%) reporting conjugal violence, while 3.1 million (32.9%) reporting violence in public places. [36]

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[36] High Planning Commission (2011) "*National Study on Violence against Women*"(survey carried out in 2009, results released in 2011) *http://www.hcp.ma/downloads/Violence-a-l-egard-des-femmes_t13077.html*

3.4. Human Rights Violations

3.4.1. Illegal Detentions, Mistreatments and Torture under Counter-terrorism Law

One of the most worrying grey zones regarding human rights protection in Morocco concerns the numerous allegations of illegal detentions, mistreatment and torture perpetrated by the security forces against persons suspected of links to terrorism – abuses which certainly violates both international and domestic law but which are largely prompted by the excessively broad scope of the 2003 Counter-terrorism Law which, adopted in the aftermath of the 2003 Casablanca bombings, has given the government an almost unlimited legal margin to limit the human rights and basic civil liberties of Morocco's citizens.

On 16 May 2003, Morocco suffered the worst terrorist attack in its modern history when five coordinated suicide bombings in Casablanca killed 45 people. Officials reported the perpetrators to belong to two Islamist groups - *Sirat al-Mustaqim* and *Salafia Jihadia* - allegedly linked with Al Qaeda.

Twelve days after these attacks, Morocco passed the so-called Counter Terrorism Law (*Law No. 03-03 of 28 May 2003 on Combating Terrorism*), which includes an extremely broad definition of terrorism, reduces the rights of suspects in terrorism-related cases and hardens penalties for terrorist-classified offenses.[37]The law indeed:

a) Defines as terroristic any act which is "deliberately perpetuated by an individual, group or organization, whose main objective is to disrupt public order by intimidation, force, violence, fear or terror" and includes acts as theft, extortion, and any speech, writings or printed materials which is sold, distributed or displayed in public places or meetings, or through any audio-visual or electronic means of information.[38]

b) Extends to 12 days the maximum amount of time the police can hold a suspect before presenting him to a judge.

c) Confers to the Rabat Court of Appeals (located in the city of Salé) the exclusive nationwide jurisdiction on first instance trials to persons facing charges under this law.

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[37] *Law 03-03*, promulgated by *Dahir No. 1-03-140 of 28 May 2003* (published in the Official Bulletin, 5 June 2003), amending the Penal Code, No. 1.59.413 of 1962.

[38] This definition has indeed been used to convict and imprison journalists as well as persons posting statements online against the American occupation in Iraq (Human Rights Watch, 2010)

This law stands in sharp contrast with the remarkable steps that Morocco's has been doing in the recent years in committing itself towards the prevention of torture, ill-treatment and unpunished human rights abuses in general, which can be summarized in the following points:

- In 1993, it ratified the United Nations "*Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*."[39]

- In 2006, it amended the Penal Code by prohibiting torture and bringing the code's definition of torture closer to the one found in the UN Convention. This new broad definition considers as torture "any act that causes severe physical or mental pain or suffering intentionally inflicted by a public agent or upon his instigation or with his express or tacit consent, upon a person for the purpose of intimidating or pressuring him or for pressuring a third person, to obtain information or a confession, to punish him for an act that he or a third party committed or is suspected of having committed, or when such pain or suffering is inflicted for any other objective based on any form of discrimination"(art. 231). Further to this, art. 293 of the Penal Procedure Code prohibits the use of confessions obtained through "violence or coercion" as evidences in trials and remarks that perpetrators of such violence must be subject to the penalties provided in the Penal Code.

- Always in 2006, Morocco lifted its reservation to art. 20 and art. 22 of the Convention against Torture, thereby recognizing the competence of the *Committee against Torture* to open investigations when it receives reliable and apparently well-founded indications that torture is being systematically practiced, as well as to receive and consider communications from or on behalf of individuals claiming to be victims of a violation of the convention.[40]

- The new 2011 Constitution includes the prohibition of torture "under any of its forms and by anyone" and of any "cruel, inhuman or degrading treatment or infringement of one's dignity" (art. 22), as well as of "arbitrary or secret detention and forced disappearances" (art. 23).

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[39] United Nations "*Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*", adopted by the UN General Assembly on 10 December 1984 (Resolution 39/46), entered into force on 26 June 1987. *http://untreaty.un.org/cod/avl/ha/catcidtp/catcidtp.html*

[40] Though, Morocco has not signed the *Optional Protocol of the Convention against Torture (OPCAT)*, aimed at establishing a system of regular inspections of detention places conducted by both international experts and a domestic independent body. (Human Rights Watch, 2010)

- In 1990 it established the Moroccan Human Rights Advisory Council (*Conseil Consultatif des Droits de l'Homme*, CCDH) as a national institution mandated to protect and promote human rights in the country and to prosecute perpetrators suspected of violating them. The CCDH was replaced in March 2011 by the National Human Rights Council (*Conseil National des Droits de l'Homme*, CNDH), with a mandate expanded in accordance with the UN Paris Principles. Among its main tasks, the CNDH: monitors cases of violations and may conduct necessary investigations; may intervene, on an urgent basis, to prevent any possible individual or collective human rights violation; visits places of detention, prisons, reintegration centers and hospitals; submits annual and thematic reports on human rights to the King, the government and the Parliament and publishes them on the Official Bulletin. Its Managing Board consists of a President and a Secretary General and 37 members. [41]

- In January 2004 – upon the CCDH's recommendation - the Equity and Reconciliation Commission (*Instance d'Equité et de Réconciliation*, IER) was established, as the first equity commission in the Arab world, tasked with addressing the human rights abuses perpetrated against Moroccan citizens by the authorities in the period 1956-1999 and providing the victims with reparations. During its 2-year operate, the IER - headed by former political prisoner Driss Benzekri, who had spent 17 years in jail - held public hearings where victims could testimony the abuses they suffered, and in January 2006 it submitted its final report to the King, including a series of recommendations for legal and institutional reforms designed to prevent repeating past abuses. Following the submission, the government acknowledged responsibility for "disappearances" and other past grave abuses, compensating around 16,000 among victims and relatives. Nonetheless, many critics point out that even though victims were given a chance to publicize their suffering and receive compensation, no Moroccan officials or security force members have so far been prosecuted for such rights violations, and most of the institutional reforms recommended by the IER still remain to be implemented.[42]Furthermore, the government has shown to be fairly intolerant to discussions of these past abuses, and in June 2008 the private daily *Al-Jarida al-Oula* was ordered by a Rabat court to stop publishing testimony given at the IER.[43]

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[41] Of which 8 appointed by the King, 10 by NGOs, 6 by the Parliament, 2 by the higher religious bodies, 1 by the Judges association, plus 10 Chairpersons of Regional Human Rights Commissions. Website of the National Human Rights Council (CNDH) *http://www.ccdh.org.ma/spip.php?article88*

[42] Human Rights Watch (2011) *"World Report 2011 – Morocco and Western Sahara"*

[43] Freedom House (2009) "*Freedom in the World Annual Report 2009 - Morocco*" (Freedom House, 2009)

In the aftermath of the 2003 bombings, over 1,500 suspected Islamists extremists were arrested with the charge of "belonging to a terrorist network". Though sharply declined since 2004, arrests in terrorist-related cases have partly revived following some minor terrorist attacks in 2007. In this occasion, hundreds more suspected Islamist militants were arrested and imprisoned, all of which still remain in prison.[44]

Among the numerous mass terrorism cases being carried out, probably the most prominent has been the "*Belliraj case*", which saw 35 suspected being convicted on appeal on 16 July 2010 on charges of mounting a terrorist plot. It was pretty unique as it involved well six political figures among the defendants, including senior figures in four political parties (three moderate Islamist parties and a socialist party). All 35 defendants were found guilty and sentenced to various prison terms. In April 2011, though, the King pardoned five of the political figures convicted, while the 29 other defendants continue to serve their prison terms, including a life term for the alleged ringleader Abdelkader Belliraj.[45]

Since 2003, several allegations of security forces abuses and mistreatments on persons suspected of terrorism have been reported, especially acknowledging cases of "disappearances". Both domestic and international NGOs, such as the AMDH, Human Rights Watch and Amnesty International, have raised these cases to Moroccan authorities, but so far no concrete action has been taken, and courts have generally failed to investigate these allegations.

Most of the reports highlight strong similarities in the kind and path of abuses perpetrated, which can be summarized in the following ones:[46]

- Arrests carried on by agents in plainclothes producing nor a warrant for arrest nor an ID proving their identity as Judiciary Police's agent (the only ones empowered to make arrests);

- Lack of prompt notification of the arrest to the respective families (in violation of the Penal Procedure Code, art. 67, that requires relatives to be notified as soon as the decision for detention is taken by the officials);

- Agents searching homes of the suspects and confiscating items, without prior written permission of the residents or apposite warrant signed by the prosecutor (in violation of the Penal Procedure Code, art. 62.3 and 79);

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[44] Human Rights Watch (2011) *"World Report 2012 – Morocco and Western Sahara"*

[45] Human Rights Watch (2012) *"World Report 2012 – Morocco and Western Sahara"*

[46] Human Rights Watch (2010) *"Stop Looking for Your son"*

- Arrested being held in pre-charge, incommunicado detention for longer than the 12-day maximum period allowed by Moroccan law for terrorism cases;

- Arrested allowed to see a lawyer only well after the first four days of detention - the limit set by Moroccan law – and often only after having being forced to sign a written statement prepared for them by the police, which prevented them from reading it;

- <u>Physical abuses and alleged tortures</u> perpetrated during interrogations;

- Secret detention being carried out in secret facilities; most reports refer to an alleged <u>secret detention center in Témara</u>, near Rabat, which hosts the headquarters of Morocco's domestic intelligence agency, the General Directorate for the Surveillance of the Territory (*Direction Générale de la Surveillance du Territoire*, DGST). If true, this would be a serious violation of the law as the DGST is an agency that lacks the status of Judiciary Police and has thus no authority to arrest, detain or question suspects - a prerogative that the Moroccan law reserves only to security force personnel with the status of Judiciary Police, acting under the supervision of the public prosecutor. Moroccan authorities have repeatedly denied the existence of a detention facility run by the DGST in Témara; in May 2011, delegations from parliament and the CNDH visited the Témara center, but reported finding no evidence of any detention facility operating there.[47]

Further to this, also the situation concerning Morocco's prisons conditions in general is reported to be very poor and not meeting international standards. The Moroccan Observatory of Prisons (*Observatoire Marocain des Prisons*, OMP) - an umbrella group of lawyers promoting better prison conditions - and other human rights NGOs continue to report that prisons are overcrowded, prone to violence and with dramatically poor hygienic conditions.[48]

Lastly to be added, a further revival of terrorism-related arrests is being experiencing again after an allegedly terrorist incident occurred on 28 April 2011, when a bomb exploded in a touristic café in Marrakesh, killing 17 persons and wounding dozens, with no group claiming responsibility.[49]

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[47] Human Rights Watch (2012) *"World Report 2012 – Morocco and Western Sahara"*
[48] US Department of State "*2010 Human Rights Practices – Morocco Country Report*" (8 April 2011)
[49] On 28 October, the Special Terrorism Chamber of the Rabat Court of Appeals convicted 9 suspected Islamist militants in the attack, sentencing 8 to prison and one to death. (Human Rights Watch, 2012)

3.4.2. Human Rights Abuses in Western Sahara and on Saharawi Activists

Another huge grey area concerning human rights respect in Morocco is represented by the widely reported violations perpetrated by the authorities in the region of Western Sahara and towards Saharawi activists advocating self-determination for their people.

It is undeniable that Morocco's repression in Western Sahara has being strongly easing over time since the 1970s and 1980s, when Morocco and the POLISARIO were at war: Saharawi activists enjoy now much more freedom than before in conducting their activities, traveling abroad and promoting their cause within and outside the country, and Morocco has been gradually opening the door to wider debate on these issues.

Though, despite these improvements over time, serious rights violations continue, and Saharawis remain subject to severe restrictions by part of Moroccan authorities on almost all of the most basic freedoms. Remarkable violations which are continuously reported include: unfair trials; arbitrary arrests, violence and torture by the security forces; restrictions to the freedom of assembly through prohibition or repression of Saharawi demonstrations; restrictions to the freedom of association for human rights organizations, mainly through legal administrative obstruction; restrictions on foreign journalists and observers; restrictions to press freedom.[50]

- <u>Unfair trials.</u> Saharawis accused of politically motivated offenses are not usually granted fair trials. The common violations of due-process rights include: torture or mistreatment by police under interrogation to extract a statement incriminating themselves or others; coercion by police to sign a statement without reading it, the contents of which is almost always repudiated by the defendants at the trial; later repudiate; lack of timely medical examination to check for signs of torture or other abuse; no efforts by the judges to investigate defendant claims that confessions are extracted through force; common refusal by the judges to allow witnesses testimonies in favour of the defence if deemed to have probative value. Though, as the sentences are concerned, the usual prison terms which are currently imposed on Saharawi activists for politically motivated offenses – normally 3 years or less - are way shorter than those that the courts imposed in the 1980s-1990s, which tended to reach even 10/20 years. Also, royal pardons often free many prisoners before the end of their term.

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[50] Human Rights Watch (2008) "*Human Rights in Western Sahara and in the Tindouf Refugee Camps*"

- <u>Arbitrary arrests, violence and torture by the security forces</u>. Despite Morocco refuses and condemns torture and mistreatment both in its domestic laws and through international commitment (as seen in par. 3.5.1), reports of physical abuses and violence committed by police against Saharawi activists and suspected activists are indeed more than frequent. Three types of violence can be highlighted as the most frequently reported: *a)* violence inflicted during the interrogation of suspects in custody; *b)* violence against persons in their custody as punishment for alleged participation in illegal street demonstrations; and *c)* excessive force used to disperse illegal demonstrations. Further to this, perpetrators remain largely unaccountable as Moroccan officials generally fail to fulfil their obligation to investigate the evidence for the complaints submitted by alleged victims to the prosecutor's offices.

- <u>Restrictions to the freedom of assembly</u>. Moroccan authorities use the wide discretion that the law affords them to systematically refuse to authorize or disperse political demonstrations whenever they suspect the organizers of favouring Saharawi independence, by labelling organizations and gatherings as "pro-separatist" and by deeming them as "likely to threaten the public order." They usually accuse Sahrawi political activists of inciting violence as part of their public protests, invoking the risk of violence as a justification to prevent or break up demonstrations. Truly, most pro-independence and human rights demonstrations in Western Sahara are peaceful; violence only occurs on an occasional basis by part of some participants which deliberately seek to engage in clashes by throwing rocks, cans, bags or bottles to the police - an occasional protester violence which should definitely not justify broad bans on the right of assembly as the one that are indeed concretely reported.

- <u>Restrictions to the freedom of association for human rights organizations</u>. Remarkably, in the Sahara region hundreds of NGOs exist, along with the local office of the CNDH and even a specific *Committee for the Defence of Human Rights, Public Liberties and Camps' Populations* within the Royal Advisory Council for Sahara Affairs (*Conseil Royal Consultatif des Affairs Sahariennes* CORCAS)[51], created by Mohamed VI in 2006. Though, Moroccan authorities tend to discriminate among different types of organizations, and while allowing the proliferation and the free operation of most types, they regularly impose a regime of harassment and

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[51] CORCAS website *http://www.corcas.com/SearchResults/Committees/tabid/506/Default.aspx*

restrictions toward Sahrawi human rights organizations. Most prominent examples of such repression are: the refusal to grant legal recognition to the ASVDH and CODESA;[52] the dissolution of the Sahara branch of the Forum for Truth and Justice (*Forum Marocain pour la Vérité et la Justice*, FMVJ);[53] the impediment to work to the local branch of the legally recognized AMDH, through administrative obstruction and multiple arrests of its president. In practice, no one single regionally based human rights organization exists in Western Sahara that operates freely in actively exposing human rights violations committed by Moroccan authorities.

▪ <u>Restrictions on foreign observers</u>. Moroccan authorities continue to obstacle the work of foreign journalists and observers who seek to follow the Western Sahara question (although less than in past years, when foreign journalists and human rights delegations were regularly expelled).[54]

▪ <u>Restrictions to press freedom</u>. While having interfered less in recent years with the work of foreign journalists in the Sahara, Moroccan authorities continue to monitor them closely and incidents continue to occur. Western Sahara remains one of the red-lines issues for Moroccan media, for which they tend to engage in self-censorship to varying degrees. The two national TV channels and other official media do normally spread the official view of the conflict: speakers in favour of self-determination or against Moroccan authority over the region are virtually never put on air; some criticism over the details of the Autonomy Plan it's occasionally admitted, but not its rejection; coverage of pro-independence rallies and disturbances as well as allegations of abuses committed by the authorities against Sahrawi activists is very limited. There are only a few of the privately-owned dailies and weeklies which give space to the views of the Saharawis advocating for the region's independence or for a referendum upon independence. There' s also a state-run regional television channel, *TV Laâyoune*, launched in 2004, who has won a pretty large Saharawi public because of its Sahrawi cultural programming and coverage of local news, but which nonetheless face sharps limits when dealing with larger political questions.

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[52] As seen in more details in par. 3.2.1
[53] The FMVJ is a small organization aiming at investigating on circumstances of human rights violations; help the victims of such violations to obtain moral and material compensation; support judicial and institutional reforms toward better human rights protection.
[54] Among the most prominent recent cases: the expulsion of a French NGO Human Rights Delegation in April 2008, the block of an ad-hoc fact-finding mission by the European Parliament in late 2005 (decided after sustained disturbances erupted in the region).

Another point of serious concern is the situation of human rights in the Tindouf Refugee camps, located in a desert region of Algeria near the border with Morocco and administered by the POLISARIO front, with Algeria's cooperation. Established over thirty years ago by refugees who fled Moroccan forces advancing through Western Sahara, these camps host now approximately 125,000 residents, still living in tents or modest huts without running water and heavily dependent on international humanitarian aid.

Despite the POLISARIO's professions of openness to monitoring, the apparent easing of repression in recent years and the presence of many foreign humanitarian organizations, the human rights conditions of the refugees remain vulnerable due to the camps' isolation, the lack of regular on-the-ground monitoring and the legal limbo in which the camp exist. Indeed, the host country, Algeria, which is accountable under international law for protecting the rights of all persons within its territory, has ceded *de facto* administration of the camps to the POLISARIO - a liberation movement not formally internationally accountable for its human rights practices - which administers the camps on every aspect, by operating courts, prisons, an internal police force and controls on the camp's borders. Algeria has effectively abdicated responsibility for human rights violations committed on its own territory, which is a situation unacceptable under international law.

Major human rights violations occurring in the camps are:[55]

- Restrictions to the freedom of speech. Saharawi refugees in the camps enjoy substantial freedom in criticizing POLISARIO leadership over aspects of its day-to-day management of the camps, while sharp censorship exists over political speech and over any questioning of its continued leadership and positions over fundamental issues. The camps have no dissidents, demonstrations, media or organizations of any real significance that openly challenge the legitimacy of the POLISARIO in embodying the national cause, or that advocate in favour of Morocco's Autonomy Plan for Western Sahara. As the POLISARIO holds complete control over allocating resources and jobs in the camps, it's easy for it to impose operating difficulties on dissident individual/organization, most often with no need of any formal prohibition or direct repression.[56]

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[55] Human Rights Watch (2008) "Human Rights in Western Sahara and in the Tindouf Refugee Camps"
[56] Indeed, s small independent newspaper and a dissident faction of the POLISARIO do exist but with very little impact on public life; the only one human rights NGO operating in the camps, the Association for the Families of Saharawi Prisoners and the Disappeared (AFAPREDESA), does not monitor violations inside the camps but rather advocates for Sahrawi victims of abuses committed by Morocco.

- Restrictions to the freedom of movement. Evidence of formal or actual restrictions on refugees' movements in/out the camps is almost inexistent. Though, a sort of a fear regime surrounds these movements: as those quitting the camps to live in the Moroccan-controlled Western Sahara are portrayed as sell-outs or worse, they often keep their destination secret, fearing the Front might prevent them from traveling and usually leave without belongings and relatives.

- Allegations of Slavery. Although the POLISARIO openly and firmly oppose slavery, evidence of residual slavery practices affecting some black residents of the camps – which are a minority - have been variously and extensively reported. Such residuals concern one practice in particular: the refusal by some local personal-status judges (*qadi's*) to perform the act of marriage for black women informally designated as "slaves" unless their "owners" give their consent (a practice which still persists in Mali and Mauritania indeed).

A serious grey area regarding the situation in Western Sahara is the extent of the mandate of the United Nations' peacekeeping force for Western Sahara (MINURSO), which is not entitled to monitor human rights, although the Resolution 1979 creating the mission explicitly called for the development and implementation of "credible measures to ensure full respect for human rights".[57] Further, though the 2011 United Nations Security Council resolution renewing MINURSO's mandate contained human rights language more explicit than in previous years, it still failed to enlarge it to include human rights monitoring - an enlargement which is indeed supported by the POLISARIO but opposed by Morocco.[58]

Overall, human rights violations on Saharawi activists continue to occur on a pretty regular basis. Among the most prominent recent cases:

- On 14 April 2011 three non-violent pro-independence Saharawi activists - Ali Salem Tamek, Brahim Dahane, and Ahmed Naciri – were provisionally released after 18 months of pre-trial detention. They had been arrested - together with four other activists - in October 2009 upon their return from a visit to the Tindouf refugee camps, on charges of "harming Morocco's internal security. The trial of the seven started in October 2010, was postponed repeatedly and it's still opened.[59]

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[57] Remarkably, MINURSO is the only peacekeeping operation created since 1990 that has no human rights monitoring component.

