

Democratization in Morocco

The political elite and struggles
for power in the
post-independence state

Lise Storm



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Democratization in Morocco explores the political games of the Moroccan democratization process in the period from independence in 1956 until 2006. By combining a great degree of political theory with empirical material on Morocco, the book sets out not only to analyse the strategies and actions of the various political actors but also to evaluate the level of democracy present in the country after the adoption of new constitutions in 1962, 1970, 1972, 1980, 1992 and 1996.

For a number of years, scholars have tended to agree that the democratic advances made in the Middle East during the past few decades can largely be attributed to a survival strategy by the various incumbent regimes. This book, however, demonstrates that in at least some instances, democratization has been more than simply a survival strategy – every so often, key figures within the political elite have taken the democratization process further than that strictly needed for them to stay in power. In the case of Morocco, it has been the monarch who on more than one occasion has moved the country further towards the democratic ideal than he necessarily had to and that sometimes even against the wishes of one or more of the established political parties. In fact, this book illustrates how the Moroccan political parties, like so many of their counterparts in the region, have become the main obstacle to further democratization as most of them have never honoured – or appear to have abandoned – the key function of political parties: popular representation. As virtually all the major political parties, including those of the moderate opposition, have been swallowed by the regime, very few are keen to push for regime change as this might jeopardize their current level of political power.

Written in a clear and structured manner, this highly topical read fills an important gap in recent scholarship on the pattern of democratization in Morocco, making it a very valuable contribution to students and researchers interested in the dynamics behind the Moroccan democratization and the role of electoral politics in North African and Middle Eastern politics.

Lise Storm is Lecturer in Middle East Politics at the Department of Politics, University of Exeter. Her main fields of research are democratization and party system theory, focusing mainly on experiences from Latin America and the Middle East.

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This book is dedicated to Kirsten and Simon – two remarkable people, my mother and brother – to whom I owe everything.

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Lise Storm
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Acronyms and abbreviations

A	Authoritarianism
Al-Adl	<i>Al-Adl wal-Ihsan</i> (Justice and Charity Society)
ADL	<i>Alliance des Libertés</i> (Alliance of Liberties)
Al-Ahd	<i>Parti al-Ahd</i> (The Covenant Party)
AI	<i>Amnesty International</i>
ALM	<i>Armée de Libération Marocaine</i> (Army of Liberation)
AMDH	<i>Association Marocaine des Droits Humain</i> (Moroccan Association for Human Rights)
ANDC	<i>L'Association nationale des diplômés-chômeurs</i> (The National Association for Unemployed Graduates)
BCL	Basic civil liberties (freedom of speech, assembly and association)
BD	<i>Bloc Démocratique</i> or <i>Kutla al-dimuqratiya</i> (Democratic Bloc)
BDIC	Broadened dictatorship
CCDH	<i>Conseil Consultatif des Droits de l'Homme</i> (Consultative Council for Human Rights)
CDT	<i>Confédération Démocratique du Travail</i> (Democratic Confederation of Labor)
CNI	<i>Parti du Congrès National Ittihadi</i> (National Ittihadi Congress Party)
DM	District magnitude
DZ	Democratization
ECHR	European Convention on Human Rights and Fundamental Freedoms
ED	Electoralist definitions
EP	Effective power to govern of the elected government
EPM	Expanded procedural minimum definitions
FAR	<i>Forces Armées Royales</i> (Royal Armed Forces)
FD	<i>Fidélité à la Démocratie</i> (Fidelity and Democracy)
FDIC	<i>Front Pour la Défense des Institutions Constitutionnelles</i> (Front for the Defense of the Constitutional Institutions)
FFD	<i>Front des Forces Démocratiques</i> (Front of Democratic Forces)
FIDH	<i>Fédération Internationale des Ligues des Droits des l'Homme</i> (International Federation of Human Rights Organizations)
FLN	<i>Front de Libération Nationale</i> (National Liberation Front)

FPTP	First-past-the-post
HRW	Human Rights Watch
IAI	<i>Instance d'Arbitrage Independante</i> (Independent Arbitration Commission)
ICD	<i>Parti de l'initiative citoyenne pour le développement</i> (Citizen's Initiatives for Development)
ICJ	International Court of Justice
IDEA	International Institute for Democracy and Electoral Assistance
IER	<i>Instance Equité et Réconciliation</i> (Equity and Reconciliation Commission)
IFES	International Foundation for Election Systems
IMF	International Monetary Fund
Kutla	<i>Kutla al-Dimuqratiya</i> or <i>Bloc Démocratique</i> (Democratic Bloc) <i>Kutla al-Wataniya</i> (the National Bloc)
MD	<i>Mouvement pour la Démocratie</i> (Democratic Movement)
MDS	<i>Mouvement Démocratique et Social</i> (Democratic and Social Movement)
MENA	The Middle East and North Africa
MNP	<i>Mouvement National Populaire</i> (National Popular Movement)
MP	<i>Mouvement Populaire</i> (Popular Movement)
MPDC	<i>Mouvement Populaire Démocratique et Constitutionnel</i> (Popular Democratic and Constitutional Movement)
MRCDD	<i>Mouvement de Revendication d'une Constitution Démocratique</i> (Movement for the Claim of a Democratic Constitution)
MSD	<i>Mouvement des Démocrates Socialistes</i> (Movement of Social Democrats)
NDIC	Narrower dictatorship
OADP	<i>Organisation de l'Action Démocratique et Populaire</i> (Organization of Democratic and Popular Action)
OUA	Organization of African Unity
OMDH	<i>Organisation Marocaine des Droits Humains</i> (Moroccan Organization for Human Rights)
PA	<i>Parti de l'Action</i> (Party of Action)
PADS	<i>Parti de l'Avant Garde Démocratique Socialiste</i> (Party of the Democratic Socialist Avant-Garde)
PAI	<i>Attachdid wa-l-Insaf</i> (Party of Renewal and Equity)
PCEID	Prototypical conceptions of established industrial democracy
PCM	<i>Parti Communiste Marocain</i> (Moroccan Communist Party)
PCS	<i>Parti du Centre Social</i> (Social Center Party)
PDC	<i>Parti Démocratique Constitutionnel</i> (Democratic Constitutional Party)
PDI	<i>Parti Démocratique de l'Indépendance</i> (Democratic Party of Independence)
PED	<i>Parti de l'Environnement et du Développement</i> (Environment and Development Party)

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PFC	<i>Forces Citoyennes</i> (Party of Citizen Forces)
PGSU	<i>Parti de la Gauche Socialiste Unifiée</i> (Party of the United Socialist Left)
PI	<i>Parti Istiqlal</i> (Istiqlal Party or simply Istiqlal)
PJD	<i>Parti de la Justice et du Développement</i> (Party of Justice and Development)
PLO	Palestine Liberation Organization
PLS	<i>Parti de Libération et Socialisme</i> (Party of Liberation and Socialism)
PM	Procedural minimum definitions
PND	<i>Parti National Démocrate</i> (National Democratic Party)
Polisario	<i>Frente Popular de Liberación de Saguia al Hamra y Río de Oro</i>
PPS	<i>Parti du Progrès et du Socialisme</i> (Party of Progress and Socialism)
PR	Proportional representation
PRD	<i>Parti de la Réforme et du Développement</i> (Reform and Development Party)
PRGF	Poverty reduction and growth facility
PRV	<i>Le Parti de la Renaissance et de la Vertu</i> (Party of Renaissance and Virtue)
PSD	<i>Parti Socialiste Démocratique</i> (Democratic Socialist Party)
PUSN	<i>Parti de l'Union et de la Solidarité Nationale</i> (National Party of Union and Solidarity)
RCE	Reasonably competitive elections, devoid of massive fraud and with broad suffrage
RNI	<i>Rassemblement National des Indépendants</i> (National Rally of Independents)
SADR	Saharan Arab Democratic Republic
SAP	' <i>Sans affiliation politique</i> ' (without political affiliation)
SDIC	Status quo dictatorship
T	Transition to democracy
UC	<i>Union Constitutionnelle</i> (Constitutional Union)
UD	<i>Union Démocratique</i> (Democratic Union)
UGTM	<i>Union Générale des Travailleurs du Maroc</i> (The General Union of Moroccan Workers)
UMT	<i>Union Marocaine du Travail</i> (Moroccan Labor Union)
UN	United Nations
UNFP	<i>Union National des Forces Populaires</i> (National Union of Popular Forces)
US	United States of America
USFP	<i>Union Socialiste des Forces Populaires</i> (Socialist Union of Popular Forces)

Introduction

Context and theoretical considerations

In the 1960s and 1970s, scholars appeared to be in agreement that democracy is alien to catholic countries. One of these scholars, Lipset, contended that a link existed between democratic instability and Catholicism. Lipset's argument was that in Catholic countries, government was not secular; church and state were closely knit resulting in a political environment in which new issues of conflict became superimposed on the dominant schism between secularists and clericals. As a consequence, Lipset (1960: 72–3) maintained, secularists came to ally with the pro-democratic/anti-regime parties on the left of the political spectrum due to their shared opposition to the amalgamation of church and state, thereby creating polarizing, cumulative social cleavages rather than cross-cutting ones, leading effectively to diminished chances of compromise, one of the basic characteristics of democracy.

The influx of democracy in Latin America

In the 1970s and the 1980s, however, despite the bleak forecasts, the vast majority of Latin American countries began to move away from authoritarian rule towards democracy, a development that came suddenly and unexpectedly to most scholars.

According to Mainwaring (1999: 11–68), out of nineteen Latin American countries, nine underwent transition to democracy in this period, two had already made the transition by the beginning of the 1970s and another two followed in the 1990s. Moreover, all but one of the remaining six countries embarked on a transition¹ process towards democracy in the 1980s, moving from the classification 'authoritarian' to the status of 'semidemocratic' – countries that are not authoritarian but not fully democratic, either. Only one country, Haiti, remained authoritarian by the end of the 1990s despite a brief flirt with democratic reforms in 1991. Similarly, Loveman (1994: 105–89) asserts that by 1993, not a single country in Latin America or the Spanish-speaking Caribbean remained under authoritarian rule despite the fact that by 1979 more than two-thirds of these were governed by military dictatorships.²

Religion matters

Despite the unanticipated transition to democracy of the majority of Latin American countries, several scholars continue to maintain that a negative relationship between democracy and Catholicism does indeed exist. In the early 1990s, Lipset (1994: 5) stated that ‘historically there have been negative relationships between democracy and Catholicism, Orthodox Christianity, Islam, and Confucianism; conversely, Protestantism and democracy have been positively interlinked’.

Similarly, Huntington (1991: 75) writes that ‘historically Protestantism and democracy were linked with each other ... In contrast, Catholicism was associated with the absence of democracy or with limited or late democratic development.’

Although Huntington then goes on to say that this line of argumentation has now been fundamentally challenged by the sudden transition to democracy by a number of Catholic countries in the 1970s and the 1980s, support can still be found for Lipset’s proposition. Huntington states that one of the most influential factors in the transition to democracy of these Latin American countries was change within the Catholic Church (ibid.: 77). In other words, political compromise and democracy only became possible in Latin America when the Catholic Church effectively changed the social cleavage structure from overlapping to cross-cutting by adopting a position to the issue of church–state relations which was similar to that of Protestantism.

In an article from 2004, Bruce keeps the assertion alive. While falling short of implying that Protestantism created democracy and emphasizing that in many cases it has been an unintended consequence, Bruce contends that there is indeed a definite causal relationship between Protestantism and the development of democracy. In short, ‘religion makes a difference’ (Bruce 2004: 19).

Are Islam and democracy incompatible?

Religion matters not only to Bruce. Several scholars have argued – in the past as well as more recently – that Islamic countries are predisposed to authoritarian rule or that the two are virtually incompatible as democracy is seen as alien to Muslim societies (see, among others, Pipes 1983: 144–7; Huntington 1984: 193–218; Ajami 1992: 218; Kedourie 1992: 5–8; Lewis 1994: 57–8):

there is nothing in the political traditions of the Arab world – which are the political traditions of Islam – which might make familiar, or indeed intelligible, the organizing ideas of constitutional and representative government. The notion of a state as a specific territorial entity which is endowed with sovereignty, the notion of popular sovereignty as the foundation of governmental legitimacy, the idea of representation, of elections, of popular suffrage, of political institutions being regulated by laws laid down by a parliamentary assembly, of these laws being guarded and upheld by an independent judiciary, the ideas of the secularity of the state, of society

being composed of a multitude of self-activating, autonomous groups and associations – all these are profoundly alien to the Muslim political tradition.

(Kedourie 1992: 5–6)

Other scholars, while more sympathetic to the possibility of the emergence of democracy in the Middle East and North Africa (MENA) region, tend to agree that Islam has considerable explanatory power when it comes to accounting for the lack of democracy and democratic development in the Arab world.³ However, this group of scholars stresses that any study of democratization in Muslim countries must take into account the complex nature of Islam, and hence, the diverse political positions taken by the different Islamic movements (see, among others, Binder 1988: 4–5; Esposito 1992: 184–9; Wright 1996: 64–75; Ghadbian 1997: 13–15; Tessler 1999: 262–89). Some Islamic organizations will invariably be opposed to democracy while others will be more neutral towards the issue or even in favour. As Tessler (1999: 282) states, ‘...for one thing, it is essential to differentiate between Islamist movements that are radical, extremists, or militant, on the one hand, and those that are moderate, pragmatic, or accommodationist, on the other’.

Academic shortcomings

Until the beginning of the 1990s – largely due to the reality that the countries of the MENA region lingered behind the rest of the world with regards to the development of democracy – scholars on the subject largely focused their attention on other regions, particularly when it came to work evaluating the quality of democracy and the dynamics of democratization. Taking a brief look at the literature on democracy and democratization that has been produced since the subject entered the heart of the academic debate of several disciplines in the 1950s, the fact that until the beginning of the 1990s, the MENA has been largely overlooked, becomes exceedingly clear.

Over the past four decades, numerous studies have been published on issues such as the relationship between democracy and modernization, democracy and political culture, and democracy and the strength of the state vis-à-vis society. In the 1970s and 1980s, the focus of these studies was on Southern Europe and Latin America, but by the late 1980s, the geographic focus shifted; with the transition to democracy of the countries in southern Europe and Latin America and the fall of the Berlin Wall, the post-communist countries in Eastern Europe found themselves at the core of the discourse, accompanied by many of the states in sub-Saharan Africa. Despite this vast continued interest in the study of democracy and democratization, Western academia never focused its attention on the Middle East. Consequently, as the 1980s came to an end, the character of democracy and democratization in the Middle East remained relatively understudied in comparison to other regions of the world.⁴

Since the beginning of the 1990s, however, within the field of Middle East

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studies, it seems that scholars have tried to make up for this neglect, generating several new studies on democracy and the prospects for democratization in the Arab world. Although sharing the same overall framework, the studies vary greatly when it comes to the focus of the analysis.

As mentioned above, several scholars centre their attention on the relationship between Islam and democracy, but many other issues are also extensively dealt with. Closely related to the Islam question is the civil society debate. Among the scholars linking the two debates is Gellner. In an essay comparing the status of civil society in the Marxist world and Eastern Europe to that of civil society in the Muslim world, Gellner (1991: 2) asserts that in the Muslim world, the aspiration for civil society is weak. Although not associating the absence or weakness of civil society in the Arab world as strongly with Islam as Gellner, many scholars do agree with Gellner that civil society in the Muslim world is far from vibrant.⁵

Linking the weakness of Arab civil society with the political economy rather than religion, scholars such as Bill and Springborg (2000: 173) and Luciani (1994: 130–55) have argued that the nature of socio-economic development in the Arab world has impeded the growth of civil society in the region. In a similar vein, but focusing on state–society relations from a class perspective, Waterbury (1994: 23–47) states that the intelligentsia and the private-sector bourgeoisie have entered into a pact with the state, which as in Latin America – most notably in Argentina and Mexico – has hampered the emergence of a democratic opening.

Two trends of thought focusing on democracy and democratization in the Middle East, which have not been mentioned so far, are those focusing on modernization theory and international political factors. Although a number of studies on the possible existence of a link between modernization and democratic development in the MENA do exist – among them Issawi (1956) and Lerner (1958) – the subject has been very much understudied. It must be noted, however, that the relatively small body of literature centring on the relationship between modernization and democratic development in the Arab world can to some extent be explained by the reality that this line of thought finds very little support among most scholars on democracy as well as among area studies specialists studying the Middle East.⁶

The role of international political factors in the development of democracy has not only been understudied when it comes to the countries of the MENA region. The subject is also highly understudied within the literature on democratization in general. The most recent studies focusing on the role of international political factors in the development of democracy in the MENA tend to focus on US and EU democracy promotion in the region. Most scholars on the field are sceptical of the outcome of democracy promotion, arguing that the positive results are sparse. However, the poor results do not come as a surprise to most due to the fact that, in general, the United States and the European countries have displayed a somewhat moderate, or even selective, commitment to democracy promotion in the Arab world.⁷

The vast majority of the studies on democracy and democratization in the MENA share the same analytical starting point. From the above brief review of the existing literature on the subject, it is clear that most studies centre their attention on one or more forms of structure in the shape of culture, state–society relations, modernization or international political factors. What are largely missing from the literature are analyses from an actor-oriented perspective.

Nonetheless, some studies do draw attention to the role played by individual actors, particularly the incumbent ruler, in the democratization process (Brand 1994: 148; Brynen 1998: 71–100; Korany 1998: 39–69). Despite the existence of a number of studies devoting some attention to the role played by individual actors in the democratization process, there is not a single study, which dedicates its unreserved attention to a comprehensive analysis of which actors work for or against the transition to democracy in the MENA in general, or in any specific case. Waterbury (1994: 34–9) deals briefly with the subject of softliners and hardliners⁸ in Algeria in his contribution to Salamé’s anthology on democracy in the Middle East, but the topic is never thoroughly explored. Correspondingly, Kazemi and Norton (1999: 69–89) touch on the subject in an article titled ‘Hardliners and softliners in the Middle East: problems of governance and the prospect for liberalization in authoritarian political system’. Although the title appears promising, the analysis only deals ephemerally with the issue of hardliners and softliners, focusing instead on the more structural aspects, particularly the concept of the *rentier* state.

The focus of this study

The contemporary debate on the compatibility of Islam with democracy seems to mirror that on Catholicism and democracy in the 1960s. However, contrary to the beliefs of many scholars, the majority of the countries in Latin America succeeded in undergoing transition to democracy, and many even underwent a second transition leading to the consolidation of democracy. Taking these developments into consideration, one must assume that the transition to democracy in the countries of the MENA is indeed a possibility, no matter how remote that possibility may seem. If scholars were wrong about the development of democracy in Latin America and other regions of the world, then why could they not be wrong about the MENA?⁹

This book takes the position that the development of democracy in the MENA cannot be categorically dismissed. Moreover, although these countries are lagging far behind the countries of most other regions, some democratic development has indeed taken place. Although it may seem to some scholars that the countries in this particular region are not moving towards democracy (see, for instance, Carothers, 2002a), I maintain that just because the movement has been rather limited and slow it does not mean it should not be studied.

The primary aim of the book is to examine the development of democracy in Morocco since independence, while a secondary goal is to contribute to the sparse body of literature focusing on political actors. Drawing on the large body

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of literature on political development in Latin America, the study focuses on the political games played by various political actors in specific democratic moments that have or could have brought Morocco closer to democratic rule.

Democracy and democratization

Because of the virtual jungle of definitions of democracy currently in use in academe today, I find it important to elaborate on the above statement that this book centres on specific democratic moments that have or could have brought Morocco closer to democratic rule. In short, I agree with scholars such as Collier and Levitsky (1996) who find it of utmost importance that scholars using the concept of democracy position themselves within the current debate on the concept by clearly defining which definition they are applying. Via the study of more than 550 definitions of democracy, Collier and Levitsky (1996: 17) found that the various concepts could be roughly divided into five categories on the basis of each definition's underlying defining and conceptual benchmarks:

- 1 *Electoralist definitions*: a country must hold elections with broad suffrage and devoid of massive fraud.
- 2 *Procedural minimum definitions*: elections alone do not make a democracy; a country must also give reasonably broad guarantees of basic civil rights to be classified as democratic.
- 3 *Expanded procedural minimum definitions*: for a country to be defined as democratic, it must not only hold elections with broad suffrage and devoid of massive fraud and give reasonably broad guarantees of basic civil rights such as the freedom of speech, assembly and association, it must also demonstrate that the result of the elections is, in fact, a government that has effective power to govern.
- 4 *Prototypical conceptions of established industrial democracy*: a country must not only hold reasonably competitive elections, respect human rights and guarantee the effective power to govern of the elected government; it also has to possess additional political, economic and social features associated with industrial democracy in order to be categorized as a democracy.
- 5 *Maximalist definitions and conceptions of democracy*: a country must have 'socio-economic equality, and/or high levels of popular participation in economic, social, and political institutions' if the country is to qualify as democratic, but these definitions often omit requirements concerning elections, human rights and effective power to govern.¹⁰

While I acknowledge the pioneering character of Collier and Levitsky's study and although I am also in concurrence with the two scholars that the concepts of democracy in use today can roughly be divided into the above five categories, the concept of democracy used in this book does not fall in any of the categories listed.

Rather than focusing rigidly on categories, this book adopts a more fluent

approach to democracy, which focuses on core democratic principles. These core democratic principles – or elements – correspond to the underlying principles of the first three categories above:

- the holding of reasonably competitive elections, devoid of massive fraud and with broad suffrage (RCE)
- the guarantee of and respect for the basic civil liberties (freedom of speech, assembly and association) (BCL)
- the effective power to govern of the elected government (EP) (meaning that it must not be subordinate to any non-elected elite).

It is important to underline here that in the concept of democracy applied in this book, the three core democratic principles are seen as of equal importance. In other words, a country that guarantees and respects the basic civil liberties is seen as just as democratic as a country that holds reasonably competitive elections devoid of massive fraud and with broad suffrage. However, a country that provides for all three core democratic principles is deemed as more democratic than a country that only provides for two, which in turn is seen as more democratic than a country that only provides for one. A country that does not provide for any of the core democratic principles is defined as authoritarian. If illustrated graphically, the concept of democracy adopted in this book takes the form depicted in Figure I.1.

The strength of this particular model for the study of democracy is not the core principles or elements with which it operates; rather, it is the reality that it centres on these core principles rather than categories of definitions.

Such a focus has several advantages to the commonly used models. First, by focusing on the three core democratic principles rather than on the categories of definitions, the study of democracy becomes much less rigid. The model applied here enables scholars to study democracy in countries that do not fit neatly into the categories without having to create new definitions of democracy. Rather than posing the questions of whether a particular country belongs to one category or another, or which attributes of democracy the country is missing in order to identify the definition that fits the description of the country's regime the best, the model applied in this book provides scholars with a tool for studying democracy in these countries in a more positive light. In this model, the focus is not on the elements of democracy missing or weakened, but on the core principles of democracy present.

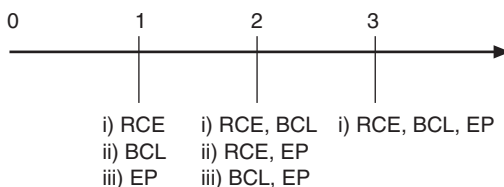


Figure I.1 The concept of democracy.

8 Introduction

A further advantage of the model applied in this book is the way in which it portrays democratization as a motion up what can be labelled ‘the democratic continuum’. Any movement up the democratic continuum – as pictured in Figure I.2 – is defined as a process of democratization, regardless of how small it is. In other words, although an increase in the number of core democratic principles provided for in a particular country is the aim of the democratization process, such an increase is not imperative if a country is to be described as having undergone a process of democratization, since such processes do sometimes fail in producing the desired outcome. However, it must be noted that in order for such a democratization process to be deemed significant, it must lead to the provision of another core democratic principle. Finally, it is important to mention that whereas other models for the study of democracy tend to acknowledge a development leading to the provision of the core principle of the basic civil liberties of freedom of speech, assembly and association as evidence of liberalization rather than democratization, the model adopted in this book simplifies matters by doing away with the former concept and by attaching similar value to all three core democratic principles.¹¹

Regime types and actors

Regardless of the type of definition of democracy applied, evaluating the character of democracy in a given country only provides an idea of what the state of democracy was at the time of evaluation. If one thinks along the lines of photography, such an evaluation provides a snapshot of a particular situation. If the character of democracy is evaluated several times over a given period of time, the research produces a result, which is similar to that of a slide show: a series of snapshots.

The purpose of this book is, however, not only to provide a single snapshot of the character of democracy in Morocco, nor is it limited to producing a slide show; rather, the aim of this book is to produce something which resembles a series of short films; the focus is not only on a particular situation that can be depicted in a snapshot but also on the developments, the events and the actions of various actors, which lead to that particular situation. In order to be able to do so, the above theory focusing on democracy must be supplemented by democratization theory; that is, theory that focuses on how democracy emerges.

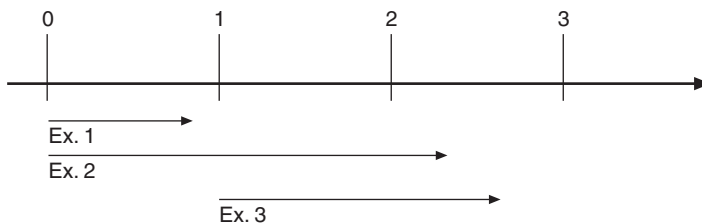


Figure I.2 Democratization*.

*Please note the examples shown are not exhaustive.

This book locates itself within the framework provided by the so-called transition school, which emerged with the sudden breakdown of several authoritarian regimes in Latin America in the late 1970s and 1980s. Although acknowledging the importance of macrohistorical structural factors – such as economic, social and cultural stratification – in the long term, scholars within the transition school assert that, in the case of transitions from authoritarian rule, these issues become less important.

The underlying assumption behind this contention is that during regime transitions, change is rapid and virtually omnipotent leading to a situation where ‘classes, sectors, institutions, and other groups’ are ‘... likely to be divided and hesitant about their interests and ideals and, hence, incapable of coherent collective action’ (O’Donnell and Schmitter 1986: 4). Focusing on macrohistorical structure when studying democratic transition would accordingly be somewhat meaningless since it would be virtually impossible to establish beforehand which groups would support or oppose transition to democracy. In short, the transition school alleges that behaviour of groups and individuals during regime change cannot be deduced from structural factors.

The strong emphasis of the transition school on using situation-specific concepts has led to the construction of several new concepts by scholars within the school. Among these purposely created notions for the study of transitions from authoritarian rule are the key concepts of hardliners (*duros*) and softliners (*blandos*), which highlight the school’s focus on political actors and the short-term political calculations of these (O’Donnell and Schmitter, 1986; Mainwaring *et al.* 1992).

Hardliners are defined as those actors within the regime who ‘... believe that the perpetuation of authoritarian rule is possible *and* desirable ...’, whereas softliners are those actors within the regime who have come to the conclusion that ‘... the regime they helped to implant, and in which they usually occupy important positions, will have to make use, in the foreseeable future, of some degree or some form of electoral legitimation’ and that ‘... if its eventual legitimation is to be feasible, the regime cannot wait too long before reintroducing certain freedoms ...’ (O’Donnell and Schmitter, 1986: 16).¹²

One of the core assumptions of the transition school is that whether transition from authoritarian rule will take place or not is determined by the strength of – and the relationship between – softliners and hardliners. As O’Donnell and Schmitter (1986: 19) put it, ‘... we assert that there is no transition whose beginning is not the consequence – direct or indirect – of important divisions within the authoritarian regime itself, principally along the fluctuating cleavage between hard-liners and soft-liners’.

Although several scholars have used the transition school’s concepts of softliners and hardliners, few have been as systematic and detailed in their use as Przeworski.¹³ Much like O’Donnell and Schmitter (1986: 10) who trace the beginning of democratic transition to ‘... the moment that authoritarian rulers (or, more often, some fraction thereof) announce their intention to extend significantly the sphere of protected individual and group rights – and are believed’, Przeworski stresses similar moments.¹⁴ Transitions to democracy are

a process, the states of which consist of strategic situations which I will also call “conjunctures”. Each strategic situation is characterized by the presence of particular political forces endowed with interests which involve different mixtures of conflict and coordination, by conditions which have been generated by earlier actions and by conditions that are exogenous. Change from one conjuncture to another occurs as an outcome of actions pursued by the actors.

(Przeworski 1992: 106)

In other words, democratization is the result of splits within the authoritarian regime and pacts between one or more splinter fractions and organized autonomous groups in civil society; it is a process which contains elements of both ‘from above’ (splits within the regime) and ‘bottom up’ (popular mobilization). However, regardless of whether the process is sparked from above or from below, the inner logic of the process is the same, the only difference being the speed of change, which is faster in processes initiated by popular mobilization (*ibid.*: 108–9).

According to Przeworski (1992: 110), the political opening taking a country further away from authoritarian rule ‘... is always intended as a process controlled from the above’. It is usually not a process prompted with the intention of bringing about a democratic regime; rather, the initiating fraction within the authoritarian regime typically aims at bringing about a less restrictive dictatorship (so-called ‘broadened dictatorship’) compared to the status quo, by carefully starting a process of democratization although keeping it under strict control.

In this process of splits and pact-making, Przeworski (1992: 117) identifies four groups of actors, building on the framework of O’Donnell and O’Donnell and Schmitter.¹⁵ Within the authoritarian bloc of the regime, Przeworski distinguishes between ‘hardliners’ who believe in, and aim at, preserving status quo and ‘reformers’ who seek to change the nature of the regime. It should be noted here, before moving on to the two opposition groups, that Przeworski does not always refer to the reformers as such – reformers are defined as liberalizers until the stage where they make it clear whether their true preferences are democracy or broadened dictatorship. Liberalizers preferring democracy are then labelled reformers, whereas those preferring broadened dictatorship – that is, letting more actors into the regime – continue to be referred to as liberalizers (*ibid.*: 112–17).

Within the opposition, Przeworski differentiates between ‘moderates’ and ‘radicals’. Although the difference between moderates and radicals can be difficult to identify, since moderates may have more radical goals than radicals, moderates can be distinguished by the fact that they are willing to enter into pacts with members of the ruling bloc (Przeworski 1992: 116). Accordingly, the initiation of a democratization process with the aim of departing from the status quo can only come about as a result of a pact between liberalizers/reformers within the authoritarian bloc and moderates within the opposition.¹⁶

Before deciding on whether or not to enter a pact, liberalizers/reformers and moderates must consider their preferences with regard to the outcome of the democratization process, as well as trying to anticipate the preferences of each of the other actors. Following Przeworski (1992: 111–12), each group of actors has to rank the following five alternatives:

- status quo dictatorship (SDIC) – the regime remains the same
- broadened dictatorship (BDIC) – more actors are incorporated into the regime
- narrower dictatorship (NDIC) – one or more actors are expelled from the regime to the opposition camp
- insurrection – civil society and/or the opposition take up arms
- transition – the regime changes form and becomes democratic (here understood as providing for all of the three core democratic principles)

How these five alternatives are ranked and whether they are fully disclosed to the other three groups of actors depends on three factors (ibid.: 111–15):

- 1 *The probability of success.* The higher the P[success], the more likely is the group to enter into a pact.
- 2 *Socialization.* The more groups within the authoritarian bloc and the opposition socialize, the more likely are the groups to enter into pacts, since their preferences will have become increasingly demystified to each other.
- 3 *Psychology.* In cases where foreign pressure, ‘economic and political strangulation’, leave liberalizers¹⁷ with no choice but to democratize, they may convince themselves that opening up the regime will result in a favourable democratic outcome.

Hence, at each democratic moment – after having carefully considered each of the three points above – the four groups of actors have to make individual choices regarding the issue of whether the democratization process should be taken further or be aborted (ibid.: 112).

Outline of the book

This book adopts a rather different approach to defining and studying democracy than most other studies. In an effort to minimize the conceptual ambiguity, which has arisen as a result of the increasing number of definitions of democracy created in the wake of the transition to democracy of several Latin American countries in the late 1970s and the 1980s, I have opted for an approach that shifts the focus from concept to content by applying a new model for the study of democracy and democratization. Before moving on to the outline of the book, it should be noted that in the subsequent chapters, democratization is studied with a focus on actors and their short-term political calculations in line with the theoretical framework presented by the transition school. The analysis will

concentrate on a series of so-called democratic moments, as these are often defined as the object that sets in motion the democratization process.

The book could be read as if consisting of two parts: Chapters 1–3 provide the historical background for the study, while Chapters 4–7 analyse the contemporary situation in Morocco both with respect to the quality of democracy and democratic dynamics.

Chapter 1 concentrates on the period from 1956 until 1972, while Chapter 2 deals with the years from 1972 until 1990. Chapter 3 looks into the state of democracy and the dynamics of the democratization process from the outbreak of the Gulf War in 1990 up until and including the adoption of Morocco's most recent constitution in 1996.

Of the chapters focusing on the contemporary situation, Chapter 4 deals with matters relating to the elections in the period from 1996 until 2006, while Chapter 5 examines the state of the basic civil liberties and the dynamics working for and against them in the same period. Chapters 6 and 7 both centre on the issue of government independence during the years from 1996 until 2006 with Chapter 6 analysing the extent to which the Moroccan governments are subordinate to a non-elected elite and Chapter 7 looking into the efforts undertaken to change the situation and bring about governments that possess effective power to govern.

'Conclusion' concludes the analysis of the democratization process, while also providing some thoughts on the short-term and long-run perspectives. In brief, 'Conclusion' puts forward the argument that although Morocco is far from a star performer when it comes to democracy – and notwithstanding that most scholars would hesitate defining the country as a democracy – Morocco does indeed protect and respect at least one of the core democratic principles, that of free and fair, reasonably competitive elections with full suffrage. Moreover, the country has been undergoing a continuous democratization process since independence, and although it has been slow, it has been consistent and, perhaps more importantly, this process is still continuing today. However, despite the democratization process persisting, 'Conclusion' ends on a somewhat negative note, as it evaluates the prospects for a transition to democracy – in the form of the presence of free and fair elections, basic civil liberties and a government that is not subordinate to a non-elected elite – to be highly unlikely, particularly in the short-term.

1 Government after independence

Indigenous leadership with colonial habits, 1956–72

The first seventeen years after Morocco gained independence proved to be a volatile time. The period from 1956 until mid-1972 can be roughly divided into two phases, each dominated by different political dynamics and each culminating in constitutional amendment. This chapter seeks to explore these two phases and their dynamics, paying particular emphasis to the position of, and the roles played by, the different political actors.

In the first phase, from 1956 until 1962, events in Moroccan political life centred on a power struggle between the leading party of the independence movement, the *Parti Istiqlal*, and another influential figure from this struggle, the King.¹ Interestingly, as shall become evident later, in this phase, it was not the monarchy but the *Istiqlal*, which worked against the achievement of further democratization as the party tried to counter the King's efforts to institutionalize a competitive party system.

This first phase of political struggle was succeeded by another, which, although still faced with a power struggle, was dominated by different dynamics. In this second phase, from 1962 until 1972, the terms on which the political games were played out changed. Although the King and the *Istiqlal* continued their feud, the struggle was no longer over who should rule but over whether the *Istiqlal* or any of the other parties should have a say in governing Morocco. Having played 'tit for tat' with an almost equal *Istiqlal* in the first phase, the King's room for manoeuvre in the second phase was drastically improved as the *Istiqlal* lost much of its power due to the emergence of new parties.

In an effort to ensure that the new parties would not evolve into as fierce competitors for political power as the *Istiqlal* had been in the previous phase, the King changed his strategy to repression and absolute monarchical rule in the second phase; as much as the King was in favour of the democratic element of political contestation when it came to competition between the parties, he was entirely opposed to the idea when there was a chance that it might eventually result in a diminished role for the monarchy in political life.

Phase one: the power struggles of 1956–62

When gaining independence on 18 November 1956, most Moroccans accredited this achievement to the two most influential actors in political life at that time: Mohammed V and the *Istiqlal*.² As the fight for independence finally came to an end, however, it seemed like the struggle between these two dominant actors had only just begun. Having fought foreign occupation side by side, the monarchy and the *Istiqlal* now turned on each other in a conflict over the design of the political landscape of independent Morocco.

Dynamics of power: coercion and political parties

Of the *Istiqlal* and King Mohammed, the latter had emerged from the independence struggle as the stronger of the two actors, being largely identified as the ‘hero of independence’ due to his defiance of the French during the years of the protectorate (Hammoudi 1997: 18; Pennell 2000: 299).³ Adding to the support for the King among the populace was his role as *Amir al-Muminine*, the ‘commander of the faithful’. In the eyes of the general population, not only did Mohammed V stand up for the Moroccan state and the people as a political leader, but also he was a devout Muslim, their spiritual leader (Hammoudi 1997: 18). These two factors coupled together resulted in Mohammed V being able to secure for himself as King a very strong position within political life; he was not a mere figurehead leader of the state, nor was he just a symbol of national unity; he was a highly influential and a very actively participating political actor.

The *Istiqlal*, on the other hand, came out of the independence struggle in a much weaker position. First, the party suffered from the fact that it was only one of several groupings within the independence movement; hence, the party had to share the glory with other groupings, particularly the rivalling *Parti Démocratique de l’Indépendance* (Democratic Party of Independence, PDI).

Second, and much more damaging, was the reality that the *Istiqlal* emerged as a divided party. Although the *Istiqlal*, with regard to political power, was still in a league of its own compared with the other parties at the time, it suffered from deep internal splits between a radical left wing led by Mehdi Ben Barka and supported by the trade unions and the student organizations and a right wing formed by the more conservative government officials under the leadership of Allal el-Fassi (Pennell 2000: 303).⁴

Finally, the *Istiqlal* struggled with popular support. Apart from the issue of independence, the *Istiqlal* had always appealed to a small segment of society, principally the urban middle class. Hence, having achieved the goal of independence, the *Istiqlal* had lost its main attraction with many Moroccans and, consequently, the support for the party began to decline in favour of other parties, particularly the PDI (Waterbury 1970: 234; Pennell 2000: 303).

While the leadership of the *Istiqlal* was preoccupied with trying to ensure the future unity of the party and simultaneously stifling the competition from the PDI, Mohammed V began to establish new institutions that would secure the

position of the monarchy in the long term. Although the King declared almost immediately after independence his commitment to the creation of a constitution, the first in Moroccan history, other institutions whose presence were more urgent to the monarchy – such as the police and the armed forces – received the most attention from the King in the period immediately after independence (Pennell 2000: 299).

The reason for the King's commitment to first establishing institutions of coercive power, rather than drawing up a constitution, was strongly linked to the presence of the *Shabab Nizam* (Youth of Order), the unofficial police force created by the *Istiqlal* and made up by party militiamen. Adding further to the urgency was the *Istiqlal's* claim that it controlled the *Armée de Libération Marocaine* (Army of Liberation, ALM), which had played such an important role in the independence struggle. Consequently, Mohammed V created a national police force and the *Forces Armées Royales* (Royal Armed Forces, FAR) in May 1956, ensuring that two of the most powerful institutions in post-independence Morocco would be loyal to the monarchy rather than to the *Istiqlal* (Pennell 2000: 300).

The creation of the national police force and the FAR was a major setback for the *Istiqlal*. Not only did the new police force reduce the power of the party by rendering the services of its *Shabab Nizam* redundant, that is, apart from the services it offered the party itself, but also its creation challenged the *Istiqlal* financially, since the King appointed one of the party's most important sponsors, Mohamed Laghzaoui, as head of police and director of national security. With regard to the FAR, the power of the *Istiqlal* was challenged even further. Despite the party's claims of being in command of the ALM, in reality it did not control it. Although two of the most important figures of the ALM, Mohammed Basri and Hassan el-Araj, sympathized with the *Istiqlal*, many of the other leaders did not, and most were in disagreement with the party as to whether the struggle for independence had come to an end. Several leaders of the ALM wished to continue the fight against foreign military and administrative presence not only in Morocco but also in Western Sahara, Mali, Algeria and Mauritania since the ALM considered parts of these neighbouring territories as rightfully belonging to the Kingdom of Morocco.⁵

In other words, with the creation of the FAR, the bleak reality for the *Istiqlal* was that it was merely in control of a small section of the ALM, something that became very clear as several ALM factions chose to join the FAR; the new unified armed forces was also a much larger and more powerful institution in comparison with the *Istiqlal* militia. Adding further to the injury was the reality that the upper echelons of the FAR in particular, but also the new police force, were made up largely by rural notables, many of Berber descent, a segment of society that was traditionally loyal to the King and which had very little in common with the urban middle-class-based *Istiqlal* (Zartman 1964: 16; Waterbury 1970: 146–7, 206; Pennell 2000: 301–2).

In October 1957, the *Istiqlal* suffered yet another blow related to the party's narrow support base; two of the most prominent ALM figures from the

independence struggle, Abdelkrim el-Khatib and Mahjoubi Aherdane, set up a new party, the *Mouvement Populaire* (Popular Movement, MP; Pennell 2000: 303). With its heavy focus on the urban middle class, the *Istiqlal* had managed to alienate great parts of the rural population, many of whom were Berber. Keen to make an impact on political life after independence, el-Khatib and Aherdane soon took the opportunity to fill the vacuum left by the *Istiqlal* in particular, but also by the PDI (Mounjib 2004).⁶ Accordingly, it came as no surprise that the *Istiqlal* strongly opposed the creation of the MP and that the party, consequently, experienced serious difficulties in gaining legal recognition as the *Istiqlal* dominated the government at the time. In 1959, after having operated as a clandestine party since its formation in 1957, the party finally gained legal recognition, albeit only after the non-*Istiqlal* members and the prime minister of the 1958 Bekkaï government had resigned in protest over the party not being legalized and after suffering severe repression by the subsequent *Istiqlal*-dominated governments (Zartman 1964: 21; Waterbury 1970: 181; Pennell 2000: 303–4; Mounjib 2004).

In the late 1950s, the *Istiqlal* fought hard to ensure the continuation of the party's dominance of the political scene, and consequently, the party's efforts to avoid the introduction of more contestation into the political system were not only directed at the MP. Among the other organizations subject to repression and harassment by the *Istiqlal*-dominated governments during this period were the PDI, which saw the banning of its newspapers, and the ALM, which witnessed the assassination of one of its leaders, Abbès Messaâdi (Pennell 2000: 304). In short, the *Istiqlal* was willing to violate basic civil liberties and sacrifice further democratization in the form of more political contestation, if it meant that the party would be able to maintain its position as the country's dominant party. It seemed as if the primary concern of the *Istiqlal* was not so much the introduction of democracy in the wake of independence but to ensure the party's future position as one of the most dominant actors in political life.

The repressive strategy of the *Istiqlal* proved to be a major miscalculation as the murder of Messaâdi in 1956 and his subsequent reburial in 1958, coupled with deep economic crisis and popular dissatisfaction with the party, sparked a rural rebellion in the Rif region.⁷ The rebellion was of such strength that the government found itself unable to quell it by political means, leaving it up to Crown Prince Hassan as the chief of staff of the FAR to bring it to an end, which he successfully did with the help of a 20,000-strong army. As a result, the monarchy came out of the episode significantly strengthened, while the *Istiqlal* was left without influence and support in the Rif region and facing growing resentment across the countryside (Pennell 2000: 304).

Tensions within society continued to grow after the Rif rebellion. Large segments of the population suffered under the severe economic crisis, and many were also fiercely opposed to the continued presence of American military bases on Moroccan soil. These growing tensions also had their impact on the *Istiqlal*, widening the already existing gulf between the party's two wings. The left wing under the leadership of Ben Barka began to advocate publicly the holding of

popular elections, and introducing limits on the powers of the monarchy, while also bringing an end to the presence of American bases in the country. On the other hand, the party's right wing, in the shape of Prime Minister Balafrej and his government ministers, found itself forced to support the preservation of the American bases since the government was in desperate need for economic assistance from the United States. Moreover, Balafrej and his colleagues were not keen on holding popular elections in any form or shape, fearing that the party might lose its grip on government power (Pennell 2000: 307–8).

Consequently, the *Istiqlal* finally split despite efforts to keep the party together, as the tensions within society came to a head in 1958 when the national union, the *Union Marocaine du Travail* (Moroccan Labor Union, UMT), called for a general strike in Rabat, which eventually spread across the country causing extensive chaos and violence (Waterbury 1970: 185–7; Pennell 2000). The massive strikes were not the only factor contributing to the split up of the *Istiqlal*; however, the King also played a major role. Aware of the widening gap between the two factions of the party and hoping to facilitate a break-up, Waterbury (1970: 217–18) and Pennell (2000: 308) both claim that Mohammed V gave his support to Ben Barka's left wing by appointing the leader of the UMT, Abdallah Ibrahim, head of the new government replacing that of Bekkai.

The King's plan was successful above all expectations. Not only did el-Fassi, one of the most dominant figures within the *Istiqlal*, retire from the party, but also Mohammed V managed to keep the radical Ben Barka from power by appointing other, less radical, members of the *Istiqlal*'s left wing as government ministers. Unhappy with the line of the party and the design of the new government, Ben Barka finally resigned from the party executive and formed the National Confederation of the *Istiqlal* Party, which was eventually, despite Ben Barka's claims that it was merely a 'union', turned into a separate party, the *Union National des Forces Populaires* (National Union of Popular Forces, UNFP), as it merged with factions of the MP and the PDI in 1959 (Zartman 1964: 200; Pennell 2000).

With the creation of the UNFP, Mohammed V had succeeded in strengthening the monarchy greatly at the expense of not only the *Istiqlal* but the entire party system. Because the King seemed to favour the UNFP, several members of parliament, among them Prime Minister Ibrahim, shifted their allegiance to the UNFP abandoning their previous political platforms. In essence, the creation of the UNFP led to deep fragmentation of the party system and consequently also in parliament, leaving the King in such a powerful position that was in fact in political control of the country (Waterbury 1970: 217–19; Pennell 2000: 313).

Monarchical dominance and the first constitution

In December 1958, when Mohammed V appointed Ibrahim prime minister of the third government since independence, he also announced the monarchy's commitment to turning Morocco into a democratic, constitutional monarchy. Accordingly, the King tasked the Ibrahim government with preparing for the

initial step: the holding of municipal and parliamentary elections (Hassan II 1978: 67).⁸ However, Mohammed V did not let this expressed commitment stand in the way of complete monarchical dominance of the political system.

On 27 May 1960, two days before the first municipal elections in the history of the Kingdom were to take place, the King announced that he had dismissed the Ibrahim government and that a new government would be formed, composed of the King himself as prime minister, Crown Prince Hassan as vice-premier and minister of defence, while the other ministers would be appointed by the King from among the political parties and groupings in the country.⁹ In short, the King would no longer simply try to dominate the executive from outside; he was now an integral part of it, breaching effectively with one of the core democratic tenets, that is, the principle that a government must be independent of non-elected elites.

The royal overtake of the government came as a result of the growth in strength of the left-wing parties; as these became stronger and stronger, their pressure on the monarchy for political reform also increased in strength and frequency. Since the country at the time had no constitution limiting the King's powers, dismissing the government and simply creating a new and – to the monarchy – a more suitable one was a rather uncomplicated procedure. Consequently, Mohammed V, disappointed with the performance of the Ibrahim government and unwilling to relinquish any monarchical power, concluded, in the words of his son, that

it was not only administrative knowledge which was lacking. The life of the young nation was threatened by new storms. The Ibrahim government was soon outflanked by the extreme Left, and the situation worsened daily. It was a serious political problem, which had to be resolved. Attempts at assassination, plunderings and sporadic riots succeeding one another. "Delegations" came to Rabat to threaten the sovereign, jostling him even within the palace precincts. A section of the press adopted a provoking and insulting attitude. In May 1960 the country was still without either a parliament or a constitution. Preparations had been made not for a general election or for establishing a true democracy, but for a nihilist revolution.