[58] Human Rights Watch (2012) *"World Report 2012 – Morocco and Western Sahara"*

[59] Human Rights Watch (2012) *"World Report 2012 – Morocco and Western Sahara"*

- Twenty-three Saharawi civilians remained in pre-trial detention at Salé Prison waiting for a trial before a military court, for their alleged involvement in the clashes occurred in November 2010 at the Gdim Izik protest camp near El-Ayoune, which caused casualties on both security forces and civilians. Another 120 Saharawis were bailed and faced less serious charges before a civilian court for their role in the clashes. One year after they occurred, no trials had begun.[60]

Tab. 3.1   International Conventions ratified by Morocco

Name	Date of Ratification/Signature
International Covenant on Civil and Political Rights (ICCPR)	May 3, 1979
International Covenant on Economic, Social and Cultural Rights (CESCR)	May 3, 1979
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	June 21, 1993
Convention on the Elimination of All Forms of Racial Discrimination (CERD)	December 18, 1970
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	June 21, 1993
Convention on the Rights of the Child	June 21, 1993
Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	June 21, 1993
Convention on the Rights of Persons with Disabilities	April 8, 2009
Convention for the Protection of All Persons from Enforced Disappearance	February 6, 2007 (signed)

Source: USAID, Morocco Rule of Law Assessment 2010

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[60] In early October 2010, several thousand Saharawi residents of El-Ayoun erected a tent camp outside the city (in Gdim Izik) to dramatize a list of economic grievances. After a short attempt to negotiate with camp leaders, on 8 November authorities dismantled the camp by force, encountering some violent resistance which ended up with a balance of 13 deaths, including 11 members of the security forces. So far, no impartial and independent investigation has been undertaken upon those events. [Human Rights Watch (2011) *"World Report 2011 – Morocco and Western Sahara"*; Amnesty International (2012) *"Annual Report 2012– Morocco / Western Sahara.*]

3.5. Morocco's Civil Society

If compared to other countries in the Maghreb region - let alone the Arab world at large - Morocco stands out as having a well-developed and relatively free civil society, consisting of a significant and diverse network of organisations; according to some estimates, more than 30,000 legally declared associations are active in the country.[61]

Most of them flourished during the last 20 years as a consequence of the 1990s political opening, which allowed the associative domain to enshrine a new dimension of internationalisation, diversification and professionalism, and especially set up a legal framework much more favourable to the development of civil society than in the past. Indeed, in 1979 Morocco ratified the International Covenant on Civil and Political Rights (ICCPR)[62], freedom of association become a constitutional right and in 2002 a new legislation was adopted to facilitate the use of foreign funding by Moroccan organizations.

This associative boom has been characterized by some key features, namely: the diversification of the associations' domains of action and their exceptionally increased role in social services' delivering and community development; the emergence of a more pluralistic culture, where the positions of such new actors are less determined by partisan loyalties than by ideas and strategies, finally favouring the direct engagement of the citizens; the emergence of the feminist movement.

These evolutions favoured the emergence of formal and durable coalitions as well as ad-hoc and cause-related ones. Face to such a remarkable flourishing of associations, the State has not remained neutral and its attitude towards them has notably varied in the last two decades: before the 1990s, it tended to tolerate the work of the associations, especially those active at the local and rural level, though closely monitoring them (as the rural world was traditionally the Makhzen' domain); starting in the 1990s, it begun to progressively adopt a more liberal attitude, favouring in particular the development of those associations providing social services, which could thus fulfil those activities where the state happened to have manifest gaps.

Most recently, the State has re-assumed a certain supervisory attitude over the associative movement, by developing a strategy of control operating through different means: *(a)* co-optation of the movement's cadres and their

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[61] Kausch K. (2008)

[62] *United Nations' International Covenant on Civil and Political Rights (ICCPR)*, adopted by Resolution 2200A-XXI of the UN General Assembly on 16 December 1966, ratified by Morocco on 3 May 1979.

promotion to the higher levels of the public apparatus, as a response to the State's search for new, younger and more credible elites, as well as a way to divert them from engaging in political action; *(b)* incentives to create new NGOs completely committed and loyal to the State; *(c)* tight control over the associations' assets, limiting their resources to the strictly necessary, mainly in order to confine them to socio-educative functions and prevent any aspiration to enlarge their scope to the political and economic realms; indeed, as a corollary of this, the partnerships between associations and ministerial departments tend to be fairly unbalanced, in so far as these latter tend to adopt an instrumental approach towards the associations, perceived as mere implementers of their policies and programmes rather than real partners.[63]

Indeed, such a booming proliferation of associations and NGOs strongly supported by the state, has been variously interpreted: while many observers have expressed admiration for the vibrancy of Morocco's civil society, many others have been claiming that the sharp increase in the number of associations in the country has been part of a conscious state strategy, aimed at establishing bridges with different social sectors, at side-lining the political parties, and at promoting internationally an image of a democratizing country.[64]

So said, a rough and non-exhaustive overview of the wide Moroccan civil society landscape can be offered below, by grouping these organizations in: *(a)* Professional Associations (Business Associations and Trade Unions); and *(b)* Non-Governmental Organizations.

a) Business Associations and Trade Unions

In Morocco there have never been institutionalized practices of participation promoting the associative movement of employees and formally involving it into the decision making process on a regular basis. Even now, associational life is actually sporadically involved in decision making and its power of influence largely depends on its lobbying capacity instead than on institutionalized mechanisms of consultations and demands' inclusiveness.

As concerns the business associations, Moroccan entrepreneurs only emerged on the public sphere as key economic actors and autonomous interest groups since the 1990s, fostered by the liberalization and privatization processes. Previously, they had no social recognition and were instead commonly viewed as rent seekers. The main Moroccan business association is the General Confederation of Moroccan Enterprises (*Confédération Générale des Entreprises du Maroc*, CGEM), which, having started a process of image-lifting

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[63] Naciri R. (2004)
[64] Korany B. (1995)

and capacity-building process in the late 1980s, finally gained its status of autonomous interest group independent from the state with the signing of an agreement with the Interior Ministry in 1996, which formally gave it recognition as a social actor, entitled to participate to the re-formulation of the political pact. Institutionally, its legitimacy ad representativeness is built on its intermediation and negotiation competences. Its mechanisms of influence are more the lobbies/interest groups' pressure tools than the parliamentary classic channels. The CGEM plays a strong role in Moroccan political decision making process: it interfere in social negotiations; it regularly offers expertise and technical advice to the government and the parliament on the elaboration of policies and laws pertaining the social domain; it engages in discussions with European Union and work closely with it on the identification of projects. Nonetheless, all these relations still lack an adequate structural framework, which is why the CGEM is keeping proposing a group of permanent liaison with the Parliament in order to organize these relations on a permanent, institutional and regular basis.[65]

As regards instead the Trade Unions, Morocco has an old syndicalist tradition dating back to the period of the protectorate, with the first union group being created in 1956. At present, Moroccan Trade Unions can be divided in two categories: *(1)* A category related to the central authority, strictly unionist and limited to professional concerns with no claims to interfere in the political realm. It essentially consists of the Moroccan Work Union (*Union Marocain du Travail*, UMT), the oldest and most important Moroccan unionist group, created in 1956 and closely linked to the UNFP during the 1960s; it has both strong following among wage-earners and strong financial means; it practices lobbying and gets to be heard by managers. *(2)* A category of unions created by political parties. It basically consists of the General Union of Moroccan Workers (*Union Générale des Travailleurs Marocains*, UGTM), linked to the *Istiqlal* Party, and the Democratic Confederation of Labour (*Confédération Démocratique du Travail*, CDT), formerly linked to the USFP.

All these workers' unions are particularly active at the parliamentary level - with strong representations in the Upper Chamber - and do take part in major economic and social debates. Thought, beside a strong power in the negotiation of labour relations, they have weak legislative power on the whole, and only contribute marginally and often indirectly to the elaboration of laws. Indeed, unlike the CGEM - which carries out studies and investigations and often intervenes in the political and electoral debates through economic policy's proposals - the workers' unions often limit themselves to demand or denounce,

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[65] Ben Ali D. (2005); Cherkaoui M. and Ben Ali D. (2007)

often only on a principles-driven strand, with a pressure strength mainly exerted through blockage powers and a domain of action limited to the social realm.[66] Such a limited scope may presumably be explained by two key shortcomings inner to the trade unions' movement: *(a)* the deficit in expertise and competence, as the sporadic presence of university professors and journalists in their ranks does not suffice to overcome the lack of a permanent structure able to regularly provide juridical/economic advice and information; *(b)* the lack of an information system of their own, as they have no databases and virtually no studies or investigations, thus gathering most part of their information from outside (i.e. reports/studies from international organisms or specialized press).[67]

b) *Non-Governmental Organizations (NGOs)*

Besides the above-mentioned process of empowerment/autonomy-gaining of the professional associations, the most remarkable feature of the civil society renaissance experienced in Morocco since the 1990s is the flourishing of a huge landscape of major and minor non-governmental organizations, most of them engaged in the cause of human rights protection.

As will be shown later in the chapter, government's attitude toward domestic and international human rights organizations operating in the country varies depending on the sensitivity of the issues, but is generally cooperative. The main domestic and independent human rights NGOs that the government recognizes – and also subsidizes - include the Moroccan Association of Human Rights (*Association Marocaine des Droits de l'Homme*, AMDH) operating since 1979 and currently counting around 10,000 members, and the Moroccan Organisation for Human Rights (*Organisation Marocaine pour les Droits Humaines*, OMDH), founded in 1988 and initially banned as extremist.[68] The government cooperates on a pretty regular basis with both the AMDH and the OMDH, responding to their inquiries and recommendations. The AMDH in particular usually provides information, on an informal basis, to the government as well as to government-affiliated organizations.

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[66] For instances, they exerted a certain power in slowing the rhythm of the 1990s privatization process, in blocking for many years the adoption of a controversial new work code, and in renegotiate in a significant way the remunerations of public sector workers inspite of inflation and budgetary constraints. (Ben Ali, 2005)

[67] Ben Ali D. (2005)

[68] The Moroccan League for the Defence of Human Rights (*Ligue Marocaine pour la Défense des Droits de l'Hommes*, LMDH) - which was part of the *Istiqlal* party - was also among the main ones, but it's no longer active.

Among the numerous other local groups with which the government regularly or occasionally cooperates, the most consolidated relationship are with the Forum for Truth and Justice *(Forum Marocain pour la Vérité et la Justice,* FMVJ), the Moroccan Prisons Observatory (*Observatoire Marocain des Prisons*, OMP), and *Transparency Maroc*.

Major international NGOs also often engage in cooperation projects with the Moroccan government/authorities and carry out regular investigations in the country, either through their local branches or through ad hoc missions; among them, the most active are Transparency International (through its local chapter based in Casablanca), Amnesty International (though its local branch based in Rabat) and Human Right Watch. [69]

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[69] US Department of State *"2010 Human Rights Practices – Morocco Country Report"*

4. Socio-economic Development and Economic Reforms

4.1. Social and Human Development: an Overview

The first nationally representative Living Standard Measurement Survey (LSMS) in Morocco was conducted in 1990-91, followed by a second one in 1998-99 and the most recent one in 2007. Following is an overview of the main results emerging from these surveys, mostly relying on the analyses that the World Bank and UNDP carried out drawing on these sources.

4.1.1. Poverty and Human Development in the 1990s [1]

During the 1990s decade the country experienced a sharp increase in poverty and a certain stability in inequality, though coupled with a general improvement in the main social indicators – which nonetheless kept lagging behind comparable levels countries both in regional terms (MENA region) and in income terms (middle-income countries).

Overall, the incidence of poverty (the total number of those below the poverty line) increased from 13.1% in 1990 to 19% in 1998 (from 3.4 million to 5.4 million persons) and the number of economic "vulnerable" people increased from 35% to 44% (from 9 to 12 million. This increasing trend was also reported in other standard poverty measures, highlighting that poverty increased also in depth (the poor got poorer) and severity (the distribution of welfare among the poor become more unequal). Despite the increase in poverty, the profile of poor remained relatively constant:

- Poverty largely remained a <u>rural phenomenon</u>, with 66% of the poor living in rural areas, and almost one Moroccan out of four being poor in rural areas, compared to one out of ten in urban areas.

- Both in rural and urban areas greater poverty remained associated with <u>larger household size</u> and larger number of children and with <u>low level of education</u> (64.3% of the poor have no education and 17.5% have only primary education).

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[1] This sub-paragraph draws on the World Bank (2001) "*Kingdom of Morocco - Poverty Update.Vol. I: Main Report*". Where not differently specified, data and figures refer to 1999, the LSMS's year.

- The problem of the "<u>working poor</u>" remained striking: employment kept failing to protect from poverty, with 80% of the poor at the national level being employed, 6% unemployed and 14% inactive; unemployment remained higher among the urban poor (31.5%, compared to a national level of 25.7).[2]

- Geographically, <u>poverty increased in all regions</u>, with the exception of the oriental one; the poverty rate remained highest in the Center-south (29%), Center-north (28%), and North-west (24%) regions, accounting together for almost 40% of the total poor.

As concerns inequality, the 1990 decade showed an equal pattern of almost stability on a high level in both urban and rural areas, although the former slightly more unequal than the latter. The Gini coefficient indeed stagnated around a pretty high 39%; both at the beginning and at the end of the decade the richest 50% of the population makes almost 75% of the total expenditure, while the top 10% accounts for more than 30% of the total expenditure on consumption. Overall, this testifies of a highly static society, where lack of mobility adds to unequal living conditions.

As concerns social development, the increase in the Government social expenditures (from 8.4% of GDP to 12.5% between 1990 and 1998) resulted in a clear improvement of most social indicators: adult illiteracy, primary enrolment rates, death rates, life expectancy, access to electricity and piped water, all recorded significant progresses. Though, despite such improvements, two great issues of concern remained still: a) aggregate figures kept masking wide gender disparities as well as wide urban/rural imbalances; b) although the percentage discrepancy with the same indicators of other comparable countries decreased, it still stayed very large and the pace of improvement should have been accelerated further. [3]

Essentially, most of the poverty increase recorded in Morocco during the 1990s was due to the poor performance of the economy, and in particular was linked with the following major socio-economic changes: a) a decline in manufacturing exports; b) an increase in the urban unemployment rate due to an increasing urbanization coupled with a declining labour demand growth; c)

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[2] The distribution of the poor by sectorial activity showed that at the national level most of the poor worked in the agriculture sector (56.6%), followed by services (25.5%) and construction (12.6%); further, urban poor household heads are most likely to be either wage earners in the private sector or self-employed, as opposed to the rural poor ones who were mainly self-employed.

[3] Though the Human Development Index (HDI) in Morocco increased from 0.54 in 1990 to 0.58 in 1997, this level was still the lowest among the other MENA; also the Gender-related Development Index (GDI) confirmed Morocco lagging well behind all other comparable countries.

unfavourable climatic conditions, coupled with bad agricultural policies and unfavourable price changes, which contributed to risen rural poverty; d) a decline in international worker remittances (which dropped from about 11% of total private consumption in 1991 to 8.4 % in 1998); e) an increase in public expenditures in consumer food subsidies which resulted to be poorly targeted to the poor; f) low levels of public spending in social sectors, which – though increased during the 1990s – still but remains insufficient and well below those of other countries in the region and at the same level of income.[4]

4.1.2. Poverty and Human Development in the 2000s [5]

After the largely lost decade of the 1990s, Morocco achieved unprecedented rates of poverty reduction during the 2000s, most likely as a result of the increased interest given to social issues and poverty alleviation since Mohammed VI accession to the throne.

The overall poverty ratio decreased from 15.3% to roughly 9%, with a much more marked fall in in rural areas (- 10.6%) than in urban areas (- 2.8%) Part of this evolution is explained by the effect of sustained growth on unemployment, which reached its 30 year low of 9.6% in 2008.

Despite the huge decline in absolute poverty, economic vulnerability remained widespread, with 17.5% of the population showing consumption levels just above the poverty line. Together, the poor and the near poor (the vulnerable) account for 26.5% of the population, meaning that 8 million of Moroccans keep living in poverty or under constant threat of poverty.[6]

Though, such remarkable achievements in poverty reduction were not accompanied by a similar trend in inequality: the partial closure of the rural-urban gap did not cancelled entrenched disparities, with rural poverty still accounting for 70% of overall poverty, and a rural poverty rate of 14.5%, compared to a 4.8% for urban areas; disparities among regions remained

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[4] Social spending rose from 35% to 43% of total public expenditures, and from 9.1% to 12.5% of GDP between 1991 and 1998, while other countries in the region and at the same level of income spend on average close to 20% of GDP on social programmes.

[5] This sub-paragraph draws on the World Bank (2009) "*Morocco - Country Partnership Strategy for the Period 2010-2013.Vol.1*". Where not diversely specified, data and figures refer to 2007, the LSMS's year.

[6] The importance of looking at near poverty in addition to absolute poverty results mainly from two factors: a) Poverty in Morocco is measured by using a frugal poverty basket, with a poverty line well below that used by other middle-income countries which thus pick up only the very poor; b) This period was preceded by a decade of increasing poverty which saw many near poor being pushed into poverty; with the 2000s resumed growth these transient poor moved back to near poverty indeed, but core chronic poverty remained unchanged.

substantial, though practically all regions contains pockets of severe poverty in slum areas or villages; the stunning increase in income inequality in both urban and rural areas reveals that growth for the poor was slower than the average growth, and still below the levels needed to cut poverty by half in 20 years.

Although the overall decrease in unemployment rates has indeed contributed to reduce poverty levels, employment still fails to guarantee protection from poverty: with an absolute majority of the poor being employed, that of the "working poor" remains a substantial problem. It mostly concerns the informal sector - and primarily agriculture (employing 70% of total labour force), characterized by low pay, job tenure's insecurity and lack of safety standards.[7] On the contrary, the formal – and especially the public – sector offers good safety nets and significant wage premiums (but the poor, predominantly with no or only basic education, cannot compete for such jobs).

Access to education has improved at all levels, but this was not accompanied by equivalent progress in the returns to education and serious disparities persist in the progression through the system. Indeed, the national net enrolment rate increased from 52.4% in 1991 to 93.5% in 2007 for primary school, from 17.5% to 43.4% 2007 for middle school, and from 6.1% to 17.5% in 2007 for upper secondary school. This increased enrolment in compulsory education made pressures on higher education, leading to a 25% increase in student enrolment between 1993 and 2006. Remarkable progresses were also achieved in reducing the gender gap in access to education for children: the gender parity index in primary education between urban boys and rural girls aged 6-1 1 has narrowed from 1.5 to 1 over the decade. Though, despite the achievement of an almost universal access to primary education, major problems still persist as regards the completion rates: only 71% of children aged 6-11 complete primary schools; the illiteracy rate of the 15-24 cohort remains at a high 24% - with strong repercussions on labour productivity; illiteracy rate for woman remains at a high 52.7% at the national level, reaching a stunning 72.2% in rural areas. Lastly, major problems still persist in the quality of education: despite high expenditure per pupil, grades of Moroccan students in the TIMSS 2003 survey are low compared to the MENA region and other participating countries.

Despite a general expansion of services, the poor benefited only slightly by such improvements, due to a series of financial, social, and geographic barriers which prevent them from regular access to quality services in sectors such as

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[7] Almost 70% of Morocco's poor are employed in just two sectors - agriculture and construction - which are characterized by informality.

education, maternal health, and housing. Besides, in the absence of effective safety nets, large out-of-pocket payments for services further constrain the budgets of the poor.

Of particular concern remains the situation of the health indicators, which despite a general improvement, still keep showing important gaps. The health financing and management systems especially suffer from a deterioration of physical infrastructure due to a lack of appropriate maintenance and form acute personnel constraints at both medical and management levels, which makes it failing to meet the needs of the majority of the population.[8]

Progress in housing and infrastructure is also uneven: despite impressive spending on a slum-upgrading program, around 4 million people (or 780,000 households) still live in substandard or inappropriate housing; despite massive investments in the water supply leading to improved access to safe water on a national scale, rural areas still experience serious lack of potable water.

Though uneven and mixed, Morocco's success in reducing poverty during the decade is undeniable, with an overall positive balance of the poverty trend. If most of the merit can be obviously be credited to the overall positive economic growth and to the increased government social spending, also other factors are likely to have played a key role, namely: *(a)* demographic transition: the rapid decrease in the number of children per woman experienced over the past decades (dropped from an average of 5.4 children/woman in 1980-1985 to 2.4 in 2005-2010) has reduced the pressure on household budget as well as on public investments and labour markets, freeing resources for other important uses such as investments in basic infrastructures; *(b)* fiscal resources: thanks to overall good public deficit situation, Morocco has a broad fiscal space and ability to invest in public projects; *(c)* credit extensions and microcredit associations: the government strong support to the private sector through credit allocations, as well as the widespread engagement of microcredit associations, largely contributed to lifting the liquidity constraints on small and medium sized firms as well as on poor households;[9] *(d)* increased remittances from Moroccans living abroad, which constituted a bulk support for households; *(e)* increased role of NGOs, both domestic and international , often in partnership with state and local governments, and in particular after the 2002 law which to allowed domestic NGOs to receive foreign funds.[10]

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[8] Maternal mortality stands at 227/100,000 (or 45 times Europe's average); infant mortality rates (40/1,000 in 2004) remain intolerably high.

[9] In 2009 Morocco allocated 80% of its total credit to the private sector, and it receives on average 59% of total microcredit loans granted in the MENA region.

[10] Achy L. (2010)

4.2. Key Phases and Trends of Socio-economic Development

4.2.1. Four phases of Socio-economic Development

As regards socio-economic development since Morocco's independence, four important phases may be distinguished, which are significant for the periodization of social policies in Morocco.[11]

a) The first phase (1956 – 1970)

The first phase followed independence and was characterized by nation-state building within an authoritarian regime.

As was the case for most of MENA countries after independence, in Morocco as well the new state aimed at creating a wide social base of support for the new regime, therefore trying to consolidate its legitimacy especially among the popular classes in rural and urban areas. The adoption of Morocco's initial social policy was thus lead by practical concerns (i.e. nation-building, state formation and consolidation, regime legitimation) rather than citizen rights considerations, and constituted a crucial part of the country's post-independence development project.

Thought embracing very early a free-market neo-liberal economic ideology, Morocco opted for a strong state-led approach to distributional and social policies in order to reduce the devastating impact of colonization: the government set up specific allocations to the Ministries of Health, Education and National Aid to undertake relevant social actions, while leaving little scope for private sector in these fields. However, although promoting free and generalized access to education and health structures, the provision of social services in the first post-independence period resulted highly insufficient and poor in quality.

b) The second phase (1971 – 1982)

The second phase was characterized by the re-launching of parliamentary politics after two abortive military coups and a period of social and popular unrest. Facing this situation, the ruling elite adopted a populist model of distributive social policies to consolidate social welfare and support popular classes, in particular the urban ones. Legislation on industrial relations and social security based on French patterns was passed, in addition to free education and healthcare. Also, following repeated droughts, the state intervened directly in the agricultural sector by introducing a system of

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[11] Ennaji M. (2006)

support policies for the main agricultural crops (e.g. provision of irrigation services and other rural infrastructures) along with the exemption of the sector from taxation, a wide food subsidies' scheme and the redistribution of 400,000 hectares of land.

Such a populist model of development based on state authoritarianism and high public spending was mainly possible thanks to the boom of the phosphate prices in 1974-1976 which provided the state with the resources it needed to implement it, but as soon as the economic bonanza started to reverse, its unsustainability become evident: by the early 1980s, faced with problems of financial capacity and weak economic performance – further worsened by the cost of the Western Sahara campaign – the government had to revise its economic and social policy and turn to the IMF and the WB for implementing an austerity program of economic adjustment.

c) The third phase (1982 – 1987)

The third phase was a period of economic recession which saw the implementation of drastic measures of economic liberalization, privatization and social policy's marginalization.

In the early 1980s indeed, Morocco had to face a severe economic recession complemented by devastating public finances. Hence, following the recommendation of the IMF and the WB, in 1982 Morocco adopted a Structural Adjustment Plan which introduced a wide range of neo-liberal economic measures such as severe cuts in public spending[12], a vast privatization program, a gradual retreat of the state from social welfare and a general expansion of the private sector, together with the passing of a new legislation fostering national and foreign investments.[13]

Such these budgetary cuts and restrictions led to the erosion of social services and welfare spending, particularly hitting education, health and social benefits, resulting in social tensions which finally culminated in a series of bred riots and mass protests in 1982, 1984 and in 1990.

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[12] Actually, the two institutions were both calling for fiscal consolidation, but disagreed on the means to achieve it: while the WB feared that too much austerity could jeopardise its own sectoral efforts, the IMF was more concentrated on macroeconomic stabilisation and insisted on more expenditure reduction. (Harrigan J. and El-Said H. 2009)
[13] The expansion of the private sector was particularly encouraged in matters of health and education: the 1990s saw the creation of many private schools and institutions - among which the first private Anglophone university, the *Al Akhawayn* University at Ifrane – and the setting up of many sophisticated private medical centres and clinics.

Truly, despite these neo-liberal measures, free healthcare, free education and subsidies to housing and food products did not disappear, but started to show a deteriorating trend in quality. Moreover, King Hassan II always maintained a high profile as the implicit guarantor of social welfare and provider of services to the poor: whenever social tension arose over economic decisions - such as the over-mentioned subsidy reductions and following bred riots – he promptly stepped in with public announcements to reverse the policies and appease the population.

d) *The fourth phase (1998 – present)*

The fourth phase saw a changing political climate with the first *alternance* government led by the USFP in 1997 and the accession to the throne of the new King Mohammed VI. During this phase, economic liberalization continued, along with new measures to encourage privatization. However, a renewed interest in state-driven social policy took place in this phase, with the elaboration of a more comprehensive social development strategy.

Social development become the government's top priority: a Home Secretary for National Aid (*Secrétariat d'Etat Chargé de l'Entraide Nationale*) was created in order to guarantee rigour ad consistency to this approach, the Ministry of Social Affairs (*Ministère des Affaires Sociales*) was renamed Ministry of Social Development (*Ministère du Développement Social*), the government's budget allocated for social development increased – gradually passing from 41% of the general state budget in 1997-1998 to 47% in 2000 to 50% in 2010.

4.2.2. Key Recent Economic Reforms and Performance[14]

Overall, Morocco's economic performance during the past decade offered a picture of significant general improvement, with sustained high GDP growth, falling unemployment, rising investment and low inflation. Over the period 2000-2008 GDP growth averaged 5.1% (almost twice the previous decade's average); per capita GDP almost doubled to reach US$2,800; the growth pattern became less volatile and in particular less dependent on agriculture (a sector which still counts for a large 13% of GDP); unemployment declined from 14% to 9.6%; investment increased sharply from around 25% to 36% of GDP; inflation remained limited at about 2.5% on average; integration in the global economy improved, though the share of trade on GDP keeps being low (76%).

Since 2005, the country embarked on a path of sound macroeconomic policies and public finances consolidation by endorsing rigorous fiscal policies

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[14] World Bank (2010; 2009)

(which led to budget surpluses of around 0.3% of GDP in 2007 and 2008), a prudent debt strategy (central government debt declined from 62% of GDP in 2005 to 47.3% of GDP in 2008), a restrictive monetary policy aimed at maintaining low and stable inflation, and enhanced financial sector supervision. Overall, these efforts led to a stable macroeconomic situation, stronger public finances, and a sound financial sector.

Along with macroeconomic and fiscal consolidation, enhancing competitiveness has ranged among the top priorities of Morocco's government: indeed, specific sector strategies to boost investment and productivity have been designed and implemented in most dynamic sectors with high growth potential, also involving private sector participation. Gross investment, which averaged 25% of GDP during the 1990s, increased rapidly in the 2000s to reach an outstanding 36.3% of GDP in 2008. Most of the investment was due to the private sector and state owned enterprises (61%), followed by households (28%) and public administration (11%), and was reinforced by a strong increase in Foreign Direct Investments (FDIs) (8% over the period 2005-2010). Most of the FDIs were channelled to five sectors: telecommunications (22%), new industry sectors (20.9%), tourism (17.8%), real estate (16.5%) and banking (5.9%) - all sectors which actually showed high growth rates over 2001-2008.

As a result of the reforms carried out in the 2000s, Moroccan economic structure has undergone outstanding positive changes, among which: the share of the primary sector shrunk by 3.5% points of GDP to reach an average of 15.7% over the period 2001-2008 (a figure which is high compared to leading transition economies, but whose downward trend is encouraging), which helped GDP growth to become more resilient to the uncertainties of the agricultural sector; the weight of the services sector increased by 4.3% points, averaging 56.1% of GDP, mostly driven by the dynamic telecommunication sector and other services provided to businesses and households; though, the manufacturing sector experienced a contraction, seeing its share on GDP declining from an average 18.8% in the 1990s to an average 16.5% in the 2000s.

4.3.   Current Government Development Policies

Since the start of the decade, the magnitude of the social and economic challenges that Morocco has being going through has pushed the government to take a strong stand on development issues. Indeed, after having led over the past few years a number of diagnostic analyses and studies with the participation and support of civil society, academia and think tanks[15], it finally come out with a renewed national development vision, which underpins a process of interconnected strategic reforms in several spheres: a) international: focus on increasing integration in regional, European, and global markets, and in particular strengthening strategic partnership with the EU (to be analysed in chap. 5); b) political: focus on respect for human rights, fight against corruption, consolidation of electoral democracy and acceleration of the decentralization agenda (as analysed in chap. 3); c) economical: focus on achieving employment-creating growth through economic opening and liberalization, fostering support to private sector development and foreign direct investment, major infrastructure works and selective sector priorities; d) social: focus on enhancing the education sector's performance, reducing the incidence of poverty as well as the rural-urban gap, and improve women conditions.[16]

4.3.1. The Current Government Development Programme

In 2007, the government launched a comprehensive <u>Social and Economic Development Program</u> for the period 2008-2012 which framed the main directions for reforms, centred around three key objectives: [17]

   a) Improve social outcomes, focusing on education, health, and better social protection (namely substituting ineffective subsidies with targeted safety nets mechanisms).

   b) Enhance growth, export potential and investment in the country by focusing on key productive sectors (industry, agriculture and fisheries), infrastructure sectors (energy, transport, water) and transversal strategies (exports, ICT, business environment).

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[15] Among the most important of such analyses: the 2006 UNDP's Report "*50 years of Human Development and Perspectives to 2025*"; the 2008 Report of the Superior Council of Education; the 2009 Report of the Royal Institute of Strategic Studies (IRES); and the "*Scenarii 2030*" exercise led by the High Planning Commission (HCP).

[16] World Bank (2009)

[17] World Bank (2009)

c) Implement all sectors cross-cutting reforms such as improving governance, reforming public administration and justice sector, and deepening decentralization and de-concentration.

As a first step, key ministries produced new sector strategies grounded on above-mentioned diagnostics, formulating short and medium-terms action plans, supported by newly created agencies to implement them, or by new inter-ministerial structures to coordinate transversal issues. As a key component of the overall program, substantial increases in budget allocations for the selected sectors were settled, within a multi-year framework. Beyond the elaboration of sector strategies, the government gave a strong push to cross-cutting reforms for improving local government autonomy, social safety nets, public administration performance and governance.

The overall national program can thus be broken down according to the key sector/areas strategies and key cross-cutting reforms and be outlined in the following points:

a) *Social Sector: Social Protection* [18]

The social protection system is probably the one in most urgent need of deep and comprehensive reform, both as concern the social insurance system and the social assistance programs.

The social insurance system in Morocco protects wage earners (and their dependents) in the formal economy and includes: family allowances; limited health insurance; and old age, survivors and disability insurance.

Family allowances provide wage supplements to families with children, and are financed through a social insurance system by employees' payroll taxation; though, they result to be unfair due to their coverage limited to public and formal private sector and targeted to middle-income urban wage earners: the lowest quintiles result excluded by these allowances, so that Morocco happens to lack any kind of cash transfer scheme for providing income support to poor families with children.

The pension system is fragmented among several funds, with the four major ones covering about 97% of contributors.[19] The system appear highly ineffective as the high fragmentation into different schemes negatively affects

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[18] Wolrd Bank (2001)

[19] The four main schemes are: the CNSS (*Caisse Nationale de Securite Sociale*) for private sector employees; the CMR (*Caisse Marocaine de Retraite*) for civil servants; the CIMR (*Caisse Inter-professionnelle Marocaine de Retraites*) as a voluntary supplement to the CNSS; and the RCAR (*Regime Collectif d'Allocation de Retraite*) for temporary workers in the public sector.

labour mobility and increases administrative costs; its financial sustainability, even though in no immediate danger of collapsing, is actually at risk, with some of the schemes (i.e. the CNSS) being already experiencing annual deficits.

Social assistance programs in Morocco, costing over 2% of GDP, consist of three programs: universal consumer food subsidies; public works employment programs administered by the *Promotion Nationale* (PN); an in-kind welfare program for the needy administered by the *Entraide Nationale* (EN). Overall, they appear to be highly ineffective due to their modest coverage compared to the existing number of needy, their being badly targeted to the poor/vulnerable while mostly benefiting the non-poor, their showing efficiency problems and high leakages.

The system of universal and flat consumer food subsidies accounts for almost 4/5 of government expenditures on social assistance programs. Originally introduced to stabilize prices of strategic goods with no explicit focus on the poor, it is an inefficient way to help reduce poverty as disproportionally favouring the rich in absolute terms, who consume relatively more of the subsidized goods: only about 25% of the food subsidies reach the poor.[20]

The *Promotion Nationale* (PN) is an autonomous Directorate under the Interior Ministry, seeing the implementation of labour-intensive public works to fight rural under/unemployment and to improve rural infrastructure. Although being generally effective in creating employment in rural areas trough productive investments, in creating high quality basic infrastructure work and in establishing participatory mechanism to involve local communities, it still presents some pitfalls concerning the lack of projects financial sustainability, the lack of explicit monitoring of the outcomes and the fact that jobs created are not always based on labour intensive mechanisms.

The *Entraide Nationale* (EN) is an in-kind welfare program offering a variegate series of small-scale services (literacy, basic training, housing, pre-schooling etc.) to disadvantaged women, children and youths. Despite its relevance as the only public agency in the country delivering in kind pro-poor services, its performance do result inadequate, due to limited coverage (only 1.6% of the poor population reached), highly centralized administration, weak organizational capacities, lack of both cost/performance monitoring and outcomes' follow-up.

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[20] Though, it is important to add that their welfare effect is stronger for the poor, as subsidized products account for a higher proportion of the poor's expenditure, and for 40% of their caloric intake.

Firmly committed to reform and consolidate the whole social protection system, the government has explicitly endorsed a reform strategy focused on: (a) improving the management and operation of food subsidies; (b) improving equity, efficiency and impacts of poverty reduction and human development programs; (c) improving targeting and monitoring/evaluation of social protection system; (d) expanding and diversifying social security coverage. [21]

b) Social Sector: Education

The biggest pitfalls of Moroccan educational system reside in its overall low quality and in the higher education's inadequacy/detachment from the labour market's requirements. Such issues have extensively been addressed already in the past, as education has always ranked among the top priorities of King Mohammed social programmes.

In 1999, a Royal Commission on Education Reform (*Commission Spécial d'Education-Formation*, COSEF) was established, which proposed a broad set of reforms, including: decentralization by delegation of management to regions and promoting local responsibilities; increasing partnership with other actors (private sector and civil society); increasing student/teacher ratios; redesigning education cycles; staff rationalization across and within primary and secondary levels; strengthening teacher training programs and upgrading teaching methods at all levels. Though, this large reform agenda failed to set up clear and defined operational targets for the above-mentioned priorities as well as to address the institutional capacities of implementing agencies.[22]

Trying to address these issues on a more concrete basis, the Government launched in June 2008 an Education Emergency Plan 2009 -2012 (*Plan d'Urgence*, or *Programme Najah*), which drew out four strategic directions: *(a)* achieving universal compulsory basic education by 2015; *(b)* improving quality in upper secondary and higher education/training, especially in science and technology areas *(c)* improving system performance (teaching, management and administration); *(d)* mobilizing resources effectively. Particular attention is paid to the objective of filling the gap between labour market needs and higher/vocational education/training scheme: in order to improve the labour market information system, an Employment Observatory has been established, together with an overall system for the monitoring and evaluation of labour market policies and programs; universities are being encouraged to carry out regular graduate tracking surveys to be made public. [23]

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[21] World Bank (2009)

[22] World Bank (2001)

[23] World Bank (2009)

c) Social Sector: Health

The management and regulation of the public health sector are responsibility of the Government - largely through the Ministry of Health – which is also the major provider of services at all levels and specifically of basic services. There is no compulsory health insurance system: health insurance is covered by a voluntary system for the formal sector including mutual insurers for civil servants, some categories of professionals and public enterprises; a private health insurance for private sector enterprises and individuals; and a compulsory social security scheme (the CNSS, which does not provide medical insurance but does offer some limited health benefits for children through its family allowance system). [24]

With the Health Action Plan 2008-2012, the government set up the following objectives for the reform of the health sector: (a) reduce the intensity of major health problems; (b) reduce the inequity in access to health services for poor and rural populations; (c) improve financing, governance and efficiency of the sector. Particular attention is being paid to developing a care package for easy access, adequate quality and proper distribution of health services; developing more comprehensive nutrition activities integrated in the provision of maternal and child health services; and fostering an integrated management of non-communicable diseases (NCD) prevention and treatment at primary provider level (with the creation of a National Commission on NCD, among other measures).[25]

d) Productive Sector: Agriculture

With a view to make agriculture an engine of equitable growth and poverty reduction, the government launched in 2008 a national agricultural strategy - the *Plan Maroc Vert* (2009-2020) - structured around two pillars: (I) large-scale irrigation and commercial agriculture; and (II) predominant rain-fed sub-sector. The plan sets up a structure of institutions and incentives along with a legal and regulatory framework favourable to the investment climate, and it's complemented by specific national plans for fisheries, climate change and water management. Its major objectives include: increasing competitiveness and diversification of the agricultural sector; improving integration of smallholders into domestic markets; fostering public-private partnership in wholesale markets; improving public sector's support and services to smallholders.

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[24] World Bank (2001)
[25] World Bank (2009)

Key to the overall framework is the state commitment to develop a national climate change strategy to improve resilience to climate variability and change, structured around the following steps: impact analysis in key sectors (already completed); design of climate resilience sector policies; establishment of climate early warning systems and launch of pilot programs in selected areas; improvement of inter-agency coordination on climate change.

As for water management, key objectives outlined in the National Water Strategy 2009-2020 are: improved irrigation water management; increased on-farm use of water saving irrigation technology; improved water resources quality protection; enhanced water supply and sanitation service coverage and efficiency; better inter-ministerial coordination in the sector; reduced water losses and better control of ground water use. [26]

e) Productive Sector: Industry

In February 2009, the government adopted a new Industrial Emergence Strategy, the "National Compact for Industrial Emergence II" (2009 - 2015), a route-map for industrial development to boost productivity of industrial activities which have been losing their competitiveness and export shares over the last years. The cost to the budget is estimated at around US$1.5 billion. [27]

f) Infrastructures: Energy and Transport

The new Energy Strategy 2009 - 2012 launched by the government in 2009 made energy efficiency improvements a national priority, setting up the following national priority actions: diversification around competitive energy technologies (the oil share to be reduced to 40% by 2030); development of national renewable energy potential as well as other domestic energy resources (in particular by intensifying hydrocarbon exploration activities); integration into the regional energy market, through enhanced cooperation and trade with both Maghreb countries and the EU. In support of these activities, a national Orientation Committee chaired by the Prime Minister has been created.

The national Transport Action Strategy 2008 – 2012 aim to enhance a coherent strategy for the development of transport infrastructures along two pillars. The first pillar regards rural roads and focuses on improving access of rural populations to basic infrastructure (only 54% of rural population has access to roads which can be regularly used) and on clarifying responsibilities over their maintenance; the second pillar concerns urban transport and focuses on developing the relevant institutional framework by establishing urban

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[26] World Bank (2009)

[27] World Bank (2009)

transport agencies in main urban areas and at national level, formulating investment plans, improving planning and management efficiency, ensuring at the same time its environmental and social sustainability.[28]

g)   Transversal strategies: ICT, Exports

Particular attention has been paid to develop national strategies for enhancing the country's potential in two key transversal sectors: the ICTs, with the launch of *Maroc Numéric* (2009 – 2013), and the Exports, with the launch of the National Plan for Exports (2009-2018).

h)   Cross-cutting reforms: Local Government Improvement, Public Administration Reform and Fiscal Stimulus Package[29]

Central to the government agenda have also been a series of cross-cutting reforms likely to impact on the overall performance of all other sectors. Most important ones are: decentralization process and programmes for increasing local government autonomy, empowerment and accountability;[30] public administration reform;[31] and a comprehensive fiscal stimulus package.[32]

4.3.2. A New Approach to Social Development Policies: the National Initiative for Human Development (*INDH*)

As particularly concerns the social realm, the country's extraordinary socio-economic challenges as well as the imbalance between its middle income status and its social indicators (corresponding to those of a less developed country), has recently put social policies and social development among the top priorities of the government overall economic policy.

Remarkably, both Hassan II and Mohammed VI took on a strong stand on these issues, engaging themselves to play a high profile and active role in initiatives and programmes concerning poverty reduction, health, education,

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[28] World Bank (2009)

[29] World Bank (2009)

[30] In 2008, the 2003 *Charte Communale* was amended to transfer a range of management responsibilities to the commune and incentives are provided to communes to develop a Communal Development Plan aimed at increasing participatory strategic planning at the local level.

[31] Main trajectories of the reforms include: developing a new results-oriented budget system with public policy evaluation mechanisms; improving public sector governance through enhanced internal and external controls, more transparent budget reporting and simplified procedures; simplifying administrative procedures through the development of e-government.

[32] In the aftermath of the 2008 global crisis, several fiscal easing measures were introduced by the government to help affected firms cope with the decline of external demand; alongside, a high level Council for Strategic Monitoring was set up in early 2009 - comprising concerned ministers and representatives of the business and banking sector - to follow developments related to the crisis.

and employment. Truly, this attitude has been criticized as a conscious attempt to visibly monopolize efforts to alleviate poverty and undermine elected institutions' powers. Indeed, implementation of these initiatives has received extensive complaints by local NGOs and economists for lacking real consultation on local views and needs, as if it was more serving as a mean of propaganda than as a true effort to curb poverty.[33]

Anyway, besides any critical assessment, the Moroccan government did openly convey its commitment to the country's social development through endorsing a strategy focused on three priorities:[34]

- Extension of basic social services such as sanitation, drinking water, healthcare and education to poor populations, especially in rural areas.

- Increase of the employment rate and of population's revenues by reforming the administration law relevant to investment and the creation of jobs, and the facilitation of the inclusion of young graduates in the job market.

- Reinforcing assistance programmes of social protection by directing social aid to the poorest categories of the population.

In this context, one of the most significant steps which have been taken is the National Initiative for Human Development (*Initiative Nationale pour le Development Humain*, INDH), a massive, high-profile, nation-wide development program launched by the government in May 2005 to mobilise the country's institutional and financial resources to improve living conditions among the population and raise national social indicators.

Like all major government initiatives in Morocco, the INDH was announced in a royal speech on May 18, 2005, in which King Mohammed VI recognized urban slums, illiteracy, low levels of school attendance, unemployment and exclusion as the main Moroccan social problems, against which the State has to assume its responsibility by undertaking a strategy of "social modernisation" through integrated public policies, not neglecting the "importance of public participation to ensure the suitability and feasibility of the projects […] building on the dynamism of the network of associations and of local development agents".[35]

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[33] Willis M.J. (2009, 2008)

[34] Ennaji M. (2006)

[35] Text of the King's speech, announcing the creation of the INDH, 18 May 2005: *http://www.maroc.ma/NR/exeres/06C42C8B-0F3C-4CF2-8ED3-563C0E421F6F*

The first phase of the Initiative (2006/2010) was financed in part by the national budget (around 60%) and in part by local authorities and international grants (around 20% each).[36] During this phase the INDH invested over US$1.7 billion in about 700 local participatory plans, financing more than 22,000 activities, reaching 5.2 million beneficiaries.