No doubt we had to pass through such an experience. Now the Moroccan nation understood what the demagogues and the professional adventurers did not, and turned towards the man who was the incarnation of its own existence. It was in these conditions that Mohammed V dissolved the Ibrahim government and assumed leadership himself.

(Hassan II 1978: 67–8)

Direct royal participation in – and dominance of – government continued from the King's proclamation of the creation of his government on 27 May 1960 until the formation of Ahmed Bahnini's government on 13 November 1963. In other words, at the time of the writing and adoption of the 1962 constitution, the monarchy held absolute power.¹⁰ Taking this into consideration, it is not

surprising that the first constitution came to take the shape it did, particularly concerning the powers granted to the King, but also with regard to the provision of a multiparty system. The old parties, particularly the *Istiqlal*, had been fragmented, resulting in them losing much of their power vis-à-vis the monarchy. This weak position of the individual parties was further exacerbated by the fragmentation of the party system, which played the various new parties out against each other, keeping them occupied with infights rather than challenging the monarchy.

Ironically, contrary to some political scientists' assumption that socialization would demystify the parties and therefore make them less intimidating to each other, opening up for compromise, the case of Morocco in the period leading up to the adoption of the first constitution in 1956 seemed to be the exact opposite (Przeworski 1992: 105–52). The parties, often created as a result of a split within a party or splits within a number of parties and then a subsequent merger, knew each other too well.¹¹ Resentments from when a group split from a party to form its own party lived on, and many of these political leaders carried deep resentment towards each other, not only due to ideological issues, but also for personal reasons, resulting in a very uncooperative political climate.

One good illustration of this situation is the case of the legalization of the MP, which, as stated earlier, experienced serious difficulties in gaining legal recognition due to opposition from the *Istiqlal*, which did not wish to open up for political competition out of fear of losing its powerful position.¹² The preference of the *Istiqlal* was status quo dictatorship, where the party itself and the monarchy continued to be the dominant players, rather than a broadened dictatorship in which the MP or any other party might also become powerful actors.

The King, on the other hand, was in a different position to the *Istiqlal* and accordingly had quite different preferences. Having built up a powerful position for the monarchy within political life, but at the same time being somewhat unsure as to whether this position would be maintained in the future as King Hassan had just succeeded his father,¹³ the new King was keen to guarantee continued fragmentation of the party system to ward off competition from the *Istiqlal* in particular, but also from potential future rivals within the party system (Waterbury 1970: 258–60; Pennell 2000: 321).¹⁴ In other words, it seemed as if Hassan II preferred to broaden the regime and make it more inclusive, rather than continue status quo with the *Istiqlal*, and therefore decided to open up the system and introduce political competition at a time where he was in absolute control of the process, rather than run the risk of waiting. The opening up of the political system was thus not made in an effort to install democracy but in order to ensure the continued dominance by the monarchy over political life.

It must be noted, however, that this strategic reality did not make the opening any less valid. What matters is that the adoption of the 1962 constitution, which provided not only for parliamentary elections, which had never taken place in the country before and had long been a political demand,¹⁵ but also for a competitive party system, which would guarantee continued fragmentation of the party system as a paragraph in article 3 specified that Morocco would not be

a one-party state, constituted a significant improvement compared with the situation before the adoption of the country's first constitution.¹⁶ It appears that Morocco in the early 1960s was a perfect illustration of Przeworski's (1992: 110) assertion that the opening up of political life 'is always intended as a process controlled from the above'.

It is also worth mentioning that the constitution would most likely have taken the same form had Mohammed V not died, as the late King had been deeply involved in the process of drafting it. In the words of Hassan II:

little by little he had adumbrated before me the broad lines of a constitutional proclamation, which was eminently practical and which would unite all our citizens and disarm the factions. To avoid ambiguity about the position of our nation among the nations of the world, he said that the preamble to our constitution should begin with these words: 'The Kingdom of Morocco, a sovereign Muslim state, whose official language is Arabic, forms part of the Great Maghreb. As an African state, one of its self-constituted objectives is the achievement of African Unity.'

(Hassan II 1978: 74)

In other words, it seems that the controlled opening of the political system was a strategy pursued by the monarchy in general, rather than the result of the takeover by a new King with more democratic visions.

The status of democracy and the provisions of the constitution of 1962

The constitution of 1962 was remarkably protective of some elements of democracy, while largely ignoring others. With regard to political competition, the country's first ever constitution performed very well in that it not only ensured political competition but also guaranteed the participation by the full citizenry by specifying in article 8 that 'l'homme et la femme jouissent de droits politiques égaux' and that 'sont électeurs tous les citoyens majeurs des deux sexes, jouissant de leurs droits civiques et politiques'.¹⁷

At the same time, however, it is important to note that although the constitution of 1962 protected the democratic principle of competitive elections, devoid of massive fraud, and with broad suffrage, it did not guarantee a parliament composed in its entirety of popularly elected members. In short, according to articles 36 and 44, parliament was to be composed of two houses, of which only the House of Representatives was to be elected by direct universal suffrage. The second chamber, the House of Councillors, would be elected by electoral colleges: two-thirds of its members were to be elected by electoral colleges made up by members of the district and provincial assemblies and members of the communal councils, while the remaining one-third was to be elected by the Chambers of Commerce and Industry, the Chamber of Artisans as well as by members of the trade unions (*Constitution Marocaine* 1962: article 45).¹⁸

While undoubtedly controversial, it can be argued that the reality that the 1962 constitution did not guarantee a parliament composed solely of members elected by the citizenry did not constitute a significant impediment to the realization of democracy. The line of reasoning is that although two houses of parliament existed, and only one of these was popularly elected, the government was formed on the basis of the strength of the parties in the House of Representatives, which was indeed elected by the citizenry. In other words, it can be argued that what matters is that the 1962 constitution provided for reasonably competitive elections, devoid of massive fraud, with broad suffrage to the lower house, as the strength of the parties in this chamber formed the basis for the appointment of government.

On the topic of basic civil liberties – the freedom of speech, assembly and association – the 1962 constitution constituted a similar, if not even more, positive development. By virtue of the 1962 constitution's articles 6 and 9, all of these rights were protected in the legal framework of independent Morocco following its adoption:

La Constitution garantit à tous les citoyens: la liberté de circuler et de s'établir dans toutes les parties du Royaume, la liberté de opinion, la liberté d'expression sous toutes ses formes et la liberté de réunion. La liberté d'association et la liberté d'adhérer à toute organisation syndicale et politique de leur choix.

Il ne peut être apporté de limitation à l'exercice de ces libertés que par la loi.

(*Constitution Marocaine* 1962: article 9)

Despite not referring directly to 'Human Rights' or the Universal Declaration of Human Rights, the 1962 constitution did list all freedom rights as given by the Universal Declaration of Human Rights without adding any clauses as to when and when not these rights applied, effectively protecting basic civil liberties much better than the constitutions of many other Middle Eastern countries.¹⁹

However, while including several positive provisions, the 1962 constitution was far from flawless. The main problems are related to the position of the government in political life. As stated earlier, one of the basic democratic tenets is that government must be independent, meaning that it must not be subordinate or heavily influenced by non-elected elites. However, in the case of the governments formed under the 1962 constitution, these would at times be subordinate to not one but two non-elected elites: the House of Councillors and the King.

On the subject of subordination to the House of Councillors, the 1962 constitution granted the upper house, among other powers, the power to initiate bills and to reject and adopt laws (*Constitution Marocaine* 1962: articles 55 and 62). Accordingly, the 1962 constitution violated the principle of the popularly elected members being effectively able to govern as these had to share their powers with the members of the House of Councillors. It did not matter that the members of the House of Representatives also had the right to initiate bills and

that they were equally responsible for refusal and adoption of laws; the reality was that these powers did not belong to the government and popularly elected members alone.²⁰

As mentioned briefly earlier, the problematic issues pertaining to government independence and effective power to govern were related not only to the powers of the members of parliament elected by electoral colleges but also to the constitutional guaranteed powers of the King. The 1962 constitution opened up for an extensive degree of interference by the King by granting him wide-ranging powers with regard to the legislative and executive domains.²¹

Among these powers was the authority to rule by decree, the appointment of government ministers and the termination of their functions (*Constitution Marocaine* 1962: articles 24 and 29). The King also possessed the power to dissolve parliament, albeit needing to consult with (but not obtain permission from) the presidents of the two houses of parliament (*ibid.*: article 27).²² Moreover, and more importantly, the King had the authority to declare a state of emergency 'lorsque l'intégrité du territoire national est menacée, ou que se produisent des événements susceptibles de mettre en cause le fonctionnement des institutions constitutionnelles' (*ibid.*: article 35). In a state of emergency, the King was empowered to 'prendre les mesures qu'imposent la défense de l'intégrité territoriale et le retour au fonctionnement normal des institutions constitutionnelles' (*ibid.*).

With the King and the indirectly elected members of parliament guaranteed such far-reaching powers, the 1962 constitution must be said not to have guaranteed the effective power to govern of the popularly elected members of parliament. Compared with the constitutional guarantees pertaining to political competition and the basic civil liberties of freedom of speech, assembly and association, those protecting the independence and superiority of the government were significantly weaker. In fact, the protection of the latter could virtually be characterized as lacking in the 1962 constitution; hence, the representatives elected by the citizenry were, to a large extent, denied their right to govern.

Finally, ending this section on this phase of Moroccan political history on a more positive note, it is appropriate to mention that the first constitution also protected a number of other features often associated with democracy, as it is indeed the case of most constitutions. While significantly downplaying social welfare, a feature emphasized by a number of Middle Eastern constitutions, the 1962 constitution put greater emphasis on the features of horizontal accountability and effective citizen participation in particular and to a lesser extent on the feature of responsiveness.²³

Among the measures taken to guarantee horizontal accountability were the inclusion of articles providing for a vote of no confidence and a motion of censure (*Constitution Marocaine* 1962: articles 80 and 81). Moreover, all members of government were held responsible in a penal sense, and it was stipulated that they could be indicted to the High Court by the members of the House of Representatives (*ibid.*: articles 88–9).

With regard to effective citizen participation, article 2 of the 1962 constitution stated that 'la souveraineté appartient à la nation qui l'exerce directement par voie de référendum, et indirectement par l'intermédiaire des institutions constitutionnelles'. Furthermore, citizen participation was protected in article 9, in so far as it guaranteed the right of citizens to assemble, for instance, in the form of demonstrations, to establish associations, such as political parties and trade unions, as well as the freedom of expression, which could, for example, be manifested in public speeches or newspaper articles.

Finally, on the topic of responsiveness, the 1962 constitution included articles that institutionalized the system of government, providing for a government that was restrained by party structures, parliamentary processes, legal and bureaucratic norms, and popular support. On this basis, the feature of responsiveness must be said to be guaranteed in the 1962 constitution, but it is at the same time important to note that despite the reality that a responsive government and regime was provided for, this feature suffered somewhat as the outcome elections and policy debates were largely predictable due to the strong influence of the King in Moroccan political life.

Phase two: eleven years of turmoil, 1962–72

The first phase of Moroccan political history following independence was dominated by a power struggle between the monarchy and the *Istiqlal* party. The following phase differed in that it was dominated by events centred on the King alone. As the King came to enjoy the support of the military, he changed his strategy from interaction with his political opponents to that of harsh repression, thereby letting most of the air out of the struggle for power, as the parties found themselves in a situation where they were too weak to present a genuine challenge to the monarchy–military power alliance.

As shall become clear in the following paragraphs, the second phase, from 1962 until 1972, was not dominated by repression from the outset. In fact, true to the newly adopted constitution and the recent parliamentary elections, Hassan II returned political power to the elected parliament in 1963, not because he was forced to but, it seems, because he thought he would be able to manipulate the elections to an extent that parliament and the new government would be acquiescent. As it became evident to the King that he would not be able to control parliament since approximately half of the elected members were from among the opposition, and as angry citizens rioted the streets of Casablanca, only then did King Hassan resort to repression.²⁴

Dynamics of power I: elections and repression

With the hardline *Istiqlal* having lost out to the reformist King as the MP became legal in 1959 and a multiparty system was enshrined in the 1962 constitution, Morocco found itself at the crossroads. The Kingdom had taken the first steps towards democracy having entered into the process of political opening by

making a contract between the rulers and the citizenry, which promised the formal introduction of political competition in the form of parliamentary elections and the prohibition of the formation of a one-party state.

What had happened was somewhat out of the ordinary. While a party had tried to stop democratic progress, the King, the chief figure within the regime, had stretched out his hands to the more moderate forces in political life and civil society. Although by no means forced to do so, by the time of the adoption of the 1962 constitution, King Hassan had handed over the opportunity to the opposition to decide on the future of the democratization process, by making this group of actors choose whether to enter into a pact with the regime or organize further and press for even larger concessions.

Despite the seemingly positive circumstances present by the end of 1962, Morocco did not manage to take any significant steps further towards democracy during the following decade. There were several reasons for this; among one of the most important ones was the fact that in reality, the political circumstances were not as positive as they might have appeared. Although the King had willingly opened up political life in terms of political participation and contestation among the parties, this contestation was not to be carried out in a completely free environment; the King still held ultimate control, and his position was not to be debated, political opening or not.

In the eyes of the monarchy, it seems, the constitutional guarantee of a multi-party system was not equivalent to a pledge of guaranteeing free competition. Competition was to be provided for, but only under royal supervision and control. One of the earliest demonstrations of this position of the monarchy came in 1963 in the run-up to the first parliamentary elections.

According to Pennell (2000: 323), uneasy at the prospects of having to share power with a parliament dominated by politicians outside the control of the palace, Hassan II orchestrated the formation of a new party, the *Front Pour la Défense des Institutions Constitutionnelles* (Front for the Defense of the Constitutional Institutions, FDIC), in March 1963.²⁵ The new party was led by the King's close friend and ally, Ahmed Réda Guédira, the Minister of the Interior in the sitting government, which was led and appointed by the King himself. Partly due to the short period between the formation of the FDIC and the holding of the elections, and partly as a result of the reasoning behind and the purpose of the party, the FDIC concentrated its efforts on propagating in favour of the monarchy while neglecting the formulation of policies. Despite this, however, the FDIC managed to win the parliamentary elections – as Table 1.1 illustrates – receiving the same number of seats as the UNFP and the *Istiqlal* combined.

Although the FDIC managed to secure a victory – partly due to the existence of an electoral system which heavily favoured the King's allies and extensive vote rigging and harassment of opposition candidates – it seemed as if the monarchy was not satisfied with the outcome as the FDIC did not win an absolute majority in the House of Representatives.²⁶ What troubled the King was the reality that the new government formed after the elections would have to be responsive to the opposition and its demands, a situation that made it somewhat

Table 1.1 The 1963 parliamentary elections

Party	Seats ^a		Votes per seat	Seats ^b	
	House of Representatives	Seats (%)		House of Councillors	Seats (%)
FDIC	69	47.6	16,414	102	88.7
<i>Istiqlal</i>	41	28.3	24,353	9	7.8
UNFP	29	20.0	25,993	0	—
Independents	6	4.1	—	4	3.5
Total	145	100.0	—	115	100.0

Source: García (2000: 21, 26).

Notes

a Europa (1964: 430) records a slightly different result with 28 seats going to the UNFP and the total number of seats to be filled at 144.

b Here Europa's data differ markedly from García's. According to Europa (1964: 430), 120 seats were contested, of which 107 went to FDIC, 11 to the *Istiqlal* and 2 to the so-called independents. Described in percentages, FDIC received 89.2 per cent of the seats, the *Istiqlal* 9.2 and the independents 1.7.

more difficult – albeit only slightly – for Hassan II to control political life.²⁷ Consequently, according to Waterbury (1970: 261–2) and Pennell (2000: 323), Hassan II resorted to repression not long after the elections had taken place, in an effort to guarantee the continuity of the monarchy's dominant position in Moroccan politics.²⁸

Members of the UNFP and the *Parti Communiste Marocain* (Moroccan Communist Party, PCM) bore the brunt of the repression as several hundred of their supporters and many of their most prominent members were arrested and prosecuted during 1963–64 under accusations of plotting to kill the King (Waterbury 1970: 212, 293; García 2000: 18–21; Pennell 2000: 323). However, the repression by the monarchy had the adverse effect of what was intended. As the parties became increasingly stifled while the loyalists in parliament became more and more powerful, many Moroccans found that showing their dissatisfaction with the system of government could no longer be voiced in a peaceful manner. In short, the citizenry had reached a point where it did no longer see parliament as a useful tool for voicing opposition, and hence, the dissatisfaction spilled into the streets in the form of riots.

The riots culminated in March 1965, when citizens dissatisfied with the system of government were joined by underprivileged inhabitants of the *bidonvilles* (shanty towns or slums) and angry students who had taken to the streets appalled by the Ministry of Education limiting the right to go to school to younger children only (Pennell 2000: 323). King Hassan tried to quell the riots with force, but as it became increasingly clear that the situation was getting out of control, particularly in Casablanca, and that parliament was already beyond the control of the monarchy, the King suspended the constitution and parliament and declared a state of emergency, enabling himself to rule the country as he

saw fit (Santucci 1985: 19; Zartman 1987: 5; Munson 1993: 134; Cubertafond 1997: 61).²⁹

Soon after the declaration of emergency rule in 1965, as Morocco entered into one of its most serious economic crises in history, King Hassan came to realize that being the dominant political figure – not only in his capacity as monarch but also as the country's prime minister – was a rather ungrateful position. Being the key political figure in the country, the King was forced, to a large extent, to take upon himself the blame for the failed economic policies (Hamoudi 1997: 23; Pennell 2000: 324).

As the years passed, the economic crisis not only continued but worsened, resulting in a dramatically widened gap between rich and poor. During the mid-1960s, the migration from the countryside had experienced a veritable boom, with the migrants typically ending up in the *bidonvilles*, poor and without much chance of improving their living conditions. As a result, the underprivileged inhabitants of the *bidonvilles* were particularly prone to riot, as they had done so effectively in 1965 (Pennell 2000: 329–30). With no sign of the crisis clearing anytime soon, it seems as if King Hassan became increasingly eager to re-establish the constitution and the political system, in order to have an ally to help him stop – or at least slow down – the massive migration to the cities and also to have someone with whom to share the blame for the economic crisis.³⁰

The constitution of 1970 and the reinstatement of parliament

But returning power to a civilian government was not simply a question of holding new parliamentary elections.³¹ Although there is no doubt that the monarchy was interested in holding parliamentary elections and thereby not only improve the tense political climate but also ensure a larger degree of elected representatives in government, it was never the intention of Hassan II to completely give up his hold on power. Hence, before parliamentary elections could take place, it was necessary to put in place mechanisms, which would ensure the continued dominance of the government by the monarchy.

In the end, King Hassan declared that before parliamentary elections could take place, it was necessary to adopt a new constitution,³² which the citizenry would, of course, be asked to endorse in a popular referendum, which was to be held on 31 July 1970 (García 1979: 23).

The declaration of the need for a new constitution was seen by several opposition politicians as a sign that although the King was now willing to hand over some power to parliament, power was still to be shared and not on an equal basis; in practice, the King was to remain in effective control of political life. These suspicions, coupled with the resentment towards the monarchy after several years of oppression, led the UNFP and the *Istiqlal* to urge the citizenry to boycott the constitutional referendum (Pennell 2000: 330).

It came as no surprise to most observers that the UNFP chose to boycott the referendum, since the party had also boycotted that on the constitution of 1962 on similar grounds. On the other hand, the *Istiqlal* had supported the referendum

on the first constitution, but five years of harsh repression, including the assassination of the prominent party figure of Ben Barka in Paris in October 1965 at the order of General Mohammed Oufkir, the Minister of the Interior, had made the party change its stance on the constitution and the powers it granted the monarchy (Pennell 2000: 321, 330).³³

As shall become evident from the following brief analysis of the 1970 constitution, the fears of the opposition politicians that the adoption of a new constitution would lead to neither more powerful parties nor a government that was not subordinate to a non-elected elite proved to be well founded.

In comparison with the constitution of 1962, the new constitution increased the position and power of trade unions, communal councils and the professional chambers – at the cost of that of the country's political parties – as article 3 of the 1970 came to include these as objects of popular representation. Since the constitution now indirectly stated that parties were not the sole means of representation, the use of electoral colleges composed of members of the above-mentioned non-party groups to elect some of the members of parliament became legal according to the constitution.

Another setback of the 1970 constitution, in contrast to the 1962 constitution, related to the creation of a one-house parliament and the regulations concerning the method of elections. As stated earlier, I argue that as long as the constitution stipulates that the house that forms the basis for the appointment of government must be created as the result of reasonably competitive elections, devoid of massive fraud, and with broad suffrage, then the constitution can be said to provide for a democratic political selection process.

While the constitution of 1962 did live up to this requirement, the new constitution did not, as parliament under the 1970 constitution came to consist of only one house, which was composed of both directly and indirectly elected members. Adding further to injury, whereas the 1962 constitution had specified just how many seats were to be filled by votes cast by the electoral colleges, the 1970 constitution only mentioned that the representatives of the new one-house parliament were to be elected partly by direct universal suffrage and partly by members of the electoral colleges. The number of members elected by each category, their mode of election, and the conditions of eligibility and incompatibility were to be fixed by an organic law. Moreover, the members of the new parliament were to be elected not for four years as in the 1962 constitution, but for six years (*Constitution Marocaine* 1970: article 43). In other words, the powers of the King and the loyalists in parliament as guaranteed in the 1970 constitution were even greater than those guaranteed by the 1962 constitution.

With regard to the basic civil liberties of freedom of speech, assembly and association, the 1970 constitution did not make any changes; hence, these liberties continued to be protected. Articles 6 and 9 of the 1962 constitution were simply carried over into the new constitution, and no other paragraphs pertaining to the protection of basic civil liberties were added.

On the topic of independent government and the ability of this to govern effectively, the adoption of the 1970 constitution constituted a setback. First, the

new constitution maintained the principle of the use of electoral colleges, and hence, the existence of indirectly elected members of parliament. Consequently, under the 1970 constitution, the directly elected members of parliament continued to share their legislative powers with those who were indirectly elected.

Second, and much more importantly, the 1970 constitution's reduction in the number of houses in parliament from one to two meant that government would be formed on the basis of the strength of the parties of only one house, a house which was composed of both directly and indirectly elected members. In other words, under the 1970 constitution, the government could accordingly be said to be more subordinate to a non-elected elite than under the previous constitution. This reality was further stressed by the fact that the 1970 constitution also increased the powers assigned to the monarchy; hence, governments would have even less effective power to govern under the new constitution.

One of the changes to the 1962 constitution that made the King more powerful at the cost of the government and the elected representatives was the inclusion of a phrase in article 19 making the King the 'supreme representative of the nation'. Article 29 of the new constitution further increased the position of the King by specifying that his domains were to be established by *dahirs* (decrees) rather than by the constitution, which was the case under the previous constitution.

In addition to the above, the 1970 constitution increased the powers of the King in situations where parliament was dissolved. Under article 78 of the 1962 constitution, it was stated that a new House of Representatives had to take over within twenty days of the dissolution of the previous house, something the new constitution changed to three months, during which the King would exercise its powers (*Constitution Marocaine* 1970: article 70).³⁴

Finally, the 1970 constitution strengthened the King vis-à-vis parliament as article 38 of the 1962 constitution was modified, adding a paragraph specifying that although members of parliament could not be prosecuted, pursued, arrested, detained or tried due to opinions expressed as part of the person's parliamentary functions, members of parliament could be prosecuted in instances where such opinions did not show due respect for the King and the Muslim faith or cast aspersions on the monarchical system (*Constitution Marocaine* 1970: article 37).

Although the 1970s continued the focus on the additional features of horizontal accountability and effective citizen participation from the 1962 constitution, the protection of these additional features were somewhat weakened under the new constitution. For instance, although it preserved the articles providing for a vote of no confidence and a motion of censure as well as penal responsibility for the members of government and the possibility of their indictment to the High Court, it made it more difficult to undertake such actions (*Constitution Marocaine* 1970: Articles 73–4 and 81–2). For example, with regard to issuing a motion of censure, article 81 of the 1962 constitution stipulated that at least one-tenth of the members of the House of Representatives needed to sign the motion, whereas the 1970 constitution required at least one-fourth of the members (*ibid.*: article 74). Consequently, the conclusion pertaining to the guarantee in the 1970 constitution of additional political, economic and social features associated with

industrial democracy must be similar to that for the 1962 constitution; although aspects of some of these features were guaranteed, none of them were fully so.

To sum up the key features of the new constitutional text, this document significantly increased the King's political powers. First, the focus was directed away from the parties at the time of elections; second, the formula for electing members to parliament was made subject of an organic law rather than a constitutional matter; and finally, the King's freedom to rule during dissolution of parliament was extended considerably.

Dynamics of power II: more elections and a coup attempt

The adoption of the second Moroccan constitution was followed up by parliamentary elections only a few weeks later. In late August 1970, 4,105,820 voters elected the first parliament under the 1970 constitution.³⁵ As expected, since only ninety of the 240 seats were elected by direct universal suffrage, the results of the elections after all seats had been allocated were highly favourable to the monarchy, as hardly any opposition candidates were represented in the new parliament (Europa 1971: 495).

The reality that the final composition of parliament came to be heavily royalist (Table 1.2) was not only due to the character of the voting system, which awarded the monarchy and its allies considerable control over the process. Another much more important factor was the boycott of the elections by several of the political parties. Most significantly, two of the parties traditionally dominating Moroccan politics, the *Istiqlal* and the UNFP, entered into a coalition, the *Kutla al-Wataniya* (the National Bloc), and boycotted the elections together. Similarly, the newly formed *Mouvement Populaire Démocratique et Constitutionnel* (Popular Democratic and Constitutional Movement, MPDC) and the PDC refused to take part, and the *Parti de Libération et Socialisme* (Party of Liberation and Socialism, PLS) was excluded as it had been declared illegal.³⁶ Consequently, on election day, voters were left a choice between three types of candidates: the so-called independents, syndicalists affiliated with the opposition parties and members of the MP (Dupont 1971: 190–1; García 2000: 29).

Table 1.2 Results of the 1970 parliamentary elections

Party	Seats in parliament	Seats in parliament (%)
Independents	158	65.8
MP	60	25.0
<i>Progrès Social</i>	10	4.2
<i>Istiqlal</i>	9	3.8
UNFP	2	0.8
PDC	1	0.4
Total	240	100.0

Source: Europa (1971: 495).

The adoption of a new constitution and the creation of a compliant parliament, however, did not bring about the desired political stability.³⁷ The prolongation of the volatile atmosphere that had dominated the political arena since before the declaration of emergency rule was largely the result of three distinct yet interrelated factors.

First, because the economic crisis had not been effectively tackled during the years of emergency rule, a great many Moroccans continued to live in deep poverty, and many more joined their ranks as the days went by. Dissatisfied with the general condition of the economy, and with the situation in the labour market in particular, the trade unions and student organizations instigated strikes and demonstrations across the country to voice their discontent (Pennell 2000: 331).

Second, there were problems within the regime itself. During the period of emergency rule from 1965 until 1970, Morocco had been ruled by King Hassan, who exercised his powers through various acquiescent governments, handpicked by the King himself. Despite adopting a new constitution and holding new parliamentary elections, this system of government did not change much in practice. The government formed after the elections of August 1970 was practically similar to that which had been in power before the elections: ‘...mais le gouvernement dont il présentait le programme n’était en rien un nouveau gouvernement résultant des élections, mais bien la même équipe dirigée par le même Premier Ministre’ (Christophel 1971: 251).

Third, although power was not handed back to a government based on the election results, things had changed politically; the adoption of the new constitution and the holding of parliamentary elections were not measures without effect. The most significant impact of these developments was the signal they sent to the army. During the state of emergency, King Hassan had exercised his powers through a complex system of patronage, a system which now did no longer include the high-ranking members of FAR among the top levers. As these prominent figures gradually began to see a surge in their rewards for loyal support to the King, they grew increasingly disappointed with Hassan II, some to such an extent that on 10 July 1971, they stormed the King’s palace in Skhirat.³⁸

The 1972 constitution

Seen with the eyes of Hassan II, one would assume that the political situation must have appeared anything but rosy by the beginning of 1972. Not only had his efforts to stabilize the political environment by holding parliamentary elections proved to be in vain, he also found himself in a situation where he did not know which elements of the armed forces – if any – he could trust. Consequently, not least to save his own life but also in a further bid to secure the future of the monarchy and create the much needed stable political climate, the King initiated more reforms of the political system.

It should soon become clear, however, that King Hassan’s visions for political reform did not correspond to those of the *Kutla al-Wataniya*. During 1971–72, several rounds of talks took place between the King, the *Istiqlal* and

the UNFP. In August 1971, the prospects for the outcome of the negotiations looked promising, and expectations were only heightened during the following months as the negotiations continued. In fact, by February 1972, it seemed as if they were just about to formally adopt a detailed schedule for a process of political reform, which would include the formation of a new government comprised partly by members of the political opposition, a government which would be tasked with preparing for the adoption of a new constitution and the holding of parliamentary elections that would in turn lead to the formation of yet a new government, this time to be based on the election results (Santucci 1985: 39).

As might have been expected, things did not go as planned. According to Santucci (1985: 39–40), King Hassan seemed more interested in constitutional reform than any of the other issues discussed during the talks, and the two parties were extremely disappointed when he announced that a referendum on a new constitution would take place on 1 March 1972. In the opinion of the *Kutla al-Wataniya*, the political crisis the country was experiencing – and had been for some years – could not simply be solved by adopting a new constitution; the problems were much more far-reaching (ibid.). In accordance with the dissatisfaction with the reach of the reform project, and despite the reality that it did in fact support several of the principles in the proposed new constitution, the *Kutla al-Wataniya* decided to boycott the referendum, which it declared it was sure would be tampered with anyway (ibid.: 40).³⁹

On 1 March, the 1972 constitution was adopted as expected, as an overwhelming majority of 98 per cent of the votes were cast in its favour and with 92.9 per cent of the eligible voters turning out on the day (Pennell 2000: 332). Although the 1972 constitution granted the King extensive powers, as had also been the case in previous constitutions, and despite the fact that in the end the new constitution turned out to be dictated largely by the King, it did constitute a considerable improvement to the 1970 constitution, something which can largely be accredited King Hassan's desire to build bridges with the opposition and the consultation process with the *Kutla al-Wataniya* (Santucci 1985: 40–2; García 2000: 30; Pennell 2000: 332).

As shall become evident from the following brief analysis, the new constitution was more liberal than the previous, particularly with respect to the issue of parliamentary elections, as the 1972 constitution stipulated how many members of parliament were to be elected by each method of elections, and as the term in office of parliamentarians was shortened from six to four years, thereby increasing the frequency of parliamentary elections. The improvements did not all concern parliamentary elections; however, also on the issue of the powers of the King did the new constitution prove more democratic than its predecessor, as the King's powers were significantly restricted in several respects.

Beginning with the provisions relating to parliamentary elections, like the 1970 constitution, the 1972 constitution maintained the principles of a one-house parliament and indirectly elected members, thereby decreasing competitiveness and ruling out governments formed on the basis of the voice of the electorate. However, on a positive note, in contrast to the 1970 constitution, the

new constitution stipulated how many members of parliament were to be elected by direct universal suffrage and how many were to be elected by electoral colleges, making it marginally more complicated for the monarchy to manipulate the composition of parliament. More importantly, the 1972 constitution also indirectly increased the number of parliamentarians to be elected by direct universal suffrage, as it stipulated in article 43 that two-thirds of the members of parliament were to be elected according to this method. Finally, the 1972 constitution changed the period of election from six years back to four years as in 1962, thereby increasing, at least in theory, the chances of the election of a parliament which was not loyal to the King, as the frequency of elections went up (*Constitution Marocaine* 1972: article 43).⁴⁰

Moving on to the status of the government in the new constitution, a similar picture emerges as cosmetic improvements were introduced. In comparison with the 1970 constitution, the powers of the King were restricted in the new constitution, but in reality, these changes did not have any significant effect on the overall distribution of power. Unlike in 1970, where the domains of the King were specified by *dahirs*, the new constitution stated similarly to that of 1962 that the domains of the King were stipulated in the constitution (*Constitution Marocaine* 1972: article 29). The 1972 constitution restricted the powers of the King further by changing the wording of some of the articles pertaining to the right of the King to submit bills and proposition laws, pointing out that he would only have such rights if the bill or proposed law would not have been adopted or rejected by two-thirds of the members of parliament (*ibid.*: article 68). Finally, by making explicit in article 98 that the initiative for the revision of the constitution belonged to the King and the House of Representatives rather than simply to the King as article 97 of the 1970 constitution stipulated, the 1972 constitution increased the powers of parliament vis-à-vis the King slightly further. However, despite these improvements, the King continued to have such far-reaching political powers that even with the adoption of the country's third constitution, the independence, and hence, the effective power to govern of the government, was still far from guaranteed.

The constitutional provisions pertaining to the guarantee of additional political, economic and social features associated with industrial democracy, particularly with regard to horizontal accountability and effective citizen participation, were carried over from the 1970 constitution to that of 1972; hence, the conclusion for the situation after the adoption of the 1972 constitution must be similar to that after the adoption of the 1970 constitution; none of these features were fully guaranteed. Articles 74–5 of the 1972 constitution provided for a vote of no confidence and a motion of censure, while articles 82–3 stipulated the penal responsibility of the members of government and the possibility of their indictment to the High Court. Similar to the constitution of 1970, the constitution of 1972 required one-fourth of the members of the House of Representatives to sign a motion of censure (*Constitution Marocaine* 1972: article 75).

Finally, on a more positive note, it is important to note that as was the case with the 1970 constitution, the 1972 constitution carried over articles 6 and 9 of

the 1962 constitution, guaranteeing the basic civil liberties of freedom of speech, assembly and association.

Another military coup attempt

By mid-1972, the political opening set in motion with the adoption of the first constitution in 1962 had not progressed any further. In fact, the situation was rather similar to that at the end of 1962. In short, the moderate forces within political and civil society had to make a choice between entering into a pact with the regime or organizing further, pushing for further concessions from the regime.

Although the process was still located at the same stage as ten years previously, much had changed with regard to the composition of the regime and the dynamics of civil and political forces in society. In the early years of the period, during 1962–65, the process of political opening could have been taken further. However, the King chose to manipulate the parliamentary elections in 1963 in order to ensure a victory for loyalist forces, and when this did not happen to the extent predicted by the monarchy, King Hassan resorted to repression, changing his position from liberalizer to hardliner.

As the position of the King changed, so did that of the political parties. The *Istiqlal*, which had counted as a hardline member of the regime for several years, suddenly found itself among the opposition and suffering under harsh repression by its former ally. Because of the harshness of the repression, which grew in intensity during the years of emergency rule, most opposition parties were not given much choice when it came to taking a political stance towards cooperation with the regime. Accordingly, the *Istiqlal* party joined the UNFP among the ranks of the radicals, refusing to enter into any form of relationship with the regime.

Unsure of the future of the position of the monarchy in Moroccan political life, a vulnerable King Hassan distanced himself from the hardline group within the regime – principally made up by members of the armed forces – and changed his political stance once again, when the situation in civil society became increasingly tense as radical students and trade unions organized massive demonstrations and strikes against the regime. However, although the King now took the position of liberalizer, holding parliamentary elections and drafting a more democratic constitution, the opposition parties did not change their position; hence, the King's efforts had been in vain, as there were no significant moderate forces left to 'play' with, apart from, of course, the loyalist MP. Consequently, by mid-1972, the prospects for the political opening looked much bleaker than ten years earlier, despite the process being located at the exact same point.

Prospects for further progress diminished even more as the King found himself victim of a second coup attempt by the FAR on 16 August 1972. With the King weakened as the major opposition parties – the UNFP and the *Istiqlal* – blanked Hassan II's project of institutional reform, members of the FAR, under

the leadership of General Oufkir, decided to take the opportunity to regain some of the power the military had lost when King Hassan reinstated parliament, and the country adopted the third constitution earlier in the year.

Despite carrying out an attack against the King while he was in mid-air and therefore extremely vulnerable, Oufkir and his men failed to assassinate Hassan II and take power. In actual fact, the attempted coup makers not only failed once but twice; after the royal plane had landed and the King was back at his residence, the rebelling members of the FAR bombed the palace, but the King survived and the coup attempt was aborted (Pennell 2000: 332).

Conclusion: Morocco independent

Over a period of nearly twenty years, from 1956 until 1972, Morocco experienced great political changes. After a long struggle for independence, the country finally won its freedom in 1956, but the first few years of independence proved to be anything but the bed of roses many had hoped for. Independence had not come as an unexpected surprise to most Moroccans; the country had long been in a fierce struggle of resistance against the French and the Spanish, yet seven years passed before the first constitution was adopted, and it took the country's leadership eight years to prepare for the first parliamentary elections.

The dominant factor behind the delay of these political openings was the battle for power between the two major heroes of the independence struggle: the monarchy personified by Mohammed V and the *Istiqlal*. During the phase from 1956 until 1962, these two parties strove bitterly over the control of political life, a battle the King finally won as the *Istiqlal* began to fall apart due to internal disagreements caused by the growing dissatisfaction by the general population with the urban-based, middle-class party.

This phase, dominated by the struggle for power between the monarchy and the *Istiqlal*, was followed by another during which the main dynamics centred around the King alone, as the new monarch, Hassan II, decided to rule the country on his own from 1965 to 1970 after having failed to secure an acquiescent parliament. The primary motivating factor behind King Hassan taking over the running of the country was his ambition to secure the position of the monarchy in the future, having just gained the upper hand in the power struggle with the *Istiqlal*. However, Hassan II did not take over control of the political management of the country immediately; rather, during the first years after the defeat of the *Istiqlal*, he used political measures to ensure that the party would never become a threat to the power of the monarchy again, first, by introducing the country's first constitution in 1962 – a constitution which provided for a competitive party system – and second, by calling for the first parliamentary elections in 1963.

As the King and his supporters expertly manipulated the elections, the *Istiqlal* was effectively ousted from power, a position in which the party was to remain for the next many years. Despite having secured the formation of a loyalist government as well as a loyalist-dominated parliament, King Hassan was not

satisfied with the performance of the political establishment, which he apparently felt was getting out of control at a time when the public also had begun to prove uncooperative, rioting across the country's major cities. These factors coupled with the struggle for power with the *Istiqlal* in the previous period led the King to suspend parliament, introducing strict monarchical rule based not on popular support but on support from the military.

Parliamentary life was reinstated in 1970 as it seems the King came to the conclusion that ruling alone was an ungrateful task. However, King Hassan's opening towards the political parties, which were invited back into the upper echelons of power, was not a popular move from the point of view of the military, which was anything but keen to give up its share of power. As a result, during 1971–72, members of the military tried twice, unsuccessfully, to take over power by military coup. These coup attempts proved to be the end of the years of severe military-backed repression, which had lasted from 1963. Unable to trust the military, the King was even more intent than ever on reintroducing some form of popular rule, albeit in a strictly controlled manner.

In short, the period of 1956–72 consisted of two distinct phases: one dominated by a power struggle between a liberalizing monarchy and a hardline *Istiqlal* and another dominated by polarization between a dominant hardline King supported by a hardline military versus a largely radical opposition. At the end of the second phase, that is, by mid-1972, the political opening, which had begun with the adoption of the constitution in 1962 had moved no further, and prospects for the near future were far from promising. With the two major opposition parties, the *Istiqlal* and the UNFP, taking up positions as radicals, there was no room for play; the process had come to a standstill.

2 Government after independence II

Indigenous leadership with colonial habits, 1972–90

During the period from 1972 until 1990, the struggle for power in Morocco continued. The events taking place during the years from 1972 until 1990 can be characterized as a separate period in Moroccan history, different from the previous period stretching from 1956 until 1972. In contrast to the first period, which consisted of two phases, this later period consisted of only one, as the dynamics of power were more or less constant.

Compared with the preceding phase from 1962 until mid-1972, the terms, on which the power struggle between the palace and the political parties took place, changed. By mid-1972, it appeared as if the King had come to realize that in order to maintain the position of the monarchy as the superior authority in the country, political power needed to be shared with the political parties. Ruling alone had not only become too costly in terms of popular support but also become too difficult as the military proved beyond monarchical control. As a consequence, the third phase in Moroccan political history since independence came to be dominated by dynamics relating to the rapport between the King and the political parties, as the King tried to woo the often hostile and unreliable, yet controllable, political parties back into the realms of political power.

Although the dynamics of power did not change significantly, it must be noted that in the latter part of the third phase, that is, from 1983 onwards, King Hassan intensified his efforts to come to some form of an agreement with the political parties over their role in politics, essentially by trying to co-opt the opposition into the regime. In 1983, the King unexpectedly announced the holding of municipal elections, which were followed up by parliamentary elections in September the following year. The reopening of the gateways to power turned out to be disappointing, however. Both elections were heavily manipulated by the *makhzen*, and the *Union Socialiste des Forces Populaires* (Socialist Union of Popular Forces, USFP) and the *Istiqlal* refused to have anything to do with government power, retreating back into the opposition camp.

As the *Istiqlal* joined the USFP in the opposition, and as the focus of politics began to shift more and more towards domestic issues – such as institutional reform rather than the regional issue of the future of the Sahara – the opposition slowly came closer together. However, although several opposition parties publicly committed themselves to a unified opposition championing social, eco-

conomic and institutional reform, and despite talks of a revival of the *Kutla* of the 1970s, the opposition umbrella never materialized into anything substantial but remained a loosely knit formation too weak to put any significant pressure on the King.

War, elections and constitutional amendments

Harsh political repression proved to be far from the ideal solution to King Hassan's political problems; hence, in the third phase from 1972 until 1990, after the attempted coup makers had been dealt with, repression was gradually phased out as the King tried to reintroduce a measure of popular rule by reintegrating the political parties into the political system.

Although the political dynamics centred on power games, which were largely battled out with peaceful, political means, rather than with coercive measures of force, and despite the fact that the political parties were to some extent let back into the realms of political power, one should not confuse this with an actual political opening. Although democratic changes did occur, these did not take Morocco far along the democratic path. In fact, according to some scholars, the state of emergency continued into the mid-1970s:

Technically speaking, the state of emergency occurred between 1965 and 1971. In practice, however, it continued until 1974–1975. The period included a number of events: rioting and repression in Casablanca (1965), putsches in 1971 and 1972, repression in public schools, and very harsh trials to which various radical groups – Ila al Amam and 23 mars among others – were subjected.

(Hammoudi 1997: 162)

In addition to the repressive measures mentioned above by Hammoudi, it is also worth noting that the new government formed after the 1970 parliamentary elections was not based on the election results and that no parliamentary elections took place between 1970 and 1977. This means, in other words, that the increased role assigned to (some of) the political parties after 1972 was due to decisions made by King Hassan himself, rather than decisions made by the citizenry – political power and its distribution remained in the hands of the King, and that the King was feeling very vulnerable indeed.

Dynamics of power: peaceful means of control

Although the royal family tried to pass off the second coup attempt by the FAR as nothing more than an attempt by General Oufkir to satisfy his personal need for more power, dissatisfaction with the King was much deeper rooted and extended outside the ranks of the FAR. Well aware of the true situation, although pretending things were otherwise, King Hassan took measures to ensure that he would not find himself the victim of yet another coup attempt.

One of these measures was to set an example for other future potential dissidents, by killing the mastermind of the coup attempt and by sentencing his family, his accomplices as well as their families to extremely severe prison terms (Santucci 1985: 45–7; Pennell 2000: 332).

According to Vermeren (2002a: 69), another measure taken by the King in an effort to guarantee his own security and the future position of the monarchy as a dominant political actor was the appointment of Driss Basri as his new security chief. Basri, a former policeman from Taounat in the north of the country, soon took to his role as security chief, and on 14 April 1973, he orchestrated the restrictive revision of the 1958 legal code on civil liberties (*ibid.*).¹ One of the new measures was the inclusion of provisions stipulating that all new civil society organizations and political parties must get the approval of the Ministry of the Interior before holding any meeting, effectively giving Basri and, hence, King Hassan the power to screen all new organizations and political parties and refuse the legalization of those that did not fall in the taste of the monarchy.² Pleased with Basri's performance, the King made Basri Minister of State for the Interior in 1974, and in March 1979, he was promoted further to Minister of the Interior, a post he was to hold for the next 20 years (*ibid.*: 86).

A third measure undertaken by the King to guarantee the monarchy's future dominant position was the initiation of projects of national unification, of which the two most important were the Green March and the Saharan War. The Green March, although orchestrated by King Hassan, was not merely a result of careful royal planning. What happened at the time was a stroke of luck for the Moroccan King: a number of international factors with direct consequence for Moroccan politics – the 1974 coup in Portugal and the subsequent decline of the Portuguese empire as well as the weakening of General Franco and his regime in Spain – happened to coincide at a time when the King was in grave need of popular support.

The Saharan war: a royal project of national unification

As the Portuguese and Spanish governments began to encounter problems on the home front in the early 1970s, they progressively lost interest in their possessions abroad, including the Sahara which many Moroccans saw as rightfully belonging to their country and accordingly wished to see returned. In 1974, the *Istiqlal* and other opposition parties organized large-scale demonstrations across Morocco, demanding the return of the Sahara. Undoubtedly, keen to increase his support – both from the political parties and from the population – Hassan II responded promptly that in the forthcoming year, his main objective was to regain lost territories. Spain, on the other hand, was not willing to give in to King Hassan's desires and insisted that the Sahara could not simply be handed over to Morocco, but that the people of the Sahara should be given the right to choose by referendum between Moroccan amalgamation and independence (Dessaints 1976: 457; Pennell 2000: 338).

Encouraged by the Spanish government, the United Nations (UN) sent a

mission to the Sahara, and it soon became clear to most observers that what the people of the Sahara wanted, particularly those with ties to the *Frente Popular de Liberación de Saguia al Hamra y Río de Oro* (Polisario), was independence. Coinciding with the UN mission, the International Court of Justice (ICJ) carried out its own investigation, eventually reaching a conclusion, which supported that of the UN mission. Hence, on 16 October 1975, the ICJ announced that although there were close historical ties between the Sahara and Morocco, these ties were not of a sovereign nature; hence, the ICJ acknowledged the right of self-determination of the Sahara (Dessaints 1976: 461; Weexsteen 1977: 255; Pennell 2000: 339).

Determined not to lose the Sahara and keen not to suffer the loss of popular support at a point when he was beginning to enjoy it again, King Hassan asked the Moroccan people on a televised appeal to send him 350,000 men to join him on a peaceful 'Green March' of liberation of the Sahara (Dessaints 1976: 462; Pennell 2000: 339). The response to the appeal exceeded all expectations, as more than 524,000 Moroccans came forward to participate in the march, and the Moroccan political opposition, several Arab governments and the Palestine Liberation Organization (PLO) all joined in to give their support for the cause (Pennell 2000: 339).

The Green March became an instant success. On 6 November 1975, as the members of the march crossed the border, the Spanish troops retreated, and a few days later, on 14 November, the Spanish, Moroccan and Mauritanian governments reached an agreement on the future administration of the Sahara up until 28 February 1976, when the territory was to be divided between Morocco and Mauritania. By 12 January 1976, Moroccan troops had already occupied their awarded areas of the Sahara, and despite some resistance from the Polisario, Spanish rule of the Sahara came to an end on 26 February 1976 when Morocco took over (Weexsteen 1977: 270; Pennell 2000: 339–40).

Despite the apparent immediate success of the Green March, Morocco's Saharan adventure soon turned sour as the Polisario announced the formation of the Saharan Arab Democratic Republic (SADR) on 28 February 1976, only two days after Morocco had occupied its territories in the disputed region and on the exact day that power was officially supposed to be transferred from Spain to Morocco and Mauritania.³ The reality that the Polisario and its demands enjoyed minimal support among the leaders of the Arab states had little impact on the organization's struggle; in fact, the Polisario quickly proved very successful, particularly in its fight on Mauritanian territory.