The three key points of the INDH identified in the king's speech were: (1) to reduce the social deficit - both urban and rural- through better access to basic infrastructure and social services; (2) to promote income-generating activities and employment; and (3) to offer assistance to the most vulnerable social groups to help them emerge from their precarious conditions.

The program designated 360 rural municipalities and 250 marginal neighbourhoods as priority beneficiaries, creating in each of them a Local Human Development Committee. These Committees - under the *Walis*' tutelage - bring together the regional delegations of the national ministries (the "external services"), with the participation of also local authorities and socio-economic agents, and are responsible for setting priorities, selecting projects for financing, establishing institutional agreements and monitoring/evaluating project management. This structure was complemented at the national level by a cross-cutting programme involving the creation of a Human Development Observatory, a network of experts, a national information and communications system and a series of training programmes for all involved partners.[37]

As the overall assessment of the first phase was generally positive (i.e. successfully setting up an inclusive institutional architecture and efficiently starting to address welfare gaps for the target population), a second phase was launched by the King in June 2011, covering the period 2011-2015, and envisaging both an expansion of the target population and the geographic scope as well as an increase in resource allocation. The new allocation foresees US$2.1 billion, financed mostly by the central government (55%) and the local authorities (33%), and partly by other public agencies (6%) and external grants (6%); the targeted results focus on improving supply and access to basic services, infrastructure and economic opportunity for poor and vulnerable groups, and strengthening local participatory governance. Further, as a reign-long commitment by part of Mohammed VI, the Initiative is expected to continue through a third phase and beyond.[38]

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[36] A particular support in terms of funds as well as expertize and technical support came from the World Bank, whose support as the key technical partner was explicitly requested by the Moroccan government immediately after the launch of the programme.

[37] Martín I. (2006)

[38] World Bank (2012a; 2012b)

The most striking feature of the INDH ostensibly resides in the new approach to development it adopted, which represents a complete breaking point with Morocco's past policies. Such a rupture is essentially highlighted by the following key traits of the INDH approach: [39]

- The adoption of a <u>human development philosophy</u>, focusing on improving social indicators and reducing social exclusion, instead of the economic growth perspective adopted so far, which focused almost exclusively on macroeconomic adjustment and market liberalization and led to decades of "*growth without development*" policies.

- The adoption of a <u>bottom-up, integrated participatory methodology</u>, based on local governance, partnership and sustainability through the involvement of all local civil society, political and economic agents in a single process, whereas the former government's approach to dealing with poverty so far had been centrally driven, with low levels of participation, weak coordination amongst line ministries, and inadequate targeting.

- The focus on <u>transparency</u> and <u>results orientation</u> in the procedures for setting priorities and selecting projects, with public tendering for the submission of projects open to local groups, professional organizations, trade unions, cooperatives and associations.

- The adoption of a <u>project-based methodology</u> (foreseeing the implementation of the INDH exclusively through specific projects) which should have the virtue of producing tangible results in short periods of time, being easily evaluated and monitored and filling the gaps in the country's economic and social infrastructures.

Though, despite these positive innovative traits, the INDH still intrinsically presents some points of concern regarding its implementation, namely:[40]

- Its linkages with and <u>fitting into the general framework of the national development and employment strategies remain unclear</u>. Indeed, the planning, management and implementation of the INDH are not entrusted to the Ministry of Finance nor to the Ministry of Social Development, Family and Solidarity, but rather to the *Walis* (Provincial Governors) - responsible to the Interior Ministry – with the strategic supervision at the national level devolved to an inter-ministerial committee chaired by the Prime Minister; and further, the contribution of the INDH to job creation remains pretty unspecified.

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[39] Martín I. (2006)
[40] Martín I. (2006)

- Its <u>project-based approach</u> could run the risk to <u>fail to generate an endogenous, integrated and sustainable development process</u>. Indeed, the risk of lack of coordination and coherence among projects in different sectors as well as different regions of the country may limit the INDH impact to simply mitigate social exclusion, failing to provide long-lasting solutions to rural and urban poverty or to foster any inter-regional equity.

- Its <u>exclusive focus on social impact and social indicators</u> – rather than on social development as a structural component of endogenous economic growth – could eventually led to a "<u>*development without growth*</u>" policy that lacks linkages between microeconomic projects and general macroeconomic strategy. Thus, although likely to raise the living standards of the poorest social groups, the INDH may not contribute to foster a more modern and dynamic economy, expanding opportunities and people's choices and disentangling Morocco from dependence on external aid.

- Its <u>contribution to the democracy-building process is extremely doubtful</u>, in so far as the institutional structure of the INDH remains vertically centred around the highest national government authority in each province (the *Walis*) and to the Prime Minister, rather than on elected local authorities. In fact, although the participatory approach will likely ensure a broad-based social consultation process, fostering the growth and activity of local associations and strengthening the administrative capabilities of local authorities, the government oriented institutional structure will likely prevent any real transfer of political power to the local level, thus consolidating an already on-going process of <u>administrative decentralisation without political devolution</u>. Practically, the INDH will likely fail to alter the existing imbalance between the growing functions/responsibilities granted to local authorities and the lack of a corresponding transfer of real political power and control of financial resources.

4.4.   Critical Assessments and Key Development Challenges Ahead

Despite the positive growth experience of the last decade, structural constraints still persist in Morocco which prevent the country from reaching its full growth and developmental potential: in order to consolidate its recent development achievements, Morocco will have to address a broad series of substantial challenges - both immediate and on longer terms – concerning various aspects of its economy, which will be key to maintain its development path on the long run along a sustainable progress trajectory.

These interconnected challenges can be clustered around three main areas/objectives: (a) accelerating growth and job creation; (b) reducing social disparities; and (c) ensuring sustainability.

a)   *Accelerating growth and job creation*

▪ Improve <u>human capital quality</u>, <u>job productivity</u> and the <u>quality of growth</u>. Morocco's economic growth continues to be hindered by a vicious circle of low quality human capital/low productivity/low wages. As current growth rates are insufficient to absorb the overall labour supply in the long run, achieving a higher productivity path is key to maintain a positive growth trend and consolidate progress in reducing poverty. Though Morocco has been investing no less than 6% of GDP in education for many years and progresses have been made in the sector, concerns about quality and efficiency remain - usually associated with lower formal employment and the proliferation of part-time and informal jobs. The low quality of growth meant that the decrease in unemployment rates has not fully translated in improved households' well-being, and recent employment creation has concentrated in low skilled-low paid jobs mostly in the informal and agricultural sectors. To address these problems, Morocco will have to: foster active labour market and retraining programs (targeted in particular to workers in the informal and agricultural sectors); progressively increase formal sector employment; improve labour mobility, which will in turn require more flexibility in labour regulation along with the introduction of income protection mechanisms and the expansion of the social insurance system's coverage.[41]

▪ Address <u>structural unemployment problems</u>. Though considerably decreased in recent years, unemployment in the country still remain at

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[41] World Bank (2009, 2010)

high levels: the total unemployment rate fell from 13.6% in 2000 to 9.6 % in 2009, before slightly raising to 10% in 2010 as a side effect of the global crisis.[42] Particularly higher levels of unemployment concern <u>urban areas</u>, the <u>youth</u> and people with <u>higher level of education</u>.[43]Unemployment among young and university graduates is a long entrenched structural problem in Morocco, whose roots rely in a series of interconnected factors: state-led job-creation policies adopted in the 1980s[44]; a not yet sufficiently developed economy able to require highly-skilled workers; imbalance between the rates of demographic and economic growth; lack of coherence between the system of education/training and the employment requirements, with universities producing poorly qualified graduates who lack training directly relevant to modern enterprises.[45] In this context, reforms designed to enhance labour market flexibility and to reduce the gap between the education system and the labour market requirements are crucial to help curbing structural unemployment in the country.[46]

- Further <u>consolidation of public finances</u> and overall <u>public sector management reform</u>. To maintain the level of its priority public investments in the long run, the country needs to keep increasing the availability of public resources through advancing its fiscal consolidation strategy, based on four main elements: reform of the tax regime (reducing the bias toward excessive direct taxation)[47]; control of the public wage bill; reform of the oil and food subsidies system (reducing energy subsidies, replacing food subsidies with targeted support to vulnerable groups); introduction of performance-based budgeting.[48]

- Readdress the <u>anti-export</u>, <u>low value-added</u>, <u>insufficient diversification</u> of its <u>trade regime</u>. Morocco's last two decades of growth have been mainly <u>internal demand-driven</u>: past policies and investments have favoured the production of non-tradable goods and services with high import inputs and geared towards domestic markets (real estate, telecommunications,

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[42] See Tab. 4.1

[43] During the 2000 decade, unemployment of young people with a baccalaureate has more than doubled, that among university graduates multiplied by four, while that among people without no certificate decreased. (Ennai M., 2006)

[44] Until 1980, college and university graduates were recruited mainly by the public sector, with high levels of government money being utilized in the creation of new jobs for them: the limitations intrinsic to such policies become evident with the introduction of the structural adjustment plans and the consequent cut in public-led job creation. (Ennai M., 2006)

[45] Ennai M. (2006)

[46] IMF (2011)

[47] Recent cuts in top tax rates on corporate and personal income have relatively attenuated the tax bias.

[48] World Bank (2010); IMF (2011)

retail, transport, and financial services). But as internal demand alone is insufficient to sustain high growth rates, the country urgently needs to readdress the current anti-export, protectionist bias of its economy and develop an export-led strategy, through measures such as: rationalize the tariff regime and revise restrictive non-tariff measures; open domestically focused services to competition; reduce port and transportation costs; improve coordination among border agencies. Further, exports' composition suffers from a serious lack of sophistication (value-added incorporation) and diversification: poor investment in high value-added sectors translate in low value added exports lacking competitiveness and failing to penetrate external markets; although exports' structure has recently evolved from traditional agriculture and phosphate exports towards finished goods (especially garments) for the EU market and semi-finished products (fertilizers and phosphoric acid), its performance is still lagging behind Morocco's competitors.[49] Lastly, over the last decade Morocco pursued a strategy of selective market opening mainly with non-MENA countries through bilateral or regional agreements (Euro-Med, US-FTA, Turkey-FTA): large potential gains in terms of growth could be obtained by advancing intra-Maghreb/MENA integration, especially in the services, banking, energy and transport sectors.[50]

▪ Address agriculture's structural problems. Though central for promoting growth, the primary sector in Morocco remains one of the least productive in the region (employing almost 1/2 of the labour force but yielding only 13% of GDP) and little has been done so far to address its core structural problems: low productivity at farm level and low value-added along the agro-food chain; low quality and little diversification of products; weak investment incentives; dualistic structure with a predominant traditional rain-fed sub-sector and a smaller, more competitive, export-oriented irrigated one; deficient rural transport infrastructure; weak land rights tenure systems; all these factors keep locking the sector into a stagnant output/limited job creation/ low incomes trap.[51]

▪ Further improve the business environment. Despite the wide range of reforms implemented over the past decade - which gained the country a

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[49] The weaknesses embodied in the Moroccan trade structure were further revealed by the on-going global crisis: the trade deficit deteriorated from 22.3% of GDP in 2007 to 24.3% in 2008, due mainly to a volume effect rather than to a price effect. Insufficient exports diversification is revealed by Morocco's extremely low number of exported products per 1 mln inhabitants, with respect to that of similar income-level countries (42, compared to 130 for Tunisia and 160 for Malaysia).

[50] World Bank (2009, 2010)

[51] World Bank (2009, 2010)

stable macroeconomic environment, an improved investment climate, and a well-developed financial sector - progresses in business environment have not yet led to the structural transformation of the private sector into a competitive, diversified and technologically sophisticated sector, core engine of a high-growth economy. Weaknesses remain, especially in those areas (like regulatory reform) which require large public agency coordination and which show significant gaps between the regulations and their implementation. Most important constraints to business and to the emergence of new industrial players are: difficult access to land; high tax rates; credit constraints; lack of transparency in administrative procedures and in the judiciary system; corruption; poor property rights enforcement; competition from the informal sector; and the dominant position occupied by a few large incumbents.[52]

- Further enhance <u>financial market reforms</u>. Though financial sector reforms to date have been notable in Morocco, the goal of advancing private sector development will require further financial sector liberalizing reforms, to be focused on: improving competition; broadening access to financial services (especially for SMEs and citizens at large); lowering intermediation costs; introducing new instruments (especially face to the growing demand for long term finance); promote the non-banking branch, by strengthening the role of capital markets; building institutional capacity to enforce the recently enacted financial legal framework, by introducing an effective prudential supervisory infrastructure.[53]

- Engage in <u>second generation ICT reforms</u>. Morocco did engage early in telecommunications liberalization and privatization through a series of reforms in the 1990s, which enabled fast growth of telecommunications services and the development of IT and off-shoring industries. Though, such first mover advantages has eroded with time and the sector is now facing a number of constraints related to lack of efficiency and competitiveness. The modernization of the IT sector - aimed at improving the performance of both the national industry and the off-shoring SMEs - will require engaging in a broad range of second generation reforms, especially focused on: lowering the high prices in broad-band and mobile segments by increasing competition; improving the low levels of ICT exports; improving the scarce IT skills; strengthening and empowering regulation. [54]

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[52] World Bank (2009); IMF (2011)
[53] World Bank (2009); IMF (2011)
[54] World Bank (2009)

b) *Reducing social disparities*[55]

- Foster <u>equity-enhancing growth</u> and <u>inclusiveness</u>. With a Gini index of 0.41, Morocco shows relatively high levels of inequality by regional standard, apparently increasing over time; the recent rapid improvements in some social indicators as well as in employment rates have indeed left large groups of the population excluded. Reducing the country's high social disparities and promoting inclusiveness of marginalized groups through an equity-enhancing growth, will require a comprehensive reform effort towards better targeted social protection policies, centred around: promoting equal access to government services and economic opportunities; reforming the regressive policies (such as energy and food subsidies) and strengthening social protection systems and safety nets.

- Reduce the <u>rural-urban gap</u>. The strong disparities between rural and urban areas still constitute a major concern for Morocco: both access to and quality of basic social infrastructure and services such as roads, health, education, water, sanitation and electricity in remote rural areas are poor and backwards; rural household expenses remain on average 35% lower than urban ones; cities remain the bulk of economic dynamism, counting for 80% of productive activity (industry and services) and ¾ of employment opportunities. Given the continuing path of urbanization that the country is still experiencing, a major challenge will be to respond to the increasing urban demand for infrastructure and social, without leaving the rural areas behind.

- Improve <u>women conditions</u>. Despite significant improvements in the last decade, some social indicators for women continue to score fairly poorly and require concrete actions to be taken: high rates of maternal mortality could largely be lowered by improving prenatal care and equipped facilities provision;[56] low rates of women literacy require further action to enhance equal access to education for girls;[57] higher rates of unemployment for women than for men require more active policies toward women entry in the labour market.

- Improve <u>quality</u> and <u>coverage of service delivery</u>. Some key social sectors such as health and education require decisive actions directed both towards expanding access and enhance performance. Among the key

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[55] World Bank (2009); IMF (2011)

[56] Data reveal that only 4.3% of pregnant women in the poorest quintile are assisted by a doctor during the delivery, and that over 70% of deliveries occur at home.

[57] Morocco is one of the few countries where the gender gap in illiteracy rates has increased since 1970, rather than substantial decreasing as in other countries.

measures to be addressed: fostering greater accountability through improved incentive systems as well as monitoring and evaluation mechanisms; advance de-concentration of the sectors; enhance equal provision of opportunities to the population by diversifying financing.

  c) *Ensuring sustainability*[58]

▪ Reduce <u>vulnerability to climate changes</u>. Morocco remains highly vulnerable to droughts and adverse climate changes in general, mainly due to the following set of inter-connected factors: large reliance on agriculture – and particularly on rain-fed yields - as source of income and employment; lack of effective risk management instruments; limited capacity of urban faster-growing sectors to create new jobs to absorb excess rural labour force; relatively large share in total exports (15%) of products from irrigated agriculture, which overuses increasingly scarce water resources. Such a situation poses serious concerns, as climate projections for Morocco over the coming decades depict a warmer and drier climate, with precipitations likely to decline 10% by 2030, and 20% by 2050: as a consequence, drops in rain-fed yields of up to 10% in certain regions are expected, as well as a widening gap between demand and supply of irrigation water, with inflows to reservoirs expected to decline by 30%. Though these concerns are being addressed by the new *Plan Maroc Vert* under implementation, further and stronger action towards adaptation are required in order to lower the country's vulnerability.

▪ Consolidate the on-going <u>reform of the water sector</u>. The water sector in Morocco is faced with relevant challenges, most remarkably: water scarcity likely to be worsened by climate change; weak sector governance and institutions; inefficient water use in agriculture; and inadequate access to water supply and sanitation services. Due to these pitfalls, frequent droughts have a major impact on the economy, public spending is less efficient than it could be, irrigation water in public irrigation schemes is frequently rationed and groundwater is running out. Actions need to be taken to advance the on-going reform program aimed at the sector's institutional and infrastructure development, in particular concerning: more efficient water allocation and planning; better interagency coordination; better enforcement of groundwater and pollution control rules; introduction of subsidies for technologies such as micro-irrigation to improve water supply and sanitation services social transfers.

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[58] World Bank (2010, 2009)

- Consolidate the on-going <u>reform of the energy sector</u>. The greatest current challenges for Morocco's energy sector consist in enhancing energy security while at the same time ensuring that needs of energy consumers (either citizens or firms) are efficiently met with no burden for the economy. In particular, ensuring supply's security will require: reducing the country's heavy dependency on energy imports (97%) – which causes energy supply risks and exposure to price fluctuations; diversifying the energy mix currently dominated by coal and oil (87%); developing indigenous energy resources (i.e. solar and wind); enhancing efficiency in energy use, and reinforcing regional integration in the Mediterranean electricity market (as all countries in the region face common challenges in terms of growing domestic energy consumption and increasing demand for green electricity both at home and across the Mediterranean).

Overall, prospects for the medium term are basically good: the world economic recovery in 2010 supported growth in Morocco, though new risks and uncertainties emerged in 2011, with the growth's slowdown in a number of EU countries (Morocco's main trading partners), the persistence of high commodity prices, and the continuing global financial instability. Anyway, Morocco is expected to continue recording a strong economic performance, with growth expected to remain at about 4.5%-5% in 2012 and reach 6% in the medium term, due to the positive impact of fiscal consolidation on domestic demand and based on the assumption of continued implementation of sound macroeconomic stability policies and planned structural reforms. Also, a further stimulus to the country' s competitiveness could come from the suggested move to a more formal inflation targeting system together with a more flexible exchange rate – which is currently under evaluation by monetary authorities. [59]

To conclude the above presented analysis, mention must be done of some significant critical assessments on the impact of the neo-liberal economic reforms which have extensively been introduced in Morocco's from the mid-80s on: This impact indeed, far from being clear-cut, have triggered lots of critical analyses which deny the dominant discourses according to which neo-liberalism should bring economic growth and eventually lead to political liberalization.

Some interesting critics tried to explain the relatively low performance of Moroccan economy during the last four decades using a political economy

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[59] IMF (2011)

approach, whereby suboptimal growth outcomes are the result of contracting problems among players in the economy: the liberalization of the economy does not necessarily result in the reduction or suppression of rents as the state can continue to control the polity through rent distribution despite liberalization – which is apparently the case for Morocco.[60]

Also, the economic reform programs could have overestimated the ability or willingness of market actors to demand political accountability and transparency, giving instead scope for adaptability strategies of ruling elites, changes in distributional coalitions and paradoxical effects on state and markets.[61]

An interesting insightful analysis from Zemni and Bogaert points out how these reforms are having a highly contradictory impact on Morocco's democratic transition in so far as they are producing an uneven political, institutional, and geographical reorganization of the state's power which can be resumed in the following points:

- If neo-liberalism implies a general retreat of the state from many of its previous functions, this didn't translated in Morocco neither into a complete disappearance of the state nor into a weakening of its power, as Moroccan ruling elites adapted themselves to the new reality of economic globalisation.

- *De-regulation* of the national scale has in fact been side-lined by a *re-regulation* towards other scales, trough the transferring of power from the state to new hybrid governmental arrangements mixing state and market, new cross-national networks that transcend traditional boundaries of inclusion and exclusion. This *de-territorialisation* is inducing uneven geographical developments by creating a geographical landscape of specialized clusters in which some places, territories and scales are systematically privileged – trough specific regulatory regimes - over others as sites for capital accumulation.

- The debate on democracy has progressively been *de-politicised* and *technocratised*, due to the rising emphasis credited to the concepts of *good governance* and *efficiency* rather than on the quality of *representation* mechanisms as parameters to judge project implementation, with critiques of societal dysfunctions based on practical and procedural - instead than structural – arguments.

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[60] Cherkaoui M. and Ben Ali D. (2007)
[61] Dillman B. (2001)

- This concomitant de-regulation of the national scale and good governance-based approach weakens the locally elected bodies (i.e. municipalities) while strengthening the power of the Walis, which are nominated by the King, directly accountable to him and responsible to the Interior Ministry. It is indeed notable that the INDH financial planning/management has been allocated not to the Finance Ministry but to the Walis, so that the Interior Ministry remains the central locus for regulating monarchical power, thus bypassing (or at least "balancing") elected local institutions. Far from resulting in a more democratic decentralisation of power and enhancement of citizen accountability and local participation, these good governance reforms in Morocco only translate, thus, in a de-concentration of central authority and re-organization of the power of the Makhzen.

- State-citizen relationships are also invested by this redeployment of the state's prerogatives, as the state embarks on an identity-formation strategy aiming at the construction of "responsible citizens": as the state takes upon itself the creation of new chances to enhance citizens' capabilities, it asks in return the citizens to become responsible, accountable and responsive to the opportunities created by the government.

- Lastly, market reforms concentrated on FDI hampered the development of a strong national middle class, while favouring new external players which are generally not interested in democratic development, and causing a "detachment" of the middle class from the national interests.

Thus, envisioning behind these shortcomings a high potential for an uprising of mass discontent and protest movement, they conclude: "While it is very well possible that certain (limited) personal freedoms may be granted and political openings enforced, the actual reform projects are simultaneously undermining the classic social contract that tied the state to its citizens. The retreating state is undermining its own position by making the individuals less dependent on its procuring of services. This is already widening the possibilities for oppositional groups to protest […] this opposition (whether in its Islamist, leftist or newly emerging protest movement forms) is not because of their exclusion from global projects of development or the free market but because of their differential integration into it. Therefore it is likely that in the future in Morocco (but also in neighbouring countries) neoliberal reform will enhance instability as it is widening the economic cleavage between the rich and the poor. This in turn, can result in turmoil, triggering authoritarian reactions and repression […]".[62]

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[62] Zemni S. and Bogaert K. (2009)

Tab. 4.1 Main Macroeconomic Indicators

INDICATOR	1980	1985	1990	1995	2000	2005	2006	2007	2008	2009	2010	2011
GDP (current US$, billion)	18.820	12.869	25.820	32.986	37.020	59.523	65.637	75.226	88.882	90.908	90.802	100.221
GDP growth (%)	3.6	6.3	4.0	-6.6	1.6	3.0	7.8	2.7	5.6	4.8	3.7	4.5
GDP pc (current US$)	955	573	1,033	1,213	1,272	1,931	2,106	2,389	2,793	2,828	2,796	3,054
GDP pc growth (%)	1.0	3.7	2.0	-8.0	0.3	1.9	6.6	1.6	4.5	3.7	2.6	3.5
Inflation (%CPI)	9.41	7.73	6.78	6.12	1.89	0.98	3.28	2.04	3.71	0.99	0.99	0.92
Unemployment (% of labour forces)	…	…	15.8	22.9	13.6	11.0	9.7	9.7	9.6	10.0	…	…
Youth Unemployment (% of labour forces aged 15-24)	…	…	31.1	…	19.3	15.7	16.6	17.2	18.3	21.9	…	…
FDI, net inflows (%GDP)	…	…	0.08	0.04	0.16	0.13	0.69	0.84	0.36	0.53	0.64	0.25
Central Government Debt (%GDP)	…	…	…	…	…	56.5	57.3	53.5	47.3	47.1	50.3	…
External balance on goods and services (%GDP)	- 9.35	- 8.01	- 5.41	- 6.61	- 5.37	- 5.60	- 5.48	- 9.12	- 13.39	- 10.99	- 9.92	- 13.41
Agriculture, value added (%GDP)	18.48	16.45	18.26	15.09	14.94	14.68	16.89	13.73	14.63	16.39	15.38	15.09
Manufacturing, value added (%GDP)	16.88	18.37	18.99	18.95	17.46	16.28	15.68	15.04	14.04	15.92	15.30	15.50
Industry, value added (%GDP)	31.03	33.08	33.42	34.06	29.11	28.22	27.15	27.31	30.32	28.59	29.66	29.86
Services, value added (%GDP)	50.49	50.47	48.31	50.85	55.95	57.10	55.96	58.95	55.04	55.02	54.96	55.05
Public Spending on Education (%GDP)	5.89	5.94	…	…	5.76	…	5.50	…	5.56	5.38	…	…
Public Spending on Health (%GDP)	…	…	…	1.26	1.23	1.46	1.71	1.88	1.93	1.89	…	…

Source: World Bank (World Development Indicators) http://data.worldbank.org/country/morocco

Tab. 4.2 Main Socio-Economic and Development Indicators

INDICATOR	1980	1985	1990	1995	2000	2005	2006	2007	2008	2009	2010	2011
Poverty Ratio at $1.25/ day (%)	…	10.29	…	…	6.25	…	…	2.52	…	…	…	…
Poverty Ratio at $2/day (%)	…	28.53	…	…	24.34	…	…	14.03	…	…	…	…
National Poverty Ratio (%)	…	…	…	…	15.3	…	…	9	…	…	…	…
Rural Poverty Ratio (%)	…	…	…	…	25.1	…	…	14.5	…	…	…	…
Urban Poverty Ratio (%)	…	…	…	…	7.6	…	…	4.8	…	…	…	…
GINI Index	…	39.19	…	…	40.63	…	…	40.88	…	…	…	…
Income share held by the highest 20% (%)	…	46.15	…	…	47.7	…	…	47.88	…	…	…	…
Income share held by the lowest 20% (%)	…	6.58	…	…	6.47	…	…	6.52	…	…	…	…
Human Development Index (HDI)[1]	0.364	0.406	0.435	0.466	0.507	0.552	0.559	0.565	0.57	0.575	0.579	0.582
UN Education Index[2]	0.181	0.23	0.254	0.299	0.354	0.418	0.422	0.433	0.437	0.442	0.447	0.447
Gender Inequality Index[3]	…	…	…	0.71	0.69	0.54	…	…	…	…	0.53	0.51
Life expectancy at birth (years)	57.63	61.29	64.15	66.61	68.68	70.42	70.72	71.02	71.31	71.59	71.86	…
Mortality rate < 5 (per 1,000 births)	134.9	106.3	85.9	68.9	55.3	44.2	42.2	40.3	38.6	37	35.5	…
Mortality rate neonatal (per 1,000 births)	…	…	36	31	27	23	22	21	20	20	19	…

Source: World Bank (World Development Indicators) http://data.worldbank.org/country/morocco

UNDP (International Human Development Indicators) http://hdrstats.undp.org/en/countries/profiles/MAR.html

[1] The Human Development Index (HDI), calculated by the UNDP, is a measure of national development alternative to conventional ones (such as income or GDP growth). It is a composite measure of four indicators for three basic humand development dimensions: Health (life expectancy at birth); Education (mean years of schooling; expected years of schooling); Income (GNI pc). In the HDI world ranking of countries (from the one with the highest HDI to the one with the lowest one), Morocco ranked 130th on 187 countries in 2011.

[2] UN Education Index: expected and mean years of schooling.

[3] The Gender Inequality Index (GII), calculated by the UNDP, is a measure of women's disadvantage in three dimensions: (a) reproductive health; (b) empowerment; and (c) labour market. It ranges from 0 (fairly equality between man and women) to 1 (high inequality). The indicators used for its calculation are respectively: (a) maternal mortality ratio - adolescent fertility rate; (b) share of parliamentary seats held by each sex - secondary and higher education attainment levels; (c) women's participation in the work force.

5.   External Actors Influencing Internal Dynamics

5.1.   The European Union

Relations between Morocco and the European Union are fairly long-standing and consolidated - dating back to July 1969, when a first bilateral *Association Agreement* with the then European Community (EC) was signed for a five years period. This was superseded in 1976 by a *Cooperation Agreement* signed within the framework of the *Global Mediterranean Policy* (GMP), started by the European Economic Community (EEC) in 1972 as a first attempt to develop a comprehensive Mediterranean policy through a multilateral cooperation framework envisaging economic and financial aid in the form of bilateral financial protocols.

In 1980 the GMP was replaced by the *Renovated Mediterranean Policy* (RMP), which increased the aid package associated with the fourth round of financial protocols and started to emphasize the importance of human rights, by inserting a *negative conditionality*[1] clause enabling the European Parliament to freeze the budget of a protocol when faced with serious human rights violations.

Encouraged by the EC Mediterranean enlargement to Greece in 1981 and to Spain and Portugal in 1986, in July 1987 King Hassan II submitted to the European Parliament (EP) a formal application to join the EEC, on the basis of three main arguments: Morocco's close ties with the EC; its commitment to develop a market economy; and the democratization of the country's political sphere.[2] Though, the application was rejected on the grounds that Morocco was not a European country.

In January 1992, the country was affected by the new RMP conditionality clause as the EP decided to freeze Morocco's fourth financial protocol on the grounds of human rights abuses – with reference to the United Nations Resolution 660 on the Western Sahara and the scandalous conditions of

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[1] *Negative conditionality*: imposition of sanctions (i.e. freezing of financial grants), for not complying with the standards (in this case relating to human rights and democracy) required by the external actor providing the assistance. *Positive conditionality*: provision of financial grants or other forms of reward depending on the compliance of the beneficiary country with the criteria fixed by the donor country.

[2] The discourse on democratization was only limited to the development of a multiparty system and the circulation of local and international press, not referring to human rights' issues.

political prisoners – a decision which triggered a strong reaction both from Morocco and from some EU governments, particularly Spain.

Though, co-operation regained quickly, and already in February 1992 the idea of developing a comprehensive EC-Morocco partnership was discussed in the Council within the framework of European Political Co-operation (EPC), without however reaching a final decision. Following this, the Spanish government started pushing for developing closer relations with the Maghreb countries, eventually leading to the June 1992 Lisbon Summit endorsing proposals for a *Euro-Maghreb Partnership*. The partnership focused on the common commitment to: respect for international law; respect for human rights, fundamental freedoms and democratic values such as free and regular elections; the establishment of democratic institutional systems guaranteeing pluralism, citizens' participation and minorities' rights; peaceful coexistence between cultures and religions. Remarkably, other than marking the shift from "development assistance" to "partnership", a more explicit reference to political dialogue appeared, with a stronger focus on democracy and human rights – though still limited to a regular exchange of information and greater mutual consultation on political and security matters.

In November 1995, the Barcelona Conference inaugurated the *Euro-Mediterranean Partnership* (EMP, also known as the *Barcelona Process*) - which could be seen as the evolution of the Euro-Maghreb Partnership - to set up a general framework for the relations between the EU, its member states and the countries in the southern and eastern Mediterranean area (the "Mediterranean Partners").[3] Aim of the EMP was the "creation of an area of dialogue, exchange and cooperation to guarantee peace, stability and prosperity in the Mediterranean", through the adoption of a "three baskets" structure based on *(1)* a political and security partnership, *(2)* an economic and financial partnership and *(3)* a social and cultural partnership.[4]

The EMP relies on a complex institutional structure, based on three coexisting dimensions: *(1)* a multilateral dimension - meant to be the novelty with respect to the previous bilateral-based Mediterranean policy - consisting of a variety of inter-governmental bodies[5], as well as of a non-governmental

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[3] Originally there were 12 partners states: Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Syria, Tunisia, Turkey and the Palestinian Authority. Since then, three countries lost their EMP partner status (Cyprus and Malta, which acceded the EU in 2004, and Turkey, which gained the status of "EU potential candidate" in 2005), while Mauritania and Albania were added in 2007.

[4] European Commission (1995): *Barcelona Declaration*
http://trade.ec.europa.eu/doclib/docs/2005/july/tradoc_124236.pdf

[5] The Euro-Med Conference of Ministers of Foreign Affairs; the Euro-Med Sectoral Ministerial Conferences; the Euro-Med Sectoral Working Groups/Committee; the Euro-Med Committee for the

cooperation among parliaments, economic actors and civil society (through the Euro-Med Parliamentary Forum[6] and various Euro-Med Networks[7]); *(2)* a bilateral dimension, based on the signing of bilateral Euro-Mediterranean Association Agreements between the EU and each single partner; and *(3)* a unilateral dimension, entrenched in the MEDA program, the budget allocation unilaterally granted from the EU to the partner countries. Overall, the EMP has institutionalized the EU-Mediterranean relations through a "light" institutional structure, carried on through political documents and substantial agreements rather than formal agreements and international treaties, and subject to continuous revisions over time.

Though the EMP was basically launched as a multilateral region-building process emphasizing the need for a parallel cooperation on the economic, social and political sphere, in practice its implementation has been carried out mainly through the signing of bilateral Association Agreements stressing economic cooperation much more than the other ones. Moreover, while these Agreements provided for a clause of *negative conditionality* (Art.2 of each Agreement) along with the usual *positive conditionality*, to encourage democratic political change, this clause has almost never been applied, in order to avoid destabilization effects on the existing regimes, which clearly showed the preference of the EU for maintaining stability in the region rather than promoting democratic reforms.

Within the framework of the EMP, in February 1996 Morocco and the EU signed a bilateral *Euro-Mediterranean Association Agreement* (EMAA)[8], which entered into force on 1 March 2000 and constituted a turning point by giving the relations between the EU and Morocco a much more comprehensive, structured and institutionalized basis. Within this framework, financial support was provided through the *MEDA Democracy Program* (the main operational and financial instrument of the EMP): over the period 1996-2006, Morocco emerged as one the of the largest recipients of EU's assistance in the Mediterranean, receiving over €1.6 billion funds through the MEDA I (1996-1999) and the MEDA II (2000-2006) programs.[9] As all other EMAAs, also the EU-Morocco

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Barcelona Process; the Meetings of Senior Officials on Political and Security Questions; the "Barcelona Teams" within the EU member states, the "Barcelona Teams" within the partner countries, the Working Groups of the Council and of the Commission.

[6] European Parliament delegations in the Maghreb and Arab Mediterranean Union (AMU), in the Mashreq and Gulf States, in Palestine and Israel.

[7] Euromed Civil Forum, EuroMesco, Euromed Energy Forum, Euromed Transport Forum, etc

[8] European Communities "*Euro-Mediterranean Agreement between EU and its Members States and Morocco*"" (Official Journal of the European Communities, 18 March 2000) *http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2000:070:0002:0190:EN:PDF*

[9] European Commission (Europeaid) website: Morocco webpage

EMAA contains the negative conditionality clause stating that "respect for the democratic principles and fundamental human rights established by the Universal Declaration of Human Rights shall inspire the domestic and external policies of the Community and of Morocco and shall constitute an essential element of this Agreement" – which has nonetheless never been applied.

Overall assessments of the EMP democratization efforts in the whole Southern Mediterranean region have widely been pretty poor, due to the almost exclusive emphasis being posed on the economic sphere (markets' liberalization and opening to international trade), while largely neglecting the political dimension – and Morocco is no exemption to this. Indeed, most part of the MEDA funds was devoted to support economic transition, boosting jobs creation and reducing poverty and only a very low share was earmarked for governance and human rights. Further, other relevant shortcomings regarding the MEDA funding targeting/implementation include: *(a)* projects are channelled through government bodies (mainly the Minister of Social Development, Solidarity, Employment and Professional Training), which makes their contribution to a areal bottom-up reform process unlikely; *(b)* even within the democracy and human rights areas, actions has been concentrated in some sub-areas (i.e. human rights education and women rights) while neglecting others (i.e. children rights; prisoners' rights; media freedom; freedom of association for Islamist non-violent organizations; support for free and transparent election processes); *(c)* strong preference for regional horizontal projects, which can suffer for inconsistency between different degrees of democratization across countries as well as of problems of disruption in the projects' stages and lack of follow up; and *(d)* preference for big projects - whose impact is often confined to urban areas and a limited number of actors - while underfunding small and multiple projects – which could instead better target huge pockets of needy people in the rural areas.[10]

After the 2004 East Enlargement, a strong priority in EU foreign political agenda became that of securing its borders with the new neighbourhoods. In this context, it launched in May 2004 the *European Neighbourhood Policy* (ENP)[11], with the objective of "avoiding the emergence of new dividing lines between the enlarged EU and its neighbours and instead strengthening the prosperity, stability and security of all concerned".[12] The ENP applies to all EU's

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http://ec.europa.eu/europeaid/where/neighbourhood/country-cooperation/morocco/morocco_en.htm

[10] Baracani E. (2005); Haddadi S.(2002); Kausch K. (2008); Panebianco S.(2009)

[11] European Commission (2004) "*Communication from the Commission – European Neighbourhood Policy – Strategy Paper*" (Brussels, COM (2004) 373 final, 12 May)

[12] European Commission website - ENP webpage: *http://ec.europa.eu/world/enp/policy_en.htm*

immediate neighbourhoods by land or sea[13], and consists in the EU's commitment to provide them with "all but institutions"[14], which means that it can extend to the neighbourhood the economic benefits related to the four freedoms (movement of people, capitals, goods and services) and foster negative integration (removal of barriers), but it does not entail the prospect of membership, not even in the longer term. The ENP is carried out through the signing of bilateral *Action Plans* between the EU and each single neighbour, elaborated under the principles of *differentiation* (country-specific approach) and *joint-ownership* (involvement of the partner country all along the elaboration and implementation of the Plan), and covering a wide range of policy domains (i.e. enhanced political dialogue and reform; economic and social reform and development; trade related issues; market and regulatory reform; cooperation in justice and home affairs; transport, energy, information society and environment; people-to-people contacts; financial cooperation). Main financial instrument supporting the ENP through concrete assistance actions is the *European Neighbourhood and Partnership Instrument* (ENPI), which replaces the MEDA programs.

As concerns the whole Mediterranean area, the ENP does not substitute the EMP but rather is meant to complement her with enforced instruments for cooperation. Indeed, the new policy strategy does present some relevant differences from the EMP, which make the overall framework of EU's Mediterranean policy resulting in a sort of mixture of different theoretical and practical approaches. Main differences between the EMP and the ENP include: *(a)* while the EMP envisaged a multilateral region-building process, the ENP relies on a purely bilateral, targeted approach (the differentiation principle); *(b)* while the EMP Association Agreements were unilaterally planned and managed by the EU, the ENP Action Plans are elaborated and regularly updated with the participation of the beneficiary country (joint-ownership); *(c)* while both the Association Agreements and the Action Plans include clear references to the EU values such as human rights and democracy, good governance and rule of law, the latter are less keen than the former ones in fostering achievements in these spheres. In fact, not only they fail to indicate timelines and deadlines for reforms to be adopted, but they also further reduce the scope for the use of "negative conditionality", preferring instead to rely on "positive conditionality"; *(d)* even under a simply conceptual-narrative view, while the EMP uses the term partnership, the ENP simply refers to

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[13] Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Occupied Palestinian Territory, Syria, Tunisia and Ukraine.
[14] Prodi R. (2002)

neighbourhood, which clearly softens the emphasis on a deeper integration rooted on common and shared values and identities.[15]

According to the Commission, Morocco has given the ENP a "very warm reception and has been very cooperative regarding its implementation"[16], being indeed among the very first countries to sign an ENP Action Plan with the EU in July 2005. Relations between Morocco and the EU under the ENP are framed by the following 5 instruments: *(1)* The *ENP Country Report[17]* - issued by the Commission in May 2004 – which constituted a first assessment on how to deepen bilateral relations; *(2)* the *ENP EU-Morocco Action Plan*[18]- adopted in 2005 for a five year period – which sets up the agenda of political and economic reforms over the short/medium term;. *(3)* periodical *ENP Progress Reports* produced by the Commission on the implementation of the Action Plan; *(4)* the *ENP Country Strategy Paper 2007 – 2013*[19], which defines 5 strategic axes of co-operation for the covered period (i.e. development of social policies; economic modernisation; institutional support; good governance and human rights; and environment protection); and *(5)* the *ENP National Indicative Programmes*, covering the periods 2007-2010[20] and 2011-2013[21], which propose how to allocate the budgetary resources directed to Morocco under the ENPI.[22]

Overall funding granted to Morocco through the ENPI amounted to €654 million for the period 2007-2010 and €580 million (planned) for the period 2011-2013. Further to this, in 2007 Morocco was, along with Ukraine, the first ENP partner to receive additional allocations from the Governance Facility, an additional fund rewarding countries which made most progress in the field of democracy and human rights, according to agreed commitments; the additional allocation of €28 million was used for public administration's modernisation, poverty reduction, social services and education programs).[23]

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[15] Panebianco S. (2009)

[16] European Commission (2004a) "*Commission Staff Working Paper, ENP Country Report Morocco*" (SEC 2004 569, 12 May 2004) *http://ec.europa.eu/world/enp/pdf/country/morocco_enp_country_report_2004_en.pdf*

[17] European Commission (2004a)

[18] European Commission (2005) "*ENP EU-Morocco Action Plan*"
http://ec.europa.eu/world/enp/pdf/action_plans/morocco_enp_ap_final_en.pdf

[19] European Commission (2007) "*Morocco – Country Strategy Paper 2007 - 2013*"
http://ec.europa.eu/world/enp/pdf/country/enpi_csp_morocco_en.pdf

[20] European Commission "*ENPI - Morocco 2007-2010 National Indicative Programme*"
http://ec.europa.eu/world/enp/pdf/country/enpi_nip_morocco_en.pdf

[21] European Commission "*ENPI – Mid-Term Review of the Country Strategy Paper Morocco 2007–2010 and National Indicative Programme 2011-2013*" (in French)
*http://ec.europa.eu/world/enp/pdf/country/2011_enpi_csp_nip_morocco_en.*pdf

[22] Carafa L. and Korhonen K. (2008); European Commission (Europeaid) website: Morocco webpage

[23] Kausch K. (2008a)

The *EU-Morocco Action Plan* identifies nine priority areas of cooperation, namely: legislative reform and international human rights standards; counter-terrorism; trade liberalisation; creation of a favourable investment climate; poverty reduction; education and training; migration; transport; and energy. As concerns in particular the section "political dialogue and reforms" – with its chapters "democracy and the rule of law" and "human rights and fundamental freedoms" - planned objectives and measures include: capacity building in public administration, decentralisation, access to justice, modernisation of courts, prisons and legal procedures, support to implement the IER recommendations, adherence to and compliance with international conventions, combating corruption, strengthening dialogue on human rights, freedom of association and expression, women and children's rights, and cultural and linguistic rights. Though, concerns exist on the extent to which such envisaged measures do actually contribute to the declared objective, in so far as the Action Plan fails to specify timeframes, actors, implementation and evaluation mechanisms defining how and when the envisaged objectives are to be achieved.[24]

Most remarkably, the formulation of the Action Plan failed to include some of the most relevant deeper structural reforms requirements linked to the fundamental systemic shortcomings that the Commission had highlighted in its 2004 Country Report assessment, namely: lack of respect for the constitutional principle of the separation of powers; limited powers of parliament and government; lack of judiciary's independence; weakness of political parties; and limited ability of civil society to impact on major political decisions. As Kausch critically point out, "the accumulation of more or less connected ad hoc reforms is not automatically a process, let alone a transition to democracy. The priorities in the political chapters of the ENP Action Plan indirectly support this flawed logic by focusing on a collection of selective modernisation measures, rather than on a coherent strategy that includes the more delicate aspects of systemic level change previously identified as crucial by the Commission's own assessment".[25]