In 1979, after having fought the Polisario rather unsuccessfully for three years, and left with expenditures on defence which consumed approximately 60 per cent of the country's entire budget, the Mauritanian government finally caved in and signed a peace treaty with the Polisario, accepting the organization as the 'sole legitimate representative of the Saharan people' and effectively signing over the Mauritanian zone to the Polisario (Weexsteen 1980: 424–5, 437; Pennell 2000: 341–2).

After the success in the Mauritanian zone, the Polisario intensified its fight

against what the organization saw as Moroccan occupation of its rightful territory. Enjoying support from Algeria, the Polisario was able to launch strong attacks against the Moroccan forces, pressing the Moroccans to such an extent that the Moroccan media was talking of a 'national catastrophe' that the Moroccan army was being ridiculed by guerrilla forces. Partly due to the Saharan people's expressed wish of creating their own independent state, and partly due to the forceful resistance by the Polisario, the SADR found itself enjoying the support of the UN and twenty member states of the Organization of African Unity (OAU) despite controlling hardly any territory (Weexsteen 1977: 261; Pennell 2000: 342–3).⁴

The long awaited elections of 1977

By 1976, after having regained massive popular support during the Green March, King Hassan found himself in a situation where the prospects for success in the Saharan conflict appeared to have turned bleak and, hence, he risked losing popular support once again. Moreover, seven years had gone by since elections to parliament had last taken place, so the King decided to call for parliamentary elections in June 1977 (Santucci 1977: 365–6; el-Mossadeq 1995: 93).

Due to the emergence of several new parties since the last elections, the elections of 1977 were more competitive than any of the previous elections to take place in Morocco. However, despite the increased level of competition, the result remained highly predictable, partly as a consequence of the design of the electoral system and partly as a result of harassment of members of the opposition parties.⁵

Although much of the opposition had already been appeased by the national unification project, new electoral districts were drawn up. One of the reasons behind redrawing the electoral districts was the fact that the opposition had been demanding that the parliamentary elections be free and fair, not like previous elections which they claimed had been heavily rigged. By redrawing the electoral districts and changing other measures such as the issuing of new electoral identity cards, King Hassan would be showing his commitment to free and fair elections while also demonstrating responsiveness to the opposition (Santucci 1978: 218).

The main reason behind the redrawing of the districts was, however, not the appeasement of the opposition; rather, it was the intention to ensure that power would stay in the hands of the monarch and his loyal supporters in parliament (García 2000: 46–9; Pennell 2000: 347). Consequently, it came as no surprise that the loyal supporters of the monarchy came out of the process as the victors, with pro-monarchy independent candidates securing 52.5 per cent of the seats in parliament.

As is evident from Table 2.1, several parties were disadvantaged in the direct elections due to the manner in which the electoral districts had been drawn. In comparison to the pro-monarchist MP, whose share of seats considerably

Table 2.1 Results of the 1977 parliamentary elections

Party	Valid votes (%)	Seats (%)	Valid votes per seat	Seats	Seats (%)
	<i>Direct elections</i>			<i>Final</i>	
Independents	44.7	46.3	27,830	138	52.5
<i>Istiqlal</i>	21.6	25.7	23,950	50	19.0
MP	12.4	16.6	21,578	47	17.9
USFP ^a	14.6	8.6	48,666	15	5.7
UMT	—	—	—	7	2.7
MPDC	2.0	1.1	51,119	3	1.1
PA ^b	1.8	1.1	45,420	2	0.8
PPS ^c	2.3	0.6	116,170	1	0.4
Total	99.4	100.0	—	263	100.1

Sources: García (2000: 57–66); Europa (1977: 573). It should be noted that Santucci (1978: 233) offers slightly differing statistics on the elections, stating that the independents won 141 seats, *Istiqlal* 51 [including 1 won by the *Union Générale des Travailleurs du Maroc* (UGTM)], and the MP 44. Please note that the UGTM is a trade union closely affiliated with the *Istiqlal*. It was formed in 1960 by former members of the UMT. In Morocco, trade unions are allowed to contest municipal as well as parliamentary elections.

Notes

- a In 1972, the UNFP split into two branches. This split was manifested as the new (Rabat) branch under the leadership of Abderrahim Bouabid established itself as a separate political party under the name *L'Union Socialiste des Forces Populaires* (USFP) in 1975.
- b The *Parti de l'Action* (PA) was formed in 1974 by Abdullah Senhaji, former member of the *Istiqlal* and a founder of both the MP and the UNFP.
- c The *Parti du Progrès et du Socialisme* (PPS) was formed in 1974. In effect, the PPS was nothing more than the reconstitution of the PCM and PLS.

exceeded its share of votes and who had to pay only 21,578 votes for a seat in parliament, the opposition parties, particularly those to the far left and those with an urban base, paid a much higher price for their seats. The most disadvantaged of all parties was the USFP, which saw its share of votes in the direct elections almost halved when translated into seats; moreover, a seat in parliament cost the party the substantial sum of 48,666 votes.

Due to the method of election consisting of two rounds, some of these disadvantages were corrected in the second round of indirect elections, while others were further exacerbated. The *Istiqlal*, which was awarded a slightly higher percentage of seats than it should have been according to its share of the direct vote, ended up with a final share of the seats falling below its share of direct votes. The party suffering the hardest, however, was once again the socialist parties, particularly the USFP, which was penalized further, ending up with only 5.7 per cent of the seats despite winning 14.6 per cent of the direct votes. The MP, on the other hand, was awarded 17.9 per cent of the seats despite winning only 12.4 per cent of the direct votes.

In short, in 1977 – like in previous elections – the two-round system of elections enabled the *makhzen* to effectively control the composition of parliament, ensuring that the majority of the representatives would be loyal to the monarchy

(García 2000: 64). As stated earlier, although two-thirds – 175 to be precise – of the members of parliament were elected by direct universal suffrage, article 43 of the 1972 constitution stipulated that the remaining eighty-eight members were to be elected in a second round by members of the communal councils, members of the Chamber of Agriculture, the Chamber of Commerce and Industry, the Chamber of Artisans, as well as members of the trade unions. It is important to underline here that the distorted final election results were not due, in most cases, to direct intervention by the King nor were they the product of bribery by the *makhzen*; rather, it was down to the composition of the electoral college responsible for electing the remaining 33 per cent of parliamentarians. As can be seen from Table 2.2, apart from the trade unions, which largely supported their own candidates, most members of the electoral college came from chambers serving the interest of the landowners and business communities; hence, these *members voted* for candidates protecting the interests of their chambers, and usually, this resulted in the vote for a candidate who was loyal to the monarchy as well – that is, in the vote for a pro-monarchy ‘independent’ or a member of the MP.

In contrast to the elections of 1962, this time, it seemed King Hassan was satisfied with the outcome of the elections, as he invited not only the loyalist MP but also the USFP and the *Istiqlal* to join the pro-monarchical independents in government.⁶ Unlike the *Istiqlal*, which was returned to power for the first time since 1963, when popular elections were first introduced, the USFP declined the offer of joining the government, not on grounds that it was completely against such an idea but because the party was of the opinion that the parties in the new government would have difficulties finding a common ground (Vermeren 2002a: 79–80).⁷

As the *Istiqlal* entered into the government in 1977, the political opening, which had begun with the adoption of the constitution in 1962, had effectively come to an end. Rather than continuing to try to create an alternative to the

Table 2.2 Results of the 1977 indirect elections

<i>Party/ union</i>	<i>Communal councillors</i>	<i>Chamber of agriculture</i>	<i>Chamber of commerce and industry</i>	<i>Chamber of artisans</i>	<i>Trade unions</i>
Independents	31	9	9	7	1
<i>Istiqlal</i>	4				
MP	11	6	1		
MPDC	1				
UMT	1				6
UGTM					1
Total	48	15	10	7	8

Source: Adapted from García (2000: 66).

regime by organizing further with the other moderate forces, such as the USFP and the *Parti du Progrès et du Socialisme* (Party of Progress and Socialism, PPS), the *Istiqlal* opted for broadened dictatorship.

Cosmetic changes: the amendments of 1980

With all the largest parties in parliament – apart from the USFP – being part of the new government, King Hassan had regained control of political life, a position he strengthened further in the coming years as he successfully encouraged the loyalist independents to establish their own political party, the *Rassemblement National des Indépendants* (National Rally of Independents, RNI), in 1978. Having recreated a – for the monarchy – comfortable political environment, the King pushed through a further two constitutional amendments.

Although only as few as three articles of the 1972 constitution were modified by the two referenda in 1980, these changes did have some effect on future parliamentary elections as the life of parliament was increased from four to six years.⁸ Hence, like in the constitution of 1970, the frequency of popular elections to parliament decreased accordingly, giving the monarchy more room to manoeuvre.

In line with the previous constitutions, the new constitution maintained the principle of indirectly elected members of the one-house parliament, and like in the 1972 constitution, it specified exactly how many members of parliament were to be elected by direct universal suffrage and how many were to be elected by electoral colleges. Keeping these principles in place, the Moroccan constitution, after the 1980 amendments, did not provide for democratic governments as these were still not formed on the basis of the voice of the electorate – exactly the same situation as under the constitutions of 1970 and 1972.

Regarding the status of the basic civil liberties, the three articles of the constitution, which were amended in 1980, did not have any effect on the freedom of speech, assembly or association. As was the case with the previous constitutions, the new constitution carried over article 6 and 9 of the 1962 constitution, guaranteeing these basic civil liberties.

Similarly, the amendments adopted in 1980 had no effect on the independence of government and, therefore, its effective power to govern. Put briefly, as in the constitutions of 1962 and 1972, the new constitution stipulated that the powers of the King were laid out by the constitution (*Constitution Marocaine* 1972: article 29). While the King had the right to initiate the revision of the constitution, this right was to be shared by the House of Representatives as established by the 1972 constitution (*ibid.*: article 98). Finally, the King maintained his right to submit bills and proposition laws, but again only if the bill or proposed law would not have been adopted or rejected by two-thirds of the members of parliament (*ibid.*: article 68).

Whereas the amendments adopted by the first constitutional referendum in 1980 affected the longevity of parliament, article 21, which was amended in a separate referendum on 21 May 1980, had much less of an impact. Although the

revision of this article did of course have implications for the political system as it increased the powers of the monarch vis-à-vis the regency council, it did not have any impact on the character of the constitution with regard to the attainment of a democratic government, competitive elections, basic civil liberties or independent government.⁹ Like the 1972 constitution, the Moroccan constitution, as of after the 1980 amendments, still provided for a vote of no confidence and a motion of censure, penal responsibility for the members of government, and the possibility of their indictment to the High Court (*Constitution Marocaine* 1972: articles 73–4, 81–2). In other words, although some of these features were mentioned, none of them were fully guaranteed by the constitution.

Despite the reality that the monarchy had succeeded in creating a comfortable political environment, King Hassan did not have full support for the amendments as members of the opposition were dissatisfied not only with the amendments but also with how they had been introduced. Accordingly, the PPS advocated a ‘no’ to all the amendments, while the USFP advocated a boycott of the second referendum and decided not to give any instructions with regard to the first referendum, leaving it up to its voters to decide for themselves (Santucci 1981: 563; García 2000: 69–70).¹⁰ As a result of their positions, the PPS and the USFP were made subject to discrimination; the two parties had their newspapers censured or even prohibited (García 2000: 69–70).

Consequently, the USFP decided to publicly demonstrate its dissatisfaction with the amendments and the actions of the monarchy, and soon after the amendments had been introduced, the party withdrew its members from parliament (Santucci 1982: 582). This was an action the King could not ignore, and on 9 October 1981, Hassan II addressed parliament in a speech directed particularly at the USFP, but also at other socialists. In his speech, King Hassan declared that he could not allow an opposition which did not respect the monarchy, which did not respect the laws adopted by the majority and which excluded itself from the Muslim community. According to Hassan II, this kind of actions or positions were unconstitutional, and it was therefore his duty as the Commander of the Faithful, the protector of the Moroccan state, its territory and the Muslim religion, to make clear, like his father had done previously, that under no circumstances could this kind of opposition be allowed.¹¹ However, despite the strong words, nothing further happened as a result of the royal discourse. The constitutional amendments were implemented, and the USFP parliamentarians eventually returned back to the House of Representatives as a show of national unity in November 1981 after the Polisario attacked the Western Saharan city of Guelta Zammour (Santucci 1985: 226).

The manufactured elections of the 1980s

The reality that one of the most dominant of the moderate forces within the opposition chose to enter the regime in 1977 resulted in less optimistic prospects for a more democratic future, than if it had chosen the path of further organization. However, one has to bear in mind that even if the process of political

opening may have come to an end at an early stage, a new process can always be set in motion. As will become evident in the subsequent sections, this is exactly what happened in the mid-1980s, albeit only after a few years of political crisis.

Discrimination and interference: the municipal elections of 1983

In 1983, it had been six years since the last elections had taken place. The opposition and its supporters had reportedly given up hope of any elections taking place in the near future, but because of the long absence of elections coupled with years of political upheaval over the 1980 constitutional amendments, which part of the opposition and its supporters saw as yet another example of royal intervention in political life, King Hassan found himself in a situation where his legitimacy began to wane in the eyes of the general population. Hence, on 4 May 1983, approximately three years after the referenda on the amendments to the 1972 constitution, the council of ministers announced that, much to the surprise of the opposition, municipal elections were to take place on 10 June 1983 (García 2000: 86–7).

The holding of municipal elections was not the only major issue announced by this decree; the results of the population census carried out in 1982 were made public at the same time, as were the design of the election ballots and the redrawing of the electoral districts. Although the decree did improve the conduction of the upcoming municipal elections with regard to the actual design of the ballot papers – in contrast to the conduct of 1976 where parties were often represented by one colour in one district and a different colour in another district, this time each party would be assigned the same colour on the election ballot in every electoral district across the country – the decree increased the likelihood of manipulation as the redrawing of the constituencies increased the control of the Ministry of the Interior (García 2000: 86).¹² Consequently, as the contents of the decree became clear, the opposition parties, which had been so positively surprised by the announcement of the holding of municipal elections, soon had their hopes of a genuine political opening dashed.

Despite concerns that the municipal elections were going to be heavily influenced by the monarchy, all political parties except the *Organisation de l'Action Démocratique et Populaire* (Organization of Democratic and Popular Action, OADP) presented candidates.¹³ The party with most candidates running and also covering most electoral districts was the *Istiqlal*, which presented 10,133 candidates and covered 65.4 per cent of the constituencies (García 2000: 87). The fact that not even the country's oldest political party – and one of the most popular, too – made the effort of presenting candidates in every single of the 15,482 constituencies may come as a surprise to political observers unfamiliar with Moroccan politics, but reality is that the poor coverage provided by the political parties at the time of the 1983 municipal elections was nothing out of the ordinary; rather, it was the norm.¹⁴

Several reasons may help explain why not a single of the eleven political parties taking part in the 1983 municipal elections made the effort to present

candidates in all electoral districts. However, two issues can be singled out as perhaps the most important factors: discrimination of urban-based parties as a result of the design of constituencies and manipulation of the actual election results.

Concerning the first issue, urban discrimination, it must be noted that this was not something that was specific to the 1983 municipal elections only. In fact, both at the national and at the local level, political parties with an urban base has been discriminated against since the first elections took place in May 1960. With regard to the municipal elections of 1983, one of the ways in which discrimination against urban-based parties could be detected was by taking a closer look at the ratio between registered voters per council seat and the distribution of voters across urban, semi-urban and rural constituencies.¹⁵

In what was described as urban constituencies, there was, in average, 1,112 registered voters per council seat compared with 305 in the semi-rural constituencies and 377 in the rural districts. Moreover, despite the fact that 28.5 per cent of all registered voters belonged to urban constituencies, only 11.6 per cent of the total number of council seats was to be filled in these.¹⁶ In comparison, 83.3 per cent of the total number of council seats went to rural constituencies even though only 68.6 per cent of the registered voters were living in these.¹⁷

With regard to the second arena of distortion, that is, manipulation of the actual election results, several political parties issued complaints during the election campaign as well as in the immediate aftermath. Interestingly, the *Istiqlal* – a member of the sitting government – was the most vocal party when it came to accusations of manipulation of the results, but also the PPS and the USFP issued several complaints via their newspapers.¹⁸

According to García (2000: 103–4), the *Istiqlal* claimed, among other things, that there were cases of irregularity with regard to the formation of the electoral colleges and that the results of the popular elections had been tampered with before being made public; accordingly, the credibility of the democratic process had to be called into question, as had that of the new House of Representatives after the next parliamentary elections, since one-third of the parliamentarians would be partly elected by members of the new councils formed after the 1983 municipal elections. The USFP and the PPS largely supported the *Istiqlal*'s accusations in their own media, with the USFP vowing to prosecute all those guilty of violations, while the politburo of the PPS more drastically demanded that the results be annulled (*ibid.*: 104).

Discrimination in the form of rural favouritism and manipulation of the election results were not the only forms of unethical behaviour to take place during the 1983 elections and the subsequent formation of municipal councils. Perhaps the most significant form of violation to take place, apart from the abovementioned, was the singling out of specific political parties by the *makhzen* and the subsequent harassment of these parties' candidates, members and followers during the election campaign. Among the parties who suffered the most from this form of harassment were the PPS and the *Istiqlal* (García 2000: 90–1, 102–4).

Finally, it must be noted that the smaller political parties – no matter their position on the political spectrum – and all candidates running as ‘independents’ were subject to discrimination during the election campaign. According to the royal discourse on 21 May 1983, the political parties would now be allowed to use radio and television in order to communicate their programmes to the population; however, this luxury was only to be afforded to parties who presented candidates in a minimum of 10 per cent of the constituencies; parties that were unable to present the required percentage of candidates were not allocated any broadcasting time on state media (García 2000: 89, 98).

Despite widespread discrimination and manipulation, the *Istiqlal* came out strongly of the 1983 municipal elections. As is evident from Table 2.3, the party remained the most popular in the country, followed by its four partners in government: the *Union Constitutionnelle* (Constitutional Union, UC), the RNI, the MP and the *Parti National Démocrate* (National Democratic Party, PND).¹⁹ However, compared with the latest elections, the parliamentary elections of 1977, the *Istiqlal* and several of its fellow governing parties fared badly in 1983, the *Istiqlal* and the MP suffering massive losses of approximately 250,000 and 75,000 votes, respectively (García 2000: 99).²⁰

Table 2.3 Results of the 1983 municipal elections

<i>Party</i>	<i>Candidates presented</i>	<i>Constituencies covered (%)^a</i>	<i>Votes (%)</i>	<i>Seats (%)</i>	<i>Votes/seat</i>
Independents	14,041	90.7	21.3	22.3	293
UC	6,953	44.9	15.5	17.6	270
<i>Istiqlal</i>	10,133	65.5	18.0	16.8	327
RNI	6,367	41.1	13.5	14.3	290
MP	6,211	40.1	11.6	12.2	290
PND	5,913	38.2	11.5	11.9	297
USFP	2,115	13.7	6.2	3.5	549
PDI	548	3.5	0.9	0.6	451
MPDC	682	4.4	0.6	0.3	632
PPS	948	6.1	0.7	0.1	1,728
PA	154	1.0	0.2	0.1	448
PUSN ^b	94	0.6	0.1	0.0	1,776
OADP	—	—	—	—	—
Total	54,159	—	100.1	99.7	—

Source: Adapted from García (2000: 84, 100–1).

Notes

- a Candidates presented as a percentage of the 15,482 constituencies. Because the electoral system used in the municipal elections was of the First-Past-the-Post formula, each party presented only one candidate per constituency.
- b According to Mednicoff (1994: 410), the *Parti de l'Union et de la Solidarité Nationale* (PUSN) is a ‘small, obscure party’, which ‘emerged in 1983 to field candidates for the 1984 parliamentary elections’. In the 1983 municipal elections, PUSN did not present any candidates in the semi-urban constituencies; it presented ten in the rural but obtained no seats. In the urban constituencies, the party succeeded in winning one seat in total (García 2000: 100).

The parliamentary elections of 1984: disappointing results for the traditional opposition

The negative experiences encountered by several of the political parties during the 1983 municipal elections worsened the already existing crisis in the country, originally caused by severe economic difficulties. As a result of the growing crisis, parliament was forced to convene extraordinarily on 16 June 1983 with the aim of dealing with the part of the crisis relating to the municipal elections in an effort to lessen the crisis and prevent political instability. During the extraordinary session, the Ministry of the Interior tried to smooth things out by giving a declaration on the elections, but as the declaration centred on the neutrality of the *makhzen* and underlined that it had in no way favoured some over others or come to anyone's assistance, parties who had suffered severe discrimination, such as the *Istiqlal*, were left unsatisfied – a fact that became very obvious in the days following the declaration (García 2000: 105–6).

As the politicians continued to debate the circumstances of the 1983 municipal elections, it became increasingly clear to everyone that Morocco was in deep political crisis. Not only were there disagreements between the government and the opposition, there were also disagreements within the government as the *Istiqlal* politicians felt that the party had been treated as if it were part of the opposition and not of the government during the elections (García 2000: 107). In an effort to create some form of political stability, King Hassan intervened in politics yet again, offering the USFP the opportunity to form a new government that would sit until the referendum on the status of the Western Sahara, which was to take place by the end of the year (*ibid.*: 105). King Hassan's first intervention did not succeed as the USFP turned down the offer, but the second attempt produced results in November 1983 as the independent and well-respected Karim Lamrani finally formed a new government tasked with tackling the economic crisis (*ibid.*: 109).²¹

Despite the Lamrani government being formed barely a year before the parliamentary elections were to take place, the government or any of the political parties represented in it did not take centre stage in the discourse leading up to the elections, which were to be held on 14 September 1984.²² As seen time and again throughout Moroccan political history, the King secured the star role for himself as he gave a number of speeches to the Moroccan people and the political parties about the nature and importance of the upcoming elections.

In discourses given on 27 December 1983, 8 July 1984, and 20 August 1984, King Hassan made clear his aspirations. First, the political parties were expected to cooperate not only with the King himself but also with the other political parties in order to create a good political climate before the elections. Second, and much more important for the outcome of the elections, King Hassan declared that due to the fact that every single candidate had the possibility of finding a political party with which he or she was in agreement, candidates would no longer be allowed to present themselves as 'independents'; only candidates with party affiliation would be able to contest the elections (*Le Matin*

du Sahara, 21 September 1984; el-Mossadeq 1995: 93, 100–1; García 2000: 116–18).

Another explanation for the prohibition of ‘independent’ candidates given by the authorities was that a government composed of ministers coming from among the political parties would be less likely to suffer from internal disputes, and accordingly, such a government would be less likely to find itself incapable of making a decision on controversial issues. However, several observers hinted at the time that the motives behind this change were more likely to strengthen the newly formed loyalist UC and to hinder USFP’s supporters posing as ‘independents’ from entering parliament and government (García 2000: 118).²³

If observers were right that the aim of the prohibition of ‘independents’ was to strengthen the UC, the policy must be said to have been very successful. As can be seen from Table 2.4, the UC came out of the elections as the undisputed winner, managing to secure not only the most votes but also the most seats, in both the direct and the indirect elections. Moreover, the other major loyalist parties, the RNI and the MP, performed very well too, with the RNI coming in second and the MP third in terms of the number of seats allocated to each party

Table 2.4 Results of the 1984 parliamentary elections

Party	Valid votes (%)	Seats	Seats (%)	Valid votes/seats	Seats (indirect elections)	Seats (emigrant vote) ^a	Seats (final) (%)
<i>Direct elections</i>							
UC	24.8	55	27.6	20,027	27	1	27.1
RNI	17.2	38	19.1	20,089	22	1	19.9
MP	15.6	31	15.6	22,420	16	0	15.4
<i>Istiqlal</i>	15.3	23	11.6	29,612	17	1	13.4
USFP	12.4	34	17.1	16,185	1	1	11.8
PND	8.9	15	7.5	26,424	9	0	7.8
PPS	2.3	2	1.0	51,157	0	0	0.7
OADP	0.7	1	0.5	32,776	0	0	0.3
PUSN	0.2	0	—	—	0	1	0.3
UGTM	—	—	—	—	2	—	0.7
UMT	—	—	—	—	5	—	1.6
CDT ^b	—	—	—	—	3	—	1.0
MPDC	1.6	0	—	—	0	0	—
PA	0.5	0	—	—	0	0	—
PDI	0.5	0	—	—	0	0	—
Total	100.0	199	100.0	—	102	5	100.0

Source: García (2000: 150–62).

Notes

a For the first time Moroccan emigrants registered by the consulates were allowed to cast their votes abroad. It should be noted that this right was withdrawn again after the 1984 elections but is about to reintroduced (Rhanem 2005).

b *Confédération Démocratique du Travail* (CDT) is a trade union closely affiliated with the USFP it was created in 1978.

after both rounds of elections. Whether the policy succeeded in weakening the USFP in parliament is difficult to say. It may be the case that the party had less representatives – official USFP members as well as unofficial ‘independents’ – supporting its case in parliament, but judging by the election results, the party did well, increasing its share of the final seats from 5.7 per cent in 1977 to 11.8 per cent.²⁴

Like the 1983 municipal elections, the parliamentary elections of September 1984 were plagued by manipulation and fraud. First, the officially announced election results – to the extent that they were made public – proved to be highly irregular (García 2000: 148–9). As an illustration, the OADP presented candidates in thirty-one constituencies, yet in the officially announced results, the party had received votes in fifty-two (ibid.: 158). Another illustration of fraud with regard to the official results involves the actual polling process on the day of the elections. According to García (2000: 149), there were examples of large discrepancies between votes cast and ballots registered. In one case, in Casablanca-Anfa, García states that he was told by a member of the election observation team that 115 persons cast their votes at the official’s desk, but when the ballot box was opened, it contained more than 500 loyalist votes.

Second, the results of the elections were indirectly tampered with before the elections even took place as political parties reached agreements with the *makhzen* over the distribution of the majority of the contested seats. Finally, there were accusations that local officials played a role in screening potential candidates before the official lists were made as well as in influencing voters during the campaign.

Although it is difficult to prove these claims of fraud and manipulation, there are figures that indicate that the election process was indeed interfered with. In thirty-five out of 199 constituencies, the victorious candidate was elected with a majority of more than 71 per cent of the vote,²⁵ while only in fourteen constituencies was the winning candidate elected with a plurality of less than 30 per cent. The candidates with the largest majorities came principally from the RNI and the UC, the two parties recently created at the suggestion of King Hassan himself. As an illustration, UC candidates received a majority of more than 50 per cent in fifty-five constituencies, while RNI candidates were elected on such large majorities in forty-two constituencies. The third most successful party was the MP with candidates elected by a majority of more than 50 per cent in thirty-three constituencies, followed by the USFP with thirty-two, and the *Istiqlal* with twenty-eight such cases (García 2000: 159).²⁶

Despite the loyalist parties receiving such a large share of the seats that they were more than capable of forming their own government, King Hassan insisted on a broader coalition. However, the USFP declined being part of the government right from the beginning, and after months of negotiation, the *Istiqlal* came to the conclusion that the party could not picture itself in a government dominated by loyalists and, accordingly, the party too declined the offer of government participation. In the end, seven months after the direct elections had taken place, Karim Lamrani formed a new government in which ministers from the UC, the

RNI, the PND and the MP served alongside ministers, like Lamrani himself, appointed from outside parliament.²⁷

The resurrection of the *Kutla*?

Despite both the USFP and the *Istiqlal* refusing to be part of the Lamrani government, talk of resurrection of the *Kutla* did not emerge immediately after the – for the opposition – disputed and rather devastating elections of the early 1980s. During the first few years following immediately after the 1984 parliamentary elections, the Moroccan politicians – including those within the opposition – centred their attention on two other vital issues – economic reform and the status of the Sahara – and adopted an approach of national unity. In 1987, however, this united front came to an end as the prospects for a referendum on the future of the Sahara increased, and the politicians within the opposition began to think ahead to the period following the referendum.²⁸ Within the opposition, there seemed to be agreement that the major issue facing Morocco after the Sahara referendum would be that of institutional reform; hence, the focus would be shifted from national unity to democratic progress, as the character of the issue would be purely domestic rather than regional or international and as the element of national crisis – present in both the issues of the future of the Sahara and the economic reform – had disappeared (Santucci 1988: 607).

The opposition begins to come together

By institutional reform, the opposition forces were not simply referring to minor changes to the existing political system but to the democratization of the regime. In order for this to happen, members of the opposition argued that it was necessary for the opposition parties to rehabilitate – to join forces and become a credible alternative as during the early 1970s (Santucci 1988).

The strongest advocate of the resurrection of the *Kutla* was the PPS, which officially announced during its fourth congress in July 1987 that it was in favour of reviving the old opposition umbrella. Although the USFP and the *Istiqlal* did not follow suit in declaring their commitment to such a revival, both parties issued declarations that they were going to discuss the issues of constitutional and institutional change as well as opposition mobilization during their respective party conferences. In fact, the USFP even went as far as to commit itself to be part of a united front pressuring for institutional, social and economic reform, as Ali Yata, the leader of the PPS, had pleaded for during the party's congress (Santucci 1988: 610–11).²⁹

Although the opposition parties agreed on the need for a common platform, and despite the fact that the *Istiqlal*, the USFP, the PPS and the OADP had presented unified texts of proposed laws, the degree of unity was low (Bras 1989: 682). First, within the coalition, there were disagreements over the position of the OADP and the UMT. More importantly, however, the USFP and the *Istiqlal* were far from in agreement on many issues, and several members of the

opposition suspected the *Istiqlal* of being more interested in regaining government power than in reviving the *Kutla* (Santucci 1988: 682–4).

As if disagreements between the opposition parties were not damning enough for the prospects of a revival of the *Kutla*, several of the parties also suffered from deep internal splits, something that was particularly true for the *Istiqlal* and the USFP (Bras 1990: 611). As became evident during the party congresses of 1989, both of these two dominant opposition parties were plagued by power struggles within, centring on the question of which approach to take vis-à-vis the regime. In the USFP, one wing – the moderate parliamentarians – was in favour of cooperating with the regime, but despite this wing being successful for the past few years, the rest of the members of the party continued to take a radical stance. Similarly, within the *Istiqlal*, one wing was in favour of cooperation with the regime – or perhaps even being part of it again – whereas the other wing was opposed to this line, arguing for a radical approach that would place the party firmly within the opposition (*ibid.*: 612–13).

The party congresses of the USFP and the *Istiqlal* did not only send negative signals in the form of disarray within the party ranks, however. Despite the disagreements within the two parties as well as between them, both centred their attention on the issue of institutional reform, with similar demands resulting from the congresses: the creation of an independent organ for the monitoring of the elections; the introduction of proportional representation in the local elections; and bringing to an end electoral irregularities as well as the so-called prefabricated parties and associations taking instructions from the *makhzen* (Bras 1990: 614). Although the *Istiqlal* and the USFP were undoubtedly in agreement on a number of issues, and although both parties had indicated their commitment to a united opposition, no unified declarations were issued at the end of the party congresses of 1989; hence, by the beginning of 1990, the *Kutla* had not been revived, and the opposition umbrella seemed so weak that talks of the return of the *Kutla* seemed unfounded.

Conclusion: Morocco independent II

In the years of 1971 and 1972, unhappy with the monarch's decision to open up the echelons of power, members of the military tried twice, unsuccessfully, to take over power by staging coup attempts. Ironically, these coup attempts resulted in a further opening up of the political system, as King Hassan found himself in a position where he was unable to trust the military. This development had two implications.

First, without the support of the military, Hassan II was no longer able to continue the severe repression that had dominated the country since 1963. As the military was not going to provide its services in exchange for nothing, harsh repression was no longer one of the monarch's options. Second, as the King no longer desired to share power with the military, another 'partner in crime' had to be found as the monarch was far from keen on taking on sole responsibility for governing the country. Consequently, by mid-1972, Hassan II made the decision to reintroduce popular rule, albeit in a controlled manner.

As a result of this decision to open up the political system, the years from mid-1972 until 1977 were dominated by events aimed at winning the political parties over again after nearly a decade of harsh repression. Although this proved a hard task for the monarchy, King Hassan was eventually successful in 1977, as he succeeded in talking members of the opposition, the *Istiqlal* and the USFP, into entering the new government with the MP and several independent members of parliament. With the USFP and the *Istiqlal* entering into government, the political landscape had changed again; by early 1978, Morocco had a liberalizing King, and the chief opposition parties had changed their positions from radicals to moderates and then to liberalizers within the regime.

This situation was soon to change, however, as the *Istiqlal* and the USFP fell out with the regime during the 1983 municipal elections, which the parties saw as highly fraudulent and rigged by the monarchy and its supporters. With the parliamentary elections of 1984 being just as dubious, the two parties refused to enter government again, changing their positions from liberalizers within the regime to members of the moderate opposition camp once again. In the wake of the elections of the early 1980s, and as a solution to the question of the Sahara seemed to draw closer, the USFP and the *Istiqlal* began to come together amid rumours of the revival of the *Kutla*. Although the *Kutla* had not been reformed by the beginning of the 1990s, there were clear signs that the opposition parties had come to see the need for a united opposition front, but there were large discrepancies both within and among the parties when it came to the question of their willingness to commit to such an umbrella.

3 Intensification of the democratization process, 1990–96

In the years 1990–96, the democratization process went through a particularly interesting phase. During these seven years, the country adopted important legislation improving the human rights situation and formulated and approved two new constitutions in 1992 and 1996. The adoption of the latter came to constitute something of a watershed in Moroccan political history, as it led to a significant step forward in the democratization process. Put briefly, the country went from only protecting the core democratic principle of basic civil liberties in the constitution to protecting the freedom of speech, assembly and association as well as free and fair, reasonably competitive elections with full suffrage and a government formed on the basis of the result of these.

The 1992 constitution: potential for substantial change or another case of cosmetic surgery?

At the beginning of the 1990s, the monarchy found itself in a very fragile position. Several different factors account for this phenomenon but the most important was probably the Gulf War, which affected Moroccan politics considerably. Three developments were of particular importance.

First, the traditional opposition – dominated by the *Istiqlal* and the USFP – grew in strength as these parties came together in their shared opposition to the Gulf War, thereby also challenging the monarchy.

Second, the Gulf War resulted in political unrest, as the citizenry took to the streets of every major city on 14 December 1990 and demonstrated against the War as well as against Morocco sending troops to Saudi Arabia (Pennell 2000: 370). Having witnessed, particularly during the 1960s and early 1970s, the destabilizing impact which popular unrest could ultimately have on the political system, the large-scale anti-regime demonstrations that had begun in December 1990 and continued well into the summer of 1991 naturally became a great cause of concern for the monarchy (ibid.: 371–2).

Finally, partly as a result of a general trend of Islamist resurgence in the Middle East, and partly as a result of dissatisfaction with the already existing channels of popular participation, an increasing number of Moroccans chose to join the Islamist movements, particularly Abd al-Salam Yasin's *Al-Adl wal-*

Ihsan (Justice and Charity Society, Al-Adl; Vermeren 2002a: 92–4). This growing support for the Islamists only added to the concerns of the monarchy as, of all the oppositional forces, the Islamist camp was the one that the monarchy had the least control over.¹

The delicate position of the monarchy prompted King Hassan to approach the traditional opposition seeking some form of reconciliation while at the same time maintaining the monarchy's dominant position within political life. As had been the case in the past when the King wished to re-integrate his political opponents into the system, Hassan II turned to the constitution and parliamentary elections for help, and on 3 March 1992, he announced that a project to revise the constitution had been initiated (García 2000: 165).

The promise of a new constitution was a popular move among members of the traditional opposition. Several of the opposition parties, among them the USFP and the *Istiqlal*, had long been demanding that the constitution be amended, as the parties found that the 1972 constitution with the 1980 amendments was still not able to deal properly with the changed political climate which the country was now facing domestically as well as internationally (García 2000).²

The Kutla reforms as a new constitutional referendum is announced

Although the Gulf War and the Islamist resurgence played an important role in shaping Moroccan politics during the early 1990s, it was the formation of the *Kutla* that was the development dominating political events in that period. The *Kutla* formed in 1989 was different from the *Kutla al-Wataniya* of the 1970s. First, the *Kutla* was much broader than the *Kutla al-Wataniya*. Whereas the latter had consisted of the *Istiqlal* and the UNFP, the *Kutla* also included the PPS, OADP, *Confédération Démocratique du Travail* (Democratic Confederation of Labor, CDT) and the *Union Générale des Travailleurs du Maroc* (The General Union of Moroccan Workers, UGTM). Moreover, the two dominant parties were now the *Istiqlal* and the USFP, and the UNFP only played a minor role.

Second, the *Kutla al-Wataniya* had been formed during the period leading up to the 1970 parliamentary elections. The main purpose of the alliance was to unite the forces of the two major players within the Nationalist Movement in an effort to present some counterweight to the dominant King. The *Kutla*, on the other hand, was not formed as a popular voice against monarchical repression. Although one of the goals behind its formation was – as in the case of the *Kutla al-Wataniya* – to ensure further democratization, in this case via the adoption of a more democratic constitution, the main motive behind its formation was much more focused on the parties themselves.

In the aftermath of the 1983 municipal elections and the 1984 parliamentary elections, it became clear to the parties on the left that they had been effectively outmanoeuvred. First, the number of centre- and right-wing parties had increased significantly, making it more difficult for the parties on the left to gain

access to parliament due to the intensified competition. More importantly, however, these new parties were also, at least at the outset, patrons of the King thereby guaranteeing their good performance in the elections due to the well-established tradition of the *makhzen* rigging these.

The fact that the centre- and right-wing parties had become dominant was a particularly hard blow to the *Istiqlal* but also to the USFP, which identified itself with the independence movement due to the party's origin as a break-away from the UNFP, one of the original members of the Nationalist Movement. During the years of the independence movement, the *Istiqlal* and the UNFP had been the dominant forces, and although new parties entered the scene after independence, the *Istiqlal* succeeded in maintaining its position, performing extremely well in all the municipal elections, and coming second to FDIC in the 1963 parliamentary elections, while winning the most seats of any of the political parties in the parliamentary elections of 1977. However, in the 1984 parliamentary elections, the party only managed to come fourth – beaten by the loyalist UC, RNI and MP – as the party secured a meagre 13.4 per cent of the seats in parliament.³ If the *Istiqlal* was to restore itself to its former glory and if the USFP was to incur any hope of ever holding power, the two parties needed to show a united front and preferably enlist a number of smaller parties to support their act. And so, the *Kutla* was born.

Despite the *Kutla* having existed as a parliamentary bloc since 1989, the alliance only really began attracting attention in spring of 1992 when it made public its demands for political reform, of which the chief objective was the establishment of a so-called *rechtsstaat* – a state based on the rule of law. According to the *Kutla* memorandum, a *rechtsstaat* was to be achieved by modernizing and democratizing the state, as well as by introducing a number of reforms aimed at reinforcing the powers and independence of the judiciary, parliament and the government vis-à-vis the monarch, but also in the form of the establishment of a clearer separation of powers and by improving accountability of the three.⁴ Although the royally appointed commission charged with reforming the constitution did not succumb to all the demands made by the *Kutla*, the opposition did achieve some of its goals.⁵

Beginning with the negatives, the 1992 constitution did not introduce any changes affecting the tenure of parliament or the nature of parliamentary elections in the country, meaning that the democratic principle of reasonably competitive elections, devoid of massive fraud, with broad suffrage was still not guaranteed. In other words, like the previous constitutions of 1970 and 1972 with the 1980 amendments, the 1992 constitution upheld the one-house parliament, resulting in a government formed on the basis of the strength of the parties in a house made up of both directly and indirectly elected members. Moreover, the 1992 constitution also maintained the six-year tenure of parliament as established in the 1980 amendments (*Constitution Marocaine* 1992: article 43).

While the 1992 constitution did not introduce any improvements with regard to the character of elections, two important changes were introduced with respect to basic civil liberties, which have been protected in the Moroccan con-

stitution since the adoption of the original in 1962. The least known, and to many the least significant of the two, was the amendment of article 5, which in the 1992 constitution came to guarantee equality before the law of all Moroccans – previous constitutions had guaranteed all Muslims equality before the law. With this change, the constitution put the principle of citizenship⁶ above that of religious affiliation, improving the legal position of the country's non-Muslim population considerably.⁷ The other noteworthy change introduced was the direct mentioning of Morocco's commitment to human rights. While previous preambles to the constitution had referred only to 'aux principes, droits et obligations découlant des chartes desdits organismes', the preamble to the 1992 constitution stipulated:

Conscient de la nécessité d'inscrire son action dans le cadre des organismes internationaux, dont il est un membre actif et dynamique, le Royaume du Maroc souscrit aux principes, droits et obligations découlant des Chartes desdits organismes et réaffirme son attachement aux Droits de l'Homme tels qu'ils sont universellement reconnus.

(Constitution Marocaine 1992: preamble)

Other important changes introduced by the 1992 constitution related to the elected government's effective power to govern. By introducing changes to the process of appointing ministers, as well as revising the rules regarding states of emergency, the 1992 constitution strengthened the government and the parliament at the expense of the King.

On the topic of the appointment of ministers, the 1992 constitution stipulated, like previous constitutions, that the King appoints the prime minister. But where the constitutions of 1962, 1970 and 1972 with the 1980 amendments had also left it up to the King to appoint the other ministers, the 1992 constitution assigned a role to the prime minister as article 24 now stated 'Le Roi nomme le Premier ministre. Sur proposition du Premier ministre, Il nomme les autres membres du gouvernement'.

The issue of states of emergency was also treated in the new constitution, which made it clear that the King would need to consult the Chairman of the Constitutional Council before a state of emergency could be declared. Unlike previous constitutions, however, the 1992 constitution stipulated that in the event a state of emergency was declared, this would not entail the dissolution of the House of Representatives, effectively preventing the King from taking over legislative power like he had done during the state of emergency in the 1960s and early 1970s (*Constitution Marocaine 1992: article 35*).

With regard to additional political, economic and social features associated with industrial democracy, the 1992 constitution brought about quite a few changes, which can be roughly grouped into three categories: the establishment of new institutions, the introduction of time frames, and 'other matters'.

Beginning with the establishment of new institutions, the 1992 constitution provided for the establishment of a dedicated constitutional council, rather than

the previous constitutional chamber of the Supreme Court (*Constitution Marocaine* 1992: article 76). Moreover, it also established an Economic and Social Council and, at a lower institutional level, so-called commissions of inquiry (*ibid.*: articles 40 and 91–3).

Moving on to the establishment of time frames, the 1992 constitution introduced these in a number of cases. Article 26 stipulated that the King must promulgate the law within thirty days, while article 55 made clear that the government must not only answer questions to the government, for which one meeting a week was to be reserved, it had to answer these within twenty days following the date on which the question was submitted to the government. By introducing such time frames, the 1992 constitution increased the accountability, at least on paper, as it became unlawful for the King and the government to stall the promulgation of controversial laws or the answer to unpleasant questions.

Finally, the 1992 constitution introduced a number of changes regarding additional features associated with industrial democracy, which fall into the category of what this book has come to label ‘other matters’. It must be noted that the categorization of these as ‘other matters’ does by no means imply that they were less important than any of those mentioned above, on the contrary. Among one of the significant changes introduced in 1992 was the mentioning in article 94 of regions, which already existed but had never been mentioned in the constitution before. In addition to this important official acknowledgement of regions as local units of the Kingdom, thereby opening up for the establishment of regional councils, the 1992 constitution introduced another important change.⁸

Whereas in previous constitutions the government’s programme had been subject to a debate in the House of Representatives, article 59 added a further significant mechanism with respect to the government’s programme: its approval by vote in the House of Representatives. In other words, the 1992 constitution equipped the House of Representatives with an important tool, as it would be able to not only voice its opposition to a government’s programme but also to veto it by voting it down. Moreover, because the House of Representatives had no say over the appointment of government, as the constitution granted this power to the King upon the advice of the prime minister, this was an extremely important development as the House of Representatives gained a way of officially displaying its endorsement or disapproval of the new government.

Political dynamics: the constitutional referendum and its aftermath

Despite the 1992 constitution incorporating some of the demands made by the *Kutla*, the members of the alliance were left highly dissatisfied, particularly with regard to the issue of independent government and the effective power to govern of this institution, as the new constitution was viewed by many as not having gone far enough when strengthening the judiciary, parliament and government vis-à-vis the King. Consequently, the majority of the *Kutla* parties, including the *Istiqlal* and the USFP, advised their members and supporters to boycott the constitutional referendum (García 2000: 169). However, the decision to advocate a

boycott was not unanimous, and the *Kutla* was accordingly dealt some serious blows as divisions emerged not only within the alliance but also within some of the *Kutla* parties.

As for divisions within the *Kutla*, the PPS chose to go its own way, advising its followers to participate in the constitutional referendum on 4 September 1992. According to the party, although the new constitution did not introduce all the changes that the PPS would have liked to see, particularly with respect to the independence and strength of government vis-à-vis the King, it was still very much an improvement compared to previous constitutions (García 2000). As the PPS was one of the smaller members of the *Kutla*, and due to the fact that the remaining parties stood together in advocating a boycott, this division within the *Kutla* proved to be much less significant to the strength of the alliance than the division that occurred on the issue within one of the *Kutla*'s leading members, the USFP.

If it had not already been obvious, it soon became very clear that the USFP suffered from sharp divisions, the party effectively being split into two wings, one radical and uncompromising consisting mainly of grassroots and another much more moderate wing, composed by the old generation, which was willing to cooperate with the regime. With regard to the issue of the constitutional referendum, this division manifested itself in the radical wing demanding that the party advocate a boycott, while the moderate wing wanted the party to advise its supporters to participate in the referendum (García 2000). In the end, the radical wing won, and the USFP advocated a boycott, but the battle between the two wings was far from over.

Notwithstanding the fact that the USFP, the UNFP, the *Istiqlal* and the OADP took a radical stance and advocated a boycott of the referendum, it still proved tremendously successful as the PPS took a moderate position and supported the vote together with the loyalist political parties (the UC, RNI, PND, MP, *Mouvement National Populaire* (National Popular Movement, MNP) and the PDI), eventually resulting in an overwhelming majority of the voters endorsing the 1992 constitution (García 2000: 170). In fact, as can be seen from Table 3.1, the majority in favour of the new constitution was so substantial that there is no doubt that the referendum was rigged.⁹

Looking at the voting statistics, it is not surprising that the King and the Ministry of the Interior appeared to be greatly satisfied with the referendum. On a press conference on 5 September 1992, Basri announced that the sheer number of votes in favour of the new constitution was an obvious sign that the King's intentions had been understood by everyone and that the results could be translated into a modern *bay'a* in favour of so-called 'Hassanian democracy' (García 2000: 171).¹⁰

The members of the *Kutla* who had advocated a boycott of the referendum found it difficult to share the joy of the administration, let alone accept the outcome, and shortly after the results had been made public, the UNFP, the USFP, the OADP and the *Istiqlal* declared that they were adamant that the monarchy had manipulated the referendum, a statement also supported by the

Table 3.1 The 1992 constitutional referendum

	<i>Key figures</i>	<i>Total population (%)</i>	<i>Voting age population (%)</i>	<i>Registered voters (%)</i>	<i>Total votes cast (%)</i>	<i>Valid votes cast (%)</i>
Total population	26,069,000 ^a	—	—	—	—	—
Voting age population	13,816,570	53.00	—	—	—	—
Registered voters	11,804,038 ^b	45.28	85.43	—	—	—
Total votes cast	11,483,623	44.05	83.11	97.29	—	—
Valid votes	11,466,314	43.98	82.99	97.14	99.85	—
Invalid votes	17,309	0.07	0.13	0.15	0.15	—
Votes in favour	11,461,470	43.97	82.95	97.10	99.81	99.96
Votes against	4,844	0.02	0.04	0.04	0.04	0.04

Sources: García (2000: 170); IDEA (2006).