Also, a major shortcoming of the overall EU policy towards Morocco (and actually toward North Africa in general) is its failure to directly engage with the domestic moderate Islamist political movements/organizations and to incorporate them in the implementations of its development assistance and

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[24] The Action Plan has indeed been widely criticised for these reasons, including by the European Parliament and by a number of Moroccan human rights NGOs consulted by the Commission in 2007. (Kausch K., 2008a)

[25] Kausch K. (2008a, 2009b)

policy initiatives in the country/region. Indeed, although a quite general consensus exists on Islamists groups representing key agents of socio-economic change, they keep being ignored by the EU because of the "securitization" dynamic. In Morocco, the PJD - as a legally recognized political actor with parliamentary representation – does indeed have fairly regular and unproblematic contacts with European diplomats, and also occasional contacts occur between European embassies and some illegal but non-violent Islamist movements (such as *Al Adl*); but still - despite frequent abstract declarations of intent - inclusiveness remains theoretical and a development of strategic ties via systematic contacts with moderate Islamist groups in the country has not yet taken place.[26]

Since the adoption of the ENP in 2004, the EU's policy toward the Mediterranean has been kept on this dual track EMP/ENP. However, at the Mediterranean Summit of Heads of States and Governments held in Paris in July 2008, the French EU Presidency (represented by the then French Prime Minister Nicholas Sarkozy) re-launched the Barcelona Process under the new label of *"Union for the Mediterranean"*[27], with the aim of infusing a new vitality into the Partnership and raising the political level of the strategic EU/South relationship. Though in theory the overall objective of the new Barcelona Process has remained that of transforming the Mediterranean in an area of peace, democracy and prosperity through a multilateral partnership based on regional cohesion and integration, the *Union* practically further fostered the shift – already begun with the ENP - toward a more operative dimension, by insisting more on specific projects aimed at socio-economic development than on the construction of a general framework to promote democratic political reforms.[28] Main innovations of the *Union* regard the institutional setting and include: *(a)* a rotating co-presidency with one EU president and one president representing the Mediterranean partners; and *(b)* a Secretariat based in Barcelona and responsible for identifying and promoting projects of regional, sub-regional and transnational value across different sectors.[29]

On the occasion of the EU - Morocco Association Council held on 23 July 2007, Morocco and the EU decided to launch a joint process aimed at strengthening their bilateral relationship: on 13 October 2008, Morocco became the first southern Mediterranean country to be granted the *Advanced Status*, supposedly constituting the starting point for a new phase of privileged

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[26] Kausch K. and Youngs R.(2008)

[27] *Paris Declaration* (2008)

[28] Panebianco S. and Rossi R. (2008)

[29] European Commission website - Euro-Med webpage:
http://ec.europa.eu/external_relations/euromed/index_en.htm

relations. A *Joint Document*[30] was adopted outlining an ambitious road map (further reinforced by a subsequent *Joint Statement*[31] adopted after the 2010 Granada EU-Morocco Summit) covering the political, economic, financial, social and human spheres and envisaging specifically the participation of Morocco in various EU agencies and programmes as well as its progressive integration in the EU common market and the gradual convergence of its legislative and regulatory framework to the EU's *acquis communautaire*.[32]

For Morocco, the main benefits of the new status should consists in its emerging as the EU's closest Mediterranean partner in the Mediterranean as well as in boosting its economy, while for the EU, important factors include: Morocco's symbolic choice for Europe; the opening up of Morocco's market for EU exports; and Morocco's cooperation on key European interests such as energy, migration, organised crime and counter-terrorism. Also, being the first country to be granted this new status under the ENP, Morocco becomes a key EU foreign policy laboratory for the EU to develop a new, more attractive formula for its relations with its Southern neighbouring countries where EU membership is not an option. [33]

Though, beyond the declaratory effect, the *Joint Document* doesn't seems to add much in all these fields to what already provided in the ENP Action Plan: it does not establish any binding framework for political dialogue; it does not grant any substantial concession in fields of strategic interest for Morocco (i.e. agricultural trade liberalization[34], mobility of Moroccan citizens or level of

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[30] Council of the European Union (2007) "*Joint Document on the Strengthening of Bilateral Relations/Advanced Status*" (in French) *http://www.enpi-info.eu/library/content/joint-eu-morocco-document-strengthening-bilateral-relations-advanced-status*

[31] Council of the European Union (2010) " *Joint Statement, EU-Morocco Summit, Granada, 7 March 2010*" (Brussels, 7220/10, 7 March 2010)
http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/113247.pdf

[32] As concerns the political and strategic dialogue, the Joint Document provides for: *ad hoc* summits between leaders of both parties - including informal meetings of Foreign Affairs Ministers; *ad hoc* sectoral meetings with Moroccan government ministers on the fringes of regular EU Council of Ministers meetings; mutual consultation in multilateral *fora*; *ad hoc* invitation of the Moroccan ambassador to committees and groups of the Council of the EU; eventual participation of Morocco in the Common Foreign and Security Policy (CFSP) and EU crisis management operations. In the economic field, the med-term objective of a Common Economic Area is established, through four basic axes: *(a)* legislative approximation of Morocco to the *acquis communautaire*; *(b)* signing of a deeper and comprehensive Free Trade Agreement; *(c)* economic and social cooperation; and *(d)* accession of Morocco to the trans-European networks and sectoral cooperation. (Martín I.,2009)

[33] Kausch K. (2010)

[34] *Nb.* Well noted that agricultural trade liberalization between Morocco and the UE is probably the most crucial point in their bilateral relations, a further in-depth analysis of the issue *per se* would certainly have been of a certain utility, but it would also have gone beyond the scope of this work, other than burdening it too much, thus the choice to deliberately leave it aside.

financial cooperation); and the envisaged access to further EU financial means is deliberately ambiguously worded and deferred until the entry into force the new Financial Perspectives in 2014.[35] Truly, many of the areas of enhanced cooperation covered in the roadmap are either not real novelties or rather vague or even both: translating those general declarations into a framework of precise, measurable and coherent actions that allow for systematic monitoring of progress will be crucial for the success of the new status.[36]

Indeed, since the publication of the Joint Document - EU–Morocco relations have substantially continued on a business-as-usual mode. More recently, in June 2011, Morocco's Parliament was accorded by the Parliamentary Assembly of the Council of Europe the status of *Partner for Democracy*, a designation - of which Morocco is the first beneficiary - aimed at "strengthening institutional cooperation with parliaments of non-member states in neighbouring regions wishing to participate in the political debate on common challenges that transcend European boundaries." The decision was welcomed by the Speaker of Morocco's Lower House as part of the country's political and constitutional changes intended to bring "unity in diversity, proper economic governance, moral public policy and equal opportunities in all fields".[37]

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[35] Martín I. (2009)

[36] Kausch K. (2010)

[37] Council of Europe (2011) "*Parliament of Morocco Joins Council of Europe's Common Home*" (Press Release, 21 June 2011) *http://hub.coe.int/web/coe-portal/press/newsroom?p_p_id=newsroom&_newsroom_articleId=556541&_newsroom_groupId=10226&_newsroom_tabs=newsroom-topnews&pager.offset=0*

5.2. The United States

Relations between the US and Morocco has always been very good, based on mutual cooperation and sustained high-level dialogue, fairly increasingly under King Hassan II's and King Mohammed VI's reigns.

As a stable and comparatively moderate Arab Muslim nation, Morocco is particularly important to US interests in the Middle East, representing a major non-NATO ally and a key partner in promoting security and stability in the region, other than participating with US forces in major bilateral operations in the African continent. Accordingly, US policy toward Morocco has always been seeking sustained and strong engagement, identifying priorities of economic, social and political reform as well as of conflict resolution and counterterrorism/security cooperation.

More generally, the US pro-active involvement in the Middle East and North African region take place via trade policy, security cooperation and direct democracy assistance, through various channels and initiatives, ether multilateral or bilateral.

The general multilateral framework for democracy assistance is represented by the *Broader Middle East and North Africa* (BMENA) initiative, a fairly vague and all-encompassing process initiated by the US in 2004 and backed by the G8, the EU, the Bretton Woods Institutions and other multilateral bodies. An overarching framework which includes various and different activities, its agenda largely relies on the results of the 2001 UNDP Arab Human Development Report and puts major emphasis on democracy, economic liberalisation, and educational and societal changes - supposedly acting complementarily with the parallel Barcelona Process.[38]

Financially, democracy aid is mainly channelled through the *Middle East Partnership Initiative* (MEPI), the funds administered by the *US Agency for International Development* (USAID), and the *Millennium Challenge Account* (MCA).

The *Middle East Partnership Initiative* (MEPI) is a Presidential initiative established in 2002 as part of President Bush *"Forward Strategy for Freedom"* to bolster democracy and reform in the Middle East and fight terrorism. As the

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[38] The institutional structure of the BMENA backed multilateral partnership has crystallised in the *Forums for the Future*, attended by Foreign and Finance Ministers from the region and various global actors, and eventually representing a channel for transnational Arab business interests to make their voice heard in support of reform. So far, the *Forums* have taken place in allegedly "progressive" and "friendly" states, starting precisely with Morocco in 2004. (Holden P.,2009)

BMENA, its agenda was strongly influenced by the results of the 2001 UNDP Arab Human Development Report 2002, with a structure which largely mirrors the EU's Euro-Med Partnership and consists of four pillars: political reform, economic liberalization, education and women's empowerment. Based at the State Department, it operates through funding targeted projects on a national and regional level, mostly adopting a top-down approach. In Morocco, it mainly supports domestic NGOs with small grants (totalling approximately $1 million per year) in their efforts towards advancing peace, participatory democracy, and Moroccan citizens prosperity (mainly projects for civil society capacity building, public awareness campaigns and civic responsibility outreach).[39]

Most of the democracy assistance funds are administered by the *US Agency for International Development* (USAID) - the traditional American agency for economic assistance - and specifically by its *Democracy and Governance Unit*. The DG Unit mainly focuses on economic reform, democracy and governance, by following a rather balanced bottom-up/top-down approach. In Morocco, USAID (and its predecessor agencies) has managed an active and effective assistance program since 1953, exceeding $2 billion over its lifetime. USAID funding for Morocco has actually decreased since the 1990s – when it engaged in extensive support to corruption awareness campaigns and governance reforms efforts – but is still remarkable: the current USAID/Morocco multi-sectoral assistance program totals $131 million for the period 2009-2013 and is centered around the three strategic objectives of enhancing trade and investment opportunities, improving basic education and workforce training, and fostering government responsiveness to citizens needs.[40]

The *Millennium Challenge Account* (MCA) is a global financial instrument that operates through a rigid allocative conditionality, whereby countries which are judged to have achieved certain standards of political liberty, good governance, regulatory quality and economic freedom – rigorously assessed through a complex accumulation of indicators - are rewarded with funds to be used for their domestic development strategies. So far, Morocco is the only North African country to have qualified for the MCA: in August 2007, a US-Morocco MCA was signed for a total $697.5 million over 5 years, designed to stimulate economic growth by increasing productivity and improving employment in high-potential sectors, such as artisanal crafts and fishing.[41]

As concerns instead the US trade policy in the Middle East, it is carried out though bilateral agreements – either *Free Trade Agreements* (FTAs) or more modest

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[39] Huber D. (2008); US Department of State website *http://www.state.gov/r/pa/ei/bgn/5431.htm*
[40] Huber D. (2008); USAID website: Morocco webpage *http://transition.usaid.gov/ma/*
[41] Holden P. (2009); Arieff A. (2012)

Trade and Investments Framework Agreements (TIFAs) – within the overall frameworks of the *Middle East Free Trade Area* (MEFTA) initiative, launched in 2003 with the aim to create a wider free trade area in the region. Mainly implemented through the US Trade Representative, the MEFTA aims at developing a form of open regionalism, linked to the US and in line with WTO rules, upon the believe that trade and investment cooperation is likely to support the rule of law and development efforts in general, thus improving the whole regional climate. So far, Morocco is the only North African country to have signed an FTA in 2004 (the others having signed only more modest TIFAs). Despite dealing specifically with commercial/economic issues, the scope of the agreement seems to be backed rather on political reasons, with Morocco emphasising its open liberalised nature mostly to ensure international support. Entered into force in January 2006, the US-Morocco FTA eliminated tariffs on 95% of bilateral trade in consumer and industrial products (with all remaining tariffs to be eliminated within 9 years), other than envisaging a comprehensive series of measures covering intellectual property rights protection, transparency in government procurement, investment, services, e-commerce, labour, and environmental protection – soon leading to more than a tripling of both the bilateral trade and the annual flow of US investment in the country.[42]

Lastly, a cornerstone of US-Morocco relationship is represented by the cooperation on security matters,[43] which has particularly been strengthened in recent years (after September 11) by counter-terrorism cooperation: Morocco is part of NATO's Mediterranean Dialogue, has hosted and participated in NATO military exercises and has joined NATO's Operation Active Endeavour (monitoring the Mediterranean Sea), further to regularly holding bilateral US-Moroccan military exercises. Security assistance includes the *Foreign Military Financing* grants;[44] the *International Military Education and Training* (IMET) support;[45] the *Excess Defence Articles* grants; and the assistance administered through the *Trans-Sahara Counterterrorism Partnership* (TSCTP).[46]

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[42] Arieff A. (2012); US Department of State website *http://www.state.gov/r/pa/ei/bgn/5431.htm*
[43] Arieff A. (2012)
[44] Aimed at: maintaining aging US origin equipment (aircrafts and transportation vehicles); boosting maritime surveillance to address illegal immigration, smuggling, drug trafficking and illicit fishing; procuring transport and logistics equipment; and upgrade aerial surveillance.
[45] Through which Senior Military Officers receive training in the US.
[46] An US inter-agency regional program (State Department, Defence Department, and USAID) aimed at increasing North and West African states' capacity to counter terrorism.

5.3. The Middle East and North African Region

Morocco generally holds good ties with most countries in the broad Middle East and North Africa region, being also member of many regional economic and political organizations. Most relevant memberships include the *League of Arab States*,[47] the *Arab Maghreb Union* (AMU),[48] the *Organisation of Islamic Cooperation* (OIC),[49] the *Community of Sahel-Saharan States* (CEN-SAD),[50] the *Agadir Agreement*,[51] and the *Greater Arab Free Trade Area* (GAFTA)[52].

Morocco is very active in Maghreb and African affairs, being particularly involved in developing the North African regional economy and keeping good relationships with its Maghreb neighbours (except for Algeria), but also maintaining good ties with the West Africa and the Sahel region.

Also, Morocco has always showed a certain commitment to support the peace process in the Middle East, encouraging Israeli-Palestinian negotiations and urging moderation on both sides.[53] Morocco-Israel economic and political ties were significantly strengthened after the 1993 Oslo accords, entailing also the opening of bilateral liaison offices (which were though closed in 2000 following sustained Israeli-Palestinian violence).

Morocco also traditionally maintains close relations with the Gulf Arab states (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and United Arab Emirates) – grouped in the political and economic union of the *Gulf Cooperation Council* (GCC) - which have so far provided the country with substantial amounts of

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[47] The *Arab League* is a regional organisation of Arab states in the Middle East and North Africa region - created in 1945 by six countries (Egypt, Iraq, Jordan, Lebanon, Saudi Arabia and Syria) and currently consisting of 22 members – envisaging closer relations and collaboration on both the economic and political spheres.

[48] The *AMU* is a trade agreement signed in 1989 by the Arab countries in the Maghreb (Algeria, Libya, Mauritania, Morocco and Tunisia), aiming at economic and some sort of future political unity. Though, the union is currently inactive and frozen due to the deep political-economical disagreements between Morocco and Algeria (mainly regarding Western Sahara).

[49] The *OIC* is an international organisation created in 1969 and consisting of 57 member states, which aim at representing the collective voice of the Muslim community (*Ummah*) around the world as well as to safeguard and ensure its interests and well-being.

[50] The *CEN-SAD* is an agreement between countries in the Sahel and Saharan region, established in 1988 and currently consisting of 28 members, aiming at achieving economic unity through the creation of a free trade area in the region.

[51] The *Agadir Agreement* is a free trade agreement between Jordan, Tunisia, Egypt and Morocco, signed in Rabat in 2004 and aiming at creating a free trade zone between the Arabic Mediterranean countries.

[52] The *GAFTA* is a pan-Arab free trade area established in 1997 by 14 Arab countries and strongly backed by the Arab League.

[53] Remarkably, in 1986 King Hassan II took the daring decision to invite the then-Israeli Prime Minister Shimon Peres for talks, becoming only the second Arab leader to host an Israeli leader.

financial assistance. Morocco's identity as an Arab Muslim state facilitates its ties with these countries, particularly after the 9/11 and the start of the "war on terror" (a trend confirmed by the relevant growth of the GCC investment in the country in the last decade). Remarkably, in the face of the recent 2011 turmoil of the Arab Spring, the conservative monarchies of the GCC have started adopting a certain defensive and self-preservation stand, trying to recalibrate their security alliances and expand their partnerships, which ultimately resolved in their proposal to extend the GCC membership to the non-gulf states of Morocco and Jordan. Most likely, the reason behind the Council's interest is its desire to influence in a reactionary sense the course of domestic reforms within the non-oil monarchies: while the Gulf monarchies with their comfortable fiscal positions due to oil revenues were able to resist pressure to reform by granting generous benefits to their subjects, non oil-monarchies such as Morocco were instead forced to announce (and adopt) broad political reforms, including constitutional revisions. Indeed, reaction to the membership proposal in Morocco has been pretty cautious: the King certainly wants his strategic relations with the GCC to deepen, but he also well aware of the huge economic mismatch between the country and the Gulf States, and of the different social contract that ties him to his subjects. Indeed, the King did leave the prospect of closer integration with the GCC open, but nevertheless respected the clear timetable of reforms he had promised, sending a clear message that Morocco is unlikely to be part of a reactionary bloc intent on defending the status quo. [54]

Overall, whereas Morocco's relations with countries in the broad MENA region are certainly wide and strong, they are somehow less relevant to the analysis presented in this work, as the external influence upon Moroccan domestic dynamic exerted by these countries is of minor entity, particularly if compared to the pressure exerted by the EU and the US.

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[54] Achy L. (2011); Boukhars A. (2011)

5.4.   International Organizations and NGOs

As already shown earlier in this work (Parag. 4.2.1.), during the 1970s Morocco experienced a phase of positive economic growth mainly driven by the boom of the phosphate prices, which made possible the adoption of a populist development model characterized by huge state intervention in the economy, high public spending and large distributive social policies. Though, as by the early 1980s this positive economic trend started to reverse and the unsustainability of the model become evident, the government, faced to a severe economic recession complemented by dramatic public finances situation, had to revise its economic and social policy and turn to the International Monetary Fund (IMF) and the World Bank (WB) for implementing an austerity program of economic adjustment.

In 1982, upon recommendation of these two international financial institutions, it a adopted a *Structural Adjustment Plan* which introduced a wide range of neo-liberal economic measures such as severe cuts in public spending, a vast privatization program, a gradual retreat of the state from social welfare and a general expansion of the private sector, together with the passing of a new legislation fostering national and foreign investments. In that period, both the IMF and the WB appeared not be very concerned with the political changes deemed to accompany economic reforms, and largely refrained from intervening in the political sphere.

Since then, the country has maintained stable relations with both institutions, which have indeed started since the 1990s to adopt a more comprehensive approach in their assessments/evaluations of the country's economic progresses, by largely including concerns/recommendations regarding important structural political and social reforms.

In its most recent country assessment[55], the **International Monetary Fund** praised with much fervour Morocco for its "sound macroeconomic policies and structural and political reforms" that have helped the country to successfully face the global crisis and respond to pressing social needs - as the passionate words of the IMF Alternate Executive Director for Morocco confirm: "After demonstrating strong resilience to the global financial crisis and the food and fuel price shock, Morocco is undergoing a major reform process to meet the expectations of its population toward more democracy and inclusiveness, increased employment opportunities, and improved social conditions. Early commitment of the highest authorities to political reform in response to the

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[55] IMF (2011) "*Morocco: 2011 Article IV Consultation- Staff Report*"

'Arab Spring' has paved the way for a peaceful and orderly transition to a constitutional and democratic monarchy. The new constitution approved on July 1 consecrates the rule of law, the principles of good governance, human rights protection and gender and regional equality, and strengthens the role and accountability of the executive branch, the responsibilities and oversight of parliament, as well as the independence of the judiciary". [56]

Though, the report did not fail to stress a series of further challenges to be urgently met in order for these measures to work effectively: *(a)* contain public expenditure (through reforming the generalized subsidies system, broadening the tax base and improving tax administration); *(b)* improve expenditures' efficiency and quality to allow for sufficient and well-targeted social spending; *(c)* embark in the move to a flexible exchange rate in order to enhance competitiveness, but only after careful consideration of the timing and upon coordination with other necessary preparatory macroeconomic measures; and *(d)* adopt additional measures to strengthen governance, the business climate, trade integration with EU, human capital, private investment and labour market flexibility.

Similar optimist appraisals have been widely expressed in the most recent years by the **World Bank**, which is variously engaged in the country in supporting the government's development reform agenda. Significantly, the World Bank's *Country Partnership Strategy 2010-2013* for Morocco starts by affirming that "Morocco's considerable development achievements over the past decade have initiated a process of social and economic transformation, positioning the country as one of the leading reformers in the MENA region".[57]

Though, along with the progresses achieved, it also stresses the still poor human development outcomes as a major challenge for the country, and suggests a development strategy based on three main coordinated pillars: *(1)* achieve higher growth and competitiveness with employment creation; *(2)* reduce social disparities and improve service delivery to citizens; and *(3)* ensure environmental sustainability. Such a strategy is deemed to require a combination of: higher quality human capital, improved business environment, better and cheaper access to key infrastructure services, a more competitive private sector, effective social protection systems and safety nets, reduction of the rural-urban gap, improvement of the women's lagging condition, and solutions to the increasing vulnerability to climate change.