Notes

a 1993 estimate.

b Individuals of voting age are not automatically registered as voters; people wishing to vote have to register on the electoral lists in order to be able to participate in the elections.

UGTM and the CDT. According to García (2000: 171), Abderrahman Yousoufi, the leader of the USFP, went as far as to declare that ‘temía que tales cifras tuvieran repercusiones negativas para Marruecos en la opinión pública internacional’.

The status of the Moroccan democratization process as of the adoption of the 1992 constitution

The hostile political environment prevailing after the 1983–84 elections and the 1992 constitutional referendum was presumably far from the outcome that Hassan II had intended to achieve when deciding to open up the regime. It seems more than probable that the King’s intention had been to reach out to the parties and integrate these into the system again, although there is no doubt that the King never meant to let go of a substantial amount of monarchical power. It had, however, proved difficult for Hassan II to find a balance that would satisfy his own desire of maintaining political power, while at the same time satisfying the traditional opposition’s demand for more power to the parties, particularly the non-loyalist ones. In the end, as described above, King Hassan chose to give priority to his maintenance of power while still letting the parties have some part of the action as the loyalist parties were put in such a favourable position that they would be able to control parliament and dominate the government while allowing the *Istiqlal* and the USFP some influence.

As stated in Chapter 2, by late 1977, the political opening had come to a halt as the dominant member of the moderate opposition, the *Istiqlal*, had chosen to enter into government and thereby became part of the regime. With the King’s

decision to hold elections in 1983 and 1984 and by subsequently opening up the regime once again with an invitation to the USFP of forming government in 1983 and by urging both the USFP and the *Istiqlal* to become part of government in 1984, the democratization process was begun anew.

Although the opening looked promising during the first few months as all the parties except the OADP chose to participate in the 1984 parliamentary elections, in the end, the process proved disappointing to Hassan II. Put briefly, this time the process had another outcome than previous openings as the opposition decided to take a radical stance by refusing to be part of the government formed after the 1984 elections and by maintaining this stance by advocating a boycott of the constitutional referendum in 1992. In essence, the opposition had chosen to organize further rather than enter into another pact with the regime, keeping alive the hopes of further democratization. Hence, by mid-1992, that is, as of the adoption of the country's fifth constitution, the political opening was located at a stage where the liberalizers within the regime, principally the King, had to decide whether to opt for a transition to democracy or whether to simply repress the opposition.

The extent of the *Istiqlal*'s and the USFP's dissatisfaction with the regime became clear at the time of the 1992 constitutional referendum: when leaving the echelons of power in 1984, the *Istiqlal* and the USFP had not only spun the regime, the parties had gone to the extreme measure of joining the OADP in the radical opposition camp rather than join the moderate wing in which the PPS found itself thoroughly isolated.

It is important to note, however, that although it was the 1992 constitution that proved to be the final straw to the *Istiqlal* and the USFP, this new constitution did entail significant improvements compared to previous constitutions as the PPS correctly pointed out. Although it duly followed the tradition established by the 1962 constitution and although it was a case of cosmetic surgery, this time the changes made bordered on being substantial in that the 1992 constitution contained new provisions which provided Morocco with a basic framework that made further democratization very much a possibility.¹¹ A few examples suffice:

- With regard to the democratic principle of the respect for the basic civil liberties of freedom of speech, assembly and association, the new constitution mentioned specifically the respect for the principle of human rights in the text.
- With regard to the democratic principle of independent government empowered to govern, the new constitution gave more power to the prime minister in relation to the appointment of government, and it increased the powers of parliament by providing for commissions of inquiry.

Whether or not Morocco was to take advantage of the new and improved constitution was a matter left up to the King, as the process of political opening was still very much alive by mid-1992 despite the fact that the political system had

become highly polarized. As the *Istiqlal* and the USFP had chosen to organize further rather than enter into the regime, the two parties had done the process of political opening a world of good, they had taken it a stage further. Consequently, by mid-1992, the Moroccan political opening was at a stage in which the King as the chief liberalizer had to make a decision on the future of the process – should the Kingdom transit to democracy, should he repress the moderates and civil society, or was it indeed better to go for something in between these two options?

The parliamentary elections of 1993

Not long after the constitutional referendum, Hassan II made his choice. As shall become evident from the following sections, rather than choosing to repress the moderate opposition and civil society, but falling short of committing to liberalization to the extent that Morocco would undergo transition to democracy, King Hassan chose the alternative path of opening up to the moderates and civil society in the aftermath of the 1993 parliamentary elections.

A new election law

As stated earlier in the sections detailing the developments of the 1992 constitution, no changes to the character of parliamentary elections were made in the constitution. However, this did by no means imply that no improvements were made with regard to the principle of free and fair, reasonably competitive elections in the legal framework in general, as on 4 June 1992, a new election law was adopted.

Like the process of approving the 1992 constitution, the route to the adoption of new election legislation proved controversial and difficult. Since the announcement by Hassan II in early 1992 that parliamentary elections were to take place sometime in the near future, a majority of the members of the *Kutla* had been promoting the idea of revising the legislative framework for the election process. On 27 April 1992, the members of the parliamentary opposition addressed a letter to the King, in which they demanded the establishment of a commission, with the King as arbiter, tasked with reforming the election law and establishing new mechanisms of control over the election process itself (el-Mossadeq 1998a: 22–4; García 2000: 172–3).¹² What the opposition parties were essentially demanding was the reduction of the role played by the Ministry of the Interior in the election process and a change to the provisions of the election legislation relating to the voting age for both electors and candidates running for election (el-Mossadeq 1998a: 21–34).

According to el-Mossadeq (1998a: 20–2), when asking the King to establish and head a commission tasked with overseeing the elections and election procedures, the opposition parties were not simply thinking of the democratization process; rather, they were playing a game. The ultimate goal of the opposition parties, el-Mossadeq claims, was not simply to create more competitive and transparent elections but to improve the situation of the opposition parties them-

selves, the logic being that if they succeeded in making Hassan II create a commission composed of representatives of the dominant political parties along with a number of government representatives and if this commission would be adopting decisions on the basis of consensus rather than a majority vote, then the opposition parties, which were marginalized under the existing system, would become much more powerful (*ibid.*).

Although King Hassan made clear in a royal discourse published in *al-Bayane* on 29 April 1992 that he was not giving in to the oppositions demands, but was creating a commission tasked with overseeing the elections and the election procedures because he was of the opinion that the existence of such a commission would be a benefit to the country politically, the King's commitment to the establishment of such a committee was a victory for the opposition (el-Mossadeq 1998a: 26–7). However, in reality, the opposition's victory was much smaller than desired. Although King Hassan did agree to form not one but two commissions, one charged with overseeing the elaboration of election laws, composed by the King – as president – and the leaders of all the political parties represented in parliament, as well as the Minister of Justice, the Minister of the Interior and the secretary general of the government, and another bestowed the responsibility of controlling the operation of elections, the King declined to make the former commission follow the principle of consensus, rather than that of majority rule (*ibid.*: 27; García 2000: 173).¹³

After months of negotiations between the King, the opposition parties and the government, it became evident that it would indeed have to be a majority decision that was to decide what the future election procedures were going to look like, as it was impossible to reach a consensus. The government parties were in disagreement with the opposition on issues such as the voting age and the minimum age of candidates running for elections as well as on the issue of how the commission tasked with reviewing the existing election legislation was to function in practice. Moreover, some of the points raised by the opposition – such as the requirements that voters had to be provided with a permanent voter ID and that the ballot boxes be of transparent glass or plastic with two locks and two different keys – were not even mentioned in the government's proposal for reform (el-Mossadeq 1998a: 25–6).

Consequently, on 18 May 1992, Hassan II announced to the leaders of the political parties in parliament that the proposal, which was going to be submitted to the *Commission de la Justice, de la Législation et des Services Publics*, would entail, among other issues, the following main points:

- The reduction of the candidate's age from 25 to 23 years of age, a solution which constituted a compromise between the 21 years suggested by the opposition and the 25 years suggested by the government.
- The reduction of the voting age from 21 to 20 years of age. According to Hassan II, the opposition's demand of a voting age of 18 years was not met as it was considered inappropriate because a person of 18 years would not have the intellectual maturity required.¹⁴

Finally, on 25 May 1992, the proposal was forwarded to the parliamentary commission, and on 4 June 1992, it was adopted despite the boycott by the USFP, the *Istiqlal*, the PPS, the OADP and the *Parti de l'Avant Garde Démocratique Socialiste* (Party of the Democratic Socialist Avant-Garde, PADS), who argued that the new election framework lacked substantial changes. Then, in late September and early October the same year, King Hassan issued two decrees, adding the following procedures, which constituted a marked improvement to the conditions during the scandalous local elections of 1983:

- The contribution by the state of 120 million *dirhams* to the financing of the election campaigns – 60 million to be spent on the municipal elections and 60 million for the campaigns during the legislative elections. The money allocated by the state would be distributed among the participating political parties according to the number of candidates presented by each party, the votes obtained by each party, and the number of seats held by each party.
- The regulation of public media time during the campaign period, granting all parties equal access to the state media. However, King Hassan specified, the political parties which were not already represented in parliament would each only be granted one session of ten minutes (García 2000: 173–5).

The election process

With the adoption of new election legislation, a hope existed that the 1993 parliamentary elections would set themselves apart from previous elections and be the first reasonably competitive elections, devoid of massive fraud and with broad suffrage, to be held in the country. Moreover, with the reunion of the USFP and the *Istiqlal* in the *Kutla*, and with the alliance running a unified list in the elections, there were also anticipations that the parliamentary elections of 1993 would distinguish themselves in producing a clear winner that would form the basis of the new government.

Although there is no doubt that the 1993 elections were more democratic than any of the previous parliamentary elections, accounts of fraud and manipulation did occur during the election process as well as in its aftermath. Among international election observers, there seems to be disagreements as to whether irregularities did take place or whether there was nothing to report. On the one hand, according to the official International Foundation for Election Systems (IFES) report, there were no major problems to report with respect to the direct elections of June 1993, while the organization had nothing to report on the indirect elections of September the same year, as the IFES observers had returned home (International Foundation for Election Systems 1993).

On the other hand, criticizing the procedures of election monitoring in general and those of IFES in particular, Henry Munson Jr, who was part of the IFES team in Morocco, claims that fraud did indeed take place in the parliamentary elections of 1993. Munson (1998), who observed both rounds of elections, maintains that the government manipulated the results and that the

IFES observers either did not notice – because they were badly trained and too few in number – or did not wish to report any irregularities because the organization had an agenda.

Whether or not IFES or Munson is right is difficult to tell. Taking into consideration the fact that IFES was not present during the second round of elections, and the circumstances surrounding the parliamentary elections of the past, as well as the reality that Munson's claim is supported by other similar accounts, it seems that the truth probably lies closer to the latter's statement (García 2000: 191). However, if one takes a closer look at the election results in Table 3.2, some support for IFES' proclamations in the organization's report on the first round of elections appears as the parties of the *Kutla* – not the so-called *makhzen* parties – emerged as the winner of the direct elections.

Table 3.2 Results of the 1993 parliamentary elections

Party	Votes (%)	Seats	Seats (%)	Votes/seats	Seats (indirect elections)	Seats (partial elections) ^a	Seats (final) (%)
<i>Direct elections</i>							
<i>Kutla</i>	25.4 ^b	91	41.0 ^c	17,371	11 ^d	5 ^e	32.1
RNI	13.2	28	12.6	29,433	13	2	12.9
UC	12.8	27	12.2	29,598	27	3	17.1
MP	12.1	33	14.9	22,784	18	1	15.6
PND	8.0	14	6.3	35,732	10	—	7.2
MNP	10.6	14	6.3	47,301	11	—	7.5
PPS	3.9	6	2.7	40,844	4 ^f	2	3.6
OADP	3.1	2	0.9	98,134	0	0	0.6
PA	2.3	2	0.9	72,991	—	—	0.6
PDI	4.1	3	1.4	85,791	—	1	1.2
SAP	4.1	2	0.9	129,607	—	—	0.6
UMT	—	—	—	—	3	—	0.9
TOTAL	99.6	222	100.1	—	97	14	99.9

Source: García (2000: 186–202). Slightly different data can be found in Layachi (1999: 83–5).

Notes

a Apart from the seven seats given up by the CDT, UGTM, and PPS, another seven seats were disputed and therefore not filled in the indirect elections on 17 September 1993. Elections for these remaining 14 seats were held on 26 April 1994 (García 2000: 199, 202).

b The USFP's share of the direct valid votes was 13.2 per cent, while the *Istiqlal* received 12.2 per cent.

c The *Istiqlal* won 19.4 per cent of the seats, and the USFP 21.6 per cent.

d The *Kutla* seats were divided as follows: seven to the *Istiqlal* and four to the USFP. The alliance won an additional six seats as the socialist CDT gained four seats and the *Istiqlal*-affiliated UGTM won two. However, the unions decided to decline their seats as they found the elections to be fraudulent (ibid.: 191).

e Three won by the *Istiqlal* and two by the USFP (ibid.: 202).

f The PPS did in fact win five seats but declined one of them for the same reasons as the CDT and the UGTM above (Ibid.: 191).

With 25.4 per cent of the total valid votes cast, the *Kutla* succeeded in obtaining 41 per cent of the seats in the House of Representatives, a much larger proportion than any of the loyalist parties. In comparison, the third largest party in terms of its share of the votes, the RNI – one of the *makhzen* parties – received 13.2 per cent of the votes, but only 12.6 per cent of the seats, while the third largest party in terms of its share of the seats in the House of Representatives, the loyalist MP, managed to secure 14.9 per cent of the seats in the first round of elections, but only 12.1 per cent of the total valid votes cast.

Another factor indicating that the *Kutla* parties did not appear to be discriminated against in the direct elections, at least not in comparison to the *makhzen* parties, was the average number of votes it took the alliance to secure a seat. While, on average, the *Kutla* had to exchange 17,371 votes for a seat in the House of Representatives, the larger loyalist parties of the UC, RNI and MP had a ratio of 29,598; 29,433 and 22,784, respectively. The smaller loyalist parties fared even worse, however, as it took the PND an average of 35,372 votes to obtain a seat, and the MNP found itself in a situation where its vote–seat ratio was no less than 47,301 votes on average.

With regard to the second round of elections, which took place on 17 September 1993, the results proved very different to those of the first round. Whereas the *Kutla* had come out victorious of the direct elections, the *makhzen* parties were the victors of the indirect elections, with the MP, UC, RNI, MNP and PND winning a combined share of 76.6 per cent of the seats in the House of Councillors, while the *Kutla* only managing to secure a meagre 14.4 per cent.¹⁵

Hence, on the basis of the data produced in Tables 3.2 and 3.3, it can be concluded without any doubt that in 1993, there was a large discrepancy between the results of the direct elections and the final distribution of seats in parliament after the second round of elections had taken place. However, unlike the situation in 1977, where the composition of the electoral colleges largely accounted for this inconsistency, the parliamentary elections of 1993 followed in the footsteps of those of 1984.

In 1977 – as described in Chapter 2 – the trade unions voted for their own parties or candidates, while the chambers serving the interest of the country's commercial and agricultural magnets tended to vote for the political parties serving their particular interests, mainly the loyalist 'independents' or the MP. In 1993, like in 1984, however, the pattern had changed. Although the trade unions continued to secure seats for their own candidates or the party they were affiliated, the remaining electoral colleges distributed their seats more evenly, albeit not surprisingly, with a slight bias in favour of the parties serving the business and agricultural community.

This state of affair begs the question of why a number of – mainly loyalist – parties, particularly the UC, the MP, the MNP, and the PND, benefited strongly from the use of a two-round electoral system with both direct and indirect elections, while the USFP and the *Istiqlal* in the *Kutla* were penalized as their share of the seats distributed by indirect elections was markedly lower than their share of the seats allocated according to the results of direct elections.

Table 3.3 Seats distributed by electoral colleges (indirect elections of 1984 and 1993)

Party/ union	Communal councillors	Chamber of agriculture	Chamber of commerce and industry	Chamber of artisans	Trade unions	Total	Total indirect seats (%)
1984/1993							
<i>Istiqlal</i>	11/4	3/1	1/1	2/1	2/(2) ^a	19/7 ^b	18.6/7.2
USFP	1/2	0/0	0/1	0/1	3/(4)	4/4	3.9/4.1
PPS	0/2	0/1	0/0	0/1	0/(1)	0/4	-/4.1
OADP	0/0	0/0	0/0	0/0	0/0	0/0	-/-
RNI	11/8	3/3	5/1	3/1	0/0	22/13	21.6/13.4
UC	19/20	3/3	4/3	1/1	0/0	27/27	26.5/27.8
MP	12/14	4/3	0/1	0/0	0/0	16/18	15.7/18.6
MNP	-/7	-/2	-/1	-/1	-/0	-/11	-/11.3
PND	6/9	2/1	0/0	1/0	0/0	9/10	8.8/10.3
UMT					5/3	5/3	4.9/3.1
Total	60/66	15/14	10/8	7/6	10/3	102/97	100.0/99.9

Source: García (2000: 161, 195).

Notes

a Note that the seats in parentheses were given up as mentioned in relation to Table 3.2.

b The seats given in bold are the total number of seats excluding the union-distributed seats that were given up.

The inferior performance of the parties of the *Kutla* in the indirect elections of 1993 compared to that of the loyalist parties can to a large extent be explained by the two parties' inability to attract the votes of the members of the communal councillors' electoral college.¹⁶ The reality that the *Kutla* parties have proved unable to win the votes of this particular electoral college is rather interesting for two reasons: first, the members of the communal councillors' electoral college are elected by communal councillors who were themselves elected in direct elections – a system somewhat similar to that used in the American presidential elections.¹⁷ In other words, the USFP and the *Istiqlal* were faring rather badly in the electoral college that is the most democratically composed. Second and much more interesting is the reality that the USFP and the *Istiqlal*'s poor ability to win the seats allocated by the communal councillors' electoral college cannot be linked to the two parties' performance in the local elections. If one ranks the political parties in order of which party obtained the largest share of communal councillors and which party was awarded the most seats by the communal councillors' electoral college, a highly interesting picture emerges for 1993 (Table 3.4).¹⁸

In short, parties like the RNI and *Istiqlal* were in fact underperforming, whereas parties such as the UC and the MP were faring better than they should according to their share of communal councillors. Although this is by no means

Table 3.4 Communal councillors and seats awarded

	<i>Most communal councillors</i>	<i>Most seats awarded by communal councillors' electoral college</i>
1	RNI	UC
2	Independents	MP
3	UC	PND
4	<i>Istiqlal</i>	RNI
5	MP	MNP
6	MNP	<i>Istiqlal</i>
7	PND	USFP/PPS
8	USFP	OADP
9	PPS	—
10	OADP	—

a certain relationship, the ranking of the parties above does give some indication as to what could explain some of this discrepancy: the large number of independent councillors might have been leaning towards the MP and the UC, rather than, for example, the RNI and the *Istiqlal*. However, this is only a guess, and it can by no means account for the whole of the discrepancy as the RNI had 4,829 councillors, the UC 2,992 and the MP 2,667. With the number of independent councillors – that is 3,111 – divided between these two parties, each would have 4,548 and 4,223 respectively, not nearly as many as the RNI.

The aftermath of the elections

The outcome of the 1993 parliamentary elections – as the results were once again ambiguous and lacked a clear winner – sent Morocco into yet another political crisis, which this time also manifested itself within the political parties, particularly with respect to the USFP.

With the USFP having performed the best of all the political parties in the first round of elections, and with the *Istiqlal* coming a close second, it was natural for Hassan II to ask the *Kutla* parties to form the substantial basis of the new government, something the King eventually did after weeks of consultations with the leaders of the various political parties (García 2000: 194–5). This new phenomenon of dialogue between the King and the leaders of the political parties during the process of government formation, as well as the more or less public nature of the negotiations, did not appease the radical members of the *Kutla*, however.

Within the *Kutla*, there were strong disagreements among the alliance's members as to whether or not government participation should be accepted, as well as over the motives for refusal or acceptance. One group of opposition politicians – mainly members of the CDT – were against *Kutla* participation in government in principle, it seems (García 2000). Another group of *Kutla* members took the radical stance of opposing any form of government participation on the grounds that the *Kutla* had not succeed in gaining a majority of the

seats in the House of Representatives nor had the alliance outperformed its loyalist rivals – the UC, MP, RNI, MNP, and PND – in the elections to the House of Councillors. Hence, with no majority in either house and, consequently, with no overall majority in parliament, this group of opposition politicians maintained that if the members of the *Kutla* accepted the King's offer of forming government, then the government created would not be democratic (*ibid.*).

In contrast to these two radical positions within the *Kutla*, a number of opposition politicians – mainly from within the USFP – were of the opinion that it was not only right for the *Kutla* to form the basis of government, as the parties of the alliance had performed better than any of their rivals in the elections to the House of Representatives, the members of the *Kutla* also ought to take part in government for the sake of the democratization process. The logic behind this latter line of reasoning was that so far Morocco had not succeeded in making substantial progress towards democracy, a reality that could, according to these moderate members of the *Kutla*, be explained by the fact that the USFP had not previously participated in government. In short, after having declined the King's offer to participate in government in the past, the time had now come to accept the King's proposition and thereby change the future of Morocco in a more democratic direction.¹⁹

The position of Abderrahman Youssoufi, the leader of the USFP and later the country's prime minister, is somewhat disputed. According to Layachi (1999: 86), Youssoufi resigned as the leader of the USFP only a few days after the election results were made public due to dissatisfaction with the regime, which had promised that the 1993 elections would be free and fair but had failed to live up to its promise as the elections were reportedly marred by fraud. Layachi suggests that when Youssoufi resigned, he indirectly acknowledged that he and the moderate wing of the party had been wrong in believing that cooperation with the regime was the right strategy if Morocco was to transit to democracy, while the radicals, on the other hand, had been right in their assertion that the regime could only be pushed to change by the opposition refusing to cooperate.

García (2000: 194), however, puts forward a rather different interpretation of the situation and Youssoufi's position. In contrast to Layachi, García claims that Youssoufi resigned from the party leadership and went into voluntary exile in France due to disappointment not only with the regime but also with his own party. Youssoufi was not, in the opinion of García, of the position that the radical wing of the party was on the right track, on the contrary. Youssoufi resigned largely because he was disappointed with the radical wing dominating the USFP as he saw cooperation with the regime as the best strategy to bring about democracy. Having spoken to Mohammed el-Yazghi, the current leader of the USFP, during fieldwork in Morocco in Spring 2005, I am convinced that García's position is closer to the truth. According to el-Yazghi, Youssoufi strongly believed at the time that cooperation with the regime was the way forward, a position he continued to maintain while in exile and when he eventually returned to Morocco in 1995.²⁰

Although the position of Youssoufi on whether or not the USFP should join

government in 1993 might seem rather trivial as the party in the end opted for the strategy of non-cooperation with the regime, in the greater scheme of things, Youssoufi's position at the time was very important (Layachi 1999: 86; Garcia 2000: 194–5). As shall become evident in Chapter 4, the USFP did eventually accept not only to be part of government but also to head it when the party was given the offer in 1998, again under the leadership of Youssoufi. Since the USFP's entry into government, numerous people – academics, commentators, and voters alike – have asked the question of why the party accepted to become part of the regime in 1998 after so many years of refusing to collaborate. Indeed, what has particularly troubled so many observers is the reality that the USFP and the *Istiqlal* eventually reached the agreement to put forward to the King a set of demands – relating in particular to the position of the government in political life – which the two parties wanted fulfilled if they were to participate in government. Among these demands were that the *Kutla* should be given the opportunity to form a strong, homogeneous and solidaric government and that the *Kutla*-affiliated Prime Minister, not the King, should nominate key ministers, among them the Minister of the Interior, the Minister of Foreign Affairs and the Minister of Justice (Layachi 1999; García 2000: 194).

Because these demands were not met in 1993, the USFP and the *Istiqlal* declined to participate in government. Yet, only five years later, both parties accepted government participation, and the USFP agreed to head government, despite the reality that the demands put forward in 1993 had still not been met in 1998. It is accordingly not surprising that several political commentators have been promoting the argument that when the USFP in particular but also the *Istiqlal* chose to enter the regime in 1998, the parties did so because they had abandoned their principles and were eager to get their hands on political power. But with Youssoufi's stance in 1993, it seems equally possible that the strength of the moderate wing within each party simply grew at the cost of that of the radical wing, eventually resulting in a cooperative line being employed.

1993–96: further liberalization is the favoured strategy

With the parties of the *Kutla* refusing to form – or even be part of – government in 1993, King Hassan first extended the term of the Lamrani government, before eventually appointing a new government under the leadership of Abdellatif Filali on 25 May 1994 (Europa 1995: 763; Layachi 1999: 86–7). Whether or not the USFP and the *Istiqlal* made the right decision when declining the King's offer, thereby paving the way for yet another technocrat-led and technocrat-based government, can be disputed depending on how one interprets the situation at that time.

What is undisputed, however, is that the monarch proved to be a liberalizer at the time as he, not once but twice, opted for further liberalization rather than repression. As described above, the first show of liberalizing character by the King came in the aftermath of the 1993 parliamentary elections, when Hassan II chose to invite the *Kutla* to form government.

The second commitment to further liberalization came after the USFP and the *Istiqlal* declined government participation in favour of further organization. As the two parties opted for this particular path, they took the democratization process a stage further, leaving the next move up to the liberalizers within the regime. The principal liberalizer, that is, King Hassan, was then again left at a point where he had to decide on a strategy – to repress the moderate opposition and civil society, to guide his country through democratic transition, or something in between. In the end, Hassan II went for further liberalization, a path less extreme than transition to democracy but far more positive than the alternative of political repression would have been.

The liberalizing initiatives of King Hassan continued after the formation of government after the 1993 parliamentary elections. These liberalizing efforts as well as those of the Filali governments in the period from 1993 until the end of 1996 are the topic of the subsequent paragraphs. In this period, several measures – particularly related to the status of the basic civil liberties – were pushed through parliament, improving the general human rights situation in the country, most notably for women and the Berber-speaking population.

Although the opposition undoubtedly played a large role in the adoption of the legislation improving the human rights situation in the mid-1990s, the main role must be attributed to foreign pressure, rather than insistence by the *Kutla* that such steps be taken or even by the adoption of the 1992 constitution. According to Vermeren (2002a: 92–4) and Cuyaubé (1994: 15–16), the Gulf War had an immense impact on political life not only in Morocco but in all the Maghrebi countries as the political debates emerging as a result of the war accentuated already existing conflicts, particularly with regard to where the countries of the Maghreb could be said to belong. While most people in the Maghreb felt a sense of belonging both to the Middle East and to the West, at the political level, there seemed to be general agreement that although the countries had traditional cultural and religious ties to the Arab world, the future of the Maghreb lay with the West, with Europe, in particular. Hence, there was a desire among Maghrebi politicians to strengthen the relationship between their countries and those of Mediterranean Europe (ibid.: 16).

From a European point of view, the perspective of forging a closer relationship with the countries of the Maghreb was not entirely daunting as the countries of the Mediterranean had a number of shared interests. Following Carcelén (1994: 30), there has been much discussion as to what exactly constituted these shared interest, but it is indisputable that among these were indeed the protection of human rights and peaceful relations. With regard to these two issues, Carcelén (1994: 31) asserts that four related principles were of distinct importance: stability of borders and prohibition of the use of force; protection of human rights; right to development; and basic respect for the environment.

In Morocco, two of the core principles identified by Carcelén received particular attention in the political debate: the stability of borders – in the context of the Saharan conflict – and the protection of human rights. With respect to the latter, the process to improve the country's human rights record

had already been initiated in early 1990 upon the publication in February that year of a report by Amnesty International concerning the poor state of human rights in Morocco (Amnesty International 1990; García 1994: 328; Howe 2005: 117). Among one of the first public actions taken by King Hassan in the wake of the publication of the report – apart from holding talks with representatives of the organization – was the creation of the *Conseil Consultatif des Droits de l'Homme* (Consultative Council for Human Rights, CCDH; Howe 2005: 117).

The establishment of the CCDH did not lead to immediate applause neither in Morocco nor abroad, as it was seen by many observers as nothing more than attempt to appease international critics while at the same time creating a counter-balance to the independent human rights organizations which had emerged in the country since the 1970s (Santucci 1994: 517; Layachi 1999: 56).²¹ Whether or not the CCDH was indeed nothing more than a facade as well as another mechanism of political control, there is no doubt that from the 1990s and onwards, the respect for human rights and basic civil liberties has been on the rise in Morocco.

To begin with, not long after the creation of the CCDH, a National Charter of Human Rights was adopted in December 1990, which led to the release of hundreds of political prisoners in the years from 1991 until 1993 (Layachi 1999: 56; Vermeren 2002a: 94, 2002b: 62–3). In a similar vein, the country's first Minister for Human Rights was appointed in the aftermath of the 1993 parliamentary elections, and later that year, after decades of campaigning by women's organizations, the country's restrictive personal status code – the *Moudwana* – was reformed, improving the situation of women somewhat (Layachi 1999: 56).²² The following year, in June 1994, Prime Minister Filali declared that the national television service would begin broadcasting news bulletins in *tamazight*, the Berber language, and on 20 August 1994, Hassan II stated in a public speech that the three Berber dialects were one of the components of the Moroccan identity and that the teaching of these dialects was indispensable, at least in primary schools (Donnet 1995; Europa 1995: 764; Vermeren 2002b: 132).²³

The constitution of 1996

Having introduced several measures improving the human rights situation in the country, King Hassan proceeded to push for the adoption of a new constitution as his health was deteriorating and he was keen to secure not only a smooth monarchical transition but also the arrival in power of the opposition (Vermeren 2002a: 100; Howe 2005: 119). Like the period leading up to the adoption of a new constitution in the past, the process of formulating the 1996 constitution did not take the form of a formal dialogue between Hassan II and the political parties. Rather, as had traditionally been the case, the King announced in a royal discourse on 20 August 1995 that a new constitution was needed, leading the political parties within the *Kutla* to formulate a memorandum – published on 25 April 1996 – in which they gave their response to the King's proposition (el-Mossadeq 1997: 575; García 2000: 209).

The *Kutla* memorandum of 1996 corresponded closely to the memorandum

published by the alliance in the run-up to the adoption of the 1992 constitution. As in 1992, the USFP and the *Istiqlal* centred their attention on the improvement of the status of the government in political life, as they called for an increase in the powers and the status of the House of Representatives, this time in an effort to ensure that the lower house would be in a position of supremacy vis-à-vis the upper house, which the King had made clear would be created in the new constitution. In a similar vein, the *Kutla* maintained that the powers of the prime minister and the government must be increased in a new constitution, enabling these to determine and perform the political direction of the country (el-Mossadeq 1997: 575; García 2000: 209).

In addition to the insistence on more powers to the directly elected house, the government, and the prime minister, the *Kutla* also asked for reforms on a number of other areas, particularly relating to the country's human rights situation. With regard to this latter point, according to García (2000: 209) and Benhlal (1997: 531–45), among the clauses sought introduced by the *Kutla* were the explicit mentioning in the constitution of:

- civil, economic, social and religious rights of men and women;
- the prohibition of torture as well as violent, inhuman or degrading treatment of prisoners; and
- the precedence of the international conventions ratified by Morocco over national law.

As the final draft of the constitutional text was eventually made public in the summer of 1996, the parties of the *Kutla* had to make the difficult decision as to whether they should endorse the new constitution despite several of the alliance's claims not having been met or whether to reject the constitution although it constituted an improvement to the existing constitution of 1992. After some deliberation, the majority of the *Kutla* parties came to the conclusion that although the new constitution did not take into account all the demands put forward by the *Kutla* – again particularly with respect to the independence and effective power to govern of the government – it would still be endorsed by the alliance as it did constitute an improvement to the existing state of affairs. However, one member of the *Kutla* – the OADP – refused to follow the decision of the majority, arguing that the new constitution did not entail sufficient improvements for it to be endorsed. Consequently, the OADP recommended its supporters that they vote against the 1996 constitution, while the USFP and the *Istiqlal* went ahead and issued a united statement on 5 September 1996 in which they recommended an endorsement (García 2000: 210–11).

The status of democracy and the 1996 constitutional text

The 1996 constitution introduced significant changes affecting the character of parliamentary elections in the country, as article 36 created a parliament consisting of two houses:

The Parliament shall be made up of two Houses, the House of Representatives and the House of Councillors. Members of the Houses shall hold their mandate from the Nation. Their right to vote shall be personal and cannot be delegated.

With the creation of a two-house parliament, Moroccan governments would once again be formed on the basis of the strength of the political parties in the House of Representatives, a house which was elected via direct elections. In the period from 1970 until the adoption of the 1996 constitution, this had not been the case, as governments were formed on the basis of the strength of the political parties in parliament, which was composed of both directly and indirectly elected members. Hence, for the first time since 1962, the constitution once again provided for the core democratic principle of reasonably competitive elections, devoid of massive fraud, with broad suffrage.²⁴

With regard to the basic civil liberties, the 1996 constitution did not introduce any changes. However, due to the reality that these have been protected in the constitution since the adoption of the original constitution in 1962, status quo on this particular issue did not have negative implications for the status of democracy. Rather, with the changes introduced in the new constitution relating to the character of parliamentary elections, a major step forward was taken – as of the adoption of the 1996 constitution, protected not only one but two core democratic principles: those of free and fair competitive elections and of basic civil liberties.

While the 1996 constitution did introduce changes relating to the democratic principle of independent government, they were nowhere nearly as important as those adopted in 1992; hence, the government did still not have effective power to govern as of the adoption of the country's sixth constitution. With regard to the government's subordination to a non-elected elite, the situation did not change compared to in 1992, as the government's powers vis-à-vis the King were neither increased nor reduced (*Constitution du Maroc* 1996: articles 19–35). In other respects, however, the government's effective power to government was limited, as the House of Councillors would assume some legislative functions, making the government subordinate to other non-elected elite in some respects (*ibid.*: articles 52–8).

With regard to additional political, economic and social features associated with industrial democracy, the 1996 constitution brought about a number of changes, several of them related to the new institutions introduced with the adoption of the 1992 constitution, such as the Economic and Social Council and the Constitutional Council (see, for instance, article 79).

In addition to the provisions relating to the Constitutional Council, the 1996 Constitution also included clauses with regard to the establishment of a new institution: the Audit Court. The Audit Court, which according to article 97 would be reporting to the King, was to be tasked with '... conducting overall supervision of the implementation of the budget', or, more precisely, its purpose would be to 'ensure the sound conduct of receipt and expenditure operations and

evaluate the management of agencies placed under its control by law' (*Constitution du Maroc* 1996: articles 96–7).

Finally, the 1996 constitution introduced and amended articles concerning local government, with article 101 stating that 'governors shall carry out decisions by provincial, prefectural *and regional* assemblies *in accordance with the conditions set by the law*' – the text in italics being additions to article 96 of the 1992 constitution. In addition to this amendment, the new article 102 specified that 'in the provinces, prefectures and regions, governors shall represent the State and see to it that the law is enforced'.

Things begin to change: concluding remarks

With regard to developments further towards democracy, the period from late 1990 until the end of 1996 proved to be one of the most significant in the history of Morocco since independence. In 1992, the monarchy found itself under severe pressure from a number of different directions – by a rioting population dissatisfied with the Gulf War and Morocco's participation in it; by a rise in support for the country's Islamist movements, which were largely outside of monarchical control; and by a strengthened opposition as a new *Kutla* was formed and decided to participate in the upcoming elections of 1993 as a untied alliance.

Due to this intense pressure, which did not ease over the years, a number of significant reforms relating to political life and the country's human rights situation were introduced, beginning with the adoption of a new constitution in 1992, a new *Moudawana* in 1993, improved rights for the Berber-speaking population in 1994 and, finally, the adoption of a new constitution in 1996, a constitution which took Morocco one step further towards democracy, as the country from then on protected not one but two core democratic principles.

In addition to these significant legislative developments, in the period from late 1990 until 1996, the process of political opening went through a series of important developments. The advance that was of particular significance was the decision by the King to open up the regime and invite the *Kutla* to form the basis of government in 1993. When the *Kutla* declined the King's offer in favour of further organization, the process was kept alive, with the next move left up to the liberalizers within the regime, particularly King Hassan.

Again, rather than repressing the moderates and civil society, and instead of continuing liberalization to the extent that the country would transit to democracy, the King chose to remain a liberalizer but not become a reformer by initiating further liberalization, albeit not to the extent that Morocco underwent transition. Hence, by 1996, the next move was left up to the liberalizers, who had to choose between status quo dictatorship and another opening.

4 Reasonably competitive, free and fair elections, 1996–2006

The initial three chapters of this book analysed the dynamics of the Moroccan democratization process during the first four decades since independence, thereby providing a sound foundation for the more detailed study of the process in the past eleven years, which follows in the subsequent four chapters.

Chapters 1–3 concluded that despite a brief period of positive democratic developments following immediately after independence in 1956, Morocco fared badly when it came to the development of democracy. The blame for this, it was demonstrated, could not be laid solely on one actor. The first three chapters of the book also illustrated that when political openings were initiated and cosmetic changes improving the state of democracy did indeed take place, such progress could not be attributed to the actions of a single actor either. While the saying that in Morocco every political process begins with a royal discourse is largely true, this royal discourse was often set in motion due to pressure from either the political parties or civil society and not simply as a result of monarchical commitment to the democratization process, although the monarchy was undeniably committed, albeit to varying degrees, throughout the period from 1956 until 1996.

Whereas Chapters 1–3 analysed the dynamics of the democratization process during 1956–96, Chapter 4 and the subsequent three chapters set themselves apart in that the analysis carried out in each chapter focuses solely on one core democratic principle. In other words, whereas Chapters 1–3 analysed – for each identified period – the dynamics behind democratic progress and relapse with regard to all three core democratic principles, Chapters 4–7 focus on one single period (1996–2006) but on different aspects of democratic progress and relapse.

The year 1996 marked the fortieth anniversary of Moroccan independence as well as the thirty-sixth anniversary of the initiation of the democratization process. As established in the previous chapters, despite nearly four decades having passed during which the political establishment had attempted to democratize the country, the success of the process in terms of further protection of and greater respect for the three core democratic principles was negligible by the beginning of 1997. In line with this, the purpose of this chapter is to assess whether any significant democratic progress has been made during the years 1996–2006 or whether the democratic reforms introduced have been of a

cosmetic nature like those of the previous decades. In order to give appropriate attention to each of the three core democratic principles, this chapter focuses solely on reasonably competitive, free and fair elections, whereas the three subsequent chapters will deal with the basic civil liberties (Chapter 5) and the elected government's effective power to govern (Chapters 6 and 7).

Before moving on to the analysis, a recapture of the definition of the first of the core democratic principles, and a brief summary of the conclusions made in the previous chapters, is beneficial. According to the theoretical framework set out in the introduction, the first of the three core democratic principles is defined as 'reasonably competitive elections, devoid of massive fraud, with broad suffrage'. This means that the elections must meet the following criteria: First, they must allow for the participation of opposition parties, and they must be free of coercion.¹ Second, the entire adult population must possess the right to vote, and the votes must under no circumstances be manipulated or miscounted. Finally, the composition of the elected government must not be predetermined.

With regard to the provision of reasonably competitive, free and fair elections in the Moroccan constitution, not much progress had been made by early 1997 compared to the situation in 1962; despite several amendments to the original constitution, the 1996 constitution was rather similar. The fact that these two constitutions do not differ much when it comes to the articles concerning parliamentary elections is not entirely disappointing, however. Although some people would undoubtedly have liked the amendment of already existing articles – or indeed the introduction of new ones – in an effort to further strengthen the principle of reasonably competitive elections, this principle was already guaranteed in the 1962 constitution and continues to be in that of 1996 – something that had not been the case under the constitutions of 1970, 1972, 1980 and 1992. Hence, the 1996 constitution constituted an improvement to its four most recent predecessors.

Like the constitution of 1962, the 1996 constitution provides for reasonably competitive, free and fair elections as it maintains the text of the original constitution's article 8, which stipulates that all citizens of age are electors and that men and women enjoy equal rights, article 3 which provides for a multi-party system, and the principle of a parliament made up of two houses of which only the members of the House of Representatives are elected by direct suffrage (*Constitution Marocaine* 1962: article 44; *Constitution du Maroc* 1996: articles 36–8).

Although the latter may strike as a negative point at first sight, as not all members of parliament are elected by direct universal suffrage, it is an improvement to the constitutions of 1970, 1972, 1980 and 1992 which stipulated the existence of only one house, the House of Representatives, made up of both directly and indirectly elected members. As the Moroccan governments tend to be based on the formation of parties with the largest share of seats in the House of Representatives, the existence of two houses makes for a more democratic government since the government under this system is formed on the basis of direct elections with universal suffrage rather than on the basis of a House of Representatives consisting of members elected by direct elections with universal suffrage as well as by electoral colleges.

In short, although the 1996 constitution did not entail major alterations compared to that of 1962, it constituted a substantial improvement to the constitutions of 1970, 1972, 1980 and 1992. Whereas these four constitutions did not provide for reasonably competitive, free and fair elections, the 1996 constitution did, just like the original constitution of 1962.

In addition to this positive constitutional development of recent years, progress was also made in practice as elections became less fraudulent – the 1993 parliamentary elections were not only a marked improvement to the heavily rigged elections of the 1970s and 1980s, they also constituted a significant improvement to the first parliamentary elections held in 1963. Yet, despite being a vast improvement, the 1993 elections left a lot to be desired; parliamentary elections in Morocco could not – in practice – be said to be reasonably competitive, free and fair, even though elections of such a nature were indeed provided for in the constitution (García 2000: 186–99).

This chapter seeks to determine whether or not significant change to practice was achieved in the period from 1996 to 2006, that is, whether Morocco managed to move to a stage where reasonably competitive elections are present in practice and not just in the basic legal framework as was the case under the 1962 constitution. Whether such significant progress has been made is evaluated on the basis of an analysis of the two general elections that took place in this period: the parliamentary elections of 1997 and the elections to the House of Representatives in 2002. Having examined the extent of fraud and manipulation taking place during these two elections, this chapter concludes that some progress has indeed been made as the 1997 and 2002 elections had far fewer aspects of fraud than any previous general elections, and the 2002 elections were the most competitive in history. Moreover, although fraud continues to be a problem, this chapter concludes that it is no longer present on a massive scale; hence, as of the 1997 parliamentary elections, Morocco not only provides for but also respects the core democratic principle of reasonably competitive elections, devoid of massive fraud, with broad suffrage.

With regard to the broad suffrage criteria, it does not constitute a problem that Morocco has not adopted a new constitution since 1996, as this constitution guarantees this principle by upholding article 8 of the original constitution of 1962 as well as the tenet of two houses. Moreover, although no amendments have been made to the 1996 constitution, changes have been introduced in practice as the percentage of parliamentarians elected by direct universal suffrage has increased from 45.4 per cent in 1997 to 54.6 per cent in 2002 as a result of the enlargement of the House of Representatives from 270 to 325 seats, while keeping the number of seats in parliament constant at 595. In line with this, the overall conclusion of this chapter is that, as of the 1997 parliamentary elections, the core democratic principle of reasonably competitive, free and fair elections must be said to be present in practice and provided for in the constitution, meaning that in the period 1996–2006, significant democratic progress has been made.

The effects of the 1996 constitution on the 1997 parliamentary elections

Pledging the country's support to democratic values and commitment to embark on a democratization process by adopting a new constitution in 1996 seemed to have a positive effect on the parliamentary elections of 1997 as these turned out to be the country's first reasonably competitive elections, devoid of massive fraud, with broad suffrage. As in previous elections, however, fraud and manipulation did take place, with the points of criticism centring on the issue of direct manipulation by the *makhzen*. Interestingly, as shall become clear in the subsequent sections, fraud commissioned by the *makhzen* actually declined significantly in 1997, whereas fraud commissioned by the political parties and the candidates grew – an issue not given much attention in the press.

Manipulation of the elections

With regard to manipulation by the *makhzen*, several issues were discussed in the aftermath of the November 1997 elections.² Although the press and all of the parties seemed delighted with the electorate having grown in number – approximately by one million voters as a result of the population census at the time of the 1996 constitutional referendum and the exceptional revision of the electoral lists in April 1997 – problems were identified with regard to the new election mechanisms (García 2000: 214). First, reports emerged that several of the voter IDs that needed to be issued as a result of the adoption of a new election code and the revisions to the above-mentioned lists were missing when voters went to pick them up, thereby excluding people entitled to cast their vote from actually doing so.³ Second, human rights associations and some of the opposition parties alleged that an even larger number were prevented from casting their votes due to these voters lacking a national identity card, which, according to the new election code, needed to be shown together with the voter ID for a person to be able to vote in the 1997 parliamentary elections.⁴

In addition to the alleged manipulation related to identity cards, several observers gave examples of other forms of manipulation orchestrated or condoned by the *makhzen* (Layadi and Rerhaye 1998: 272). One form of intervention that was frequently referred to in the immediate aftermath of the elections was the direct manipulation of the final election data. In fact, not only parties suffering under this form of manipulation complained, parties who gained from these acts were also publicly declaring that the *makhzen* had tampered with the results. According to García (2000: 238) and Layadi and Rerhaye (1998: 241), in Casablanca, two USFP candidates went as far as to give up their seats as they declared that they were under the impression that the election results had been manipulated in their favour by the Ministry of the Interior in order to prevent the candidates of the Islamist-leaning MPDC from winning. In other instances, however, the USFP held that the party had been discriminated against. In an interview with Layadi and Rerhaye (1998: 229, 279–81),

Mohammed el-Yazghi – the then first joint secretary of the USFP – stated that the authorities supervising the elections had intervened directly in certain districts whereas in others, the same authorities had turned a blind eye to bribery and other forms of fraud, eventually costing the USFP no less than forty seats.

Although the *makhzen* did undoubtedly engage in some forms of fraud and manipulation – anything else would be remarkable as this had taken place on an enormous scale in previous elections – there is no evidence that it took place on a massive scale in 1997 or, in other words, there is no substantial data proving that the intervention that did take place by the *makhzen* was of such an extent that it determined the composition of the government. Indeed, rather than fraud and manipulation being orchestrated by the *makhzen* in an effort to ensure the ‘correct’ election results as desired by the royal family, it looks as if most of it was commissioned by the parties and the candidates themselves, (Leveau 1998a; Malley 2002).⁵ This reality must necessarily lead to the conclusion that as of the parliamentary elections of 1997, reasonably competitive, free and fair elections were not only provided for in the constitution but this core democratic principle was also respected in practice.

The results of the 1997 parliamentary elections

In line with the expectations that the vast decrease in fraud and manipulation was going to prove a setback for the loyalist parties, the RNI, the UC, and the MP suffered losses as each party’s share of the votes declined compared with previous elections. On the other hand, the USFP and the *Istiqlal* increased their share of the votes (Table 4.1).⁶

Yet, despite these developments, the two dominant members of the *Kutla* found themselves in a peculiar situation where they were actually penalized by the design of the electoral system with respect to the elections to the House of Representatives, while the RNI, the UC and the MP benefited. As Table 4.2 illustrates, the *Kutla* managed to win 34.27 per cent of the direct valid votes, but the alliance was only awarded 31.38 per cent of the seats in the House of Representatives, and 24.54 per cent of the seats in parliament as a whole. In contrast, the *Wifaq* and the *Centre* were given a larger share of seats both in the House of Representatives and in parliament compared to their share of direct valid votes, as the *Centre* was only able to secure 27.31 per cent and the *Wifaq* an even smaller share of 24.76 per cent of the direct valid votes, while receiving 29.85 and 30.77 per cent, respectively, of the seats in the House of Representatives, and 32.94 and 29.58 per cent of the seats in parliament in 1997.