[56] Statement by Mohammed Daïri, IMF Alternate ED for Morocco, 5 October2011 (IMF, 2011)

[57] World Bank (2009) *"Morocco - Country Partnership Strategy 2010-2013."*

Practically, the World Bank Group assistance to the country consists in supporting the implementation of the government reform program, in particular as concerns the upcoming challenges typical of second generation reforms, the areas requiring inter-agency coordination, and capacity building at large. Other than financial support through its *Development Policy Loans* (DPLs) and *Specific Investment Loans* (SILs), its significant contribution entails analytical work, advisory assistance and help on *"the how to"* of implementation. As part of the WB Group, the International Bank for Reconstruction and Development (IBRD) has committed to lend $600 million annually over the period 2010-2013, while the International Finance Corporation (IFC) is deploying a sizable investment program - contingent on demand and market conditions – specifically in the financial, infrastructure, high value-added manufacturing, agribusiness and social (health and education) sectors.[58]

Also, Morocco is strongly financially supported by the **African Development Bank** (AfDB), actually being the largest of all the Bank's client countries - with a total financing reaching $9 billion to date. After the country performance assessment held in 2005, the Bank ranked Morocco in the first group of the Bank's most successful countries (with a total rating of 4.28 out of 6). However, it also identified several areas in which the country still had serious shortcomings, namely: *(a)* public governance consolidation; *(b)* economic cooperation and regional integration; *(c)* government poverty and exclusion control policies; and *(d)* environment policies and regulations. Following this assessment, the Bank further committed to a *Country Program for the period 2007-2011* in support of the government ongoing and new projects - amounting to $2,9 billion[59] - which focused on three pillars: *(1)* strengthening of governance; *(2)* development and upgrade of infrastructure and enterprises; and *(3)* human development promotion.[60]The most recent *Country Program for the period 2012-2016[61]* it's in strong continuity the previous one, reorganizing the former three pillars around two pillars: *(1)* strengthening of governance and social inclusion; and *(2)* support for development of "green" infrastructure.

Finally, as already seen in earlier paragraphs in this work (particularly in Chap. 3), there are numerous **International Non-Governmental Organizations** which operate in Morocco, conducting researches, issuing reports and actively

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[58] World Bank (2009) *"Morocco - Country Partnership Strategy 2010-2013."*
[59] African Development Bank (2012) *"The African Development Bank Group in North Africa 2012- A Year of Transitions"* (African Development Bank, 2012)
[60] African Development Bank (2006) *"Kingdom of Morocco – 2007-2011 Country Strategy Paper"* (African Development Bank, Operation Department, February 2006)
[61] African Development Bank (2006) *"Kingdom of Morocco – 2011-2016 Country Strategy Paper"* (African Development Bank, Operation Department, February 2011)

campaigning/advocating on a wide range of themes mainly concerning democracy, transparency, corruption and human rights; among these, the most important are Amnesty International, Human Rights Watch, Oxfam, Save the Children, Transparency International. Along with them, there is also a remarkable involvement of many of the **United Nations Agencies**, namely the Food and Agricultural Organization (FAO), the United Nations Children's Fund (UNICEF), the United Nations Educational and Scientific Organization (UNESCO), the United Nations Economic Commission for Africa (UNECA).

6. Concluding Remarks

To sum up, this work carried out a somehow comprehensive analysis of Morocco's recent developments and reforms in the whole political and socio-economic environment, articulated in the following parts: *(1)* political system and constitutional framework; *(2)* civil rights/freedoms and civil society; *(3)* socio-economic development; *(4)* external pressures and influences on domestic dynamics.

Final aim of such analysis was to assess two interrelated questions: *(1)* is the country being endorsing a truly "*new development model*" on the road to a comprehensive path of democratization, or is it rather being trapped into a "*stalled democratization*", or even just being adopting a "*piecemeal strategy*" of ad hoc and often superficial reforms which cannot be described as a real process of transition?; and *(2)* should Morocco's partial resilience to the recent 2011/2012 Arab Spring be considered as the sign of a substantial population's satisfaction with the country's socio-economic conditions and with the allegedly ongoing democratization path, or is rather the result of a smart "survival strategy" by part of the Monarchy which is able to handle - through a successful mix of concessions and suppression – the demands for change coming from the masses?

Indeed, what immediately emerges from the above presented analysis is first of all the impossibility to offer a clear-cut and definitive answer to both questions, so that the most suitable possible answers result to be precisely a <u>nuanced balance between the different theses</u>; evidence shows that: *(1) **some kind of a democratic transition did actually started in Morocco, but it's a path which is hindered by too many grey areas and where the piecemeal approach is still too much present to be make it possible to speak of a genuine transition of the whole system***; and *(2)* the milder and softer Arab Spring which took place in the country testifies that ***despite Moroccans do have claims concerning the political and socio-economic situation in the country, these don't go further beyond to question the legitimacy and authority of the Monarchy, which has thus been able to endorse their requests in a peaceful way and adopt a survival strategy allowing it to preserve its privileged power position in the system*** by relinquishing parts of ifs powers.

These conclusions are drawn upon the evidence appearing from the analysis of each one of the above-mentioned spheres, a recapitulating summary of which is drafted in the below paragraphs.

6.1.   The Political System and Constitutional Framework

As concerns the political system and constitutional framework, we saw a gradual opening of the political ground starting under Mohammed V (1956 - 1961) and being carried on – through cycles of liberalizations and authoritarian revivals - by its successor Hassan II (1961 - 1999), though the biggest push for democratic reforms is probably the one being endorsed by the now ruling King Mohammed VI (1999 - present).

Major reforms involved the two constitutional reforms of 1993 and 1996, which entailed in particular the introduction of a bicameral Parliament complemented with a gradual and limited extension of its powers. Major parliamentary elections were held in June 1993, November 1997, September 2002 and September 2007, significantly representing historic turning points: the 1997 elections saw for the first time an Islamic Party (the PJD) being legally allowed to compete in political elections, as well as the first *alternance* government being formed, while the 2002 and the following 2007 elections were both hailed as the most fair and transparent in Morocco's history that far.

Though, the most recent and possibly important turning point was the adoption of a new constitution in July 2011 - in response of the 2011 mass protests spread out over the country – followed by new parliamentary elections held in November 2011. An overall digest of the most relevant democratic reforms introduced with the new text include:

- The assertion - in the Preamble - of the principles of participation, pluralism, good governance, respect for the democratic rule of law, liberty, solidarity, equality and social justice as the foundations of Morocco's state.

- The recognition of the country's cultural and linguistic intrinsic pluralism, granting the *Amazigh* language the status of official language along with the Arab, and granting the *Hassani* language the right to be preserved and protected.

- The introduction of a whole new section (Title II) granting the fundamental freedoms and rights of the individuals, which remarkably extended the set of individual liberties constitutionally protected.

- Along with the previous point, the notable extension of the guarantees granted to the various forms of collective aggregation and representation of citizens.

- The recognition of the <u>Judiciary as an independent *power*</u> (instead than simply as an independent *authority*) vis-à-vis the legislative and executive powers.

- The introduction of a whole <u>new section (Title XI) on good governance,</u> including, among others, guarantees against corruption in the Public Administration, as well as the establishment of a National Council on Human Rights and of a national Ombudsman for citizens' complaints against the Public Administration.

- The introduction of new provisions allowing for <u>more territorial pluralism, decentralization and regionalization.</u>

- <u>The reduction of the prerogatives pertaining to the King</u>, at the advantage of those of the Head of Government and of the Parliament. In particular: the assertion of its dual supremacy as both political and religious leader is split in two separated spheres; he is not anymore recognized as "sacred"; he must appoint the Head of Government from within the party winning the elections and not anymore on his own autonomous will; he is now required to preliminarily consult with the Head of Government, may he want to terminate the mandate of one or more of the Cabinet members.

- <u>The expansion of the prerogatives pertaining to the Head of Government,</u> namely: he can demand the King to terminate the functions of one or more of the Cabinet members; he can be delegated the presidency of a Council of Ministers by the King; he presides over the Council of Government, which prepares the general policy of the state (a power previously held by the King); he can dissolve the Lower House after consulting the King and the Presidents of that Chamber and of the Constitutional Court (another power previously held by the King); he makes appointments to civil offices in the public administration and to high functions of public establishments and enterprises, besides making proposals to the Council of Ministers for the appointment of other major civil offices (all appointments previously pertaining to the King). Previously, his powers were virtually limited to the exercise of the regulatory power and the coordination of the different Ministers' activities.

- <u>The expansion of the prerogatives pertaining to the Parliament</u>, in particular: the explicit recognition of Morocco as a *parliamentary* other than a constitutional, democratic and social Monarchy; the expansion of the areas of competence of the Legislative Power from the 9 listed in the previous text to the 29 listed in the new one; the simplification of the

requirements for proposing a motion of censure over the government by part of the Parliament.

Remarkably, after the adoption of the new constitution in July 2011, the parliamentary elections held in November 2011 saw the affirmation of the moderate Islamist PJD as the first political force at the national level (gaining the largest parliamentary representation, although not a majority), making his leader Benkirane the new Prime Minister, and representing a striking turning point in Morocco's history.

Though, despite such a truly comprehensive set of reforms, Morocco's political landscape still appears to be flawed by serious and quite structural faults, which makes its democratic profile fairly defective in the following points:

▪ Concentration of power in the hands of the Monarchy

Despite a reduction in its powers, the King is still granted an absolutely unique position in the political system and keeps maintaining extremely extensive prerogatives: he is the Commander of the Faithful, Guarantor of the respect of Islam and of the free exercise of beliefs, and Chair of the Superior Council of the *Ulemas*; he is Head and Supreme Representative of the State, Symbol of National Unity, Supreme Arbiter between the Institutions, and Guarantor of the Constitution as well as of the rights and freedoms of the citizens and social groups; his constitutional rights are hereditary; his person is inviolable; he appoints the Head of Government and, upon this latter's recommendation, the others Cabinet members (whose services he can terminate upon his own initiative, after consulting with the Head of Government); he traditionally holds complete autonomy over the choice of the five *Sovereignty Ministers* (Justice, Interior, Foreign Affairs, Defence and Islamic Affairs); he is the Commander-in-chief of the Royal Armed Forces, with the right to make civil and military appointments and presides over the Superior Council of Security; he can accredit ambassadors to foreign nations and international organisations and sign and ratify treaties; he presides over the Supreme Council of the Judicial Power and approves the appointment of magistrates by part of this latter; he can exercise the right of pardon; any law adopted by the Parliament, in order to take effect, has to be promulgated by Royal Decree within 30 days following its receipt by the Government, and he can request a second (and due) reading by the two Houses of any draft bill or proposed law; thanks to a non-restrictive interpretation of former art. 29 ("the King shall, by Royal Decrees, exercise the statutory powers explicitly conferred upon him by the Constitution"), he has traditionally been

allowed to legislate in any area he deemed appropriate - a situation which is unlikely to be changed by the new spelling of the now art. 42 (stating that "the King exercises these missions by *Dahirs* by virtue of the power that are expressly devolved to him by the Constitution"); he can dissolve one or both of the Houses of Parliament, after consulting with the Presidents of the two Houses and the Chair of the Constitutional Council; he can declare the State of Emergency by royal decree in case of threats to the integrity of the national territory or to the regular course of action of the constitutional institutions (though, not entailing the dissolution of the legislature). Furthermore, besides being formally empowered by the constitution of such extensive powers, he has also traditionally being informally ruling the country through the shadow governance structure of the *Makhzen*, the Moroccan traditional governing elite loyal to him, which dictate the main lines of policy and act as a gatekeeper for any kind of political reform.

- Absence of a credible system of check and balances

As a result of the above-mentioned faults, a true and credible system of check and balances is missing both as concerns the Parliamentary control over the Executive and the Judiciary's control over the system as a whole. Indeed, the King supervises the work of the cabinet, the legislature and the judiciary; the executive power is utterly biased towards the King, with the powerful Sovereign Ministries being accountable directly to him. The Title VI of the Constitution, regulating the relations between the Parliament and the King and between the Parliament and the Executive, allows for a wide control power of the King over the Parliament against a restricted space for supervisory checks of the Parliament over the Executive. The judiciary lacks sufficient capacity to fully perform its functions and also lacks independence from the other branches, as well as from the King, due to his role as the Chair of the Supreme Council of Magistracy (the body responsible for the appointment, discipline and promotion of judges).

- Lack of meaningful elite change

Despite some changes in the *composition* of the politically relevant elite witnessed under Mohamed VI, major changes in elites' *attitude* and *behaviour* apparently failed to occur. Indeed, if a general broadening of the relevant elites did occur - with the inclusion of new actors from civil society and political parties, such as Islamists, entrepreneurs, businesspeople, and especially bureaucrats and technocrats – what appears to have totally remained unchanged is the mode of elite

recruitment and advancement, which has traditionally been relying solely on the King's discretionary willing. Further, when considering the circles which are most close to the King, even the extent of the access of new actors appears to be fairly limited, connoting such changes rather as an "elite recycling" process than as an "elite renewal" - with the informal system of personal and clientelistic network based on the *Makhzen* being left almost completely unchanged.

▪ Corruption and nepotism.

Corruption - both financial and misuse of authority and power - is a major problem in Morocco, recognised by foreign as well as domestic analyses, and particularly by Moroccan citizens, as testified by the extremely bad public perceptions upon corruption and upon government's remedial actions which are reported in national opinion surveys. Corruption and nepotism in the country Morocco are present in virtually all sectors and particularly in the political sphere, likely being favoured by a series of factors such as, among others: the elite-driven and clientelistic way the power is exercised; the existence of a large informal sector; the huge failures of the justice system; the significant presence of drug trafficking in the North. Domestic media and civil society have long been strongly publicising the issue and calling for a government action toward it. As a result, several public anti-corruption initiatives were taken under Mohamed VI; though, both the prosecutions against officials and the other anti-corruption measures taken have been accused of targeting only petty corruption, whereby high profile cases and cases where involving the government's style of governance have been promptly closed down in order to avoid political embarrassment.

▪ Low turnout and popular depoliticization

Figures on turnout in Morocco's legislative elections have been traditionally strikingly low already since the 1997 elections (58%), but has had a remarkable downward trend plunging down to 51% in 2002 before reaching a worrying historical low of 37% in 2007. The increase to 45% in the official figure of the 2011 elections – although several doubts have been raised on its validity – is most likely to be ascribed to the exceptionality of the moment than to a trend's reversal. Indeed, voter's dissatisfaction testified by the above-mentioned figures is probably not simply related to the choice of parties and candidates running in the elections, but it most probably regards the broader political system – most likely being the sign of a diffuse popular apathy, disenchantment, and lack of enthusiasm, due to the widespread perception of the elections

meaningfulness. Furthermore, it is remarkable that the lowest turnout rates were registered not among the rural, poor and uneducated segments of the populations, but rather among the urban middle-class, mostly comprised of educated and unemployed young people, a fact which could suggest that abstensionism was more an act of passive protest intended to penalize the regime than just simply a passive act of renounce and apathy.

- Weakness of political parties and co-optation of political opposition by part of the Monarchy.

  Despite the long tradition of multi-partitism in Morocco - formally introduced in the aftermath of its independence in 1962 - domestic political parties (both secular and Islamist ones) have generally always been fragile and weak, traditionally playing a rather marginal role in the country's political decision-making. Such a weakness most likely comes out from their extremely high fragmentation (there are currently over 30 registered parties in the country), which has always offered the King an easy possibility to play a *divide-et-impera* game at his own only advantage. On the one hand, the historical opposition parties (USFP, *Istiqlal*) do have solid bases of support and well established party structures, but they also have very generic and similar political platforms (unemployment's reduction, development) and, while asking for constitutional reforms to enhance parliament's powers and judiciary's independence, they nonetheless never challenge the monarch's authority. On the other hand, Islamist parties and organizations are less fragmented and more tightly organized than secular ones, as well as more ideological, more vigorous and often younger; but they are also untried, having being banned for years (the PJD has been for long the only legally recognized political party in the country). In addition to them, there is the large panoply of non-violent Islamist movements and organizations (including the Movement for Unity and Reform and openly anti-monarchist and socially revolutionary Justice and Charity) still not recognized as political parties. Indeed, Islamist parties and organizations are likely to constitute the only potential serious challenge to the Monarchy, which has indeed provided to strictly restrain such risk, either by imposing severe requirements for obtaining official recognition and by co-optation the already registered parties.

6.2. Civil Rights and Freedoms and Civil Society

As concerns the sphere of civil rights and freedoms and civil society, evidence suggests that despite the undoubted progress and improvements achieved in particular under Mohammed VI, several and remarkable flaws still persist – partly on the legal side but mostly on the implementation side.

Major shortcomings in this sense can be highlighted in the following areas:

▪ Freedom of Association

Freedom of association in Morocco is granted by art. 29 of the Constitution, regulated by the Law on Association (*Royal Dahir 1-58-376*) and further asserted in the International Covenant on Civil and Political Rights (ICCPR). In theory, the law provides for a *declarative* instead than a *prior-authorization* regime, meaning that in order to be legal, associations have just to declare their creation to authorities, with no need of any prior authorization. The only restrictions to this freedom allowed by the law is in case "its cause or objective is illegal, contrary to good morals, harmful to the Islamic religion, the integrity of national territory or the monarchical regime, or calls for discrimination". Though, practically, this regime fails to be put in place as many associations often face a "legal harassment" by part of the local authorities responsible for handling the declarations: these latter indeed, do routinely disregard the legal procedures, opposing an administrative obstruction to the declaration process - either by *refusing to receive* the association's founding documents, or by accepting these documents but *refusing to issue the provisional receipt* confirming the place and date of their submission. As a result, these associations are left in a sort of legal limbo whereby they are not entitled to the set of prerogatives that the law grants to those legally recognized.

▪ Freedom of Assembly

Freedom of Assembly is also granted by art. 29 of the Constitution, regulated by the Law on Public Gatherings (*Dhahir No. 1-58-377)* and further protected by the ICCPR, which excludes any restrictions other than those imposed in conformity with the law for the same reasons stated for the right of association (i.e. the safeguard of national security, public safety or public order, the protection of public health or morals or the protection of the rights and freedoms of others). Indeed, the margins allowed by Moroccan law to authorities to restrict this freedom are pretty large*:* only legal political parties, trade unions, and professional

associations are entitled to hold public demonstrations, and although no prior authorization is required, authorities need to receive notification of the planned event 3 days in advance and may forbid it if deemed likely to disturb public order. Truly, public gatherings and demonstrations are normally tolerated by the regime (with the notable exception of the Saharawis' ones), although the recent protests spread out since February 2011 saw several cases of harsh attacks and beatings by part of the police, with hundreds of protesters being detained - most of which being released, but many others being tried and sentenced to prison.

- Freedom of Movement

Freedom of movement within the country, foreign travel, emigration, and repatriation are granted by art. 24 of the Constitution and is generally respected, despite some sporadic exceptions (i.e. cases have been reported of restrictions to travel outside the country imposed by the Interior Ministry to civil servants, mostly teachers and military personnel, as well as cases of illegal immigrants expelled into the desert bordering Algeria with no food and water or any kind of assistance).

- Freedom of the Media and Freedom of Expression

Freedom of thought, opinion and expression as well as press freedom are formally granted by the Constitution (art. 25 and art. 28), along with the right of access to information held by public administrations/services and elected institutions, although this latter can be restricted by the law in order to assure the protection of national defence or internal and external security, as well as citizens' private life, freedoms and rights (art. 27). Indeed, precise red lines exist which include questioning the integrity of the Monarchy, the state officials, Islam and national territory. Several forms of speech and expression are criminalized under Moroccan law well beyond the limits allowed from international law, conducting in many cases to arrests, condemns and imprisonment of journalists. According to many international observers, critical journalism and critical expression in the country result to be widely harassed by government authorities through various means, such as legal prosecutions against journalists or activists (with huge fines or prison condemns), revoking of licenses, suspension/confiscation of publications, financial boycott, and occasionally also direct physical attacks. Indeed, Freedom House reports a gradually deteriorating *Press Freedom Index* for Morocco in the last decade, stating the country's media as passing from a *"Partly Free"* status in 2000 to a *"Not Free"* status in 2011.

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- Freedom of Religion

  Although Islam is recognized as the country's state religion, freedom of religion is nonetheless granted to all Moroccans by the Constitution (Preamble, art. 3 and art. 41), other than by art. 18 of the ICCP. Though, the law envisages and the government put in place several restrictions on this right and various forms of discrimination between the different religious minorities are often operated. Among the most relevant pitfalls: the teaching of the approved Islamic doctrine and the prevention of extremist rhetoric is ensured by the close monitoring and guidance of the Ministry of Endowments and Islamic Affairs (MEIA) over the Friday mosque sermons and the Koranic schools; any expression of opinion alleged to offend Islam can be legally prosecuted; while Sunni Muslims are allowed to proselytize others, the law explicitly prohibits others to proselytize Sunni Muslims; Judaism enjoys a protected status vis-à-vis other religions and non-majority forms of Islam; the distribution of non-Muslim religious materials is forbidden; the Shia Muslims' and Christians' small communities are closely monitored by the authorities and the police; the government is entitled to summarily expel, without due process, any foreign resident alleged to be "a threat to public order".

- Women rights

  Among Arab Muslim countries, Morocco stands remarkably progressive in terms of women rights. The new constitution formally guarantees equality between man and women (art. 19) and in 2004 major progressive reforms have been brought to the Family Code *(Moudawana)* improving women's rights in marriage, divorce and child custody. Major reforms enshrined in the new *Moudawana* include: rising of the minimum age for marriage from 15 to 18; abolishment of the marital tutor as a pre-condition of marriage for women; limits to polygamy; right to divorce recognized to both man and women; joint responsibility of both spouses on family. Though, despite these positive achievements, the new code still preserves discriminatory provisions regarding inheritance rights and the right of husbands to unilaterally repudiate their wives. But the most worrying concerns reside in its implementation, which is problematic as it largely depends on the judiciary's willingness to enforce it and the content and intents of the new code remain controversial and not widely agreed. Finally, a worrying pitfall is the still on-going absence of a specific legislation addressing or criminalizing violence against women, so that real women conditions are still lacking concrete protection and safeguard.