It is important to note here, that these figures do not necessarily indicate fraud. Rather, it seems that the *Wifaq* concentrated its efforts on winning seats in the smaller constituencies in which the number of votes needed to secure a seat was significantly lower than in larger constituencies, while the *Centre* benefited from the two-round system, as the *Centre*’s share of seats was mainly increased due to a good performance in the indirect elections to the House of Councillors. This means, in turn, that had the electoral system for the parliamentary elections

Table 4.1 Results of the 1997 parliamentary elections

Party	Valid votes		Seats	Seats (%)		Seats (%)	
	Valid votes	(%)		Seats (%)	Seats (%)	Seats (%)	Seats (%)
	Direct			Indirect		Final	
USFP	884,061	13.87	57	17.54	16	73	12.27
UC	647,746	10.17	50	15.38	28	78	13.11
RNI	705,397	11.07	46	14.15	42	88	14.79
MP	659,331	10.35	40	12.31	27	67	11.26
MDS ^a	603,156	9.47	32	9.85	33	65	10.92
<i>Istiqlal</i>	840,315	13.19	32	9.85	21	53	8.91
MNP	431,651	6.77	19	5.85	15	34	5.71
PND	270,425	4.24	10	3.08	21	31	5.21
MPDC	264,324	4.15	9	2.77	0	9	1.51
FFD ^b	243,275	3.82	9	2.77	12	21	3.53
PPS	274,862	4.31	9	2.77	7	16	2.69
PSD ^c	188,520	2.96	5	1.54	4	9	1.51
OADP	184,009	2.89	4	1.23	0	4	0.67
PA	89,614	1.41	2	0.62	13	15	2.52
PDI	76,176	1.20	1	0.31	4	5	0.84
MD ^d	8,768	0.14	0	—	0	0	—
Trade unionists ^e	—	—	—	—	27	27	4.54
Total	6,371,630	100	325	100	270	595	100

Sources: The Moroccan Ministry of Communication (1997a); Ketterer (2001: 156); *Annuaire de L'Afrique du Nord* (1999: 237–8).

Notes

- The *Mouvement Démocratique et Social* (MDS) was created in 1996 by Mahmoud Archane as a splinter of the MNP.
- The *Front des Forces Démocratiques* (FFD) was formed in the summer of 1997, when Thami al-Khiary split from the PPS and set up his own party.
- The *Parti Socialiste Démocratique* (PSD) was created by members of the OADP as a consequence of the latter's refusal to recommend a 'yes' to the constitution in 1996.
- The marxist-leninist *Mouvement pour la Démocratie* (MD) was formed in 1997.
- Including – and dominated by – the UMT, UMGT and CDT.

of 1997 been of the proportional representation (PR) formula with only one round of direct elections, rather than the existing system of two rounds, and with the direct elections making use of the simple majority first-past-the-post (FPTP) formula, the *Wifaq* and the *Centre* would not have fared this well with respect to seat allocation, while the *Kutla* would have done much better.

The members of the *Kutla* being penalized by the design of the electoral system was not entirely surprising. As can be seen from Table 4.3, from the first parliamentary elections held in 1963 and up until those of 1997, there has been no consistency as to which parties have gained or been penalized by the specificities of the electoral system. Regarding the dominant members of the *Kutla*, in the parliamentary elections of 1963, both parties suffered under the electoral system, but in 1977, the USFP was the only one to be penalized as the *Istiqlal*

Table 4.2 The 1997 parliamentary elections: coalition results

Party	Votes	% votes	Seats	% seats	Seats	Seats	% seats
	Direct			Indirect		Final	
<i>Kutla</i> ^a	2,183,247	34.27	102	31.38	44	146	24.54
<i>Wifaq</i> ^b	1,577,502	24.76	100	30.77	76	176	29.58
<i>Centre</i> ^c	1,740,204	27.31	97	29.85	90	196	32.94
Other	870,677	13.66	26	8.00	60	77	12.94
Total	6,371,630	100	325	100	270	595	101

Sources: Moroccan Ministry of Communication (1997a); Ketterer (2001: 156). It should be noted that Ketterer places the MPDC within the *Centre* bloc, whereas the government places the party in the category of 'others'. I have chosen to follow the line of the Moroccan government, since this is the authority that announces the official results.

Notes

a The *Kutla* consisted of the USFP, the *Istiqlal*, the PPS and the OADP.

b The *Wifaq* was composed of the MP, UC and the PND.

c The parties in the *Centre* bloc were RNI, MDS and MNP.

gained. In 1984 and 1997, however, the roles were reversed and the *Istiqlal* lost out while the USFP benefited, and in 1993, both parties gained from the system.

For the leading members of the *Wifaq*, a similar picture emerges. In 1977, the MP benefited from the design of the electoral system; in 1984, the party was not affected, but its companion in the *Wifaq*, the UC, benefited. In 1993 and in 1997, the MP benefited while the UC was penalized. Finally, for the dominant member of the *Centre* bloc, the situation has been just as volatile. In 1984 and 1997, the RNI benefited from the design of the electoral system, whereas it lost out in 1993.

Although the key factor in government formation continues to be royal preference, with the inclusion in cabinet of several technocrats, Moroccan governments are usually based on the formation of parties with the largest number of seats in the House of Representatives; hence, the strength of the parties in the first round of elections is crucial. In line with this, the fact that the *Kutla* was awarded a simple majority of seats in the House of Representatives was a highly significant development as the King would be hard-pressed to base the new government on parties from outside the *Kutla* even if the alliance did not win a simple majority of the seats in parliament.⁷ In other words, after the 1997 elections, Hassan II found himself in a situation where he had to make a historic decision: to break with tradition and base the new government on the opposition parties or break with tradition by basing the new government on parties that were not part of the largest formation in the House of Representatives.

After weeks of speculation with regard to who would be the country's new prime minister – according to the media, the game was completely open due to the close election results – King Hassan finally made public in early February

Table 4.3 Discrepancies: direct elections (1963–97)

Party	Votes (valid) (%)						Seats (%)			
	1963	1977	1984	1993	1997	1963	1977	1984	1993	1997
<i>FDJC</i>	32.4	—	—	—	—	47.6▲	—	—	—	—
<i>RNI</i>	—	—	17.2	13.2	11.1	—	—	19.1▲	12.6▼	14.2▲
<i>UC</i>	—	—	24.8	12.8	10.2	—	—	27.6▲	12.2▼	15.4▼
<i>MP</i>	—	12.4	15.6	12.1	10.4	—	16.6▲	15.6▲	14.9▲	12.3▲
<i>Istiqlal</i>	28.5	21.6	15.3	12.2	13.2	28.3▼	25.7▲	11.6▼	19.4▲	9.8▼
<i>USFP</i>	—	14.6	12.4	13.2	13.9	—	8.6▼	17.1▲	21.6▲	17.5▲
<i>UNFP</i>	21.5	—	—	—	—	20.0	—	—	—	—

Sources: García (2000: 21, 57–64, 155, 189, 242); *Annuaire de L'Afrique du Nord* (1995: 542); United Nations Human Rights Committee (1993).

Notes

Note that due to the fact that the parliamentary elections of 1970 are widely seen as a nothing but a charade, no data is available on these elections – hence, they have not been included in this table. Please also note that trends have been indicated by arrows: ▼, ▲, ▲.

1998 that the next government would be headed by Abderrahman Youssoufi of the USFP (*L'Economiste*, 5 February 1998).⁸ By appointing Youssoufi as prime minister, Hassan II had chosen to break with tradition and base the new government on the parties of the traditional opposition, rather than break with tradition and base the government on a formation of parties that were not the largest in the House of Representatives.

Preferential treatment and negotiated discrimination – the 2002 parliamentary elections

Five years after the last parliamentary elections had taken place, the parliament was renewed once again as voters went to the polls in September 2002 to elect a new House of Representatives. Unlike in the past where elections had been announced, cancelled or postponed by the monarch due to an unstable political environment, the 2002 elections – like those of 1997 – went ahead as scheduled following the 1996 constitution, which stipulated that members of the House of Representatives were elected for a five-year term (*Constitution du Maroc* 1996: article 37).

The 2002 elections were the first to take place under Mohammed VI, who had ascended the throne on 24 July 1999. During his first years as King, Mohammed VI had spent a large amount of time travelling around the country in an effort to win the approval of the population by showing his commitment to Moroccans at all levels of society and in all the country's regions, eventually earning him the nickname *al-Jawal* – the mobile, a word commonly used for pre-paid mobile phone cards.⁹ By early 2001, however, it had become evident that the King's strategy for winning popular support, which had worked so well during the first year of his reign, had begun to backfire as his promises of reforms failed to materialize (Cembrero 2001; Dalle 2001; Fernández 2004).¹⁰ When his cousin and second in line to the throne, Moulay Hicham, publicly joined the critics in an interview with *Le Monde* in June 2001, it appeared to be the last straw for the King; something had to be done to maintain the popular legitimacy won by touring the country and to prevent him from losing his positive image in the West (*Business Day*, 10 July 2001; el-Alaoui 2001; Fernández 2004).

In a move that proved that Mohammed VI thought along the same line as his late father, the King decided to call for elections, a strategy that had worked well for Hassan II. On 20 August 2002, in his annual speech marking the anniversary of the day Mohammed V was exiled by the French in 1953, the King outlined his hopes for the upcoming elections:

Praise be to God,
Peace and blessings be upon the Prophet his kith and Kin,
We are celebrating today the glorious anniversary of the Revolution of the King and the People, a highly symbolic event that embodies the values of patriotism and sacrifice which brought about the recovery of national sover-

eignty and independence and the edification of free and prosperous Morocco under a constitutional, democratic and social monarchy.

Given the juncture, we need, more than ever, to turn back for inspiration to the spirit and significance of this enduring event to make of the coming elections a landmark in the process of consolidating the march towards democracy and development and a major asset in taking on the challenges of our regional and international environment.

(Moroccan Ministry of Communication 2002a)

Preferential treatment: women and the national lists

Mohammed VI's public commitment to the holding of reasonably competitive elections, devoid of massive fraud and with broad suffrage, taken together with the reality that the 1997 parliamentary elections proved to be the first in Moroccan history to fulfil the criteria of the first of the three core democratic principles, sent positive signals to the voters, generating hopes that the success of 1997 would not only be repeated but improved.¹¹

Another positive signal was sent to the voters in May 2002, when a new election code significantly improving the chance of more women in parliament was finally adopted after an exceedingly difficult and time-consuming process of deliberation. One of the provisions of the new election code was the establishment of national lists by which thirty of the 325 members would be directly elected, while the remaining 295 members would be elected in local districts as usual (Moroccan Ministry of Communication 2002c).

The intention with the national lists was to increase the amount of women in parliament as the number of female representatives had been extremely low ever since the first parliamentary elections in 1963.¹² However, during the debate on the creation of the national lists, several members of parliament disputed the legality of such lists, claiming that the creation of lists reserved for women only would be unconstitutional (Hassouni 2002; Lamlili 2002b, 2002c, 2002e; Nachatti 2002a). In the end, parliament reached an agreement establishing national lists with thirty seats 'réservés théoriquement aux candidates femmes' – in other words, although the new national lists were intended for women, it would be possible for men to run on these (Moroccan Ministry of Communication 2002c). Despite this open formulation, the lists served their intended purpose: twenty-four national lists were put forward, on which 697 women and twenty-three men contested the elections, resulting in the election of thirty women (Moroccan Ministry of Communication 2002d).

Women not only experienced better election results due to the creation of the national lists, however. In comparison to the parliamentary elections of 1997, women more than doubled their number of locally elected representatives in the House of Representatives as they went from two to five seats. In other words, after the 2002 parliamentary elections, women made up 10.8 per cent of the members of the House of Representatives with thirty-five seats, compared to a meagre 0.6 per cent after the 1997 elections (UN Development Programme –

Programme on Governance in the Arab World 2001c).¹³ Although a higher proportion of women in parliament was to be expected due to the great attention paid to the issue of lack of female representatives, the reality that five women gained representation via the local lists was a hugely significant development, as candidates – men and women – only stand a chance of gaining election to the House of Representatives if they are awarded a place up high on their party's local lists, indicating that in 2002, more women were given priority within the parties.¹⁴

'Pacted discrimination': the Islamists and the fear of another Algeria

While women were given a helping hand in an effort to make the composition of the House of Representatives more representative of the population, the Islamists found themselves in an altogether different situation. What links the situation of the women to that of the Islamists is that they were both accounts of special treatment: one so-called preferential and the other discriminatory.

In the case of women, the democratic principle of competition had been sidelined in favour of a more representative House of Representatives, while in the case of the Islamists, it had been sidelined for a principle that had nothing to do with democracy: that of national security. Although the preferential treatment of women could be seen as a setback as it sent the sign that representation is more important than contestation, I have argued earlier that this was a positive development. In the following sections, I will argue that the deal struck with the *Parti de la Justice et du Développement* (Party of Justice and Development, PJD) was also a positive step.

This statement is likely to be much more controversial than my position on the issue of the national lists. However, the PJD and the *makhzen* effectively negotiated a limit to the size of the PJD in parliament and thereby probably affected the outcome of the elections. The results indicate that the PJD would have done much better had the party contested the elections in all the districts – indeed, it is very likely that the party would have come out of the elections as the country's largest had it not struck a deal with the *makhzen*.¹⁵

So, why is the PJD deal a positive development for democracy in Morocco? There are two main reasons for this: first, by striking the deal with the *makhzen*, the PJD became the first Islamist party ever allowed to contest the parliamentary elections. This constituted a significant improvement as competition and, therefore, voter choice was increased. As shall become clear in the following sections, had the PJD not entered into a pact with the regime, there is no doubt that the party would have been banned from contesting the elections. In short, the logic goes that increased contestation, although limited, is better than status quo.

Second, the regime's decision to prioritize the prevention of another Algeria over the principle of contestation may seem as a good excuse to some, but it was more than that. Among large segments of the population, there was a very real fear looming that if the Islamists were allowed to contest freely, they would win the elections and lead Morocco down a path that was far from democratic. By

allowing the PJD to contest the elections under restrictions, these fears were taken into account and appeased, and the PJD was given a chance to show that the party was not anti-systemic but a democratic actor, just like all the other parties allowed to contest the elections. Finally, in addition to these two points, there was the assumption that if the PJD proved to be a democratic actor, then the party would be allowed to contest the next parliamentary elections without any restrictions.

In contrast to the other Islamist organizations and aspiring political parties, which continued to lack legal recognition and therefore found themselves unable to contest the elections, the PJD had obtained the elusive official recognition. Hence, in the case of the PJD, the authorities had decided to decline the use of one of their favoured tactics – the exclusion from the election process – in favour of other forms of control.¹⁶ One might ask, why the authorities decided to grant the PJD the right to participate in the 2002 parliamentary elections, when all other Islamist organizations found themselves excluded? The answer to this question is rather straightforward; the PJD was the only Islamist party that was assumed not to be anti-systemic and, moreover, the only Islamist party that could be controlled through bargaining.

It is important to keep in mind that the Islamists of the PJD were not always regarded as trustworthy, or even acceptable, by the monarchy. The emergence and recognition of the PJD was a gradual process that began around the time of the 1997 parliamentary elections when members of the Islamist organization *al-Tawhid wa al-Islah*¹⁷ were given permission by the authorities to join the MPDC. By accepting to contest the 1997 elections on the MPDC list rather than continue to press for legal recognition to contest the elections in their own right, the members of the *al-Tawhid wa al-Islah* proved that they were willing to play the political game and follow the rules laid out by the monarchy. Largely due to this willingness to play by the monarchical rules of the game, which was further demonstrated by these politicians during their first year in parliament, the authorities did not object when the MPDC decided to change its name to PJD in 1998 as the party found itself dominated by *al-Tawhid wa al-Islah* members, and the party continued to keep its recognized status (Willis 1999: 46–9, 2002: 10).¹⁸

One must not forget, however, that the members of *al-Tawhid wa al-Islah* and later the PJD did not simply win some portion of royal trust and therefore legal recognition because they came to be seen as Islamists that could be controlled.¹⁹ The decision to identify Islamists that could be trusted, and eventually to award these with official recognition, was a decision borne out of necessity. Had it not been paramount for King Hassan to increase his personal legitimacy and that of the monarchy among the country's Islamists – a section of the population that had continued to grow rapidly since the Gulf War – history indicates that Islamists would not have become members of parliament (Layachi 2002). If one takes a look at the official recognition of some of the major parties, it is more than clear that these gained their official recognition not out of royal goodwill but because the King saw the need for their existence.

Take for instance the MP and the RNI. The former was given official

recognition in 1959 after having existed as a clandestine party since 1957. The party was only awarded this recognition after pressure on the King to legalize the party had grown too strong to ignore but also because the King had come to see the MP as a possible means to keep the *Istiqlal* in check. With regard to the RNI, the party was formed in 1978 after Hassan II had urged his loyal supporters among the so-called ‘independents’ in parliament to form their own party.²⁰

In short, the PJD gained recognition as a party for two reasons: it represented the group of Islamists who were willing to accommodate and could be controlled and, more importantly, the King needed their presence on the party scene as well as in parliament in order to increase his legitimacy among the growing numbers and, hence, steadily more powerful Islamists. The reality that the PJD was not only tolerated but awarded official recognition and allowed to contest the elections did not mean that it would be allowed to contest the 2002 elections on equal footing with the other parties. Mohammed VI made it no secret that he – like large segments of the population – remained suspicious of these Islamists despite their accommodating approach, and therefore the party would not be contesting the elections unconditionally. In an effort to dampen these fears and guarantee the party the right to take part in the upcoming elections, the PJD leadership struck a deal with the regime, agreeing to present candidates in only a limited number of districts thereby ensuring that it would not be too dominant or even win the elections.²¹

From FPTP to PR-list

In addition to the deal struck with the PJD and the creation of national lists for women, a third change likely to significantly affect the results of the 2002 parliamentary elections was introduced in Spring 2002: the switch from FPTP to PR in the form of a party list system in small multi-member constituencies.

Like the introduction of national lists for women, the change of electoral system for the direct elections to the House of Representatives taking place in the local districts sent a positive signal to the voters, not only because the PR system is widely seen as more democratic than FPTP but perhaps more importantly because demands for changes to the electoral system had been going on for decades (el-Messaoudi and Vintró 2005: 84). In short, taken together with the King’s public commitment to reasonably competitive elections and the creation of national lists for women, the switch from FPTP to PR seemed like a sign that not only had things changed to the better with the adoption of the 1996 constitution and the holding of the 1997 parliamentary elections, things were still changing – Morocco was moving steadily in a more democratic direction, at least in terms of the core democratic principle of reasonably competitive, free and fair elections.

Although it was Prime Minister Youssoufi who initiated the reform of the election code, it was the corresponding support for the revision by the *makhzen* that enabled it to come true after demonstrations of accommodating behaviour

from both parties (Chaoui 2001a, 2001b; Lamlili 2001). The support by the *makhzen* for the change of the electoral system did not come out of the blue, however. For some time, prominent members of the *makhzen* had signalled that even within the establishment, there was now support for these demands (el-Messaoudi and Vintró 2005: 84–5). In an interview with *L'Economiste*, Basri – the infamous former Minister of the Interior – further underlined the extent of the support for a revision of the electoral system when he stated that the adoption of a new election code had been very close in 1997 and then went on to say that since this had not happened in the late 1990s, now, by mid-2001, a reform was paramount, declaring:

le mode de scrutin, en vigueur aujourd'hui, contribue par la dispersion des voix sur un grand nombre de candidats, à défigurer la représentation démocratique et réduit la légitimité de l'institution représentative. Si le scrutin majoritaire, uninominal à un tour, s'avérait valable et approprié en 1960 et 1963 pour une population de 10 millions d'habitants dont 70% étaient des ruraux, il ne peut le demeurer actuellement pour une population de 30 millions d'habitants portée par une croissance exponentielle des urbains.

(Basri 2001)

Although the above declaration seems to indicate that Basri was preoccupied with the degree to which parliament had been representative of the population over the past few decades, his main concern was neither the principle of representation nor relatively competitive, free and fair elections but the creation of a strong government and a clear opposition, preferably via the establishment of two blocs of parties (ibid.; *Le Matin*, 24 January 2001).²²

To be fair to Basri and his equals, as of 1997, Moroccan elections had been reasonably competitive, free and fair; hence, it is understandable that the focus of a reform of the election code would be on issues relating to government independence and power, where the country still had a long way to go (*Le Matin*, 24 January 2001). In the end, parliament adopted a new election code that established national lists for women, as detailed above, and a new electoral system substituting FPTP for PR-list in multi-member constituencies with district magnitudes of between two and five.²³ Although not being the main objective, the switch from a plurality system to a PR system – no matter whether a rather restricted one – was expected to have a positive effect on the elections in the form of increased voter choice, as the parties would now be encouraged to run more than one candidate per district since the risk of vote splitting had been significantly reduced, and the creation of a parliament reflecting the composition of the electorate much more accurately, hopefully leading to an increase in voter satisfaction and perhaps a higher turnout in future elections.²⁴ The question was, whether the desired effects were going to materialize in the upcoming elections of September 2002?

The results of the 2002 elections

The 2002 parliamentary elections took place under the promise by Mohammed VI and the Youssoufi government that these elections would be different from all previous elections – no matter whether municipal, regional or national – in that they would be free from manipulation; the 2002 elections were to be the first reasonably competitive elections in Moroccan history; they would be indicative of transition to democracy already having taken place, rather than the onset of such a transition (*El País*, 22 September 2002).

Although there is a general agreement that the 2002 elections were by far the most democratic elections Morocco has ever experienced, aspects of fraud remained (Freedom House 2003; United States Department of State, Bureau of Democracy, Human Rights, and Labor 2003; European Commission 2007).²⁵ Apart from the discrimination against the Islamists, as described earlier, several parties were discriminated against just as parties had always been during the election process, and yet again, money played an important role in determining which candidates would gain a seat in parliament, but not to such an extent that it influenced the overall outcome of the elections (Aziza 2002; *L'Economiste*, 1 October 2002). That money played a much smaller role in 2002 can largely be attributed to the adoption of the new electoral system, which essentially shifted the power to manipulate who would end up in parliament from the *makhzen* to the parties, who were in charge of drawing up the lists of candidates and ranking these. In accordance with this, it comes as no surprise that, indeed, the amount of fiscal intervention by the authorities was at a much smaller scale than fraud commissioned by the candidates running for parliament or by the parties themselves (*L'Economiste*, 1 October 2002).²⁶

As the 2002 elections followed in the footsteps of the 1997 parliamentary elections by being devoid of massive fraud, and even improving on the performance of the late 1990s, it was evident that Mohammed VI and Prime Minister Youssoufi had not broken their promise of change (Lahlou 2002). The elections of September 2002 were not only devoid of massive fraud, however; they were also reasonably competitive with the Islamist PJD being allowed to contest the elections for the first time in history and with only a few radical parties being excluded from the election process.²⁷ Moreover, the establishment of national lists aiming at increasing the number of women in parliament in order to better reflect the composition of the electorate was another step forward.²⁸

Although the 2002 parliamentary elections were both free, fair and reasonably competitive, this does not mean that the need for evaluation of the election process has come to an end. Whereas the key question in previous elections was whether Morocco had succeeded in fulfilling these criteria, the question at the heart of the 2002 elections was whether these elections constituted an improvement to those of 1997 and to what extent? As just stated, there were improvements with regard to fraud, competition and representation of women, but how about the translation of votes into seats? Had the adoption of a new electoral system managed to increase voter choice? And, was the composition of the

House of Representatives after the 2002 elections more of a mirror image of the distribution of votes than after the elections of 1997?

With regard to voter choice, the 2002 elections were a definite improvement as several of the parties ran more than one candidate in most districts – in general, all the major parties presented the same number of candidates as there were seats to fill in each district, each party hoping that it would be able to capture all seats but knowing very well that this would not be possible (Table 4.4).²⁹

On the issue of obtaining a distribution of seats in the House of Representatives corresponding more closely to the distribution of votes, the new electoral system failed, however. If one takes a closer look at Figure 4.1, which details the discrepancies experienced by the five traditionally dominant parties, it is evident that while the overall discrepancy between the percentage of votes won by each of the parties and the percentage of seats each party was allocated did not change much, on an individual basis, the discrepancies were much more manifest for all but one party, the UC.

The fact that in the 2002 elections, the discrepancy between the share of votes a party won and the share of seats it was awarded had increased significantly compared to the situation in 1997 begs the question: why? Why was this the case when a new electoral system that was supposedly more democratic had just been introduced?

The main virtue of PR is that electoral systems of this format tend to give the voters more choice and produce more proportional results than majoritarian or plurality systems, meaning that the difference between a party's share of the votes and its share of the seats is usually much smaller in PR systems than in other types of electoral systems. However, as the case of Morocco proves, this is not always the case. Whether or not the adoption of a PR system is going to produce more proportional results is influenced by a number of factors, among them the district magnitude, the distribution of each party's supporters, and whether or not an electoral threshold is adopted. What is likely to have affected the situation in Morocco are the choices that were made when the specific form of PR to be introduced was settled upon.

Rather than taking a big jump from single-member constituencies to large multi-member constituencies, the politicians decided on a system that was likely to yield a less proportional result – yet still more proportional than its predecessor – but was more in keeping with the system of the past: small multi-member constituencies with district magnitudes of between two and five. In addition to this, it was decided to introduce an electoral threshold in an effort to create a parliament composed of fewer but stronger parties. Rather than adopting a national threshold, however, the politicians agreed on introducing a district threshold of 3 per cent, in order to reflect the parties' standing in the local areas (el-Messaoudi and Vintró 2005: 87).³⁰

Just like with the attempt to create more proportional results, the efforts to create a parliament composed of fewer but stronger parties failed; the 3 per cent district threshold did not succeed in reaching its intended goals. First, the

Table 4.4 Results of the 2002 elections to the House of Representatives

Party	Votes (%)	Cost of seat	Local lists seats	National lists seats	Seats won ^a	
					Direct	Final
USFP	11.87	15,972	45	5	50	15.38
<i>Istiqlal</i>	9.88	13,596	44	4	48	14.77
PJD	9.84	15,669	38	4	42	12.92
RNI	9.28	15,176	37	4	41	12.61
MP	6.56	15,877	25	2	27	8.31
MNP	5.16	19,515	16	2	18	5.54
UC	5.13	22,210	14	2	16	4.92
PND	4.56	27,588	10	2	12	3.69
FFD	4.84	29,629	10	2	12	3.69
PPS	4.54	30,558	9	2	11	3.38
UD ^b	4.04	27,173	9	1	10	3.08
MDS	2.70	23,364	7	0	7	2.2
PSD	2.96	29,855	6	0	6	1.85
Al-Ahd ^c	2.28	27,637	5	0	5	1.54
ADLd	2.17	32,949	4	0	4	1.23
PGSU ^e	1.35	27,328	3	0	3	0.92
PRD ^f	1.82	36,878	3	0	3	0.92
PFC ^g	1.72	52,124	2	0	2	0.62
PED ^h	1.49	45,305	2	0	2	0.62
PDI	1.01	30,629	2	0	2	0.62
CNI ⁱ	1.98	120,330	1	0	1	0.31
PA	0.72	—	0	0	0	—
PCS ^j	0.47	—	0	0	0	—
ICD ^k	0.82	—	0	0	0	—
PAI ^l	0.65	—	0	0	0	—
Total	96.47	—	295	30	325	99.74

Sources: Moroccan Ministry of Communication (2002b); IFES (2002); el-Messaoudi and Vintró 2005: 79.

Notes

- a Members of the House of Councillors are elected for a nine-year term, with one-third of the members being renewed every three years. The latest 'original' elections to the House of Councillors took place on 5 December 1997, while the latest renewal – the second – took place on 6 October 2003. The next renewal will take place in September 2006 (*Le Matin*, 28 June 2006; Sénat 2006).
- b The *Union Démocratique* was founded in November 2001 by Buazza Ikken.
- c *Part al-Ahd* was created in March 2002 by Nayib el-Uazzani.
- d *Alliance des Libertés* was created in March 2002 by Ali Belhaj.
- e *Parti de la Gauche Socialiste Unifiée* was created in July 2002 by Mohamed Bensaid Ait Idder.
- f *Parti de la Réforme et du Développement* was established in June 2001 by Abderrahmán el-Kuhen.
- g *Forces Citoyennes* was formed in November 2001 by Abderrahim Lahyuyi.
- h *Parti de l'Environnement et du Développement* was formed in April 2002 by Ahmed Alami.
- i *Parti du Congrès National Ittihadi* was created in October 2001 by Abdelmayid Buzubaa.
- j *Parti du Centre Social* was formed in 1982 by Lahcen Madih.
- k *Parti de l'initiative citoyenne pour le développement* was established in March 2002 by Mohamed Benhammu.
- l *Attachdid wa-l-Insaf* was created in May 2002 by Chakir Achahbar.

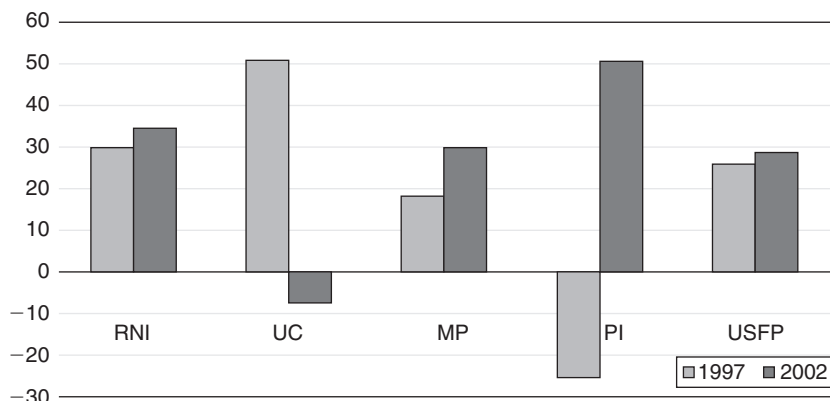


Figure 4.1 Discrepancy between percentage of votes and percentage of seats in the House of Representatives (source: Tables 4.3 and 4.4 Please note that in 2002 the data for the direct elections using local lists were used).

smallest parties gaining entry to the House of Representatives following the 2002 elections possessed a smaller share of the direct valid votes than the smallest parties entering after the 1997 elections.³¹ Second, while the House of Representatives formed after the 1997 elections saw the inclusion of fifteen parties, the 2002 elections resulted in a lower house made up by no less than twenty-one parties; in other words, the size of parliament in terms of parties present was by no means reduced. However, in contrast to 1997 where only one party – the *Mouvement pour la Démocratie* (Democratic Movement, MD) – failed to gain representation, four parties – the *Parti de l'Action* (Party of Action, PA), the *Parti du Centre Social* (PCS), the *Parti de l'initiative citoyenne pour le développement* (Citizen's Initiatives for Development, ICD) and the *Attachdid wa-l-Insaf* (Party of Renewal and Equity, PAI) – were excluded in 2002.

It is important to point out, however, that these parties were not necessarily excluded because they failed to meet the district threshold of 3 per cent; they could also have been excluded because they failed to meet the district election quota. The following account summarizes the seat allocation process as outlined by the government guidelines:³²

Take a district with a magnitude of four seats and five competing lists. A total of 210,000 voters are registered in that district, 180,000 are cast, and 10,000 of the votes cast are invalid.

To win a seat directly, each list must achieve the threshold of that district, which in this case is 5,100 votes (that is, 3 per cent of 170,000 valid votes).

If list A wins 30,000 votes, list B wins 55,000 votes, list C wins 1,500 votes, list D wins 3,500 votes, and list E wins 80,000 votes, then only lists A, B, and E are left in the competition, as lists C and D fail to meet the threshold.

The three remaining lists will have to share the four available seats in that district; these seats are allocated according to an election quota, which is

calculated as valid votes cast minus the votes of the excluded lists, and the result is then divided by the district magnitude. In this case:

$$170,000 - 1,500 - 3,500 = 165,000 \text{ votes divided by } 4 = 41,250 \text{ votes}$$

In this example, only lists B and E are able to meet the quota and each party only meets the quota once resulting in each party being awarded a seat each.

After the parties have been awarded seats according to the quota, the remainder is calculated:

$$\text{List A: } 30,000 - 0 = 30,000$$

$$\text{List B: } 55,000 - 41,250 = 13,750$$

$$\text{List E: } 80,000 - 41,250 = 38,750$$

Two seats are left for allocation, and these go to the two parties with the largest remainders, resulting in lists A and E each receiving a seat. This means that the final results of this district are:

list A: 1; list B: 1; list C: 0; list D: 0; and list E: 2.

In the case of the PA, the PCS, the ICD and the PAI, these parties could have been excluded from parliament because they failed to meet the district threshold, as did lists C and D in the given example. However, there is also the possibility that these parties did meet the district threshold but had remainders that were simply too small. In the example given, list A managed to win a seat in parliament because its remainder was larger than that of list B, but had list A only received 10,000 of the valid votes – rather than 30,000 – the party would have had a smaller remainder than list B and would not have won any seats at all, despite meeting the district threshold.

Although most likely unintentional, the introduction of an electoral system with a district threshold and election quotas with largest remainders explain the increased discrepancy between a party's share of direct votes and that party's share of the seats in the House of Representatives in 2002. Put briefly, the adoption of multi-member districts and a district electoral threshold meant that it would be more than difficult for the *makhzen* to manipulate the new system to such an extent that the outcome of the elections could be predicted beforehand. Instead, what happened in the 2002 elections was that despite the introduction of a seemingly more proportional electoral system, the end results were indeed less proportional than under the old system due to an increase in the number of 'wasted votes'.³³

In addition to the failure of the new electoral system to eliminate – or at least reduce – disproportionality, it also failed to convince the electorate that things had changed and a person's vote would indeed matter. To the embarrassment of Youssoufi and his government, which had repeatedly urged the voters to make use of their democratic right to select the members of the House of Representatives, and despite succeeding in making more voters register, the 2002

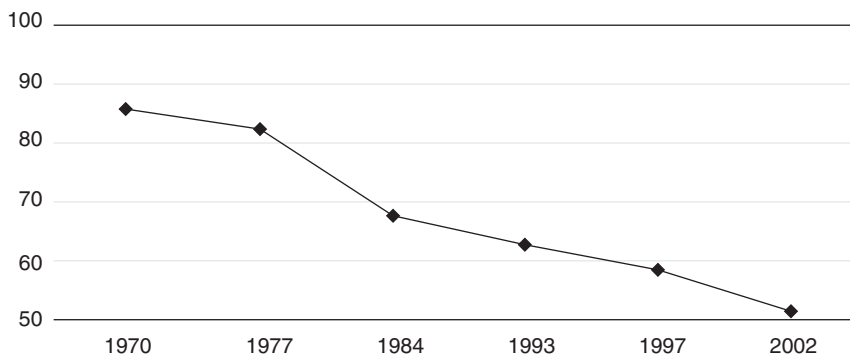


Figure 4.2 Total votes cast as percentage of registered voters (source: IDEA (2006). Please note that no data is available for 1963).

parliamentary elections proved to have the lowest proportion in history of eligible voters turning out (Figure 4.2).³⁴

This reality again prompts the question: why? Why did so few people take the trouble to vote, when there had indeed been proof that things were going in the right direction, as the 1997 parliamentary elections were the most fair and competitive elections in history and, indeed, the first elections to fulfil the criteria of the first of the three core democratic principles? According to el-Messaoudi and Vintró, the answer to this question is:

En las elecciones legislativas se observa (...) un progresivo aumento de la abstención que llega en 1997 hasta casi el 42% y en 2002 hasta más del 48%, lo que guarda relación con la pérdida de credibilidad en el sistema político por el electorado marroquí, que se manifiesta en la falta de interés por inscribirse en las listas electorales, en la apatía por participación en las diferentes fases de los procesos y en un hecho singular en las elecciones marroquíes, la inflación de votos nulos.

(el-Messaoudi and Vintró 2005: 69)

In short, the explanation was not that the electorate did not believe in elections *per se* but that it had lost faith in the entire political system; hence, although elections had become more democratic, this did not affect voter turnout positively, as this had only been a small part of the problem.³⁵ If one takes a look at the explanations for low voter turnout in the parliamentary elections of 1977, 1984, 1993 and 1997, a similar picture emerges, but some nuances are added. For instance, in 1977, the abstention was highest in the Rif region, that is, in the areas with high migration and where the participation of women in public life was very limited (García 2000: 56–7).

The Moroccan Ministry of the Interior laid the blame for the high abstention rate in 1984 on the holiday season, claiming that participation had been lower due to the universities being closed because it was *Eid al-Kabir* (Ramonet

1999). Although this explanation probably did have some substance to it, other explanations were the so-called ‘hunger riots’ that had taken place in the northern regions in January 1984 and the loss of confidence in elections after the fraudulent municipal elections of June 1983 (*ibid.*; García 2000: 150).

In 1993, the provinces most affected by abstention were Tetuan, Chauen, Taunat, Al-Hoceima, Nador, Berkan, Uxda, Taurirt, Jerada, Ouarzazate, Azilal, el-Kelaa, Marrakech, Safi, Chichaua and Essaouira (García 2000: 187–9). As in 1984 and in 1993, these were the areas where the population felt the most alienated, the least satisfied with the political system and the state, and where the level of illiteracy was at its highest, while the participation of women in public life was often at a much lower level than in the rest of the country (*ibid.*). Finally, in 1997, the high abstention rate was explained as largely a result of dissatisfaction with the political system and the state, especially among the younger segments of the population: ‘Los resultados de las legislativas directas van a ser contundentes: un abstentismo generalizado que evidenciará la falta de fe en el sistema sobre todo de los jóvenes’ (*ibid.*: 238). As this chapter comes to an end, it is important to underline the following: the failure of the new electoral system to attract more voters, and the failure to produce a distribution of seats in the House of Representatives that corresponded more closely to the distribution of votes, did not change the reality that the 2002 elections were the most democratic parliamentary elections ever to be held in Morocco – they were reasonably competitive, free and fair, competition was increased as the Islamist PJD was allowed to contest the elections, greater representation was ensured by the establishment of national lists for women, and voter choice was improved by the adoption of a PR-list electoral system.

Conclusion: 1996–2006 – more competitive, freer and fairer elections for Morocco?

It was the adoption of Morocco’s sixth constitution in 1996, which slowly reignited the flame of the democratization process, as reasonably competitive elections, devoid of massive fraud and with broad suffrage, were once again provided for in the constitution having been missing since the adoption of the 1970 constitution. As stated earlier, the adoption of the 1996 constitution and the provision of this core democratic principle was not an improvement to the situation under the original constitution of 1962. However, compared to the four constitutions immediately preceding it, this was a substantial advancement as Morocco went from not having provided for this core democratic principle in a period of no less than 26 years – an era that included the holding of three parliamentary elections – to providing for reasonably competitive, free and fair elections in the two most recent parliamentary elections of 1997 and 2002.

As stated in the introduction, in this book, democratic performance is not only evaluated on the basis of whether the three core democratic principles are provided for in the constitution but also on whether these are upheld in practice. In other words, for a core democratic principle to be judged as being fully pro-

tected and respected, it must not only be provided for but also adhered to, and this is where Morocco has made the real change in recent years.

From this and the preceding chapters, it is evident that, in practice, elections had not been reasonably competitive, free and fair since the country gained independence in 1956 and until the beginning of 1997. In the months leading up to the parliamentary elections in 1997, things began to change, however, and as of these elections, Morocco must in practice be said to live up to the criteria of the first core democratic principle, a conclusion that is still valid as of 2006.

Having established that by 2006 Morocco has indeed made significant progress compared to the situation at the time of independence in 1956, the adoption of the country's first constitution in 1962, and the holding of the first parliamentary elections in 1963, the principal questions that emerge are: why did Morocco undergo this development, which was slowly set in motion with the adoption of the 1996 constitution, and then gained further force with the parliamentary elections of 1997? Who initiated the reform process? Is this process likely to continue, and if so, why?

The answer to the first of these questions – why Morocco underwent this development – lies partly in the answer to the question of who initiated it. This chapter has shown that the reforms introduced and changes to behaviour which led to the core democratic principle of reasonably competitive, free and fair elections being respected in practice during the 1997 and 2002 elections were not the consequence of popular pressure; rather, they were largely the result of efforts made by the *makhzen* and the government.

Beginning with the *makhzen*, it was the dominant figure within this body, the King, who made these changes possible in the first place. It was King Hassan who in 1993 set the entire process in motion, when he invited the USFP and the *Istiqlal* to form the first ever government to be led by the traditional opposition. Although the *Kutla* declined the King's offer, Hassan II took the democratization process a stage further by opting for further liberalization, rather than any of the other alternatives available to him at the time. Before his death, King Hassan followed up on these positive developments when he invited the USFP to lead the new government following the 1997 parliamentary elections, a move he was by no means forced to make.

The willingness by the *makhzen* – particularly the King – to open up the political system and move the country further towards democracy was not only demonstrated after elections had taken place in 1997 but also during the actual election process. As stated earlier, in the 1997 parliamentary elections, fraud took place on a much smaller scale than in previous elections; indeed, the elections changed from being marred by massive fraud to simply having elements of fraud, something that also happens in many elections in the democracies of the West. In addition to the significant decrease in intervention by the *makhzen*, the *makhzen* also made a positive contribution to the democratization process by allowing the PJD to contest the 2002 elections as the first Islamist party in history, and by supporting a reform of the election code, which included the adoption of national lists for women and a new electoral system.

The revision of the election code, which is rumoured to nearly have been introduced already at the time of the 1997 elections, was not only championed by the *makhzen*, however. The official, public discussion of the issue was initiated by Prime Minister Youssofi in early 2001. In short, the advances towards democracy which led to the protection of and respect for the core democratic principle of reasonably competitive, free and fair elections were the result of a favourable political environment in which the interests of the accommodating *Kutla*-dominated government coincided with those of the *makhzen*.

First, with regard to the entry of the USFP into government, the traditional opposition gained hold of government leadership, while the *makhzen* maintained a strong position in government, and also obtained the additional bonus of being guaranteed that there was no real alternative to the current form of government as the *Kutla* not only became part of the regime but was also significantly weakened.

Second, concerning the revision of the election code and the agreement to let the PJD contest the elections, it was not only in the interest of the government to increase competition, as this had been one of the core issues of the *Kutla* for decades, but also because the ability to carry out such changes would make the *Kutla*-led government end its reign with a success after four years of failure upon failure. From the point of view of the *makhzen*, allowing the PJD to contest the elections and adopting a PR-list electoral system would look good both domestically and internationally. Moreover, such a move was also likely to appease the Islamist segment of the society as it would now have a dedicated representative and, finally, it was likely to result in a less fragmented parliament as the number of parties represented was expected to decrease.

5 Basic civil liberties, 1996–2006

Following up on the analysis of the advances made in the period from 1996 until 2006 with regard to reasonably competitive, free and fair elections, this chapter examines progress made in the same period but with respect to the core democratic principle of basic civil liberties. As stated in the introduction in this book, the concept of basic civil liberties is confined to the tenets of freedom of speech, assembly and association. These three tenets are commonly understood as laid out in the Universal Declaration of Human Rights, which stipulates that ‘everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers’ (United Nations 1948: article 19).

In addition to these provisions regarding the freedom of opinion and expression, article 20 maintains, with respect to the tenets of freedom of assembly and association, that ‘everyone has the right to freedom of peaceful assembly and association’, and that ‘no one may be compelled to belong to an association’ (United Nations 1948).

The evaluation of the situation of basic civil liberties in Morocco is somewhat complicated by the fact that the three tenets are often connected in practice. Improvements regarding freedom of speech often also signify advances when it comes to freedom of assembly and association, just as setbacks in one area usually also lead to setbacks in another. As shall become evident in the subsequent sections, Morocco continues to suffer problems with respect for the basic civil liberties, particularly when it comes to the country’s Islamists. However, despite the human rights situation being far from perfect, some improvements have been made during the period from 1996 until 2006, resulting in a climate that is markedly freer than during the reign of King Hassan.¹

Freedom of speech and the media in Morocco

The tenet that is perhaps the easiest of the three to evaluate is that of freedom of speech, as violations of it are easy to detect. Because the issue of freedom of speech is relevant to so many different actors – among them journalists, political dissidents, and disaffected citizens in general – and due to the reality that these

diverse actors are often affected by violations of the issue in different ways, the subsequent four sections are structured as follows: the first section devotes its attention solely to the issue of freedom of speech in relation to journalists operating in Morocco, whereas the second section touches upon the issue when looking at the *Instance Équité et Réconciliation* (Equity and Reconciliation Commission, IER). Sections 3 and 4 deal with the tenets of freedom of speech as well, but while the first section limited itself to this basic civil liberty alone, section 3 also analyses deterioration and progress made with regard to the tenets of freedom of assembly and association, and section 4 focuses on the tenets of freedom of speech and assembly.

With regard to the topic of freedom of speech, there is general agreement that although this basic civil liberty continues to be repeatedly violated in Morocco, some progress on the area has been achieved the past few years (Reporters Without Borders 2005a). According to Ahmed Benchemsi, the founder of the Moroccan weekly publication *TelQuel*, press freedom has improved significantly in the country since the death of King Hassan in 1999 (ibid.). Most notably, it has become easier for the Moroccan media to operate in the main cities such as Casablanca and Rabat, while it remains more difficult to gain access to information in the countryside due to the local media continuing to feel pressurized by the *makhzen* as press freedom organizations are less familiar with these publications (ibid.).

In addition to the more free environment experienced by the media in the larger cities, other changes have occurred in recent years further improving press freedom. If one takes a look at the list of violations of press freedom listed by Reporters Without Borders in its report on Morocco for 2005 and compares it with those mentioned in the report for 2002, it becomes evident that even within the space of just a few years, significant improvements have been made:

In 2004, Reporters Without Borders (2005a) claim, two journalists were imprisoned, one was physically attacked, five foreign journalists were deported, one media outlet received a letter bomb, and one media outlet was censored.² In comparison, in its 2002 report, the organization states that three weeklies were suspended in 2000, the managing editors of *Le Journal* were sentenced to two and three months of imprisonment and an exorbitant fine, the managing editor of *Demain* was sentenced to four months in prison, and a journalist was jailed in Western Sahara, where he was reportedly ill-treated.³ In addition to these breaches of press freedom, two Moroccan and seven foreign newspapers found themselves under censorship due to having addressed topics such as Western Sahara, corruption, and the King in person (Amnesty International 2001a; Reporters Without Borders 2002).⁴

The question of whether or not the media should be allowed to critically address the issue of the King in person is highly interesting, not only because this is the issue which is most likely to see a journalist fined or a publication censored or even banned but also because it shows the ambiguity involved in the democratization process when it comes to improving the status of the basic civil liberties.

While it remains illegal to criticize the monarchy and the King in person, in recent years the media and the country's intellectuals have been allowed to criticize former Kings, such as Hassan II. During the reign of King Hassan, it was unthinkable that the media would be allowed to publish articles such as those appearing in the press today, criticizing the late King for limiting the country's democratization process by breaching press freedom and keeping the political parties under check and by openly linking Hassan II to the human rights violations taking place during the years from independence until 1999. Headlines such as 'Faut-il amnistier Hassan II' and 'Comment Hassan II a humilié les partis' would have cost a hefty fine and probably led to censorship and imprisonment during the previous regime, and revealing and somewhat critical books such as Laroui's *Le Maroc et Hassan II: un témoignage* (2005), which are readily available everywhere in Morocco, are likely to have been banned had they been written about Mohammed V during the reign of Hassan II.⁵

As stated earlier, what has not changed since the days of King Hassan is the reality that the King in person cannot be criticized. Moreover, it also remains illegal to criticize the position of the monarchy. Ali Lmrabet, a prominent journalist and editor, learnt this the hard way as he found himself on trial on several occasions during 2002–5, accused of having 'undermined the monarchy', 'threatened the integrity of the national territory', and 'undermined the stability of the state' by publishing articles, cartoons and a photomontage on issues regarded as highly sensitive (Amnesty International 2004; Reporters Without Borders 2005b).⁶ Although it seems farcical to most people, according to Amnesty International (AI), one of the articles that earned Lmrabet a jail sentence and a hefty fine

was entitled 'The royal palace of Skhirat reportedly "for sale"' (*Le palais royal de Skhirat serait en vente*). The article said that the newspaper had received information that a decision had been taken at the highest level in Morocco to sell the royal palace to foreign investors wanting to turn it into a tourist complex.

(Amnesty International 2004)

Despite the reality that press freedom continues to be severely restricted in Morocco as the above example illustrates, boundaries have been moved in a positive direction in recent years, as articles critical of the current King, Mohammed VI, have emerged, particularly in *TelQuel* and in *Le Journal*. The former of these two publications has run a special issue on the secret services entitled *Services secrets: Les grandes oreilles de la monarchie*, while the latter has addressed in detail the limits of Mohammed VI's reform programme in an issue bearing the title *Les limites du 'Roi sauveur'* – both without being fined, censored or indeed banned.⁷ Taking this reality into consideration, it seems fair to conclude that the extent to which freedom to criticize is allowed depends on who is publishing and most likely also on when and where the material is being published.

The *Instance Équité et Réconciliation*: limited freedom of speech

Simultaneously, with the media experiencing greater freedom of speech, this tenet has suffered somewhat with regard to other areas. As the following paragraphs illustrate, freedom of speech was actively discouraged in the country's truth commissions as the mentioning of the names of those responsible for committing human rights abuses was prohibited during the public hearings. Although this particular case is not one of the strongest breeches of the freedom of speech in the country, it is significant due to the reality that it illustrates the importance of the respect for the tenet of freedom of speech if the democratization process is going to gain further public support. Put briefly, if the population is going to increase its faith in the democratization process, it needs to see significant improvements, and holding back the names of the perpetrators of the crimes committed during the reign of King Hassan, thereby increasing the possibilities that these persons will escape prosecution, is not one of the ways to do it.

L'Instance d'Arbitrage Indépendante

On 16 August 1999, after years of campaigning for truth and justice, the efforts of the country's human rights campaigners and their international supporters eventually bore fruit, as Mohammed VI announced the creation of the *Instance d'Arbitrage Indépendante* (Independent Arbitration Commission, IAI), a commission charged with addressing the claims and compensation of victims of disappearance and arbitrary detention (Moroccan Ministry of Communication 1999; Commission des Droits de l'Homme, Nations Unies à Genève 2004; Conseil Consultatif des Droits de l'Homme 2005: 16). As was the case with the adoption of legislation improving the human rights record in the period 1990–96, the creation of the IAI was largely the result of foreign pressure, although domestic factors such as the formation of the USFP-led government in 1998, the ascendance to the throne of Mohammed VI, and activities organized by civil society organizations played an important role as well.⁸

When created in August 1999, it had already been decided that the IAI would only deal with a limited number of cases, as victims of human rights abuses in the period from independence until 1999 were given until the end of the year to file their indemnity applications (Conseil Consultatif des Droits de l'Homme 1999).⁹ By 3 January 2000, no less than 5,127 persons had done so, resulting in the initiation of an elaborate interview process which came to last more than three years (Fédération Internationale des Ligues des Droits de l'Homme 2004: 37; Slymovics 2005: 26). According to the *Fédération Internationale des Ligues des Droits de l'Homme* (International Federation of Human Rights Organizations, FIDH), during the years from 2000 until mid-2003, no less than 8,000 persons were interviewed by the *Instance d'Arbitrage Indépendante*, resulting in approximately 5,500 cases being settled – 3,700 victims received compensation, 750 had their cases referred as further expertise was needed, 890 had their case

rejected, while 130 cases were omitted due to lack of cooperation by the victims (Fédération Internationale des Ligues des Droits des l'Homme 2004: 37).

L'Instance Équité et Réconciliation

With the termination of the IAI on 10 July 2003, Morocco experienced a brief period without a reconciliation committee until its successor, the IER, was eventually created on 7 January 2004.¹⁰ The establishment of the IER came after months of pressure from civil society, as well as upon the advice of the monarchical created the CCDH, which was concerned that the country was not living up to its international obligations when it came to the subject of the country's human rights situation (Instance Équité et Réconciliation 2001).

According to the statutes of the IER (2004b), the institution was given seven missions:¹¹

- 1 To establish the nature and the extent of the human rights violations committed in the past, examined in their context and in the light of the norms and values of human rights such as the principles of democracy and a state based on the rule of law and via the collection of information that can help expose the truth, for example, in the official archives.
- 2 To continue the search for those forcibly disappeared, whose faith remains unknown, by making use of all means to investigate and reveal what happened to these persons.
- 3 To determine the responsibilities of the state institutions or any other institution in the violations and acts, which are the objects of the investigations.
- 4 To compensate the material and moral damages suffered by the victims or their relatives, continuing the actions of the old IAI.
- 5 To monitor the compensation of other damages suffered by the victims of forced disappearance and arbitrary arrest, with the intent of making recommendations as to the psychological and medical rehabilitation of these victims as well as to their social reintegration.
- 6 To create an official document announcing the conclusions of the investigations, while also including an analysis of the violations and their contexts, as well as recommendations as to how to avoid a repetition of the violations in the future.
- 7 To promote a culture of dialogue, thereby creating the basis for reconciliation and the consolidation of the transition to democracy.

Despite these seven extensive missions, and notwithstanding the reality that the IER would be investigating crimes committed in the entire period from independence in 1956 up until the establishment of the IAI in 1999, the institution was only given a mandate of nine months beginning on 10 April 2004, albeit with the possibility of three months extension (Fédération Internationale des Ligues des Droits des l'Homme 2004: 39; Instance Équité et Réconciliation 2004a). In this short period, however, the IER succeeded in considering a

remarkable number of claims, having received a few days before the end of its official mandate – according to its president Driss Benzekri in an interview with Human Rights Watch (HRW 2005: 34) – ‘close to 40,000 pieces of correspondence, concerning between 25,000 and 30,000 cases’. However, according to the same interview, Benzekri estimated that ‘when the work is completed, it is likely that only 10,000 to 15,000 of these cases will be determined eligible for compensation’.

According to FIDH (2004: 41–2), although the establishment of the IER in the first place was indeed a positive step, and notwithstanding the fact that the institution managed to examine a large number of claims, the IER has been very problematic for a number of reasons:

- Out of the seventeen members of the IER commission, only one was a woman.¹²
- The IER operated according to the principle of decentralization, creating a number of regional offices rather than a national one, creating problems of coordination.
- The IER’s choice of method was highly inefficient as there were large discrepancies between the amounts of information the different regional office had to consider. For example, the regional office researching the violations committed in Tazmamart had an enormous amount of information to scrutinize, whereas the regional office covering the violations perpetrated in the Rif had hardly any information to examine.

In addition to these negative points identified by FIDH, Mohammed el-Boukili of the *Association Marocaine des Droits Humain* (Moroccan Association for Human Rights, AMDH) lists another two:¹³

- The IER was only concerned with uncovering the truth about what happened to those victims of human rights abuses during the years from 1956 until 1999, not with prosecuting or punishing those responsible for the acts of violation.
- The IER was only concerned with the violations committed during the reign of King Hassan. By limiting the claims to this period, the IER insinuated that grave human rights abuses have not taken place since then.

With regard to the first of el-Boukili’s two points – the emphasis of the IER on revealing what happened during the so-called *années de plomb* – el-Boukili maintains that this has actually hindered reconciliation because many victims of the grave abuses committed during this period could simply not forgive nor forget unless those responsible for these atrocities were held criminally responsible.¹⁴ However, according to the statutes of the IER, the institution did not have the powers to prosecute, it was not allowed to urge other personalities to open criminal investigations and, furthermore, it was not permitted to pass on any information to prosecutors or investigative judges (Instance Équité et Réconciliation 2004b).¹⁵

The fact that the IER was not empowered to prosecute was, according to el-Boukili, not the only issue that made it difficult for the victims of human rights abuses to accept the rulings of the institution; another problem was the reality that the mentioning of names was barred during the hearings of the IER, a reality that set the Moroccan truth commission apart from other similar institutions, such as those of El Salvador and South Africa, as these identified the perpetrators (Human Rights Watch 2005: 17).¹⁶ Also, concerned with the issue of the prohibition of mentioning the names of the perpetrators, HRW raised the problem with Driss Benzekri, who responded:

the ban on naming perpetrators applied only to the realm of the ERC's public disclosures. He said that in the course of its research, the ERC routinely noted the names of alleged perpetrations. The section of the final report containing the names of perpetrators constituted the only part of that report that would be delivered to the king rather than made public, Benzekri said. It would then be up to the king what to do with this information.

(Human Rights Watch 2005: 23–4)

This postulation by Benzekri is, however, disputed by el-Boukili, who explained in an interview that victims taking their cases to the IER had reported back to the AMDH that they felt under pressure not to mention the names of their tormentors at any time – neither when interviewed nor during the public hearings – if they wanted to receive compensation. According to these people, the word on the street was that those who played by the unofficial rules of the game, that is, those who did not mention any names at any time, were the only people to receive compensation, while those mentioning the names of the perpetrators, even during interviews with the IER, would receive nothing regardless of whether they had a strong case or not.

Islamists: speech, association and assembly

El-Boukili's second point of discontent, that is, the problem of the allusion that grave human rights violations have not been committed since the creation of the IAI in 1999, is the topic of the subsequent sections. Although several segments of the population continue to suffer under human rights violations, the sections here focus solely of the case of the Islamists. The rationale behind the selection of this particular case is that although disregard for the basic civil liberties is – as stated earlier – somewhat random in Morocco, it is less random for some groups than for others. Groups – for example, the country's Islamists – who are either seen as existential threats or as potential existential threats to the regime suffer from violations more frequently than other groups. In the following sections, the basic civil liberties, as well as the physical and psychological abuse experienced by Islamists when arrested or in prison, are examined in detail. This analysis highlights how the advances made with regard to the tenets of freedom of speech, assembly and association have not

stretched to also include the country's Islamists, who appear to be legitimate victims of abuse.

A changed political climate

Before going into greater detail about the situation of the Islamists in the period from 1996 until 2006, it is important to look at the wider context, both in Morocco as well as on a global scale, as ignoring the greater perspective would simply make it too easy to point fingers at the country. In other words, the following sections seek to detail the extent of abuses committed by the authorities against the Islamists, while also reminding the reader of the fact that the maltreatment of Islamists is not a strictly Moroccan phenomenon, as in most parts of the world – in the wake of September 11 – human rights violations have increased, while the respect for basic civil liberties has declined.

The extent of the violations of the basic civil liberties, particularly with regard to Islamists, is well illustrated in HRW (2003), where the organization points out how human rights practices have been affected negatively by the events of September 11, in countries as diverse as the United States, the United Kingdom, Spain, China, and Egypt, among others.¹⁷

While most people around the world with access to news media in one form or other are fully aware that the United States has severely limited basic civil liberties following September 11 and that the country has violated the human rights of, among others, those prisoners detained at Guantánamo Bay, many are less familiar with the violations and restrictions introduced in European countries such as Spain and the United Kingdom (Human Rights Watch 2003: 23). In Spain, HRW asserts, the authorities have taken advantage of the new international climate to not only apply the already existing strict anti-terrorism laws to suspected *al-Qaeda* operatives but also to increase the pressure on Basque separatists and the non-violent pro-independence movement by tightening legislation even further (ibid.: 19).

In the United Kingdom, the measures undertaken in the wake of September 11 were much more far reaching than those adopted in Spain, moving the United Kingdom in the direction of the United States and away from its European neighbours. Following the HRW (2003: 20) report, '...the U.K. derogated from the European Convention on Human Rights and Fundamental Freedoms (ECHR), the sole Council of Europe member to do so on counter-terrorist grounds'.

The countries of the Middle East have not exempted themselves from increasing repressive measures after the September 11 terrorist attacks. In Egypt, these events have been used as a welcomed excuse to extend the state of emergency in place since the assassination of President Anwar Sadat in October 1995 as well as a means to stifle the various Islamist and opposition groups – whether violent or not – operating in the country (Human Rights Watch 2003: 11–12).

Finally, China has used the changed international climate to crack down hard on the predominantly Muslim Uighur community in the Xinjiang Uighur

province, claiming that this particular ethnic community was carrying out terrorist attacks both within and outside China (Human Rights Watch 2003: 10).

Morocco's Islamists: legitimate victims?

In the light of the increase in human rights violations in the name of counter-terrorism, and taking into account the tightening of legislation and the resulting decline in respect for the basic civil liberties across the globe, it is hardly surprising that the respect for the human rights of the Islamists in Morocco has been deteriorating in recent years, as has the respect for the basic civil liberties of freedom of speech, assembly, and association when it comes to this segment of the population.

In the wake of September 11 and the changed international climate, increased attention was paid to the country's Islamists. According to a report by the US Department of State, in 2002, some eighty persons had been arbitrarily arrested in Morocco due to accusations of having links to *al-Qaeda* (US Department of State 2003). In addition to this measure, several Islamists were put under intense surveillance, as were preachers and religious counsellors in the country's mosques, apparently in an effort to '...avoid their exploitation for political propaganda, such as disturbing pamphlets and raising funds', as the authorities feared that these religious scholars were utilizing the country's mosques for political purposes (*ibid.*).

Despite the intensification of the campaign to undermine and eventually eradicate the country's more radical Islamists in 2002, the number of reported arbitrary arrests, cases of torture, and unfair trials of Islamists did not surge until after the Casablanca bombings of 16 May 2003 (Amnesty International 2003: 5; *Association Marocaine des Droits Humain* 2004). Soon after these devastating attacks on the country's largest city, which killed thirty-three people and injured more than a hundred, parliament passed new anti-terror legislation. The law adopted on 28 May 2003 added a number of new articles to the country's penal code and criminal procedure code, among them clauses concerning penal dispositions, dispositions regarding the penal procedure, and procedures relating to the financing of terrorism (Bendourou 2004: 246–56).

Human rights organizations criticized both draft versions as well as the final version of the new law on combating terrorism, raising concerns that the vague terms applied in the new law would lead to an increase in human rights violations, especially taking into consideration the country's poor records over the past few years (Amnesty International 2003; UN Human Rights Committee 2004).

Although strongly downplayed by Mohammed VI, who in an interview with the Spanish daily *El País* described the accusations of excessive repression by various human rights organizations as 'exaggerated', the fears of AI and similar organizations seem to have become reality in the years following the adoption of the new anti-terror legislation.¹⁸ In 2003, 2004, and 2005, stories about arbitrary arrests, ill-treatment, torture, refusal to have a lawyer, and so on of the country's

Islamists – or people accused of being Islamists – almost became daily news in the media in Morocco. Over the duration of a few weeks in spring of 2005 alone, numerous articles appeared in *TelQuel* and *Le Journal* – two of the country’s most critical publications – on the subject of ill-treatment of the country’s Islamists.

One article likened the Outita II prison in the northern Gharb region to Guantánamo Bay and Abu Ghraib, detailing how those imprisoned here have been victims of torture, mental abuse and other forms of ill-treatment (Amar *et al.* 2005; Bennani 2005b). Other articles have described the scale of abuse committed in prisons against the Islamist detainees, in more numerical terms. In an article published in *TelQuel* in the 12–18 March 2005 issue, the magnitude of the crimes committed against Islamists or suspected Islamists in Moroccan prisons becomes disturbingly clear: out of a sample of more than 200 prisoners, the magazine states, 182 had been forced to strip naked, 36 were victims of rape, 73 had been suspended, 38 were victims of *tiyara*, and 99 had been subject to electrocution. Regarding the current state of health of these particular detainees, 95 now suffer from hearing related problems, 101 from problems with their vision, 164 have developed rheumatic disorders, and 51 have been left chronically disabled.

According to Mohammed el-Boukili of the AMDH, while the respect for the basic civil liberties and human rights appears to have been improving in general during the period from 1996 until 2006 – and particularly since the death of King Hassan in 1999 – the respect for the basic civil liberties and the human rights of the country’s Islamists, as well as of those accused of being Islamists, has declined.

In present day Morocco it appears that there are ‘human rights’ and ‘human rights of Islamists’ – the former are somewhat respected, the latter are not. What is worse, however, is that this seems to be completely legitimate. Although the authorities are denying that violations have taken place after the death of King Hassan, they have not tried very hard to hide these crimes, and most people do not seem to care, they are too afraid of the Islamists and too afraid of the regime.¹⁹

The case of al-Adl wal-Ihsan

As stated earlier in this book, of all of the Moroccan Islamist organizations and parties, including the PJD, Abdessalam Yassine’s *al-Adl wal-Ihsan* (Al-Adl) is by far the most popular despite the fact that the organization remains illegal and is accordingly forced to operate in a somewhat clandestine manner. The fact that *Al-Adl* remains banned despite having existed in a more or less structured form since the 1980s is not only interesting because of the long time span but also due to the reality that despite the existence of more than twenty active Islamist organizations in the country at present, only *Al-Adl* remains illegal (US Department of State 2004).

It must be noted that *Al-Adl* is not the only organization suffering from violations relating to the freedom of association. Due to the existence of highly restrictive legislation regarding this particular basic civil liberty, the authorities have far-reaching powers to not only ban organizations deemed undesirable but also to prevent their legalization in the first place.²⁰ The original law regulating the freedom of association was adopted on 15 November 1958, and was then revised in April 1973 under the supervision of Driss Basri, resulting in further restrictions (Bendourou 2004: 113, 201). On 23 July 2002, the law was amended again, lifting some of the excessive restrictions introduced in 1973 but not to the extent that freedom of association can be said to be protected (ibid.: 113).²¹

Although a number of organizations are banned simply because they are found to be threatening the territorial integrity of Morocco – this refers to a number of organizations championing the rights of the Berber-speaking population and the Sahrawis – several other organizations are banned because they have a radical orientation, these organizations being either radical Islamists or located on the extreme left (US Department of State 2004, 2005).²² *Al-Adl* can justifiably be classified as belonging in the category of organizations with a radical outlook. It is no secret that the movement wishes to change the political status quo, that is, the regime form of executive monarchy, as the core objective of *Al-Adl* is to transform Morocco from a *jahil* society to one governed by an Islamic regime, which the organization claims would substitute the current executive monarchy with Islamic democracy (Entelis 2002; Maddy-Weitzman 2003; Zeghal 2005: 115–90).²³ Hence, there is no doubt that *Al-Adl* not only violates *dahir no. 1-02-206 du 12 joumade 1 1423*, which regulates the freedom of association, the organization also does not live up to the requirements stipulated in article 4 of the new law on political parties adopted in 2005, which like the abovementioned *dahir* prohibits political parties that are seen as attempting to undermine the monarchical regime.²⁴

As an organization banned by the authorities, *Al-Adl* and the organization's members suffer particularly hard from violations of their freedom of speech. However, during the past few years since Mohammed VI came to the throne, things have improved for the movement as although Sheikh Abdessalam Yassine's publications remain banned, the books and articles published by his daughter Nadia Yassine are widely available throughout Morocco (Zeghal 2005: 115–90).²⁵ Moreover, although Sheikh Yassine is still barred from giving public speeches, Nadia Yassine and other members of the organization are permitted to give interviews to the media as well as speak to the public (Abu Ghazaleh 2000).²⁶

While it is true that interviews given by Nadia Yassine and other members of *Al-Adl* have often led to difficulties for both the publication and the person interviewed, this often has less to do with the fact that it is an Islamist – and indeed a member of *Al-Adl* – who is talking and much more to do with the contents of what is actually being said in the interview.

In my opinion, the reason why *Al-Adl* appears to suffer more than anyone else – that being a person, a publication or an organization – when it comes to

freedom of speech is directly related to the reality that *Al-Adl* refuses to accept the rules of the game, making it publicly known that the organization would prefer a different regime form to that of executive monarchy, that the organization finds the royal family and the politicians of the country to be corrupt, and that the organization does not believe in democracy and the representation of the people by political parties and politicians in parliament selected via reasonably competitive, popular elections. In short, the publications and interviews by members of *Al-Adl* often touch upon issues that the *makhzen* does not consider within the public domain, such as the position of the monarchy and the King in person.²⁷ This is not to say, however, that this is acceptable, as any breaches of the basic civil liberties are wrong, rather, it is to say that it is by no means surprising.

Similarly, it is hardly astonishing that *Al-Adl* and its members have been denied their right to assemble freely – not only is the organization illegal, its members and supporters also frequently utter their preference for a different regime form and, probably more importantly, the organization tends to draw large crowds. Although it does not happen very often, *Al-Adl* has instigated large-scale demonstrations attracting hundreds of thousands of demonstrators, something that is bound to worry Mohammed VI and the political parties in a country where mass mobilization is seldom seen.²⁸ Hence, even during the reign of Mohammed VI, at a time when human rights and the respect for civil liberties is generally improving, most public events organized by *Al-Adl* continue to be harshly repressed. As an illustration, on 10 December 2000, the security forces beat a large number of activists and arrested hundreds of members and supporters of the movement as they demonstrated for its legalization. Although most of these were released the same day, dozens were reportedly held in custody, and some were later prosecuted for taking part in the demonstrations (Amnesty International 2000).

Unemployed graduates: assembly and speech

Like the Islamists – whether members and supporters of *Al-Adl* or not – several other segments of Moroccan society have suffered when it comes to freedom of assembly in the period from 1996 until 2006. However, only one other group – the country's unemployed graduates – can be said to be feared by the authorities to the extent that their basic civil liberties are violated less randomly than those of other groups. Similar to the Islamists, the unemployed graduates are many in number, they continue to grow on a daily basis, and they voice their disaffection with the regime regularly, making them another potential existential threat to the regime, albeit less so than the Islamists.

If one takes a look at the numerous human rights reports published on the Middle East, North Africa and Morocco in the period from 1996 until 2006, it becomes striking how much the Moroccan unemployed graduates actually suffer when it comes to the issue of freedom of assembly. Reports published by the US Department of State, AI, HRW, and the AMDH all give several examples of

how in this period unemployed graduates were denied recognition of their association *L'Association nationale des diplômés-chômeurs* (The National Association for Unemployed Graduates, ANDC), how they were denied their right to demonstrate on numerous occasions, how they were beaten by the security forces when demonstrations were dispersed, and how they were detained (see, among others, Amnesty International 2001b; US Department of State 2004, 2005; *Association Marocaine des Droits Humain* 2005b; Human Rights Watch, 2005).

The reality that the unemployed graduates are actually the greatest victims in the country when it comes to breaches of the basic civil liberty of freedom of assembly naturally prompts the question 'why'? How come a segment of the population, which is not seeking to overthrow the monarchy, threaten the territorial integrity of the state, or undermine the state religion pose such a threat? According to interviews carried out in Morocco in spring 2005, the answer to this is rather complex – it involves numbers, persistency, identity crisis, and fear of being voted out of office, and all of these factors are related in one way or another.

The perhaps two most important of the abovementioned four factors are those of numbers and the fear of being voted out of office. In Morocco, the number of unemployed graduates has risen sharply in the last two decades, culminating so far in a record high 27 per cent of graduates being unemployed in 2004 (Khourri 2005).²⁹ Whereas the country's graduates were almost guaranteed a post within the civil service during the 1970s and 1980s, this is no longer the case. With the sharp increase in graduates, and with the increased transparency on the job market as a result of the democratization process, many graduates find themselves out of a job, a situation they and their parents had never imagined. Consequently, it is hardly surprising that this situation has resulted in a lot of disappointment, anger and resentment.³⁰

In an effort to improve their situation and in order to voice their disaffection, hundreds – or at times even thousands – of unemployed graduates have taken regularly to the streets of the main cities, principally Rabat which houses the parliament building. According to Ali Belhaj, the leader of the political party *Alliance des Libertés* (Alliance of Liberties, ADL), however, their efforts are in vain. The current government, like the governments before it, is very much aware of the dire situation of the country's unemployed graduates and knows that the situation is only going to get worse. Yet, no government is going to propose the extensive education reform package which is desperately needed if this problem is going to be even the slightest alleviated.³¹

The reason for this is, according to Belhaj, that a reform of the country's education system is a very sensitive issue not only because of the vast sums of money involved but also because of identity issues. Since the Gulf War in particular, a debate has been ongoing within Morocco as to which direction the country should take.

As stated earlier, there is a general agreement among the country's politicians that Morocco should strengthen its relationship with Mediterranean Europe rather than with the Middle East. This position is largely supported by the Moroccan business community, as trade with Europe accounts for a large share

of the national income. Hence, what this group of actors is pushing for is further reforms of the educational system, which would increase the value of Moroccan university degrees by letting in fewer students and strengthening the curricula. On the other hand, a very strong segment of Moroccan society and political life, principally conservative forces, are arguing for a reform of the education system, which would see Arabic introduced as the main language of instruction at the country's universities at the cost of French, which is dominant today.

Consequently, with parliamentary elections scheduled for 2007, lack of consensus, and uncertainty as to which – if any – of the two positions is going to improve the situation for the unemployed graduates, the government is unwilling to push the issue out of fear of being voted out of office, while the opposition is unlikely to pursue the issue too strongly out of fear of being caught out without a plan that is certain to alleviate the problem. This means, in turn, that the unemployed graduates pose a threat to the politicians – whether in government or not – which is why they have often suffered from violations of their right to assemble freely.³²

Due to the reluctance of the politicians to discuss the issue of graduate unemployment, the frequent demonstrations in front of the parliament building are bound to continue, as is the random use of force against the graduates by the security forces. Both Belhaj of the ADL and el-Boukili of the AMDH maintain, however, that this reality is not going to have any real impact on Moroccan politics.³³ Although the demonstrating graduates have suffered hard and have been subject to beatings, arrests, and so on, these violations do not take place at a massive scale, and most do not end up in prison for more than a short period of time.³⁴ By Moroccan standards, the unemployed graduates have been more or less disregarded for a number of years, and this situation can easily continue for many more as they pose no danger to the monarchy.³⁵

In fact, el-Boukili supports the position that the *makhzen*, and Mohammed VI in particular, is rather pleased with the current state of affairs as it strengthens the *makhzen* vis-à-vis the government and the politicians in parliament.³⁶ Were the disaffected unemployed graduates to redirect their demonstrations from outside parliament to in front of the royal palaces, however, the current approach would change drastically, meaning that this is unlikely to happen.³⁷ As Belhaj puts it:

students cannot demonstrate in front of the King's palaces, and they will not. They know what will happen if they do ... They will be beaten, they will be arrested, and they will be taken into dark vans and driven away³⁸

Or, in the words of a Moroccan intellectual:

There is freedom to criticize parliament, but not to criticize the King. If you criticize the King or demonstrate in front of one of his palaces, they will beat you even if you are disabled, even if you are blind and can do nothing.³⁹

Conclusion: 1996–2006 – basic civil liberties on the up?

Since the mid-1990s, and particularly after the death of King Hassan in 1999, respect for the basic civil liberties – freedom of speech, assembly, and association – has improved. On the topic of freedom of speech, the media now operates in a freer environment; it is possible to publish articles critical of Hassan II, some indirect criticism of Mohammed VI – in form of articles targeting the *makhzen* – often goes unpunished, although this is far from always the case. In general, the rule seems to be that criticism of government, parliament, the political parties, and late monarchs is allowed, while items published, which are critical of the position of the monarchy, or might be seen to threaten the territorial integrity of the state, are not tolerated. In short, while freedom of speech has improved, the tenet is still far from fully respected.

With regard to freedom of association and freedom of assembly, a similar pattern can be observed. Although Morocco has a vibrant civil society with more than 30,000 associations actively operating within the country, a number of organizations remain illegal. These organizations have been refused legalization by the authorities as they are seen – rightly or wrongly – as a threat to the monarchy (radical Islamist or extreme leftist organizations) or to the territorial integrity of Morocco (Sahrawi organizations or organizations sympathizing with the Sahrawis). These illegal organizations not only suffer from the reality that they have been refused recognition, the organizations and their members also suffer under breaches to the freedom of assembly, as some have been denied their right to hold public meetings, and some have been physically abused when demonstrating for the right to respect for their basic civil liberties. The reality that public gatherings – either in the form of sit-ins or demonstrations – are often forcibly dispersed, the activists beaten, detained and prosecuted is by no means limited to situations involving members and supporters of non-recognized organizations. As this chapter has shown, unemployed graduates suffer particularly when it comes to violations of the tenet of freedom of assembly.

In short, on the basis of Chapter 5, it can be concluded that despite the fact that the core democratic principle of basic civil liberties – understood as the freedom of speech, association and assembly – is protected in the constitution and has been so since independence, and although advances have been made with regard to the status of the basic civil liberties, this core democratic principle is still not respected in practice. Taking into consideration the dealings of the IER and the institution's mandate, the prospects for the basic civil liberties being fully respected in practice in the near future are far from rosy. Although the IER dealt with human rights abuses and not the basic civil liberties of freedom of speech, assembly and association, the reality that the IER's mandate suggested that no grave violations of human rights have been committed since 1999 makes it seem as if the *makhzen* can get away with continuing its crimes undisturbed until the regime of Mohammed VI comes to an end.

6 Independent government, 1996–2006

In the two previous chapters, priority was given to the issues of reasonably competitive, free and fair elections and basic civil liberties. This chapter – as well as Chapter 7 – deals with the limits and opportunities of democratization from above with respect to independent government. The reason why so much space has been devoted to this third core democratic principle is twofold: first, Morocco has made the least progress when it comes to protecting and respecting independent government and, second, most reforms have been proposed and, hence, most heated debates have taken place, on this particular issue.

As stated in previous chapters, the core democratic principle of independent government is defined as ‘the elected government must have effective power to govern’, meaning that those who win the government-forming elections must not be put in a position subordinate to those of non-elected elites when it comes to political power and policy making. In short, there must be no so-called reserved domains or tutelary powers, and there must be no rule by decree.¹

In the case of Morocco, there are two main issues regarding independent government: the government is not necessarily composed by the parties winning the elections, and it is constitutionally – and often also practically – in a position subordinate to that of a non-elected elite.

While Chapter 7 deals with efforts to improve the status of the core democratic principle of independent government via the adoption of a new constitution, this chapter takes a closer look at the game of government formation. The focus of the analysis of these games is on the strategies of the King when appointing a new government and on the strategies of the political parties when declining or accepting to take part in government. This chapter demonstrates how the King has used his authority to appoint the government to guarantee that governments are heavily influenced by technocratic ministers loyal to the King and that they are made up of a broad coalition of parties from different ideological backgrounds, ensuring weak governments.

This chapter concludes that at the moment, because Moroccan governments are so very weak, they have made parliamentary democracy seem like a poor alternative to the existing regime form of executive monarchy among the population – a situation that is likely to persist even when a new election code and a law on political parties is introduced. More importantly, however, the introduction of such

reforms are not likely to change the way in which government is currently appointed; hence, the chapter concludes that if independent government is to be protected and respected in the future, a reform of the political system – in addition to the reform of the party system – is absolutely paramount.

Elected government?

Reading the statement that in Morocco ‘the government is not necessarily composed by the parties winning the elections’, one might get the impression that parliamentary elections are nothing more than an exercise of royal legitimation; that they serve no democratic purpose. Fortunately, this is not the case. As stated earlier, the governments are usually based on a formation of parties, which has the largest share of seats in the House of Representatives. Because only the members of the House of Representatives are elected in direct elections by universal suffrage, the fact that the government is to an increasing extent based upon a formation of parties, which has the largest share of seats in the House of Representatives, rather than in parliament as a whole, is no problem; on the contrary, the reintroduction of two houses with the adoption of the 1996 constitution is a very positive development. What constitutes a problem, however, is the fact that in Morocco – as in many other countries in the world, including in Western Europe – the government is only *based* on this formation, and that this is only *usually* the case:

- 1 This means that the government coalition may include smaller parties that were part of an alliance that contested the elections together – in other words, these parties have not done so well themselves but are part of government because they were part of an alliance that performed well.
Example: An example of this is the inclusion of the *Kutla* associates PPS, FFD, and PSD in the government formed in February 1998.²
- 2 The government coalition may include the largest and the fourth largest party plus a number of smaller parties in the House of Representatives, but not the second and third largest. The ultimate decision of who will be part of the government coalition lies with the King, and not with the prime minister, but the decision is made after consultation with the political parties.
Example: The first Yousoufi government is an illustration of this situation, as this particular government included the largest (USFP), the third largest (RNI) and the sixth largest (*Istiqlal*) parties as well as a number of smaller parties, but not the second largest (UC), the fourth largest (MP), nor the fifth largest *Mouvement Démocratique et Social* (Democratic and Social Movement, MDS).
- 3 The government may include members sourced from outside of parliament and from outside the ranks of the political parties.
Example: All Moroccan governments formed since the first parliamentary elections of 1963 have included loyalist technocrats sourced – usually by

the King – from outside of parliament and from outside the ranks of the political parties. Among the most famous recent examples are Driss Basri, Minister of the Interior from 1979 until 1999 and the current prime minister, Driss Jettou. Both of them were recruited by the King.

- 4 The government coalition does not necessarily include the largest party/alliance in the House of Representatives.

Example: This was the case after the 1993 elections as the new government did not include the *Kutla*, which had actually won the largest share of seats in the House of Representatives.

- 5 The government coalition does not necessarily include the largest party/alliance in parliament.

Example: In 1993, the *Kutla* was the dominant force in parliament, yet the *Kutla* was not part of the government formed after the elections.

While situations 1 to 3 are common in several countries across the globe, and usually cause no tribulations, situation 3 has proved to be problematic in the case of Morocco. In fact, situation 3 constitutes much more of an issue than situations 4 and 5, which one would assume to be more problematic despite their much less frequent occurrence in Morocco and the parliamentary democracies of today.³ What is it then that makes situation 3 such a problem in the case of Morocco, when the inclusion of technocrats in governments in the West is usually seen as anything but problematic? The answer to this question lies with the role of the King in the government-formation process.

As stated earlier in Chapter 3, the 1996 constitution gives the King far-reaching powers when it comes to the appointment of the government. First, article 24 gives the King the authority to appoint the prime minister and, second, the same article awards the King the privilege of appointing the government on the recommendation of the prime minister – in other words, the King does not have to follow the prime minister's recommendations as these are only advisory and therefore not legally binding. Because of fears within the monarchy that perhaps one day the population will wish to create a republic, successive monarchs have used article 24 – among other constitutional articles – in an attempt to ensure its survival.

Over the years, King Hassan created a so-called executive monarchy, a regime form his son, Mohammed VI, is continuing today. In this executive monarchy, the King plays a large role, having very extensive powers. Yet, on top of these constitutionally guaranteed powers, he also has strong informal powers, which are often reinforced by the former – the appointment of government is one such example. In line with the constitution, the King appoints the government, and although he formally does not hold any ministerial posts,⁴ he does so informally as it has become tradition to give key ministries – those of Foreign Affairs, the Interior, Justice, Religious Affairs, and Defence – to technocrats loyal to the King (García 2000: 203; Ramonet 2000).⁵

In other words, because the King has the power to appoint the government, and because he does not have to follow the recommendations of the prime

minister, Hassan II and Mohammed VI have been appointing governments that, although usually based on the largest formation of parties in parliament, are to a large extent dominated by loyalists – often technocrats – giving the monarchy an informal foot in government.⁶ In other words, notwithstanding that for the past few decades the King has not held any ministerial posts, the reality that he appoints loyalist technocrats to serve in government means that informally the government has not got effective power to govern as it is subordinate to the monarch.

By focusing on two recent cases – the formation of the first USFP-led government in February 1998 and the formation of the Jettou government in October 2002 – I will seek to illustrate that the above is not just a bad case of conspiratorial theory gone wrong, rather, this is the reality in contemporary Morocco. During the analysis of these two government-formation processes, this book will attempt to give insight into the strategies of the King when appointing government, as well as the strategies of the political parties.

The Youssoufi governments – change or cooptation?

When Hassan II appointed Abderrahman Youssoufi of the USFP as prime minister on 4 February 1998, he broke with tradition by choosing to base the new government on the parties of the traditional opposition. As stated in Chapter 4, when King Hassan made this choice, there was another option available to him: to break with tradition and base the new government on a formation of parties, which was not the largest in the House of Representatives. This fact prompts the question why Hassan II chose the former option over the latter, as the latter seemed to be a much easier choice in terms of controlling the government and parliament. The answer to this question is rather complex, as a number of factors were likely to have affected the King's decision. However, it is fair to say that two issues in particular – apart from the desire to create a democratic appearance – made the option of going with a government based on parties from within the traditional opposition favourable to the King: the strength of the *Kutla*, and the possibility of weakening it.

The strength of the Kutla

One incentive for King Hassan to invite members of the *Kutla* to join the government – and therefore be co-responsible for the actions of the regime – was the strength of the *Kutla* as demonstrated in the 1997 parliamentary elections. For a number of years, the members of the *Kutla* had been demanding that Morocco embark on a serious process of democratization, a process that would not just stick to words but lead to actual action. The 1996 constitution was partly a result of pressure by the opposition parties for democratic reforms. However, rather than satisfy the opposition, this apparent success inspired the alliance to maintain its pressure and strive for more profound reforms than simply constitutional change, as it sought to bring about a so-called *gouvernement d'alternance* (government of change).⁷

The concept of *alternance* was born in the early 1990s during the debate, which eventually led to the adoption of the 1996 constitution (Tredano 2000: 8). King Hassan was one of the major champions of the concept, which he introduced in an attempt to pacify the re-emerging *Kutla* – essentially, *alternance* was used to describe the King's promise of political reforms, reforms which were to allow the formation of governments based on any coalition of parties in parliament, such as one formed by a centre-left coalition, rather than, as had been the case so far, governments formed by the loyalist right-wing parties (García 2000: 203). As the *Kutla*'s demands for a *gouvernement d'alternance* began to receive increasing support from the population, the pressure on the King grew; hence, it came to be expected, not only in political circles, that the parliamentary elections of 14 November 1997 would result in the creation of such a government to demonstrate the King's continued commitment to the concept of *alternance*.

The united front showed by the USFP and the *Istiqlal* as they decided to contest the 1997 elections together as the *Kutla* is likely to have assisted King Hassan in making the decision of showing continued support to *alternance*, as it was highly probable that the *Kutla* would do well in the elections and accordingly be able to assert a lot of pressure on the monarchy. Given the choice, Hassan II would undoubtedly prefer to give the impression to the public that he was the key figure behind any push for *alternance* rather than appearing to have his hands forced by a well-performing *Kutla*. Hence, had the two parties contested the elections separately, as they had done in several of the previous elections, it is very probable that King Hassan would have been much less inclined to appoint a *gouvernement d'alternance*.

As can be seen from Table 6.1, the *Istiqlal* did rather badly in the 1997 parliamentary elections, only managing to secure 8.91 per cent of the seats in parliament, making the once dominant party only the sixth largest in the country. In comparison, the two dominant members of the *Wifaq* – the UC and the MP – received 13.11 and 11.26 per cent of the seats respectively, and the dominant party in the *Centre* bloc, the RNI, won 14.79 per cent of the seats in parliament. Had the USFP not won the largest share of seats in the House of Representatives, and had the USFP and the *Istiqlal* not contested the elections as an alliance, it would have been more than easy for King Hassan to choose to base the new government on the parties of either the *Wifaq* or the *Centre* bloc as the combined share of the seats of the UC and MP in the House of Representatives was no less than 27.69 per cent, and the RNI had succeeded in becoming the largest party in parliament, obtaining eighty-eight seats out of 595.⁹

As stated earlier, with the *Kutla* managing to win a simple majority in the House of Representatives, and with the USFP being the largest party in that assembly, the King would have broken with tradition if he had decided not to form a government based on the *Kutla* or at least with significant USFP participation. However, the prospect of having the USFP in government was no daunting perspective for King Hassan, who – as described in previous chapters – had invited the party to join government after the parliamentary elections of 1977, 1984 and 1993.

Table 6.1 Results of the 1997 parliamentary elections: the dominant members of the three blocs

Party and position	Valid votes (%)	Seats (%)	No. seats	Cost of seat	Seats (%)	No. seats	Seats (%)
	Direct				Indirect	Final	
1 USFP	16.26	17.54	57	7,045	5.93	73	12.27
2 UC	15.94	15.38	50	7,869	10.37	78	13.11
3 RNI	14.03	14.15	46	7,532	15.56	88	14.79
4 MP	12.92	12.31	40	7,977	10.00	67	11.26
5 MDS	11.50	9.85	32	8,876	12.22	65	10.92
6 <i>Istiqlal</i>	10.45	9.85	32	8,065	7.78	53	8.91
Total	81.12	79.08	257/325	—	61.85	424/595	71.26

Sources: The Moroccan Ministry of Communication (1997a); Ketterer (2001: 156). For the full results of the 1997 parliamentary elections, see Table 4.2.

One might ask why Hassan II was so keen to see his strongest opponent in government. According to some observers of Moroccan politics, the answer to this question is that he wished to see the USFP in government exactly for that reason.¹⁰ If he succeeded in making the USFP join the regime in the form of government participation, the USFP would be forced to move towards the centre as the party's partners in government would all inhabit a position to the right of the USFP on the political spectrum.¹¹ Getting the USFP to accept a role in government would accordingly have two great benefits for the King: the party would be part of the regime and therefore share responsibility for the acts committed by the regime, and the party would have to moderate, hence, making it much easier to control.

The King's offer to the USFP was not a straightforward, innocent offer, though. The party was told, in no uncertain terms, that if it declined to take part in government, the offer would be given to members of the *Wifaq* in return for these parties moving towards the centre, and there would be no *Kutla* participation in the new government (Tredano 2000: 65). In other words, if the USFP refused to be member of the government, the party would be solely responsible for the elections not resulting in the creation of a *gouvernement d'alternance*, which the party had been demanding since the early 1990s.

Weakening the Kutla

A second incentive for King Hassan to invite members of the *Kutla* to join the government was to weaken the alliance by playing the two parties out against each other in government.¹² If the two parties fell out, not only would they have difficulties presenting a strong united front against the King or their opponents in parliament, they would also have difficulties presenting the *Kutla* to the electorate as a viable alternative to a government based on parties from the centre or

the right, or even as a democratic alternative to governments ultimately controlled by the King.

The first objective – the *Kutla* not being able to present a united front – seemed to be easily attainable to King Hassan. By succeeding in talking the USFP into joining the government, the *Istiqlal* had no choice but to follow suit despite having publicly contested the election results and demanding that the elections take place again (Idrissi 1997; *L'Economiste* 27 November 1997, 18 December 1997, and 12 February 1998). There was absolutely no chance that the *Istiqlal* was going to let the USFP – which the party saw as inferior – become the sole *Kutla* representative in the new *gouvernement d'alternance*; hence, the *Istiqlal* was forced to publicly humiliate itself and accept a role in a government formed on the basis of election results the party claimed were fraudulent (Idrissi 1997).

As if the *Istiqlal* had not already been humiliated enough, King Hassan gave most government posts to the USFP – thirteen out of forty-one compared to *Istiqlal*'s six – something that seemed only natural as the USFP was the largest party in the House of Representatives but a move that deeply hurt the pride of the *Istiqlal* which saw itself as the dominant party within the *Kutla* (García 2000: 245).¹³ With the USFP strengthened within the *Kutla* and the government, and with the *Istiqlal* publicly humiliated and desperate to regain its status as the strongest party, the stage was set for intra-government rivalry between the two parties and, accordingly, a weak government.¹⁴

The creation of a weak government, in turn, provided King Hassan with his second objective: the undermining of the alternative to executive monarchy. It is true that the governments of the past had also been weak, but this government was different from its predecessors in that it was largely composed by members of the *Kutla* – it was supposedly more independent from the monarchy and, therefore, more democratic. It was, in short, the closest Morocco had ever come to a democratic government. Ensuring that this first supposedly independent and democratic government was weak and therefore unable to carry out several of its key objectives was the real coup for King Hassan.¹⁵ If it was to perform as badly – or perhaps even worse than previous governments – then how could further democratization in the direction of parliamentary democracy be in the interest of the population?

In sum, by succeeding in getting Youssoufi to accept his invitation to form a government, and by guaranteeing that such a government would be fragile by including a large number of political parties and by distributing the ministerial posts rather unevenly, King Hassan had won a major victory: first, he had publicly committed to his promise of *alternance* in practice by appointing a government led by his biggest rival in the traditional opposition for the first time in history and, second, he had secured the future of the executive monarchy, at least in the short run, by making the alternative, parliamentary democracy, appear like anything but a credible alternative (Ramonet 2000).

Why the USFP accepted the King's offer

As is evident from previous chapters, the USFP had been offered government participation in 1977, 1984 and 1993, but each time the party had declined. This begs the question, why the USFP accepted to be part in government when given the offer again following the 1997 elections?

This is, of course, no simple question, and there is accordingly no straightforward answer. However, the context in which the offer of government participation was given in 1997 was different from those of 1977, 1984 and 1993. In the following sections, it will be argued that two contextual factors played a particularly large role in the USFP accepting to be part of government: first, the USFP was not only offered part in government but government leadership; second, there was the feeling that this time around, Morocco might change to the significantly more democratic and, therefore, anyone not taking part might be missing the boat.

As discussed and demonstrated in Table 6.1, the USFP came out of the 1997 parliamentary elections in a very strong position, not only vis-à-vis the traditionally loyalist parties of the *Wifaq* and *Centre*, but also vis-à-vis the *Istiqlal*. It is no secret that the USFP and the *Istiqlal*, although coalition partners and eventually partners in government, had – and still have – a strained relationship. As mentioned previously, the two parties could not agree on presenting joint candidates in the 1997 parliamentary elections, mainly due to the fact that the USFP was feeling mistreated and unappreciated within the alliance and wanted to prove its own worth in the elections. Having done exactly this, and having essentially saved the *Istiqlal* from fiasco by agreeing to ally with the party, the USFP now had the option not only of taking part in government but heading the government, a role that in the past would automatically have been assigned to the dominant *Istiqlal*.¹⁶ By accepting to head the new government, the USFP would not only be the strongest party in the country for the first time, it would also be the strongest party in the new coalition government, and – another first – the dominant member of the *Kutla*.