- <u>Human rights violations</u>

Despite substantial improvements in the recent years, human rights protection in Morocco still remains an issue of major concern, particularly with regard to two main areas: *(a)* <u>Illegal detentions, mistreatments and torture under Counter-terrorism Law;</u> and *(b)* <u>Human rights abuses in Western Sahara and on Saharawi Activists.</u>

As concerns point (a): numerous allegations have recently been reported of illegal detentions, mistreatment and torture perpetrated by the security forces against persons suspected of links to terrorism; this was largely prompted by the excessively broad scope of the <u>2003 Counter-terrorism Law</u>, adopted immediately after the 2003 Casablanca bombings, which <u>gave the government an almost unlimited legal margin to limit human rights</u> and basic civil liberties of Moroccans. This law stands in sharp contrast with the remarkable steps recently undertaken by the country to commit itself towards torture's and ill-treatment's prevention, namely: ratification of the UN *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* in 1993; amendment of the Penal Code in 2006 by prohibiting torture and bringing the code's definition of torture closer to the one in the UN Convention; lifting of reservations to art. 20 and art. 22 of the UN Convention, thereby recognizing the competence of the *Committee against Torture* to open investigations; new articles in the 2011 Constitution expressly prohibiting torture (art. 22) and arbitrary or secret detention and forced disappearances (art. 23); establishment in 1990 of the Moroccan Human Rights Advisory Council (CCDH) then replaced in 2011 by the National Human Rights Council (CNDH); establishment of the Equity and Reconciliation Commission (IER) in 2004, as the first equity commission in the Arab world, tasked with addressing human rights abuses perpetrated by Moroccan authorities during 1956-1999 and providing victims with reparations. Indeed, in the aftermath of the 2003 bombings, <u>over 1,500 suspected Islamists extremists were arrested</u> with the charge of <u>"belonging to a terrorist network"</u>, and since then several allegations of security forces abuses and mistreatments have been reported, especially <u>cases of "disappearances"</u>. Among the most common abuses: arrests carried on by agents in plainclothes producing no warrant and no ID; lack of prompt notification of the arrest to the families; agents searching homes of the suspects and confiscating item with no authorization; arrested being held in pre-charge, incommunicado detention for longer than the 12-day maximum period allowed by Moroccan law; secret detention being carried out in secret facilities (i.e. allegedly, the Témara centre); <u>physical abuses and tortures</u>. Although

many domestic and international NGOs have raised these cases to Moroccan authorities, so far no concrete action has been taken and these allegations have largely failed to be investigated by courts.

As concerns point (b): although Morocco's repression in Western Sahara has being strongly easing over time since the 1970s and 1980s, serious rights violations continue, and Saharawis remain subject to severe restrictions by part of Moroccan authorities on almost all of the most basic freedoms. Remarkable violations which are continuously reported include: <u>unfair trials</u>; <u>arbitrary arrests</u>, <u>violence and torture by the security forces</u>; <u>restrictions to the freedom of assembly</u> through prohibition or repression of Saharawi demonstrations; <u>restrictions to the freedom of association</u> for human rights organizations, mainly through legal administrative obstruction; <u>restrictions on foreign journalists and observers</u>; <u>restrictions to press freedom</u>. Similarly worrying is the situation of <u>human rights in the POLISARIO administered Tindouf Refugee camps</u>, located in a desert region of Algeria bordering with Morocco, which hosts around 125,000 persons living in tents or modest huts without running water. Despite the POLISARIO's professions of openness to monitoring and the presence of many foreign humanitarian organizations, refugees' conditions remain vulnerable due to the camps' isolation, the lack of regular on-the-ground monitoring and the legal limbo in which the camp exists. Major violations reported include restrictions to the freedom of speech and to the freedom of movement and allegations of slavery.

▪ <u>Civil society</u>

If compared to other countries in the Maghreb region Morocco stands out as having a <u>well-developed and relatively free civil society</u>, consisting of a variegated network of organisations (around 30,000 legally declared), most of which flourished during the last 20 years as a consequence of the 1990s political opening. Faced to such a flourishing of associations, the State's attitude towards them has notably varied in the last two decades: tolerating but closely monitoring their work, before the 1990s; adopting a more liberal stand (favouring especially the development of associations providing social services), since the 1990s; and finally <u>re-assuming a supervisory and control attitude over the associational movement</u>, mainly through *(i)* co-optation of its cadres and their promotion to higher levels of the public apparatus, diverting them from political action; *(ii)* incentives for new NGOs completely loyal to the State; *(iii)* tight control and limits over associations' assets and resources. The whole Moroccan civil society landscape can roughly be grouped around two groups: *(a)* Professional

Associations (Business Associations and Trade Unions); and *(b)* Non-Governmental Organizations.

As concerns the <u>Business Associations and Trade Unions</u>, there's a general <u>lack of institutionalized mechanisms of consultations</u> and of a structural framework for their involvement in decision making processes, resulting in an <u>influence power which is sporadic and largely dependent on lobbying capacities</u>. Indeed, remarkable differences exists: while the General Confederation of Moroccan Enterprises (CGEM) do have some concrete power, by regularly interfering in social negotiations and offering expertise and technical advice to government and parliament over the elaboration of policies and laws pertaining the social domain, the workers' unions on the contrary only contribute marginally and indirectly to the elaboration of laws, often limiting themselves to demand or denounce, with a pressure strength mainly exerted through blockage powers and a domain of action limited to the social realm.

As concerns the <u>Non-Governmental Organizations (NGOs)</u>, a major part of which operate in the field of human rights protection, government's attitude toward them (either domestic and international ones) varies depending on the sensitivity of the issues, but is generally cooperative. Indeed, the recent booming <u>proliferation NGOs strongly supported by the state</u> has been interpreted and <u>criticised by many analysts as part of a conscious state strategy</u>, aimed at establishing bridges with different social sectors, side-lining the political parties, and promoting internationally the image of Morocco as a democratizing country.

6.3. The Economic Sphere and Socio-economic Development

As concerns the economic sphere and socio-economic development, Morocco did experience significant social and economic challenges during the last two decades, which pushed the government to take a strong stand on development issues, by formulating and embracing a new development strategy able to address in a comprehensive way all these interconnected defies. Overall, the country managed to achieve a general positive economic performance especially since the 2000s - with sustained high GDP growth, falling unemployment, rising investment and low inflation – and significant improvements in poverty reduction and social indicators levels.

Though, despite this generally positive growth/development experience, several significant challenges – mainly due to structural constraints - still need to be addressed, in order to allow the country to reach its full growth and developmental potential. Such defies are indeed at the heart of the government's substantial development effort, enshrined in the comprehensive Social and Economic Development Program 2008-2012, launched in 2007 and centred around three key objectives: *(a)* improve social outcomes (especially in education, health, and social protection; *(b)* enhance growth, export potential and investments (focusing on key productive sectors, infrastructure sectors and transversal strategies; *(c)* implement cross-cutting reforms (i.e. governance improvement, public administration and judiciary reforms, decentralization).

Overall, these major challenges and shortcomings can be summarized in the following points, grouped around three broad areas:

1) *Acceleration of growth and job creation*

- Overall low levels of educations still constitute a major problem, fostering a vicious circle of low quality human capital/low productivity/low wages; thus, the urgent need to improve human capital quality, job productivity and the quality of growth.

- Structural unemployment problems still persist: though considerably decreased in recent years, unemployment is still at high levels, mostly concerning urban areas, the youth and people with higher levels of education. Further, it still fails to guarantee protection from poverty: with an absolute majority of the poor being employed, that of the "working poor" remains a major concern.

- Need to further advance the consolidation of public finances and the overall public sector management reform.

- Need to readdress the anti-export, low value-added, insufficient diversification of the trade regime, as well as to advance the intra-Maghreb/MENA integration

- Need to address agriculture's structural problems: low productivity; low valued-adding; low quality and little diversification of products; weak investment incentives; dualistic structure with a predominant traditional rain-fed sub-sector and a smaller, more competitive, export-oriented irrigated one; deficient rural transport infrastructure; weak land rights tenure systems.

- Need to further improve the business environment: despite the wide range of reforms implemented over the past decade, the structural transformation of the private sector into a competitive and technologically sophisticated sector is still hindered by the persistence of substantial constraints to business and to the emergence of new industrial players (namely: difficult access to land; high tax rates; credit constraints; poor transparency in administrative procedures; corruption; poor property rights enforcement; competition from the informal sector; dominant position of few large incumbents).

- Need to enhance financial market reforms and to engage in second generation ICT reforms

2) *Reduction of social disparities*

- The remarkable progress in poverty reduction achieved since the 2000s were not accompanied by a similar trend in inequality: substantial regional disparities and the rural/urban gap still remain a major problem, as well as the lagging conditions of women.

- Need to foster equity-enhancing growth and inclusiveness.

- Poor quality and poor access to key social services, especially health and education, is still a major problem to be addressed.

3) *Ensuring sustainability*

- Need to reduce the country's vulnerability to climate changes (mainly droughts), which is still very high due to its large reliance on agriculture – and especially irrigated agriculture, which overuses increasingly scarce water resources – and the lack of effective risk management instruments.

- Need to consolidate the on-going reform of the water sector, which is plagued by several factors: water scarcity; weak sector governance and institutions; inefficient water use in agriculture; inadequate access to water

supply and sanitation services. Thus, the consequent need for more efficient water allocation and planning; better interagency coordination; better groundwater and pollution control; introduction of subsidies for technologies such as micro-irrigation.

- Need to consolidate the on-going <u>reform of the energy sector</u>, focusing on: reducing the heavy dependency on energy imports; diversifying the energy mix (dominated by coal and oil); developing indigenous energy resources (i.e. solar and wind); enhancing energy use efficiency; reinforcing regional integration in the Mediterranean electricity market.

In addition to this, some concerns can also be highlighted concerning the most relevant social initiative endorsed by the government so far, the <u>National Initiative for Human Development</u>, namely:

- Its <u>project-based approach</u> could run the risk to <u>fail to generate an endogenous, integrated and sustainable development process</u>.

- Its <u>exclusive focus on social impact and social indicators</u> – rather than on social development as a structural component of endogenous economic growth – could eventually led to a "<u>*development without growth*</u>" policy.

- Its <u>contribution to the democracy-building process is extremely doubtful</u> consolidating an already on-going process of <u>administrative decentralisation without political devolution</u>.

6.4. Pressures and Influences of External Actors on Domestic Dynamics

As concerns the pressures and influences on domestic dynamics exerted by external actors, the most notable ones come from the European Union, the United States and various International Organizations (mainly the International Financial Organizations – the IMF and the WB – and several Non-government Organizations). In all cases, pressures to embark in some kind of "democratization efforts" have variously been exerted, though with different degrees in demanding and different responses as well.

In the case of the <u>European Union</u>, bilateral-relations with Morocco started in 1969 with a first bilateral *Association Agreement*, and followed a path of increasing closeness and dialogue thought a series of subsequent agreements: a *Cooperation Agreement* signed in 1976, within the framework of the *Global Mediterranean Policy*; the *Euro-Maghreb Partnership* endorsed by the 1992 Lisbon Summit; the *Euro-Mediterranean Association Agreement* (EMAA), adopted in 1996 within the framework of the newborn *Euro-Mediterranean Partnership* (EMP), launched by the 1995 Barcelona Conference; the *ENP Action Plan*, signed in 2005 within the framework of the *European Neighbourhood Policy (ENP)*, launched in 2004; the *Union for the Mediterranean* launched in 2008; and finally the *Joint Document* for Morocco's *Advanced Status*, recognized in October 2008. Overall, although the issues of <u>democratization, political dialogue and human rights' protection</u> were in theory present in all such agreements, they were actually for the most neglected and <u>left to the background behind other priorities, mainly security and economic issues</u>. This holds true especially for the EMP process - which ended up focusing almost exclusively on the economic sphere (markets' liberalization and opening to international trade) - and for the ENP process. Indeed, the <u>*ENP Action Plan*</u>, in its section "political dialogue and reforms", did include a broad set of objectives, but <u>failed to specify timeframes, actors, implementation and evaluation mechanisms</u> defining how and when the envisaged objectives were to be achieved; moreover, it <u>failed to include some key structural reforms</u> linked to the fundamental shortcomings highlighted by the EU Commission in its 2004 Country Report assessment, namely: lack of respect of the separation of powers, limited powers of parliament and government, lack of judiciary's independence, weakness of political parties, limited influence of civil society on major political decisions. Similarly, also the <u>*Advanced Status Joint Document* keeps failing to establish any binding framework for political dialogue</u>. Lastly, a major shortcoming is the EU's <u>failure to directly engage with the domestic</u>

moderate Islamist political movements/organizations and to incorporate them in their development assistance and policy initiatives.

As concerns relations between Morocco and the United States, they have always been very good: thanks to Morocco's standing as a comparatively moderate Arab Muslim nation, the US have always seen in the country a major ally and key partner in promoting security and stability ad to sustain its pro-active involvement in the Middle East and North African region, thus generally seeking sustained engagement with it through trade policy, security cooperation and direct democracy assistance, through various channels and initiatives, either multilateral or bilateral. Though, the bulk of the Morocco-US relationship truly resides in the cooperation on trade policy (via a *Free Trade Agreement* signed in 2004 within the framework of the *Middle East Free Trade Area* initiative) and on security matters (particularly strengthened in recent years, after September 11, by counter-terrorism cooperation). Indeed, democracy assistance is concretely given less importance and is generally plagued by an overall tendency to be fairly vague, all-encompassing, with a top-down approach, and often concretely mainly focused on economic issues. This holds true both for the *Broader Middle East and North Africa* (BMENA) initiative - the general multilateral framework for US democracy assistance launched in 2004, mirroring the EU's *Euro-Med Partnership* in its agenda and structure and supposed to act complementarily with it – and for the funds channelled through the *Middle East Partnership Initiative* (MEPI), the funds administered by the USAID, and the *Millennium Challenge Account* (MCA).

As regards the influences coming from International Financial Organizations, namely the IMF and the World Bank, they have clearly been channelled via the bilateral partnerships they have been engaging on with Morocco, and they appear to have evolved during time: while at the time of the adoption of the *Structural Adjustment Plan* in 1982 – which fostered Morocco to introduce a wide range of neo-liberal economic –both the IMF and the WB were not very concerned with the political changes deemed to accompany economic reforms, and largely refrained from intervening in the political sphere, more recently (since the 1990s) they have indeed started to adopt a more comprehensive approach in their assessments/evaluations of the country's economic progresses, by largely including concerns/recommendations regarding important structural political and social reforms.

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To conclude, all these measures of political opening, economic liberalization, and advances in civil/political and human rights protection that the country is variously and to various degrees being experiencing, are the two sides of the same coin: on the one part they undoubtedly testify of a democratization pattern being occurring in the country in the political, social and economic spheres; on the other part, they do constitute *in primis* the strategic tools through which the Monarchy is actually managing the restructuring of its powers and the reorganization of its power relations, in order to maintain its privileged and absolutely unique leading position at the core of Morocco's broad institutional system.

Tab. 6.1 Various Democracy Indices for Morocco

Variable Measured	Name and Year of Report/Dataset	Institution	Index	Points, Ranking and Classification
Political Rights and Freedoms	**Freedom House Report** 2010	Freedom House	PR: Political Rights CL: Civil Liberties (Scale of 1= Free to 7= Not Free)	PR: 5 CL: 4 **Classification: Partly Free**
Consolidation of Authoritarian and Democratic Institutions	**Polity IV Dataset** 2010	Centre for Systemic Peace and Centre for Global Policy (George Mason University)	Democ: Consolidation of Democratic Institutions Autoc: Authoritarian Consolidation Polity: Synthesis of Both (Scale of +10= Very Democratic to -10= Very Authoritarian)	Democ: 0 Autoc: 6 Polity: -6 **Classification: Average Authoritarian Consolidation**
Perception of Corruption	**Transparency International Corruption Perceptions Index** 2011	Transparency International	TCPI: Transparency Corruption Perceptions Index (Scale of 1= Highly Corrupt to 10= Very Clean)	TCPI: 3.4 **Ranking: 80th out of 183 Countries**
Democracy, including Press Status and Corruption	**World Democracy Audit** 2011	World Audit	World Democracy Rank	**Ranking: 100th out on 150 Countries**
Management of Political and Economic Change	**Bertelsmann Transformation Index** 2012	Bertelsmann Foundation	MI: Management Index, Quality of Transformation Management	MI: 4.20 **Classification: Moderate Success Ranking: 89th out of 128 Countries**

Sources: www.freedomhouse.org;
http://www.prio.no/CSCW/Datasets/Governance/Vanhanens-index-of-democracy;
http://www.systemicpeace.org/polity/polity4.htm; http://www.transparency.org/cpi2011/results
http://www.worldaudit.org/democracy.htm

Acronyms and Abbreviations

Note: all the acronyms for Morocco's domestic institutions/programmes refer to the French version, while using the English version for the full names. Acronyms for non-domestic/international institutions, programmes and documents are normally used in their English version.

AfDB   African Development Bank
AMDF   Moroccan Association for Women Rights (*Association Marocaine pour les Droits des Femmes*)
AMDH   Moroccan Association of Human Rights (*Association Marocaine des Droits de l'Homme)*
AMU   Arab Maghreb Union
ANDCM   Moroccan National Association of Unemployed University Graduates (*Association Nationale des Diplômés Chômeurs du Maroc*)
BMENA   Broader Middle East and North Africa
CCDH   Moroccan Human Rights Advisory Council (*Conseil Consultatif des Droits de l'Homme*)
CDT   Democratic Confederation of Labour (*Confédération Démocratique du Travail*)
CEDAW   Convention on the Elimination of All Forms of Discrimination against Women
CEN-SAD   Community of Sahel-Saharan States
CGEM   General Confederation of Moroccan Enterprises (*Confédération Générale des Entreprises du Maroc)*
COSEF   Royal Commission on Education Reform (*Commission Spécial d'Education-Formation*)
CORCAS   Royal Advisory Council for Sahara Affairs (*Conseil Royal Consultatif des Affaires Sahariennes*)
CNDH   National Human Rights Council (*Conseil National des Droits de l'Homme*)
DGST   General Directorate for the Surveillance of the Territory (*Direction Générale de la Surveillance du Territoire*)
DPL   Development Policy Loan
EC   European Community
EEC   European Economic Community
EMP   Euro-Mediterranean Partnership
ENP   European Neighbourhood Policy
EP   European Parliament

FAO	Food and Agricultural Organization
FMVJ	Forum for Truth and Justice (*Forum Marocain pour la Vérité et la Justice*)
FTA	Free Trade Agreement
GAFTA	Greater Arab Free Trade Area
GCC	Gulf Cooperation Council
GII	Gender Inequality Index
GMP	Global Mediterranean Policy
JC	Justice and Charity (*Justice et Charité*)
HACA	High Authority of Audio-visual Communication (*Haute Autorité pour la Communication Audio-visuelle)*
HCP	High Planning Commission (*Haute Commissariat au Plan*)
HDI	Human Development Index
IBRD	International Bank for Reconstruction and Development
ICCPR	International Covenant on Civil and Political Rights
ICPC	Central Commission for the Prevention of Corruption (*Instance Central pour la Prévention de la Corruption)*
IER	Equity and Reconciliation Commission (*Instance d'Equité et de Réconciliation)*
IFC	International Finance Corporation
IMF	International Monetary Fund
INDH	National Initiative for Human Development (*Initiative Nationale pour le Développement Humain)*
INPBPM	National Commission for the Protection of Public Property in Morocco (*l'Instance Nationale pour la Protection des Biens Publics au Maroc)*
LSMS	Living Standards Measurement Survey
MEFTA	Middle East Free Trade Area
MENA	Middle East and North Africa
MEPI	Middle East Partnership Initiative
MINURSO	United Nations Mission for the Referendum in Western Sahara (*Mission des Nations Unies pour l'organisation d'un Référendum au Sahara Occidental)*
MP	Popular Movement (*Mouvement Populaire*)
MUR	Movement for Unity and Reform (*Mouvement pour l'Unité et la Reforme*)
OIC	Organisation of Islamic Cooperation
OMDH	Moroccan Organization for Human Rights (*Organisation Marocaine pour les Droits de l'Homme)*
PAM	Authenticity and Modernity Party (*Parti Authenticité et Modernité*)

PCM	Moroccan Communist Party (*Parti Communiste Marocaine)*
PDI	Democratic Independence Party (*Parti Démocratique de l'Independence)*
PI	Independence Party (*Parti de l'Independence*)
PJD	Justice and Development Party (*Parti de la Justice et du Développement*)
PND	National Democratic Party (*Parti National-Démocrate*)
POLISARIO	Popular Front for the Liberation of Saguia el-Hamra and Río de Oro (Spanish acronym, *Frente Popular de Liberación de Saguía el Hamra y Río de Oro*)
PPS	Party of Progress and Socialism (*Parti du Progrès et du Socialisme*)
RMP	Renovated Mediterranean Policy
RNI	National Rally of Independents (*Rassemblement National des Indépendants*)
SADR	Sahrawi Arab Democratic Republic
SIL	Specific Investment Loan
TIFA	Trade and Investments Framework Agreement
TSCTP	Trans-Sahara Counter-terrorism Partnership
UC	Constitutional Union (*Union Constitutionnelle*)
UGTM	General Union of Moroccan Workers (*Union Générale des Travailleurs Marocains)*
UMT	Moroccan Workers Union (*Union Marocaine du Travail*)
UNECA	United Nations Economic Commission for Africa
UNESCO	United Nations Educational and Scientific Organization
UNICEF	United Nations Children's Fund
UNFP	National Union of Social Forces (*Union Nationale des Forces Socialistes*)
USAID	United States' Agency for International Development
USFP	Socialist Union of Popular Forces (*Union Socialiste des Forces Populaires*)
WB	World Bank

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