The desire to demonstrate its superiority to the *Istiqlal* was probably not alone in determining the USFP's choice to accept to lead the new government. By early 1998, the USFP had been marred by an internal dispute between two wings: one wing, the so-called 'radicals' wanted to see a complete break with the existing political system in which the King played such a large role, while the other wing, the moderate, had a modernizing approach to political life. In 1993, when the party was offered part in government, the Youssoufi-backed non-rupturists advocated that the party accept the offer and try to change the regime from within rather than from outside, but the rupturist wing proved to be the stronger of the two and the party accordingly took the position of non-cooperation on the grounds that the USFP did not wish to be part of – and therefore responsible for – the acts of the regime (Santucci 1994: 515). In 1998, when the USFP under Youssoufi's leadership accepted to head the new government, it was partly because the non-rupturist wing had been strengthened within the party and now dominated over the rupturists.¹⁷

One of the factors behind the strengthening of the non-rupturist wing since the 1993 elections was the changed political environment in the country. During the 1990s, largely as a result of the Gulf War and the increased international focus on democracy and human rights on a global scale, King Hassan initiated a range of reforms, mainly concerning the country's human rights situation and the status of the basic civil liberties, with the change to the *Moudawana* in 1993 and improvements for the Berber-speaking population.¹⁸ What were largely missing from his reform package, however, were reforms to the political system, reforms that would push the country further towards parliamentary democracy and perhaps lead to the protection of and respect for the other two core democratic principles of reasonably competitive, free and fair elections, and independent government. With the King having already initiated some reforms, and with his promise of political reforms, there were hopes among the members of the *Kutla* that genuine change would indeed take place.¹⁹ Hence, accepting to head the new government, the USFP would not only be part of the government that succeeded in bringing about the long-awaited regime change and transition to parliamentary democracy, it would be the party in charge and therefore assigned the most important role – after King Hassan, of course – not only in the history books, but also in the process shaping the new democratic regime.²⁰

Taken together, the reality that the USFP would put the *Istiqlal* in its place within the *Kutla* and the chances that the USFP would come to head the government that succeeded in bringing regime change to Morocco were enough to lead the dominant members of the party to accept the King's offer of heading the new government. In the greater scheme of things, it did not seem to matter to the USFP that in the first government formed after the 1997 parliamentary elections, key ministers would continue to be appointed by the King, and several of them would continue to be reserved²¹ for loyalist technocrats sourced from outside of parliament – in short, the main reason why the party declined government participation in 1993 continued to exist, yet, this time around the party did not seem to mind; USFP priorities had changed.²²

What the performance suggests

Because the USFP had so far declined any government participation, and due to the fact that the King had never before named a member of the opposition as prime minister, large segments of the population and several international spectators saw this as a sign that Morocco had changed, and they held great hopes that this appointment signified the coming of further great changes enabling the transition to democracy in the near future. Other observers and political actors viewed the process more negatively, taking the position that the appointment of the first USFP-led government in February 1998 was a sign of cooptation, which would eventually hinder further democratization. Somewhere in between these two opposing positions, there seemed to be a third possibility available, however. Rather than signifying the end of the democratization process, or being a sign that Morocco was to undergo transition to democracy shortly, was it pos-

sible that the entry of the USFP into the regime in 1998 indicated a continuation of the democratization process, but not to the extent that transition from executive monarchy to parliamentary democracy would take place?

Whether the entrance of the USFP into the regime in 1998 signified a process of cooptation, a process of regime change, or indeed something in between is difficult to answer, as only the key actors involved in the negotiations between King Hassan and the USFP could tell what were the true motives for this act, and it is doubtful whether these key actors would actually tell the truth rather than give the politically correct answer.²³ One way of estimating whether the USFP entered the regime in order to bring about regime change, or whether the party entered simply to be part of the regime and leading the government, is to look at the performance of the USFP-lead governments installed after the 1997 parliamentary elections, taking into consideration the political context at the time.²⁴

Sadly, there is a general agreement among academics and commentators alike that the Yousoufi governments performed rather badly; although some progress was made, the accomplishments of these two governments did not nearly meet the expectations of the population, and the ambitious targets set out in the government programme of 1998 were far from achieved. According to Tredano (2000: 102–3), the first Yousoufi government succeeded in adopting a series of important laws improving transparency and efficiency in the public and private sectors, focusing not only on economic questions but also on social issues. However, despite having adopted, among others, a new law on micro credit, a new labour code, and a new law on interest groups, the initiatives taken by the first Yousoufi government were simply not sufficient (*ibid.*; Denoëux 2000: 165–89; Ramonet 2000).²⁵

Following an article published on 23 August 2005 in *Le Journal*, the Yousoufi governments had the right intentions, wanting to markedly improve the economy and better the plight of marginalized social groups such as women and the unemployed. These good intentions, however, were far from enough, the paper concludes. With respect to both economic policies and the situation of women, the Yousoufi governments proved to be incompetent; the economic policies introduced were a complete failure, and the governments' attempt to introduce a new personal status code – the *Moudawana* – also failed, resulting in the loss of government credibility.

It must be noted that an evaluation of the performance of the Yousoufi governments does by no means give a clear-cut answer to the question posed, as government performance is not only determined by the willingness of the government to carry out its proposed programme but also by a number of other factors, of which the two most important, in the case of Morocco, are the structure of the political system and the structure of the party system.

In Morocco, the political system takes such a form that the King is more powerful than the political parties, even when it comes to parliamentary life. In line with this, the political parties in government, as well as the other political parties in parliament, are not only involved in a power struggle between each other but they are also involved in a power struggle with the King.

The first USFP-led government's chief objective of regime change is one illustration of this power struggle between the political parties and the King (Berrissoule 1998; Salah 1998a, 1998b; Jamaï 2001). By publicly stating the transition from executive monarchy to parliamentary democracy as its top priority in the election campaign, and later maintaining the importance of further democratization in the form of increased powers to the government, in particular, the first USFP-led government gained immediate opposition to some of its key policies from the outset. Seeing that regime change would significantly weaken the position of the monarchy in Moroccan politics, the King was not surprisingly intent on preventing at least some of the new government's core objectives from materializing.

Taking this into account, it is far from astonishing that the USFP-led governments did not succeed in reaching their chief objective of regime change. Moreover, it also comes as no surprise that the main reason why this aim was not achieved was undoubtedly the lack of support for the project by Hassan II, and later by Mohammed VI. Although both monarchs have pledged their support to reform of the political system, and despite the fact that both monarchs have initiated political reforms, neither have stretched their support to regime change, as transformation from executive monarchy to a parliamentary democracy, in which monarchical powers would be significantly limited, neither was, nor is, in the interest of the royal family.²⁶

With regard to the other priorities outlined in the government programme proposed by the first USFP-led government in 1998, such as economic issues or the plight of women, the main responsibility for failure to achieve significant progress must be assumed not to lie with the King, as these issues were far less sensitive to the royal family.²⁷ According to the Moroccan academics Rkia el-Mossadeq and Amina el-Messaoudi, the main responsibility for the lack of government success can be placed with the USFP-led governments themselves, although parliamentary opposition to some of the proposed laws, particularly to the new *Moudawana*, must take its share of the blame.²⁸

Although el-Mossadeq and el-Messaoudi were pointing their fingers at factors such as personal greed, the wish to secure a smooth monarchical transition after the death of King Hassan on 23 July 1999, and the structure of the political and party system, I will focus solely on the latter point. This does not mean that I am of the opinion that the other factors have not played a role but simply that the latter factor is by far the most important. Over the years, Moroccan governments have often found themselves in a situation where they had difficulties carrying out their government programme; hence, this was not a problem tied to the USFP-led governments alone, nor to the death of King Hassan and the wish to see a smooth monarchical transition. This was, and still is, a very common problem.

In fact, the Moroccan governments have not only struggled with carrying out their programme, they have experienced serious difficulties even presenting one. What explains these difficulties to a large extent is the nature of the party system, which has made room for a large number of political parties, particularly

in the 1990s. From two parties contesting the first parliamentary elections in 1963, this number has grown to twenty-five in the parliamentary elections of 2002. In fact, since the early 1980s, the number of parties contesting the parliamentary elections has been fifteen parties or more (García 2000).

Because of this large number of political parties contesting the parliamentary elections, no one party has even the slightest chance of winning an absolute majority in parliament and forming a single-party government. As a consequence, governments have over the years been composed of a mix of representatives of a number of political parties in parliament and loyalist technocrats sourced from outside of parliament. Since the early 1980s, these coalition governments have taken the form of oversized governments – that is, governments ‘which do contain more parties than are necessary for majority support in the legislature’ (Lijphart 1999: 90).²⁹

The fact that Moroccan governments tend to be oversized largely explains why they have been so weak. According to Lijphart, the most stable form of government is the one-party variant of the so-called ‘minimal winning’ type (Lijphart 1999: 137). In contrast to oversized governments, minimal winning governments are formations that ‘are ‘winning’ in the sense that the party or parties in the cabinet control a majority of parliamentary seats, but ‘minimal’ in the sense that the cabinet does not include any party that is not necessary to reach a majority in parliament’ (ibid.: 90). Whereas the average government duration in years was found to be 3.00 for minimal winning, one-party governments and 2.41 for minimal winning coalitions, the figure for oversized coalition governments is much lower at 1.71 (ibid.: 137).³⁰

Another factor, which helps explain why Moroccan governments have been so weak is the lack of ‘minimal range’ and ‘minimal connected winning’ governments. The term ‘minimal range governments’ refers to governments composed by political parties that have similar policy preferences. Following Lijphart, if one takes a political system with five political parties and place the parties on a left–right scale, with party A at the extreme left and party E at the extreme right, and with the distance between them measured in terms of the number of ‘spaces’ separating them, then a government formed, e.g. of parties A, B, and C qualifies as minimal range, whereas a government composed by parties A, D and E does not as the former spans only two spaces while the latter would span four (Lijphart 1999: 94–5).

Minimal connected winning governments are closely related to the minimal range kind, as the concepts is used to describe governments formed by parties that are immediate neighbours – such as parties A and B or parties C, D and E in the earlier example (Lijphart 1999).³¹ Because parties in minimal range and minimal connected winning governments have similar policy preferences, it is assumed that it will be easier for such governments to agree on a government programme and to stand united in an effort to get all the issues of the programme passed through parliament and eventually implemented (ibid.: 94–5). With regard to Morocco, although it is difficult to place the political parties on a left–right scale as they have very loose programmes, very vague ideological ties

and, moreover, tend to change position rather often, it is still obvious that the coalition governments formed are far from minimal range or indeed connected.³² With coalition partners often coming from different political blocs – and with the added complication that with a large multi-party system, there has often been no dominant party and, hence, no obvious leader – the governments have often been extremely weak as they have found it difficult to agree on key issues, including the design of the government programme.³³

Like many of their predecessors, the Youssoufi governments have suffered from these problems. As an illustration, take the programme of the first USFP-led government. Because some of the members of this particular government had been part of a long-term rivalry, and because some of the parties came from different blocs and, hence, had different objectives, they found themselves unable to present a programme, which everyone could agree on.³⁴ In the end the government programme presented came to reflect the interests of all the dominant parties in the new government, resulting in a programme that no party could fully vouch for, but which included the key issues of each party. As a result the first USFP-led government came across as an institution that was disjointed, confused and weak.³⁵

la declaración gubernamental de abril de 1998, prometió todo a todo el mundo; lo que explica, en parte, un sentimiento de decepción y desencanto difuso en la opinión pública respecto a las realizaciones y sobre todo a los impactos reales en la vida diaria de las personas.

(Tredano 2001: 77)³⁶

and

le programme est exhaustif voir trop, mais il lui manque quelque chose d'important, la ligne directrice. La vision, la cohérence d'ensemble.

(ibid.)

A vicious cycle

It is appropriate to note here that although the nature of the political system and the nature of the party system have been analysed as two separate entities, the two are of course connected. In fact, the difficulties of the first Youssoufi government in presenting a coherent government programme illustrate this relationship very well.

As stated earlier, for a number of years the USFP and *Istiqlal*, in particular, had been demanding a reform of the political system so that in the future, governments would be made up by ministers sourced from among the political parties in parliament. However, if a government made up largely by ministers sourced from among the political parties, indeed with most ministers coming from the traditional opposition, was unable to carry out the first task of designing and presenting a government programme, then the demands for the transition

to parliamentary democracy were difficult to sustain. Consequently, the first USFP-led government, the first government headed by a leader of a traditional opposition party, had made parliamentary democracy seem like a weak and indecisive alternative.

In other words, in the case of Morocco, the design of the political system – with the King appointing the members of the government – affects the performance of the government. Moreover, the design of the political system also affects the design of the country's party system due to the fact that the King has been attributed such a dominant political role. Via his strong position in political life, the King has ensured the increase in the number of political parties contesting the parliamentary elections by allowing and indeed actively encouraging the formation of more and more political parties.³⁷ As the number of political parties has grown, the relative strength of the parties represented in the House of Representatives has decreased, providing for even weaker and highly fragmented governments, a situation that has, in turn, affected the political system negatively from a democratic point of view, as the alternative to executive monarchy has begun to appear to the voters as an increasingly less appealing option.

Cooptation or change?

On the basis of the earlier analysis, what can be concluded about the USFP accepting to partake in government – and even head it – in February 1998? Was this a sign that things had already changed and transition to parliamentary democracy was imminent? Was it a sign that the USFP had been co-opted by the regime and that the democratization process would not progress further? Or was it an indication that the democratization process would continue, albeit not to the extent that it was likely to result in a rapid transition to parliamentary democracy?

It seems fair to conclude that the entry of the USFP into the regime with the formation of the first Yousoufi government in 1998 corresponds most closely to the latter of the three scenarios. It is beyond doubt, however, that notwithstanding the USFP's strong opposition position of the past, and despite of the party's and the governments' ambitions and promises, the two Yousoufi governments have failed to deliver. As most observers agree, the primary objective of regime change has not been realized. Rather than blaming the USFP for the failure to deliver regime change, the previous analysis has sought to point out that although some members of the USFP as well as other politicians present in the two USFP-led governments undoubtedly were against regime change, as el-Messaoudi and el-Mossadeq claim, the main reasons why regime change did not take place during the reign of the two USFP-led governments were structural: the nature of the political system and the nature of the party system.

Economic concerns more important than democracy – the formation of the Jettou government

The formation of the first Youssofi government is one illustration of how the King has effectively weakened the government due to the way in which he has used his prerogative to appoint this body. In the case of the first USFP-led government, King Hassan succeeded in weakening the only real opposition to his regime, the *Kutla*, as well as creating a government that made parliamentary democracy seem like an undesirable alternative to the existing regime form of executive monarchy.

The formation of the Jettou government is another example of how the King has used to his own advantage his constitutionally guaranteed authority to appoint the government. Like in the aftermath of the 1997 parliamentary elections, the 2002 elections gave rise to a considerable amount of guesswork in the media on the topic of who was to become the next prime minister, as the result of the elections was once again wide open – as in 1997, there was no political party that set itself markedly apart from the rest, and there was no formal coalition of parties that had an absolute majority in the House of Representatives (el-Messaoudi and Vintró 2005: 141).³⁸

When it was finally announced on 9 October that the next prime minister would be Driss Jettou, the then incumbent Minister of the Interior, it came as a great surprise to many politicians and observers as this appointment constituted a setback for the democratization process. With the appointment of Youssofi as prime minister in 1998 many had hoped that a new tradition had begun, a tradition that meant that in the future, the prime minister would automatically come from the strongest party within the largest alliance in the House of Representatives. The announcement that Jettou was to be the country's next prime minister proved, however, that a new tradition had indeed not been initiated with the formation of the first Youssofi government – had there been such a tradition, Youssofi would have been named prime minister, as the USFP's performance was superior to that of the other parties in the direct elections, resulting in the party gaining the most seats in the House of Representatives.

Interestingly, in the media, there had been serious speculations that Youssofi was going to continue for another two years, not because the USFP had succeeded in becoming the largest party in the House of Representatives but in order to ensure profound institutional reforms (Chaoui 2002; Naïm 2002a). The reactions to the appointment of Jettou as the man to lead the government upon Youssofi's exit was accordingly met with exceptionally great surprise and disappointment from the majority of the party politicians in parliament, who had hoped to see a prime minister from among the political parties, whereas the Moroccan business community – albeit surprised – welcomed the choice (Darif 2002d; Salah 2002).

Mohammed VI justified the appointment of Jettou by expressing the country's need for a strong government with the right priorities (Moroccan Ministry of Communication 2002f). According to Darif (2002d), the King's decision

to appoint a technocrat as prime minister, rather than choose one of the leaders of the political parties, could be explained by two factors: inconclusive election results and the inability of the Youssoufi governments to clearly define their priorities. With respect to the first point, the 2002 elections had not yielded a clear winner, which would be able to form a strong government. Moreover, in the aftermath of the elections, the various political parties spent the first week of negotiations with the King each trying to secure as many ministerial posts for itself as possible, rather than making efforts to agree on a new prime minister. According to rumours in the media, Abbas el-Fassi of the *Istiqlal* even voiced his preference for a technocratic prime minister over one from the USFP (ibid.; Chahir 2002c; Naïm 2002a; Rifi 2002). As a result of the inability to cooperate, the King went with a loyal non-partisan candidate, who was seen by many as a capable politician, and a person able to reach consensus (Chahir 2002c).

With regard to the new prime minister and his government team having its priorities in order, what Darif was referring to was the King's statement that

La démocratie que Nous appelons de Nos vœux n'atteindra sa plénitude que lorsque Nous viendrons à bout de ses entraves structurelles, en l'occurrence, l'analphabétisme et la pauvreté, tout en renforçant le rôle des partis politiques – à travers l'adoption d'une loi les concernant – et en s'attelant à la moralisation de la vie publique. Par conséquent, les enjeux économiques et socio-culturels sont autrement plus ardues que les défis inhérents à la construction de l'édifice institutionnel, processus dans lequel nous avons, du reste, enregistré d'importants acquis et que Nous entendons consolider, rénover et rationaliser davantage encore.

(Moroccan Ministry of Communication 2002f)

In other words, the appointment of Jettou, a technocrat, was seemingly to ensure the formation of a strong government capable of taking the country's economy forward, improving the dire rate of illiteracy and the widespread poverty (Cembrero 2002; Darif 2002d). However, if one looks at the actual composition of government, a different picture emerges, indicating that Mohammed VI was less interested in forming a strong and capable government than in creating a government that was loyal to the monarchy.

Although the Jettou government presented in November 2002 included twenty-two newcomers, sixteen members were carried over from the second Youssoufi government. Moreover, like the previous government, the Jettou government was made up of a large number of political parties: the USFP and the *Istiqlal* were awarded eight government posts each, six went to the RNI, and three to the MP, while the PPS and the MNP were allocated two each. In other words, the new government, the government that was supposedly intended to set itself apart from the two previous governments by being strong and capable, turned out to be only slightly smaller with thirty-eight posts to be filled, with no less than six political parties from across the political spectrum taking part, and with an additional nine government posts going to technocrats (*Arabic News* 8 November 2002).

It seems plausible to conclude that had it really been the intention of Mohammed VI to create a government that was truly strong and able to tackle the country's economic difficulties, then he would have appointed one that looked much less like its predecessor, cutting drastically the number of posts to be filled and the number of parties taking part – it would have been perfectly possible for the King to appoint a government with no technocrats and at the same time limiting the number of parties in government to four, such as the USFP, the *Istiqlal*, the RNI, and the MP.³⁹

What could the King's motives for creating the Jettou government have been, then? And were they similar to those behind the formation of the Youssoufi governments? The answer to these questions is far from straightforward. With regard to the first issue of the late 1990s, that is, the advantage of getting a strong *Kutla* on the King's side, this was no longer an issue by the time of the appointment of the government after the 2002 elections. During the two Youssoufi governments, the members of the *Kutla* had clearly shown their animosities towards each other and demonstrated their inability to work together, resulting each time in a government that had a programme that was too broad and, much worse, a government that was incapable of carrying out most of its promises. In short, by 2002, the *Kutla* did not have much to offer Mohammed VI.

Moreover, because the *alternance* had come to be seen as well under way – some politicians even went as far as to say that Morocco had undergone transition to democracy and there was nothing left to desire – there was, in other words, no need to include the members of the *Kutla*, let alone let one of its leaders head it, for the government to be seen as legitimate and democratic.

With respect to the second motivating factor behind the appointment of the first Youssoufi government in 1998, that is, the advantage of weakening the *Kutla*, this could be done without having to appoint one of its leaders as prime minister. While the USFP would necessarily have to be part of the new government as the exclusion of the party would cause a massive uproar as the party won the largest number seats in the House of Representatives in the 2002 elections, the *Istiqlal* could have been left out if substituted for either the PJD or the UC.⁴⁰

Leaving the *Istiqlal* out of government would no doubt have significantly weakened the *Kutla* as the two dominant parties would certainly have fallen out if one accepted part of government power while the other was not even offered to take part. However, if the King was to benefit from a fallout within the *Kutla*, it was the weakening of the USFP rather than of the *Istiqlal* that would be in his interest as the standpoints of the *Istiqlal* were closer to his political values and due to the fact that the *Istiqlal* was the weaker of the two *Kutla* parties. Hence, including both the *Istiqlal* and the USFP in government, while denying the USFP the post of prime minister despite the party being the largest in the House of Representatives, and by giving each party the same number of government posts, Mohammed VI had found the optimum solution to his *Kutla* problems.

Proposed reforms: a new election code for 2007 and a law on political parties

The formation of the first Youssoufi government in 1998 and that of Jettou in October 2002 clearly demonstrate the strong need for political reforms. The reforms needed if Morocco is to protect and respect independent government are mainly related to the issue of direct interference by a non-elected actor or, in other words, the continued existence of the executive monarchy.

While issues, debates and reform initiatives related to the fact that the government does not have effective power to govern as it is often subordinate to the King – both directly because of the constitutionally guaranteed powers and indirectly because he has a foot in government via his appointment of loyalist technocrats to key ministerial posts – will be analysed comprehensively in Chapter 7, issues relating to the weakening of the alternative of parliamentary democracy will be treated in detail below.

The problem of the weakening of the alternative to executive monarchy as the regime form of Morocco can be narrowed down to one core issue: the absence of a strong public demand for regime change, a problem witnessed across the Middle East (Sobh 2002). In Morocco, as demonstrated repeatedly throughout this book, major political changes take place at the initiative of the King. As also shown, apart from instances where a particular political reform initiative is beneficial to the monarchy, the King has only initiated political reforms when under considerable pressure from the military, the political parties or the population. Because the military currently poses no threat to the monarchy, and because the political parties are too weak to challenge his powers, the future of the democratization process lies in the hands of the population, and this is where the problem lies. There are three aspects to this:

- 1 Over the years, the population has come to see the King not only as a guarantee of political stability but also as the most efficient political actor.⁴¹
- 2 The political parties are in general assumed by the population to be corrupt (see, among others, Darif 2002b; Kadiri 2002; *L'Economiste* 1 October 2002; and Grotti 2005).
- 3 The population does not feel represented by the political parties as these are too far removed; they serve a procedural rather than a representative function.⁴²

As shall become clear in subsequent sections, measures have been taken – albeit not to the extent to which it is needed – by the political parties, on the one hand, and by the King, on the other, to rectify aspects of this situation. The reform proposals put forward by the King deal mainly with the adoption of a new law on political parties while the political parties have centred their attention on the issue of the formulation and approval of a new election code. In addition to these propositions, some opposition politicians and members of civil society have put forward proposals for constitutional reform, which they claim – as shall

be demonstrated in Chapter 7 – is paramount if Morocco is to protect and respect the core democratic principle of independent government.

The USFP's incentives for a new election code

In Chapter 4, the new election code adopted before the 2002 elections was discussed in some detail, but only with reference to the election process. The conclusion reached with regard to the 2002 election code and its effect on the core democratic principle of reasonably competitive, free and fair elections was that it did indeed provide for more competitive elections as a switch was made from FPTP system to a PR system with multi-member constituencies with district magnitudes of between two and five.

On the other hand, it was also concluded that the new election code did not succeed in eliminating – or even reducing – the discrepancy between the share of votes won by a party in the direct elections and the share of seats awarded that same party in the House of Representatives; in other words, despite introducing an electoral system of the PR formula, the results of the elections became even less proportional than under previous non-proportional systems. Finally, Chapter 4 demonstrated that despite changes to the election code being made immediately before the 2002 elections, and despite the parliamentary elections of 1997 being the most democratic elections in the country so far, voter turnout dropped once again, resulting in the lowest participation rate in history with only 51.6 per cent of the registered voters taking part.

The adoption of the 2002 election code proved to be somewhat of an ambiguous affair for the *Istiqlal* and the USFP. As stated earlier, for decades, the two parties had championed for a reform of the election code involving a switch from the plurality system to a PR formula; hence, the fact that such a change was made with the adoption of the 2002 election code was a great victory for the two allies. However, because the effects of the change were not as significant as both desired and expected – as summarized above – and because the change of electoral formula had been such a pet project of the *Kutla* partners, their reputation suffered at the same time. When the USFP began to make public shortly after the 2002 elections that the party was in favour of yet another reform of the election code, one might expect that the motivating factor behind this move was to enhance the image of the *Kutla* by getting the reform right the second time around by improving proportionality and increasing competition further.

Although one cannot say with certainty that this was not the case, statements made by the leader of the USFP, Mohammed el-Yazghi, certainly point strongly in that direction. In the period after the 2002 elections, but particularly during the time around the USFP's seventh congress held in June 2005, el-Yazghi repeatedly stated that the USFP saw the need for electoral reform before the 2007 elections (*Al-Bayane* 13 June 2005; Chaoui 2005b; el-Hassouni 2005; Ridouane 2005). In several newspapers, el-Yazghi made clear that the party was convinced that the country was in need of a new election code in order to create distinctive political blocs and reduce the number of parties in parliament, some-

thing which the party found of utmost importance if parliamentary life was to run smoother and governments to be more stable in the future – a prerequisite if the country's low voter turnout in the legislative elections was ever to increase again (Ridouane 2005).⁴³

From the above statements, it was obvious to most observers that the USFP was a strong supporter of electoral reform; what remained a mystery, however, was what the party pictured the contents of these reforms to be. Despite making all these public demands for a reform of the election code, el-Yazghi had repeatedly declined to comment on what the party desired and, moreover, whether or not the party had abandoned PR as the ideal type of system for Morocco. A qualified guess, which circulated among the media, was that the USFP was going to be promoting a majoritarian system of two rounds to be used not only in the legislative elections but at all levels, a system which the party had put forward as a possibility in the aftermath of the 2002 elections (Sehimi 2001; *Le Matin* 22 November 2002; el-Hassouni 2005; USFP 2005). In addition to this, there were reportedly talks of increasing the district threshold introduced with the 2002 election code from 3 to 5 per cent, in order to make it more difficult for the smaller parties to gain entry to parliament (*TelQuel* 2005).

The new election code of 2006

As 2005 came to an end, the discussion in the press on the topic of electoral reform intensified. With the new election code scheduled to be adopted before the end of parliament's spring session in July 2006, the Minister of the Interior, Chakib Benmoussa, gathered representatives of the dominant political parties – among them the *Istiqlal*, the USFP, the MP, and the RNI – to discuss what ought to be the contents of the new law. With such a short time frame to run with, it was paramount for the government to reach a consensus on the text of the new law before putting it before the two houses of parliament, the intention being to ensure that no obstacles were met at the final stages (Chaoui 2006a).⁴⁴

Reaching consensus on such a fundamental text was never going to be easy, however, and by early April 2006, agreement had not yet been reached on which type of system to go for. One group of parliamentarians – among them the USFP, the *Istiqlal*, and the PJD – seemed to favour the PR-list system applied in the 2002 elections; another group – including the MP – was pushing for a return to the plurality formula used in the country before 2002 while yet others – such as the RNI – were proposing a hybrid of these two systems (Chaoui 2006a).

Not surprisingly, each political party appeared unwilling to compromise on what it perceived to be the system that would guarantee a good election. Moreover, the situation was further complicated by the reality that even within the political parties, it was difficult to reach agreement on what should be the party line; hence, although the party leadership strongly promoted one position, others within that same party supported another position and, indeed, sometimes had more in common with members of other parties. Accordingly, and keeping in mind that approximately twenty political parties were represented in parliament

in spring 2006, obtaining swift agreement on the wording on a new election code seemed almost impossible.

The lack of agreement among and within the parties not only proved to be a problem for the Minister of the Interior but also to party alliances, particularly the *Kutla*. According to Chaoui (2006a), the leadership of the USFP was strongly promoting a PR-list system to be applied both at the national and regional level but with a heightened threshold – a line that corresponds with the guesswork on the party's position in the years 2002–5 – while other members of the USFP were in favour of the return to FPTP. Within the *Istiqlal*, turmoil was present too, as in the *préfectures* (large cities), party officials supported PR list, whereas in the provinces, *Istiqlal* members recommended the return to FPTP (ibid.). Hence, although the leadership of both parties agreed on what formula to push for, with the two parties seemingly marred by deep rifts on the issue internally, how was the *Kutla* going to be able to display a strong unified position?

With no agreement reached by mid-May 2006, Benmoussa called for another consultation with the parties of the majority – the MP, the *Istiqlal*, the USFP, the RNI, and the PPS – while excluding those of the opposition in order to improve the chances of a rapid agreement (Chaoui 2006b). Although no official documents were published following the consultation, the press speculated that the most likely outcome would be the continued use of the PR-list system applied in the previous elections as all parties of the majority except the MP supported this option as did the PJD, the largest party of the opposition (ibid.).

On 4 June 2006, it was finally made public that the Minister of the Interior had come to an understanding with the parties of the majority. In the end, it turned out that the media's speculations over the past five years had been right, the PR-list system used in the 2002 elections would be maintained albeit with a number of modifications, some of which still had to be negotiated (Chaoui 2006c). Not surprisingly, the main point of contention left to be solved was the size of the electoral threshold. The parties of the majority all favoured raising the threshold from 3 to 5 per cent at the district level, while the Ministry of the Interior was promoting an even larger increase in order to ensure a significant reduction in the number of parties represented in parliament after the 2007 elections (Chaoui 2006c, 2006d).

Eventually, the Ministry of the Interior won out. In the 2007 elections, according to the new election code, the PR-list system applied in the 2002 elections will be complemented by a district threshold of 7 per cent, a national threshold of 7 per cent for the national lists intended for women, and district magnitudes of between two and five, with most constituencies having to elect two, three, or five members of parliament (Bouharham 2006; Ridouane 2006a).

In addition to these provisions, the new election code adds a further important restriction in an effort to get the smaller parties to merge or form a union and see fewer parties represented in parliament: in the 2007 elections, candidates will only be allowed to run for parties that received at least 3 per cent of the national vote in the 2002 elections. With regard to new alliances, candidates will be granted the right to run for election if at least one of the parties of the new

alliance obtained 3 per cent or more of the national vote in 2002. For candidates wishing to run for new parties and alliances, or for parties and alliances that do not fulfil these criteria, other rules apply. These candidates will be allowed to contest the elections if they present a list of at least 1,000 signatures of electors to the Ministry of the Interior. These signatures must have been gathered in at least half of Morocco's regions, and the number of signatures collected in each region must not fall below 5 per cent of the total (Bouharham 2006; Ridouane 2006a).

Finally, the new election code stipulates that in the upcoming elections of 2007, the electorate is defined not only as Moroccan men and women born and living in the Kingdom, but also '... les Marocains des deux sexes, nés hors du territoire du Royaume et résidant à l'étranger' (Bouharham 2006).

Are the USFP's objectives likely to be met?

Although the new election code has only just been adopted, it seems appropriate to already pose the question of whether this reform of the 2002 election code is likely to lead to the desired results and whether it would indeed improve the protection of and respect for the core democratic principle of independent government.

Regarding the objectives of the USFP, that is, the creation of distinct blocs of parties, the reduction of the number of parties in parliament, and the increase of voter turnout, the maintenance of the PR-list system applied in the 2002 elections rather than the introduction of a majoritarian system of two rounds with a district threshold of 5 per cent is likely to have less of the desired effects. On the issue of the creation of two or three distinctive blocs, Bendourou states that the latter system would have had the following effect:

Si la tendance actuelle est favorable au regroupement de certains partis jugés proches et par conséquent la création de deux ou trois pôles, il est plus indiqué d'adopter un système électoral qui faciliterait la recomposition du champ politique marocain. Le scrutin majoritaire uninominal à deux tours pourrait contribuer à la réalisation de cet objectif. En effet, au premier tour, les partis se présenteraient sous leur propre couleur politique et au deuxième tour, les partis dont les programmes sont proches seraient contraints de se regrouper s'ils veulent remporter les sièges en compétition. Ce système pourrait par la suite faciliter les alliances solides, voire les fusions entre les formations proches idéologiquement et aboutir à la création de pôles.

(Le Journal 2005)

The continued use of the PR-list system is less likely to create two or three distinctive blocs of parties than a majoritarian system or, indeed, FPTP, which is why the MP opposed the PR-list system until within a week of the agreement on the new election code (Chaoui 2006b). However, because of the other restrictions introduced with the new election code – mainly the increase in the

electoral threshold from 3 to 7 per cent at the district level and the restriction on when candidates can run – the 2006 election law does strongly encourage parties to merge – particularly the smaller formations – and thereby encourage the creation of a few distinctive blocs of parties.

The creation of two or three distinctive blocs of political parties is expected to have a positive influence on the issue of political stability and efficiency. As stated earlier, the future of the democratization process lies in the hands of the population, a situation that is somewhat problematic for a number of reasons. One of the difficulties mentioned above is the reality that the population has come to see the King as the guarantor of political stability as well as the most efficient political actor. If two or three blocs of parties emerge, and the government in the future is formed by one dominant bloc of parties rather than by a conglomeration of parties from across the political spectrum, there is no doubt that the governments of the future are going to come across as much stronger and more efficient, albeit still not at par with the King.

With regard to decreasing the number of parties represented in parliament, the adoption of the new election code is again likely to have the desired effect, partly because it encourages parties to not only form blocs but even to merge. However, apart from the encouragement of parties to merge, the adoption of the 2006 election code is not likely to make much difference compared to that of 2002 since the changes are rather limited. Like that of 2002, the 2006 election code operates with a PR electoral formula with district magnitudes between two and five, with the vast majority of districts likely to be two- or three-member districts. Had the new system, on the other hand, operated with district magnitudes of five or more, which is the size that is really needed if more proportional results are to be achieved, then there is no doubt that it would make a significant difference with respect to the number of parties gaining access to parliament in 2007.⁴⁵

On the subject of the adoption of a district threshold of 7 per cent in place of the existing district threshold of 3 per cent, it logically follows that there is going to be a change in the desired direction and much more than would have been the case had the politicians stuck to the favoured and expected proposal of 5 per cent. Nevertheless, because the new election code maintains the threshold at a district level rather than at the national level, the effect of this change is unlikely to be significant as the 2002 elections show.⁴⁶ In the 2002 elections to the House of Representatives, the number of registered voters varied significantly from one constituency to another, with Aousserd being the smallest with 5,511 registered voters and Ain Sabaa Hay Mohammadi the largest with 322,307 (Centre National de Documentation 2002; el-Messaoudi and Vintró 2005: 88–90). Obtaining 3 per cent of the votes in either district – that is, 165 and 9,669 votes respectively – hardly proved difficult to most of the parties contesting the elections – the smallest party to enter parliament that year, the PDI, received 61,258 votes (el-Messaoudi and Vintró 2006: 79). Hence, even with an increase to 7 per cent in 2007, the district threshold is likely to remain an insignificant obstacle to most political parties, as with the 2002 data, this would

have meant that in the constituencies of Aousserd and Ain Sabaa Hay Moham-madi, each party would have to receive 386 and 22,561 votes respectively – a significant increase but hardly unmanageable for most parties. In fact, none of the candidates elected in the 2002 elections would have fallen below the 7 per cent district threshold just introduced with the 2006 election code (Ridouane 2006b).

In my opinion, had the King and the politicians – particularly those of the USFP – been sincere in their expressed wish to reduce the number of parties in parliament, then district threshold of 3 per cent in the election code of 2002 would have been substituted for a national threshold of either 3 or 5 per cent.

If one takes a look at the results of the 2002 elections to the House of Representatives, the effect of introducing a national threshold of either 3 or 5 per cent becomes very clear. In 2002, had there been a national threshold of 3 per cent, a party would have had to obtain at least 198,000 votes to gain representation in parliament, meaning that eleven rather than twenty-one parties would have been present in the sitting House of Representatives. Had the national threshold been 5 per cent, a party would have had to obtain at least 330,000 votes in the direct elections to gain representation, resulting in a parliament composed of seven rather than twenty-one political parties.

Although it may seem somewhat drastic to be advocating the introduction of a national threshold of 5 per cent, as the reduction of parties present in the House of Representatives would be so severe, this would probably have been the best solution if the desire is to bring down the number of political parties. Moreover, in the long run, the number of parties gaining representation in parliament would increase slightly, as there is no doubt that the political parties would adapt to these changes, something that is likely to result in a parliament incorporating ten or so political parties.

The law on political parties

To do justice to the politicians, the reality that they decided on the introduction of a district threshold of 7 per cent rather than on a national threshold of 5 per cent is not an indication that they are not committed to reducing the number of parties in parliament. Rather than take the drastic step of introducing a high national threshold, the parties have introduced other measures, albeit somewhat reluctantly, which are likely to result in the desired outcome. One of these pieces of legislation is the new law on political parties.

Because of the controversial nature of this law, the debate surrounding its adoption has come to take centre stage in political life during 2004–5. But why is this law so controversial? Is it due to its contents, or are other issues involved? The short answer to this question is that the controversy relates to a combination of both. The law is controversial because of its contents, but it is also highly controversial because it has been thought up by the *makhzen* and is strongly promoted by the King – in other words, it is yet another example of how the government has not got effective power to govern.

Controversies: the motives of the King

With regard to the King's intervention, Mohammed VI has in recent years often mentioned that he saw an urgent need for a law on political parties because the party system found itself in a situation where its members were no longer able to perform the tasks set out for them in the constitution.⁴⁷ In short, the political parties – in the eyes of the King – did no longer represent the interests of the people to a satisfactory extent.

Mohammed VI's proposed solution to this lack of adequate representation – which in his view could be clearly detected in the increasing voter apathy – was the adoption of a law on political parties, which would

aider à proposer des programmes réalistes et des solutions concrètes à leurs problèmes, de les mobiliser autour de toutes les questions d'intérêt local ou national, en oeuvrant, de concert avec les organisations de la société civile, et de façon complémentaire et harmonieuse.

(Moroccan Ministry of Communication 2003)

In other words, what was needed was clearly defined parties with realistic programmes offering concrete solutions to the problems of the voters – the parties had to become conscientious and responsive and therefore, better equipped to mobilize the electorate.⁴⁸ However, Mohammed VI's reform plans for the party system reached further than the internal organization of the country's parties, as he also saw the need for the rationalization of the party system – the intention being decreased fragmentation.

According to Mohammed VI, if government was to become more efficient in the future, what was needed was the creation of strong and united governments formed on the basis of a majority in the House of Representatives consisting of parties with similar political programmes. This government, in turn, was to be kept in check by a just as clearly defined opposition, again defined by one or more blocs of political parties with similar ideological outlook (Moroccan Ministry of Communication 2004b).⁴⁹

According to Belhaj, the real motive for the King – first Hassan II and now Mohammed VI – wishing to create two or three clearly defined blocs of parties has less to do with the ability of the political parties to fulfil their constitutionally specified duties.⁵⁰ Rather, the monarchs have been pushing for this type of political reform primarily because the party system and the political parties themselves have spun out of royal control.

First, with close to twenty parties contesting the elections during the past two decades, it has become nearly impossible for the King to guarantee a specific outcome, that is, ensuring that the loyalist parties come out as winners.⁵¹

Second, as the King has played an important role in the creation of several of the parties, some of these – despite remaining loyal to the monarchy in general – have moved away from being mere lackeys of the King as the object of his attention and favours shifted from one party to another.⁵²

Finally, due to the considerable growth in parties over the years decreasing the King's ability to decide the results of the elections, the political parties have become more dependent on the electorate. A party favoured by the King but not appealing to the voters would simply not get a seat in parliament.⁵³

In line with these developments, if Mohammed VI succeeds in reforming the party system in a manner which creates two or three clearly defined blocs of political parties, some of his problems relating to the lack of control over the party system and the individual parties would be diminished. With regard to the first issue of electoral unpredictability, if two or three clearly defined blocs of parties were created, it would be easier for the King to predict which bloc would win the elections and, hence, which bloc he should be strengthening his links with. On the topic of declining loyalty from the parties often described as the *makhzen* parties, this problem would also be somewhat countered as parties from within this group would no longer necessarily find themselves in a favoured position; the two or three blocs of parties could be played out against each other, and the parties within the strongest bloc would receive the support of the King until the next elections or until the King saw the need for a shift in the balance of power among the political parties.⁵⁴

Finally, by creating two or three clearly defined blocs of parties, the political parties would be encouraged to work together within the blocs in order to ensure that their bloc would be the strongest and therefore win the elections. In other words, whereas recent elections have seen the parties distancing themselves from one another in an effort to win the voters' support, future elections with a small bloc system in place is likely to see increased cooperation and therefore decreased fragmentation. From the perspective of the King, this would strengthen his position vis-à-vis the parties, as the bloc of parties deemed to be his favourite is likely to do better than any other bloc due to the King's extensive political powers and his tendency to play a direct role in the adoption of key policies.⁵⁵

Although all of the above sounds very plausible, Belhaj's explanation as to why Hassan II and later Mohammed VI have sought to reform the party system seems somewhat superficial, mainly because it is far from guaranteed that the King's position vis-à-vis the parties would be strengthened as a result of such reforms. In the short run, there is no doubt that Mohammed VI would find himself in a strong position, as the political parties will have to make very important and difficult decisions about whom to form blocs with and on what basis. During this period of bloc formation, the parties will be vulnerable both towards each other and towards the King.⁵⁶

However, in the long run, if clearly defined strong blocs of parties emerge, it will be more difficult for the King to control the party system. At the moment, what seems to be proposed is the creation of two (a leftist and a conservative) or three blocs of parties (a leftist, a centre-right and a conservative), with Mohammed VI's preference being the latter option (Moroccan Ministry of Communication 2004b). The logic behind this is that if only two blocs emerge and one becomes dominant, the game will be lost for the King as there will be no

real alternative to this bloc. If there are three blocs of parties and one becomes clearly dominant, then at least he would have the option of trying to unite the other two blocs against the third.

In this latter scenario – with a leftist, a centre–right and a conservative bloc – even if the King was not be able to unite two blocs against a third dominant bloc, the situation might still work to his advantage as the political landscape at the moment is dominated by parties with centre–right and conservative orientations, that is, parties whose core standpoints lie close to those of the King. Hence, even if Mohammed VI remains unable to control the party system and the parties after the introduction of such reforms, a party system composed by three blocs of parties dominated by conservative and centre–right parties would still be an improvement to the current one with its deep fragmentation and loose alliances – not only to the King but also to the electorate and, eventually, to the democratization process – which, as stated earlier, will not be able to progress any further without a reform of the party system.

Controversies: the contents of the law

The new law on political parties has not only been a controversial subject due to the ambiguities surrounding the King’s position on the issue but also because of its contents, which centres on seven issues (Moroccan House of Representatives 2005):

- 1 General provisions
- 2 The formation of political parties
- 3 Party programmes (‘les status’), the organization, and the administration of political parties
- 4 Financing of political parties
- 5 Alliances of political parties
- 6 Sanctions
- 7 Transitional provisions.

Of these core topics, only two have proved to generate serious objections from a number of politicians, academics, journalists and civil society representatives, while a third issue has led to some indignation among the political parties but not to any objections – the issues in question are the formation of political parties and their financing, while the offensive articles concern the subject of party programmes.

With regard to the formation of political parties, the text – which was adopted by a parliamentary commission on 12 October 2005 and then by the House of Representatives on 20 October 2005 (*Maghreb Arab Presse* 13 and 21 October 2005) – centres on three key issues: the formalities, which need to be present for the party to be recognized by the Minister of the Interior (Moroccan House of Representatives 2005: articles 8–11), the holding of an inaugural congress (ibid.: articles 12–14), and obligations of the party, particularly with respects to any

modifications made to the party's programme and mode of organization (*ibid.*: articles 17–19).

What has caused considerable concern among not only the Moroccan politicians but also several civil society organizations and political commentators are articles 9 and 15 of the new law.⁵⁷ To say that the objections relate to the contents of these two articles is perhaps a bit of an overstatement, as the protests have centred on five crucial words: 'the Minister of the Interior'. As has been demonstrated repeatedly throughout this book, the Minister of the Interior has played a highly significant role, sometimes even surpassing that of the prime minister. More importantly, however, the repression of civil society organizations and a number of parties, which was particularly harsh throughout the 1970s and 1980s, took place under the direction of the Ministry of the Interior resulting in this particular ministry being mistrusted – if not feared – even today, after the repression has declined markedly.⁵⁸

In line with this, bestowing upon the Minister of the Interior the authority to legalize or close down a party – which is what articles 9 and 15 do – has caused somewhat of an uproar among several political parties and civil society organizations, who have argued that it would not be right to place this power with the Ministry of the Interior due to the mistrust of this particular ministry as a result of its tainted past and that the power to legalize or close down a political party falls more appropriately under the domain of the Ministry of Justice rather than under the Ministry of the Interior, putting forward the argument that only if this authority lies with the former is the principle of the separation of powers guaranteed (Chaoui 2005a; el-Guernaoui 2005).⁵⁹

After months of debate in parliament as well as in the media, it seemed as if the political representatives had finally come up with a solution to these objections. According to Lamlili (2005b), the articles giving the Minister of the Interior the authority to legalize or close down a party were to be amended before the law was put before parliament, as the Minister of the Interior had apparently finally backed down and agreed to let this sort of decisions fall under the Minister of Justice (*Le Matin* 14 September 2005). In the end, however, this turned out not to be the case, as in the final text, the Minister of the Interior kept his powers (Moroccan House of Representatives 2005).

The fear that the *makhzen* would be able to control the outlook of the party system by having the Minister of the Interior deny legalization to parties seen as anti-loyalist or simply beyond the control of the *makhzen* lives on in the law not only because the transferral of the authority to legalize/ban a political party from the Ministry of the Interior to the Ministry of Justice did not take place. Another reason why this fear persists is that in the first group of articles of the law, the 'general provisions', article 4 remained unchanged in the final text of the law despite significant objections, particularly by civil society organizations:

Est nulle et de nul effet toute constitution de parti politique fondée sur une cause ou en vue d'un objet contraire à la Constitution, aux lois, ou qui a pour but de porter atteinte à la religion islamique, au régime monarchique

ou à l'intégrité territoriale du Royaume. Est également nulle et de nul effet toute constitution de parti politique fondée sur une base religieuse, linguistique, ethnique ou régionale, ou d'une manière générale, sur toute base discriminatoire ou contraire aux droits humains.

(Moroccan House of Representatives 2005)

As critics have pointed out (el-Fassi and el-Yazghi, 2005; Taïx 2005), the contents of article 4 raise the question of whether or not the state – via the Minister of the Interior – should be allowed to decide upon the scope of the party system?⁶⁰ Although there is an urgent need for an article in the law, clearly stipulating what type of parties would be legalized and which would not, in order to eliminate the current ambiguity on the subject, some commentators feel that article 4 has gone too far.⁶¹ In essence, the criticisms centre on the latter paragraph of article 4, which bans parties founded on a religious, linguistic, ethnic, or regional basis (Annahj Addimocrati 2005; Association Marocaine des Droits Humains 2005a; el-Fassi and el-Yazghi 2005; Ksikes 2005; Lamlili 2005c; Taïx 2005).

The author of this book is in concurrence with those objecting to the prohibition of religious, linguistic, ethnic or regional parties as long as these parties are not anti-systemic. There seems to be no need to ban parties on such a basis as (a) in line with the first paragraph of article 4, these parties would already be seen as illegal if they were viewed to be against the Islamic religion, the monarchical regime, or advocating the break-up of the Moroccan territory, or (b) there would be no need to ban these parties if they do live up to the requirements of the first paragraph of article 4, as they are clearly not anti-systemic nor indeed threatening the territorial integrity of the state or the state religion.

In other words, I would have liked to have seen an article 4, which was limited to its first paragraph. The logic behind this is that if article 4 had been reduced to only its first paragraph, a legal text would have been provided as a definitive guideline not only for the judiciary but also for the potential founders of a political party, and this text would, at the same time, have been much more far reaching than the previous informal rules on the subject, expanding the criteria from the party not only being prohibited from being anti-systemic but also from being against the state religion of Islam and in favour of the break-up of the Moroccan territory. Moreover, such a shorter version of article 4 would have allowed for a broader party system as Berber parties or Islamist parties, for instance, would be allowed to exist as long as they follow the rules of the game as set out in the first paragraph of article 4 as well as, of course, the rules set out in the other articles of the law on political parties.

Finally, before moving on to the conclusion, on the topic of the financing of the political parties, a number of articles were highly contested. This reality can mainly be attributed to the set of rules detailing exactly which parties are entitled to funding, and how much (particularly articles 29 and 40).

What have been the core points of dissatisfaction with respect to these articles is the need to meet a 5 per cent district threshold in the general elections

and the requirement that a political party must hold a congress at least every four years if the party is to obtain any form of state funding (el-Fassi and el-Yazghi 2005).⁶² The logic behind the first objection is rather clear, as smaller parties will be excluded from state funding thereby making it even harder for them to meet the 5 per cent district threshold in the next general elections, hence, generating a vicious circle that is very difficult to break.⁶³

The second objection is much more interesting, however. In Morocco, it is not unusual for a political party not to hold party congresses for longer periods of time. Parties such as MP and the RNI, which have existed since 1957 and 1978 respectively, have only held very few congresses – the MP nine and the RNI three – meaning that the MP has, on average, held a party congress a little less frequent than every five years, while the RNI has held one, on average, every nine years. Similarly, the USFP (1972) and the *Istiqlal* (1943) have held very few congresses, with the USFP managing to organize seven, and the *Istiqlal* fourteen. This means that, on average, both the USFP and the *Istiqlal* have held a congress a little less frequent than every four years. Hence, it is not surprising that the leaders of these two parties declared in January 2005 that their fifth point of objection to the then version of the text: ‘Se référer pour supprimer la subvention annuelle à un parti, au non respect de la périodicité de ses congrès, tel que défini par les statuts internes avec l’octroi d’un délai d’une année’ (el-Fassi and el-Yazghi 2005). Because the law was adopted regardless of objections similar to those voiced above, the voters – particularly those who are party members – find themselves in a much-improved situation, as the parties will now have to convene congresses more frequently thereby increasing the chance that the voters will be informed about the position of the different parties at times of election and that voters who are party members will have their voice heard on a more frequent basis.

This, of course, ties in with a problem raised earlier in this chapter: the reality that the democratization process lies in the hands of the population, which has come to assume that the parties are corrupt and which does not feel represented by these parties as they are too far removed. As the new law on political parties increases the extent to which parties are kept in check by the state, and because the law enables the population to investigate the finances of the parties as these are made public, the parties are likely to be perceived as less corrupt in the future – unless, that is, they are indeed corrupt. By demanding the holding of party congresses at regular intervals, the new law on political parties is also likely to do away with some of the frustration of feeling unrepresented, as the parties are going to be less removed from the electorate.

Conclusion: more far-reaching reforms needed to break the negative cycle

The new law on political parties and the election code of 2006 are likely to have positive effects when it comes to the realization of the USFP’s three objectives and, more importantly, reducing the negative aspects tied to the future of the

democratization process lying in the hands of the population. This said, however, it is doubtful whether the creation of distinct blocs of parties, the reduction of parties in parliament, the formation of more stable and efficient governments, increased voter turnout, and parties being perceived as less corrupt and removed – if this does indeed take place – are going to do the trick with the electorate. In my opinion, although these are all important issues and will undoubtedly have a positive impact on voter confidence if realized, they do not reach far enough.

It is important to note here that political confidence has not only got to do with the election process but with the entire political system. Moreover, the reality that the future of the democratization process lies in the hands of the population does not simply refer to those who vote but also to those who choose not to vote as well as those who do not possess the right to vote.

With regard to those who do have the right to vote, as stated in Chapter 4, they are not simply defecting because they are not happy with the state of elections, which has improved significantly since the mid-1990s but because they lack faith in the entire political system. Changing the election code and reducing the number of parties in parliament, with the aim of creating strong and stable governments based on political blocs rather than simply on numbers, is not likely to completely eliminate the problem. Likewise, neither is the introduction of a new law on political parties aimed at reducing political corruption within the parties and forging a closer relationship with the constituents (see, among others, *Le Matin* 25 September 2001 and 24 November 2002).

It cannot – and should not – be denied, however, that although it is unlikely that such reforms are going to eliminate the problem of lack of faith in the political system, it is more than probable that they will improve voter confidence in the political system as they address the issues of party corruption and lack of representation, as well as – to some extent – the issue of the King being seen by the voters as the most efficient political actor and the only guarantee of political stability. If the population is to gain strong confidence in the political system, and if voter turnout is to increase, then the reforms introduced must stretch much further than the election code and the party system. At the moment, one of the main issues negatively affecting the population's confidence in the political system is the method of government appointment, which is highly ambiguous. This ambiguity stems from two sources: first, from the King's authority to appoint the prime minister and then the government upon the *advice* of the prime minister and, second, from the fact that the strongest party or alliance in the House of Representatives is not necessarily part of government, although this is usually the case.

If one looks at the latter point first, the King alone cannot be blamed for this situation; the parties must also admit some responsibility. Most governments have been based on the formation of parties with the largest number of seats in the House of Representatives, apart from in a very few cases. In those exceptional cases, the strongest party or alliance in the House of Representatives – in all instances either the USFP or the *Kutla* – was in fact offered to join but chose

to decline. The main reason for not joining given by the USFP or the *Kutla* has been that the party or alliance did not wish to become part of a regime – and therefore co-responsible for its actions – which it considered to be undemocratic.

Although it is unlikely that the USFP or the *Kutla* would refuse to join government on similar grounds anytime in the near future, as both entities have been part of the three most recent governments, it is necessary to create an environment where no political party feels that it cannot possibly become part of government because it sees the regime as undemocratic. One might ask why this is so important. With respect to the core democratic principle of government independence, if an environment is created in which any party would be more than happy to accept government participation, apart from of course on ideological grounds other than the regime being undemocratic, the process of appointing the government will have become less ambiguous; the voters would know that the party that they have endorsed the most will definitely become part of government thereby increasing their faith in the system and, hence, voter turnout.

Faith in the Moroccan political system – both among the population and the politicians – is unlikely to be restored by simply ensuring that the strongest party or alliance in the House of Representatives is always part of government, changes would also have to be made so that

- the prime minister automatically comes from the strongest party within the largest alliance in the House of Representatives, and
- the prime minister dictates the list of government members to the King, who is then obliged to follow these recommendations when appointing the government.

Admittedly, such changes are not easily made as they deal with constitutional provisions. However, as has been shown throughout this book, the constitution has been amended repeatedly, so why not again? In fact, this exact question of whether perhaps a new constitution is overdue has been on the mind of a number of Moroccan politicians and academics lately, and a considerable debate has accordingly generated in the media. This debate, although incorporating issues relating to all of the three core democratic principles of reasonably competitive, free and fair elections, basic civil liberties, and independent government, centres in particular on issues concerning the latter, as is about to become evident in the subsequent chapter.

7 Independent government, part II

It was established in previous chapters that Morocco does not protect and respect the core democratic principle of independent government, as the country's government is constitutionally – and often also practically – in a position subordinate to that of a non-elected elite. While Chapter 6 dealt with the games of government formation and the subordination of the government to the King, this chapter centres on initiatives, which are currently being undertaken in an effort to rectify this situation, with a view to assess where events are heading.

As shall become evident later in this chapter, the Moroccan King has extensive powers, partly because he is named the 'Supreme Representative of the Nation' and is conferred the duty of 'the perpetuation and continuity of the State' (*Constitution du Maroc* 1996: article 19). Among his powers are the rights to dissolve the two houses of parliament, to give non-debatable addresses to the nation and parliament and, more importantly, to rule by decree. In the past, as shown in previous chapters, his use of these powers to interfere in political life has far from always raised objections by the political parties; indeed, his intervention has often been seen as positive by several politicians and the population.¹ As this chapter demonstrates, this continues to be the case and, hence, a number of parties see no need for constitutional reform.

More closely related to the issues debated in Chapter 6, the King also possesses the authority to appoint government as he sees fit. In contrast to the powers mentioned above, most parties and several commentators find this to be highly problematic, although not problematic enough for many to advocate the adoption of a new constitution. Relating to this issue, the previous chapter ended with three reform proposals, which would all have to be implemented – as a minimum – if Morocco is to protect and respect the core democratic principle of independent government:

- 1 The creation of a political environment in which no political party would refuse government participation on the grounds that it views the regime as undemocratic;
- 2 The appointment of a prime minister from the strongest party within the largest alliance in the House of Representatives; and

- 3 The reform of the power structure so that in the future, the prime minister will dictate the list of government members.

Chapter 7 goes into detail with these exact issues by analysing the proposals put forward for a new constitution, the participants in the debate, the most probable scenario for the future and, finally, whether this scenario is likely to be as drastic as it needs to be.

A new constitution for Morocco?

Before moving on to the presentation of the different approaches to constitutional reform and the analysis of the debate and the prospects for reform, it is useful to give a brief overlook of the constitutional progress made – on the topic of independent government – with the adoption of the latest constitution in 1996 compared to the first constitution of 1962.

In the period 1962–96, Morocco adopted no less than six constitutions if one counts the two amendments made to the 1972 constitution in 1980 as representing a new constitution. There is no doubt that the adoption of these many constitutions resulted in overall progress with regard to the protection of and respect for all of the three core democratic principles of reasonably competitive, free and fair elections, basic civil liberties, and independent government. However, the progress made during the past few decades is in many cases more cosmetic than profound, and more often than not, these positive textual developments have not been followed up in practice.

If one takes a look at changes to the constitutional text relating to the issue of independent government, it is obvious that improvements have been made since the original constitution of 1962, as the 1996 constitution strengthens the prime minister vis-à-vis the King; the prime minister is now, unlike previously, granted the authority to recommend the other members of the cabinet to the King (*Constitution du Maroc* 1996: article 24). Despite this constitutional progress, however, not much change has been made to practice as the King continues to appoint the government as he sees fit, disregarding the recommendations by the prime minister.² Consequently, the governments formed under the 1996 constitution are still heavily influenced by technocrats loyal to the King, a reality that continues to cause great tensions in political life, making this issue one of the key points in the current constitutional debate.

The debate begins to take form

The question of whether Morocco needs a new constitution slowly began to emerge in the press and academic publications as the first USFP-led government began to show signs of weakness shortly after its formation in 1998. Moreover, similar voices could be found within the government itself, including leading members of the USFP. In an interview published in the USFP's *Al-Ittihad al-Itchtiraki* in August 1999, Mohammed Sassi – then a member of the party's central committee –

stated that constitutional reform was a prerequisite for any kind of economic and social reform that the country might need and consequently appealed for a constitutional reform that would result in the installation of a parliamentary regime in which the King would reign but not govern (Darif 2002c).³

In 2002, as Yousseoufi handed over the post of prime minister to yet another loyalist, it seemed to many Moroccans as if the country was back to status quo after a brief period of government headed by an elected member of parliament. Consequently, with the end of the reign of the two Yousseoufi governments, the demands for constitutional reform intensified, and views similar to those put forward by Sassi began to appear on an even more frequent basis.

Among those voicing their dissatisfaction with the 1996 constitution was the OADP, which declared that 'la réforme constitutionnelle est la clef de la réforme du système politique' and therefore constitutional reform was not only imperative but an obligation. What was needed were profound reforms that would replace the existing system in which the government, the legislature and the judiciary were weak, and the Minister of the Interior possessed hegemonic powers with a regime based on the rule of law and with a modern, just, democratic, tolerant and solidaric society (Nachatti 2002b).

With the announcement in June 2002 that members of the youth wings of the parties within the *Kutla* and the PADS had formed a movement – the *Mouvement de Revendication d'une Constitution Démocratique* – working to achieve constitutional reform, the campaign gained a more unified voice.⁴ According to its founder, Mohamed Hafid, the new movement would include representatives from more than forty different civil society organizations, yet despite the large number of groups represented, the members had managed to agree on three core goals: the strengthening of the principle of human rights, giving more consideration to the national identity and cultural diversity and, finally, reforming the system distributing political power (Lamlili 2002d).

The increased focus on constitutional reform coupled with the existence of a deep political crisis led the Moroccan press to contribute to the debate. One newspaper asked for more clarity and put forward the argument that the country's politicians had three paths to choose from: one focusing on introducing the rule of law, another on restructuring the political system, and the third on the integration of the citizenry into political life (Darif 2002a).

There is no doubt that the three reform paths put forward are all valid approaches in some respect. However, based on the analysis carried out in the previous chapters and on the basis of observations made during fieldwork in Morocco during 2005, the answers to the prayers of those hoping for further democratization and the attainment of more core democratic principles must be concluded not to be one of the above three paths, but a path combining all three. While constitutional reform can neither provide for the rule of law nor for the integration of the citizenry into political life as these issues go beyond mere legal texts, Chapters 4–6 have attempted to show other measures that can be – and to some extent have been – undertaken to reach these goals. What constitutional reform can provide, that is, at least on paper, is reform of the political system.

The subsequent sections of this chapter go into detail with the current constitutional debate focusing on proposed changes to the political system, particularly with regard to the subject of the effective power to govern by the elected government.⁵ As shall become evident, the demands put forward by the participants in the debate are far from uniform, yet it is still possible to identify two core groups:⁶

- 1 Personalities, organizations, and political parties focusing on the constitutional text as well as the need for changes to practice
- 2 Personalities and political parties arguing that constitutional reform is unnecessary, but practice must change.

In addition to the identification of these two sets of actors, which illustrates the disagreements on the issue between the groups, the chapter also highlights the divergences that exist within the groups, particularly among members of the first cluster, as liberals, socialists, and Islamists, among others, try to push for amendments that will serve their particular interests. Finally, the chapter moves on to an analysis of the possible outcome of the constitutional debate, looking at the prospect of changes to

- A the text
 - a1: cosmetic changes⁷
 - a2: substantial changes⁸
 - a3: status quo
- B practice
 - b1: cosmetic changes
 - b2: substantial changes
 - b3: status quo

In other words, the analysis evaluates nine different scenarios for the future:

- 1 a1 + b1: cosmetic changes to text and practice
- 2 a1 + b2: cosmetic changes to text with substantial changes to practice
- 3 a1 + b3: cosmetic changes to text but no changes to practice
- 4 a2 + b1: substantial changes to text but cosmetic changes to practice
- 5 a2 + b2: substantial changes to text and practice
- 6 a2 + b3: substantial changes to text but no changes to practice
- 7 a3 + b1: no changes to text but cosmetic changes to practice
- 8 a3 + b2: no changes to text but substantial changes to practice
- 9 a3 + b3: status quo – no changes to text or to practice

The debate

The constitutional debate taking place at present is dominated by three sets of actors – either via their input in the debate or, interestingly, by their lack of participation. These three groups of actors are: those demanding constitutional

reform, the dominant political parties and, of course, Mohammed VI. In the subsequent paragraphs, the positions of these three sets of actors will be presented, while the analysis of their content – both with regard to whether the proposals seem extensive enough and whether they are likely to be adopted and successfully implemented is left to later sections.

The TelQuel debate: the different demands for constitutional reform

The position of the actors demanding constitutional reform can be difficult to determine as people from across the political spectrum, from within the parties and from among civil society have made inputs to the debate. In other words, this is a very heterogeneous group of actors with differing viewpoints on the issue of constitutional reform. The following paragraphs present the demands and positions of a number of personalities who participated in a seminar organized by *TelQuel* on 18–19 April 2005 in an effort to illustrate some of the ideas put forward by those pressing for constitutional reform.⁹

The monarchy

Although several constitutional articles were the subject of scrutiny during the seminar, the articles relating to the monarchy and the three powers received special attention, as these were the most controversial articles under discussion. On the issue of the powers of the monarchy, four constitutional articles – 19, 23, 24 and 29 – stood out as they were the subject of meticulous scrutiny.¹⁰ With regard to article 24, four different positions emerged during the seminar, albeit all of them fairly similar – in summary, they all emphasized the need for increased powers to the parties vis-à-vis the King but differed in their degree of detail.¹¹

The vaguest of the four positions was the first, which proposed the following formulation: ‘le roi nomme un Premier ministre au sein d’une majorité parlementaire’, while the slightly more detailed and less ambiguous second position opted for the wording ‘le roi nomme un Premier ministre qui dispose d’une majorité parlementaire’ (Ksikes and Benchemsi 2005).¹²

Position three took the basic idea of majority endorsement a step further by insisting that the King would have to consult with the political parties holding a majority in parliament before appointing the prime minister.¹³ Finally, the fourth position argued that the King should consult the political parties when appointing the prime minister and, moreover, he should be obliged to appoint the prime minister from among the personalities belonging to the political parties represented in parliament. Finally, in an ideal situation, the prime minister should be endorsed by the majority of the members of parliament.¹⁴

On the subject of the other three articles under scrutiny, five positions appeared during the debate. The first of these positions proposed that article 19 be rewritten in a way that would make the King the representative of the nation in its orthodox sense, that is, as the face of the Moroccan nation to the rest of the

world, while also reducing his role as arbiter to simply arbitrating between the different political orientations given mandate by the population at election time.¹⁵ Hence, position 1 proposed the amendment of article 19 be as follows: ‘le roi, Amir al Mouminine, représentant de la nation, symbole de son unite, assure par son arbitrage la garantie de la pérennité de la continuité de l’état’, with the rest of the article remaining unaltered (Ksikes and Benchemsi 2005). Remaining unaltered would also articles 23 and 29 in their entirety, as these were seen by the first position as virtually impossible to amend due to their sensitive nature (ibid.).¹⁶

The second position was less conciliatory than the first, proposing amendments to article 19 as well as to article 23. Regarding article 23, this position suggested that the King should no longer be referred to as ‘sacred’, thereby putting an end to the King using his religious position in political matters. While this position – in contrast to the first position – argued that article 19 should continue to bestow on the King the title of ‘supreme representative’, this title should refer only to the nation but not to the state; hence, the Moroccan people would no longer be represented by the King but by the political representatives they have elected.¹⁷

According to the third position, the amendments proposed by the two previous tendencies were not far reaching enough. This position argued that if Morocco is to ensure that the King does not have political authority, but simply influence on religious matters, article 19 should be rewritten in an unambiguous language, such as for instance ‘Le roi porte seul le titre d’Amir al Mouminine et représente une autorité symbolique en matière de fatwas’.¹⁸ In addition to this reformulation of article 19, the third position proposed that article 19 be expanded in order to include a section specifying the exact powers of the King rather than leave this matter up to other articles as is the case in the current constitution (Ksikes and Benchemsi 2005).¹⁹

The fourth position differed somewhat from the other positions in its approach to the revision of articles 19, 23 and 29 in that it emphasized religious issues to a much larger extent than the three previous tendencies. The article suggested that the most amendments were to article 19, as this fourth position contended that a new article 19 should guarantee coherence, centralize the sources of power, and strengthen the religious position of the King.²⁰ It was argued that these changes could be achieved, while keeping the King’s position as *Amir al-Mouminine*, by adding a paragraph detailing the King’s functions and by increasing these functions. What was being suggested was the creation of a global and integrated power structure presided over by the King, which would include a *Majlis al-Ouléma* (an assembly of experts in Islamic religious law), and a *Majlis al-Ifta’ e* (an assembly tasked with putting forward *fatwas*), as well as other instances, all of which would be independent from the legislature, the executive and the judiciary.²¹ As a last point, the fourth position proposed the creation of a further source of power, which is currently extra-constitutional: the *bay’a*, the Muslim oath of allegiance.²²

Finally, there was a fifth position. Unlike the other four, this fifth approach to

reform of the constitutional articles relating to the powers and position of the monarchy was rather simple. Essentially, what the fifth position was advocating is that in a new constitution, the King would be stripped of his religious powers by removing from the constitution the title of *Amir al-Mouaminine* as well as the word sacred from articles 19 and 23.²³

The three powers

On the subject of the three powers, there seemed to be unity during the seminar regarding the revision of the powers of parliament and the powers of the judiciary. With respect to the former, the general opinion appeared to be that Morocco should aim to establish a strong and efficient parliament and that the major step forward in ensuring such a change would be to restructure the current arrangement of an executive consisting of an upper and a lower house.²⁴ What was proposed was the creation of a new national council consisting of the representatives of the regions, which would replace the existing upper house. This national council would, in contrast to the upper house, only have a consultative role and would serve as an organ complementing the House of Representatives (Ksikes and Benchemsi 2005).²⁵

Regarding the powers of the judiciary, there was general agreement among those demanding a new constitution that two changes have to be made. First, a new constitution should refer to the judicial power and explicitly state that the magistrates have the right to create syndicates, which are independent from the state. Second, in an effort to ensure the complete independence of the judiciary from the executive, a new constitution should state that the Minister of Justice is not allowed to sit on the Supreme Council of the Magistracy (Ksikes and Benchemsi 2005).²⁶

Finally, on the subject of the powers of the government, two positions emerged. The first position argued for the need for the tasks of the two councils (government and council of ministers) to be clearly distributed, abolishing the existing duality and increasing the powers of the prime minister. In short, the council of ministers would be reduced to inform the King of government affairs, to solicit the King on his opinion on government matters, and to keep the government informed on the contents of the royal discourses. The King would not be able to deliver a speech to the nation without prior approval of the discourse's contents by the government, he would not be able to influence government decisions (only indicate his opinion), and most of his other prerogatives – including his position as head of the executive – would be transferred to the government. However, the King would remain chief of state and therefore continue to represent the country abroad, hold the post as head of the armed forces, and so on (Ksikes and Benchemsi 2005).²⁷

The second position was less comprehensive, arguing that in order to maintain the balance of power at the macro level, the King should continue to deal with issues of an exceptional character, such as the declaration of war, state of emergency, revision of the constitution and the dissolution of parliament. More-

over, this position also tolerated the use of decrees as long as these emanate from the council of government and not from the King. On the micro level, however, the second position was indeed in favour of change, proposing that the prime minister should be granted the right to directly nominate – without prior royal validation – the heads of the public administrations (Ksikes and Benchemsi 2005).

The standpoint of the dominant political parties

Following the former leader of the RNI, Ahmed Osman, the aim of those demanding constitutional reform – whether academics, politicians, or representatives of civil society organizations – is simply to curb the powers of the King. According to Osman, however, this is not a prerequisite if Morocco is to democratize further; all that is needed is the full implementation of the already existing constitution of 1996.²⁸

When talking about the full implementation of the 1996, Osman is referring to one constitutional article in particular, namely article 24. Having seen above how those championing constitutional reform are arguing for a new system to be established with regard to the appointment of the prime minister, it is interesting to observe that Osman has hardly any objections regarding this issue. What concerns Osman and the RNI is the fact that throughout history, a large percentage of the ministers have been technocrats, and despite changes to the constitution in 1992 and 1996, this continues to be the case. Consequently, Osman argues, rather than amending the constitution once again, Mohammed VI should simply change practice when appointing the next government, making sure that all ministers have party affiliation and, preferably, that they come from within parliament as well.²⁹

Consequently, one might ask why Osman has no problems with the current method of appointing the prime minister. The answer is that in Osman's opinion, although the prime minister is not appointed by the parties, but by the King, he is still selected by parliament. Osman's logic is that with the adoption of the 1992 constitution, parliament received the power to vote on the programme presented by any new government to parliament. If the majority of parliamentarians were against the appointment of a certain prime minister, they could then choose to vote against the new government's programme, thereby indicating their dissatisfaction with the prime minister. The King would then have the option of appointing a new prime minister or letting the government present a revised programme, which would have to be voted on in parliament again; hence, the members of parliament could continue to vote down the government programme until the King got the message and appointed a new prime minister supported by a parliamentary majority.³⁰

The positions of the dominant parties within the *Kutla* correspond to that of the RNI. This is not common knowledge, however, as the USFP in particular but also the *Istiqlal* have been keen to stay out of the current constitutional debate. El-Messaoudi (2005) describes the situation as a 'discours quasi absent' in which the USFP has 'maintient un grand silence'. In short, the *Kutla* has other priorities, and constitutional reform comes second to political reforms at present.

It is important to note here that the reality that the dominant members of the *Kutla* have been rather reluctant to partake in the constitutional debate does not imply that the two parties have not been engaging in any form of debate on the constitution. The USFP and the *Istiqlal* have discussed the issue internally, and both parties have made some public statements regarding their position. According to el-Yazghi, the leader of the USFP, the party has been appealing for constitutional reform for a long time; hence, the rumours that the party is against reform of the current constitution are untrue. The party is not ready to accept any kind of constitutional reform at the moment, however, as the USFP would only support a reform project carried out together with the monarchy now that Mohammed VI is King (Jibril 2005a, 2005b).³¹ Put differently, el-Yazghi is of the opinion that there is nothing wrong with the 1996 constitution, and that is why the party encouraged its supporters to vote in favour of the constitution in 1996. Yet, a constitution is not a fixed text; hence, there is the possibility of USFP support for constitutional reform (Benomar 2005).

Whether el-Yazghi's claims in the media that the party is indeed in favour of constitutional reform are true, is difficult to judge. On the basis of an interview with el-Yazghi carried out in April 2005, I tend to agree with el-Messaoudi that the USFP has other more pressing priorities than constitutional reform. Asked directly whether he – as the leader of the USFP – thought that the constitution needed revision, el-Yazghi replied a firm 'non'. According to el-Yazghi, the constitution of 1996 is more than adequate and, although he admitted that the party has certain issues regarding the powers of the prime minister and the political parties, he maintained that these issues could be solved without constitutional reform.³²

Like Osman of the RNI, el-Yazghi stated that for these shortcomings to be bettered, all that is needed is the proper implementation of the 1996 constitution: if the 1996 constitution is applied according to its letter, the prime minister would be in a position to appoint the cabinet, for instance, and the ministers – including the prime minister – would be affiliated to the political parties in parliament.³³ In line with this, el-Yazghi declared in the interview that rather than concentrating their efforts on the issue of constitutional reform, the parties in parliament ought to join forces in order to resolve more pressing issues, such as graduate unemployment and the new law on political parties.³⁴

Reminiscent of the USFP, the PJD seems to be giving low priority to the question of constitutional reform in comparison with other political matters. Apart from Mustapha Ramid, the former head of the party's parliamentary group, the PJD leadership has been downplaying the need for constitutional reform. According to several members of the party leadership, the pamphlet published by Ramid – in which he argues for reform of the constitution in order to ensure the establishment of the *shari'a* as the only legislative source and the creation of a parliamentary monarchy in which the king reigns but does not govern – is nothing more than personal thoughts (Jamaï 2004; *Le Journal*, 155, 10–16 April 2004; Rhandi 2004b; el-Messaoudi 2005).

Lahsen Daoudi, member of the PJD's general secretariat, sums up the core criticisms of Ramid in an interview with *Le Journal*, in which he states that

Ramid's document is incompatible with the party's priorities at the moment; the PJD is devoting its attention to the issues of electoral transparency and the internal democratization of the political parties, rather than focusing on constitutional reform (Rhandi 2004a; Rifi 2004; el-Messaoudi 2005; *La Gazette du Maroc*, 4 April 2005). Daoudi underlines, however, that the subject of constitutional reform is far from taboo within the party; it is being discussed and has been for a number of years, but the party is of the opinion that it is only meaningful to talk of constitutional reform once other reforms have been introduced: 'La réforme constitutionnelle n'est pas un sujet tabou. Mais avant de parler de réforme, il faut mettre en avant des changements politiques pour permettre aux institutions de fonctionner' (Rhandi 2004a).

Mohammed VI's position on the issue of constitutional reform

Although the King has never responded directly to any of the above propositions, several declarations made by Mohammed VI during recent years strongly indicate that he has no intention of giving in to the demands for a parliamentary democracy in which he reigns, but does not govern. In an interview with *Le Figaro* in 2001, Mohammed VI stated that

Notre Monarchie est constitutionnelle avec un texte fondamental datant de 1962 qui avait été élaboré en étroite concertation avec les formations politiques de l'époque. Mais, chez nous, le Roi ne se contente pas de régner. Je règne et je travaille avec mon gouvernement dans un cadre constitutionnel clair qui définit la responsabilité de chacun.

(Moroccan Ministry of Communication 2001)

and following up on the issue with the proclamation that

Dans le monde moderne, même un Roi ne peut pas agir en solitaire. De plus, cela ne correspond ni à mon goût personnel ni à ma philosophie. Je travaille en équipe. Je m'entoure. J'ai des conseillers qui me donnent leurs avis en toute franchise. J'ai confiance en eux et ils ont confiance en moi. Cela dit, je ne m'appuie jamais sur le jugement d'une seule personne. J'ai peut-être tendance à demander un trop grand nombre d'avis. Mais je ne veux surtout pas faire l'erreur de fonder ma décision sur un point de vue unique, sur l'opinion d'une seule personne.

(ibid.)

This position was repeated in January 2005 in an interview with *El Pais*, in which he gave the following response to the question of whether Morocco one day would become a European-style parliamentary democracy:

Non. Il ne faut pas transposer le modèle des monarchies européennes. Nous avons nos spécificités et nos obligations qui tracent le chemin que nous

devons parcourir. Cependant, notre Constitution n'est pas figée. Ces 40 dernières années, nous avons eu quatre constitutions et plusieurs amendements.

(Moroccan Ministry of Communication 2005)

Scenarios for the future

As is evident from the presentation of the viewpoints of the three major groups of actors involved in the constitutional debate, there is far from agreement on the issue of whether or not constitutional reform is needed, and if it is, what such a reform should entail. This lack of unity begs the question of what is likely to be the outcome of the current constitutional debate.

Short term prospects

Despite the fact that a constitutional debate is currently taking place, there is nothing much pointing in the direction that the outcome of the process is going to be substantial changes to the 1996 constitution. According to el-Messaoudi (2005), this reality can largely be explained by two weaknesses of the debate: the absence of an official discourse and strategy on the subject and the members of the *Kutla* not prioritizing the issue.

On the basis of fieldwork carried out in Morocco during 2005, as well as based on reports in the media, three more points explaining why substantial changes to the constitution seem like an unlikely outcome can be added: the loyalist parties do not rate constitutional reform among their top priorities; the third largest party in parliament – the non-*Kutla* but increasingly loyalist PJD – has declared that constitutional reform is not one of its priorities; and the actors demanding constitutional reform come from a broad spectrum and have not been able to reach an agreement on what any eventual constitutional amendments should entail in detail.

No official dialogue or strategy

The first weakness of the debate identified by el-Messaoudi is the lack of an official dialogue or strategy. As demonstrated throughout this book, and mentioned repeatedly by several academics specializing in Moroccan politics, in Morocco, every political process begins with a royal discourse (Baldous 1979: 283). Hence, the fact that the King has chosen not to take any part whatsoever in the current constitutional debate does not bode well for the prospects for reform.

Optimists might disagree with the above statement, arguing that the fact that Mohammed VI has chosen to stay silent on the issue of constitutional reform could be interpreted in a positive way, that is, as a sign that the monarchy will no longer intervene in political life. However, Mohammed VI's strong involvement in the reform of the *Moudawana* in 2004, and in the adoption of the new law on political parties in late 2005, seem to contradict this line of reasoning by

illustrating how in Morocco *anno* 2006, major political changes still come about as a result of royal initiative. In other words, King Mohammed's decision not to become involved in the current constitutional debate seems to indicate a desire within the monarchy to silence the debate to death rather than a stronger commitment to democracy.³⁵

This is not to say, however, that the monarchy is not committed to democracy and democratic reforms. Indeed, as this book has sought to illustrate, the democratization initiatives undertaken since independence have usually come from above. Although the monarchs have only tended to introduce democratic reforms at times where the monarchy has been under significant pressure – either from the military, the parties, or a rioting population – initiatives have been taken, and reforms have been implemented. Despite the reality that the reforms introduced have not been sweeping enough for the country to protect and respect all of the three core democratic principles of reasonably competitive, free and fair elections, basic civil liberties, and independent government, they have often been more extensive than absolutely necessary if the aim was only for the King to stay in power and maintain most of his authority.

What the current constitutional debate seems to illustrate is the limits to democratization from above; it shows how far the monarchy is willing to go without having its hands forced. At the moment, the political pressure on the King is negligible – the military poses no threat, civil society has not yet become strongly engaged, and most parties are not in favour of political reform. Hence, the reluctance of Mohammed VI to become involved is by no means surprising, and it is even less so, if one takes into consideration the issues which are at the centre of the debate (Ksikes and Benchemsi 2005).

Not a priority and lack of agreement

Mohammed VI's obvious lack of desire to lend his support for the current constitutional debate has significantly weakened the cause of those proposing reform. Another factor contributing further to the undermining of the reform process is the reality that constitutional reform is not a priority among the most influential parties in parliament and, moreover, neither the parties of the *Kutla*, the loyalist parties, nor the PJD is in favour of the adoption of a new constitution at present. As stated earlier, these parties maintain that the constitution of 1996 is perfectly fine, what needs to be changed is not the constitution but practice; respect for the current constitution is all that is needed.

If any proposed amendment to a law is to have a chance of becoming reality, the proposal needs the support of no less than an absolute majority in the House of Representatives (*Constitution du Maroc* 1996: article 58). However, for amendments to the constitution, a proposal needs much more ample support, as the 1996 constitution stipulates that

La proposition de révision émanant d'un ou de plusieurs membres d'une des deux Chambres ne peut être adoptée que par un vote à la majorité des deux

tiers des membres qui composent cette Chambre. Cette proposition est soumise à l'autre Chambre qui peut l'adopter à la majorité des deux tiers des membres la composant.

(*Constitution du Maroc*: article 104)³⁶

This sort of support is unlikely to be gathered for any proposed amendments to the 1996 constitution, at least at present, as the USFP, the *Istiqlal*, the RNI, the MP and the PJD together amount to 208 of the 325 seats in the House of Representatives – that is, 64 per cent – and approximately 40 per cent of the seats in the House of Councillors (Boubrahimi 2003; Europa Publications 2003: 867–8).

As if the prospects for a revision of the constitution are not already bleak enough with neither the King nor the major parties in parliament in favour of a revision at present, the likelihood of reform is further dampened by the fact that the actors behind the initiative are far from in agreement about what a new constitution should look like, as demonstrated by the *TelQuel* seminar. Although some of these differences amounted to mere nuances, other points of divergence were much deeper and would be difficult to reconcile. However, reconciliation is an absolute necessity if these actors are to stand any chance of getting the attention of the King, the dominant parties in parliament, or even the population. Previous constitutions were all adopted at a time when the King found himself in a vulnerable position vis-à-vis the parties, the army, civil society. At present, the actors demanding constitutional reform are far from a threat to the authority of Mohammed VI, and it is therefore unlikely that he is going to give in to any of their demands, as he has on numerous occasions made clear that he is not in favour of the transition from executive monarchy to parliamentary democracy.

This is not to say, however, that those proposing a revision of the 1996 constitution are without chance of fulfilling their ambitions. It is indeed possible for these actors to pose a significant threat to the monarchy in the near future, but to reach that stage, they must necessarily unify their position on constitutional reform and (a) mobilize the population, or (b) make an alliance with the dominant political parties.

At present, given the degree of disagreement among those demanding constitutional reform, it seems unlikely that a unified position is going to be reached in the near future. This, in turn, makes the mobilization of the population rather implausible. As demonstrated throughout this book, the electorate is increasingly turning its back on the polls, and the youth – the population group most frequently the catalyst for political reform – do not rate political participation or membership of an association. Moreover, the issues that at the moment mobilize the largest number of people in Morocco are issues that are clearly defined: the advance of religion in the public and private spheres; the acceptance and promotion of Berber identity; and dissatisfaction with the current level of unemployment.³⁷

As with the population, those demanding constitutional reform are not likely to mobilize any of the dominant political parties behind their cause unless they unify their position – and, yet, this might still not be enough. Even if they

manage to come up with a shared vision for a new constitution, it remains doubtful whether a significant number of the dominant political parties are going to join their ranks because of the weak position of the actors currently promoting a revision of the constitution.

At the moment, these actors are sending a mixed signal; they are few in number and, moreover, they stem mainly from small parties, a number of civil society organizations, and academe. Consequently, the dominant parties are unlikely to feel under any pressure to support the reform demands as they do not feel threatened – the dominant parties are not going to be losing many votes during the proceedings in parliament, and it is improbable that they are going to lose a significant proportion of their share of the votes in the parliamentary elections scheduled for 2007. It appears as if it is not only unity but also the mobilization of the population by those demanding constitutional reform that is going to be needed if the dominant political parties are to join in as well.

Predictions for the longer run

As is evident from the analysis above, the chances of a revision of the constitution – whether substantial or cosmetic – are extremely slim, at least in the short term. As shall become apparent in the subsequent sections, the prospects for reform in the longer run are not much better.

Ironically, the long-term reform prospects are hampered by the reality that the dominant parties are not completely against constitutional reform, something which has not been mentioned before in this chapter. One might expect that the two *Kutla* partners, the USFP and the *Istiqlal*, were the only parties not to have a fixed position on the issue, as these two have often voiced demands for the transition to parliamentary democracy. However, this is far from the case.

The USFP's declaration that the party is not in favour of constitutional reform, but also not completely against the idea, corresponds with the line taken by a number of the other dominant parties. In fact, the USFP, the RNI, the MP, the *Istiqlal*, and the PJD all agree that the current political system needs restructuring when it comes to the powers of the parties, the powers of the prime minister, and subject of party affiliation for ministers (*La Gazette du Maroc*, 14 October 2002; Lamlili 2005a).³⁸

What is actually being hinted at by parties is that they will be satisfied with changes to political practice – that is, the King following the advice of the prime minister when appointing government – but if such changes are not made with the appointment of the government following the 2007 elections, then these parties may be joining the ranks of those demanding constitutional reform.³⁹

The statements made by the above-mentioned parties have considerable implications for the prospects for political change. This is not to say to say, however, that amendments to the constitution are likely to come about as a result; rather, changes to practice is a more probable outcome. By pointing out that they are, at present, in favour of not changing the constitution, but introducing changes to practice, the dominant parties have opened up a path to

Mohammed VI; a path that maintains the current position of the King as the constitution will remain unaltered while at the same time satisfying the demands of these particular parties.

The reason why this path must be deemed to be extremely attractive to Mohammed VI is not only due to the fact that it maintains the position of the monarchy, but there are also two additional benefits. First, if the King changes his practice when appointing government following the 2007 elections, this change in practice can be accounted for in two ways: as the King simply changing his practice or as the King giving into the pressure levied upon him by the dominant parties. This double-sidedness is likely to satisfy both sets of actors: the King and his supporters will undoubtedly interpret the situation along the lines of the first option, while the political parties and their supporters must be assumed to interpret the situation along the lines of the latter.

A second benefit to Mohammed VI of changing his practice when appointing government is that such an act is likely to undermine the current debate on constitutional reform. Although there is no doubt that reformers will continue to exist and, perhaps, even multiply in number, their campaign would have been significantly weakened. As stated earlier in this chapter, if constitutional reform is to have any chance of taking place, the parties will eventually have to be mobilized behind the campaign – their votes are necessary to push a reform through parliament. If the King follows the path laid open to him by the dominant parties, it will be almost implausible that these parties will have a change of hearts and join the ranks of those demanding reform, although this could happen if the population was mobilized behind the cause and, hence, the pressure on these parties grew. Again, as demonstrated previously in this chapter, this is not likely to happen even in the long run as the youth are showing virtually no interest in the subject, and the general population has not been mobilized by political reform issues for decades.

Conclusion: independent government, part II

The analysis in this chapter has centred on constitutional reform and the debate going on in the country at present. At the core of the current constitutional debate is the issue of independent government, which is the core democratic principle that the elected government must have the effective power to govern. This chapter has illustrated that no government formed since independence has had the effective power to govern; every single one has been subordinate to a non-elected elite – the King – often in practice, as well as in the constitution.

The fact that the core democratic principle of independent government is still not respected in practice nor is it protected in the constitution must be deemed to be somewhat disappointing, as the Moroccan constitution has been amended no less than five times since the first constitution was adopted in 1962. This is not to say that no changes with respect to independent government have been introduced; several amendments have indeed been made, but they have all been of a cosmetic nature.⁴⁰

Even more disappointing than the fact that no substantial changes to ensure the protection of and respect for independent government have been introduced, despite so many changes to the constitution, is the position of the dominant parties – whether members of the *Kutla*, the loyalist grouping, or neither of the two – on the subject on constitutional reform. Although most of the dominant parties stress the need for changes to the way in which government is appointed, they maintain that these can be achieved without revising the constitution; the King only needs to change his ways when appointing government.

This position of the dominant parties has opened up a window for Mohammed VI, who has so far refused to partake in the constitutional debate. Despite the lack of an official debate, however, there is no doubt that the monarchy has adopted a hard-line position on the issue, as both Mohammed VI and his father have indicated their strong objections to constitutional reform if this is to entail the transition from executive monarchy to parliamentary democracy. In other words, while cosmetic changes to the constitution may be a possibility, it is highly improbable that the monarchy is to accept substantial changes unless its hands are forced. Because the dominant parties have showed virtually no support for constitutional reform during the current debate, and due to the fact that the population is not mobilized behind the campaign, the monarchy is far from pressured by the issue, and the adoption of a new constitution is therefore unlikely. Put briefly, in the short term, the most likely scenario of the nine given earlier in this chapter is the seventh, that is, status quo with regard to the constitutional text (a3), but with cosmetic changes to practice (b1).

In the long run, the prospects for constitutional reform are marginally better but only if the King chooses to overhear the demands for changes to practice. If the government appointed after the 2007 parliamentary elections is not headed by a prime minister from among the political parties, and if the King decides to ignore the wishes of that prime minister when appointing the remaining members of government, then there is every chance that a number of the dominant parties – particularly the USFP and the *Istiqlal* – will change their position and leave the liberalizing group and set up a camp of reformers within the regime.⁴¹

If Mohammed VI chooses not to grant the requests of the dominant parties, this is likely to affect the position of some of the liberalizers within the regime and also that of members of the moderate opposition camp. Currently, the opposition is divided into two camps, with the moderate camp being significantly smaller than the radical, albeit much stronger politically than the latter.⁴² This paradox can be explained by the fact that the moderate camp counts among its members the PJD, the third largest party in the House of Representatives, and the party with the strongest ties to the electorate and, therefore, the party most capable of popular mobilization.⁴³

Although the PJD has been very quiet in the constitutional debate, apart from the rebellious Ramid, the party seems to have adopted a position similar to that of the rest of the dominant parties in parliament, being happy to let the issue go if the King simply introduces changes to practice. This position of the PJD has

significant implications for the prospects of constitutional reform for the reason that the moderate opposition is the camp that, per definition, takes the role of negotiator with the liberalizers within the regime, since hardliners and radicals do not bargain. Because the PJD is willing to accept something less than constitutional reform, and therefore agrees with the liberalizers, there is, at present, no need for negotiation between the two groups – pressure on the King to change his practice is a shared strategy.

On the positive side, this implies that if the King does not change his practice when appointing government and prompts the PJD to demand constitutional reform, like he is likely to push some liberalizing parties to move and set up a reformist camp within the regime, then the campaign for constitutional reform has suddenly become significantly strengthened as the pressure on the King to agree to amend the constitution will now not only come from the radical camp but also from the moderates as well as from within the regime itself. However, due to the reality that the monarchy is currently virtually unchallenged by the parties, even the emergence of reformers – and their subsequent entry together with the moderate camp into the ranks of those demanding constitutional reform – is unlikely to result in substantial amendments to the 1996 constitution when it comes to the core democratic principle of independent government.⁴⁴ In the words of Belhaj:

No-one in Morocco can imagine the country as anything but a monarchy – the King is secure, no-one is going to challenge his position as monarch, and therefore he does not have to agree to give up any of his powers unless he himself wants to do so. And of course, he does not.⁴⁵

Conclusion

Dynamics of democratization in post-independence Morocco

This book has analysed the Moroccan democratization process since independence until mid-2006, as well as the level of democracy present in the country at various stages throughout this period. In the sections that follow, the main findings of the book are summarized and, on the basis of these observations, the approach and key concepts used in the analysis are evaluated critically.

Evaluation of the ‘core principles’ approach and Morocco’s performance since independence

Today, fifty years after independence, how far has Morocco come? Is the country democratic? Or can it better be characterized as something else? In the introduction, a number of categories of definitions of democracy were presented. According to some of these definitions of democracy, the country would indeed qualify as a democracy, whereas according to others, Morocco is still not democratic. With respect to the description of the state of democracy, this book has tried to bring together in a single model the core principles of the many different definitions of democracy available today. These three core principles, which must also be said to be universally accepted as such, are:

- 1 Free and fair elections, devoid of massive fraud, with broad suffrage
- 2 Basic civil liberties
- 3 Independent government (the elected government must have effective power to govern)

As well as bringing together the three core principles of democracy, this particular approach also does away with the ranking of these. Whereas most other definitions of democracy tend to prioritize, that is, free and fair elections over civil liberties, the ‘core principles’ approach gives equal status to all three principles.

In addition to these two advantages, the core principles approach also significantly reduces the number of labels that can be put on any particular country, while also taking a more positive view on the subject. Rather than focusing on what is absent in a country compared to the ideal type, and instead of referring to ‘democracies’, ‘semi-democracies’, ‘pseudo-democracies’, and so

on, this approach simply counts how many core democratic principles are protected and respected at a given point in time. Hence, a country protecting and respecting three core democratic principles is deemed more democratic than a country protecting and respecting two, which in turn is judged to be more democratic than a country protecting and respecting only one. Finally, a country that protects and respects none of the core democratic principles is simply labelled ‘a country that does not protect and respect any of the three core democratic principles’ rather than ‘authoritarian’ or ‘totalitarian’.

Following the core principles approach, Morocco protected and respected none of the three core democratic principles at the time of the adoption of the country’s first constitution in 1962, despite the 1962 constitution protecting the two core democratic principles of reasonably competitive, free and fair elections, and basic civil liberties. As illustrated in Table 1, throughout the 1960s, 1970s, 1980s and the early 1990s, this situation did not change significantly. That is not to say, however, that no developments with respect to the core democratic principles took place during these decades; fluctuations did indeed occur. Most importantly, with the adoption of the constitution of 1970, the core democratic principle of reasonably competitive, free and fair elections was no longer provided for in the country’s constitution, which had been the case in the original version from 1962. In addition to this setback, variations occurred throughout the years as the elections suffered from different degrees of competition, fraud and manipulation; the extent to which the basic civil liberties were respected varied; and the King’s intervention in political life intensified at times, while decreasing at other times.

With the adoption of the 1996 constitution and the holding of the 1997 parliamentary elections, Morocco took a significant step forward after decades of poor democratic performance. Suddenly the country went from protecting the core democratic principles of reasonably competitive, free and fair elections and basic civil liberties in the constitution, to protecting both in the constitution and respecting the former in practice as well – significant democratic progress had

Table 1 The three core democratic principles (1962–2006)

<i>Constitution</i>	<i>Paper (RCE/BCL/EP)</i>	<i>Elections</i>	<i>Practice (RCE/BCL/EP)</i>	<i>Core principles protected and respected (RCE/BCL/EP)</i>	<i>Number of core principles protected and respected</i>
1962	√/√/-	1963	-/-/-	-/-/-	0
1970	-/√/-	1970	-/-/-	-/-/-	0
1972	-/√/-	1977	-/-/-	-/-/-	0
1980	-/√/-	1984	-/-/-	-/-/-	0
1992	-/√/-	1993	-/-/-	-/-/-	0
1996	√/√/-	1997	√/-/-	√/-/-	1
1996	√/√/-	2002	√/-/-	√/-/-	1

been achieved for the first time since independence. In present day Morocco, that is, *anno* 2006, elections continue to be reasonably competitive, free and fair in practice, and this institution is also protected in the country's constitution. Moreover, although the country has not succeeded in making any further significant democratic progress since the late 1990s, and despite the fact that it has also not increased the number of core democratic principles that it either protects in the constitution or respects in practice, improvements have been made, both with respect to the basic civil liberties and independent government.

Apart from protecting and respecting the core democratic principle of reasonably competitive, free and fair elections, it is obvious – despite not having been examined in detailed in the book – that Morocco possesses additional features often associated with democracy, such as for instance effective citizen participation and national sovereignty. Following the core principles approach, this makes Morocco a so-called '1+' country, that is, a country that protects and respects one of the three core democratic principles plus one or more additional features commonly associated with democracy. Had one of the different definitions of democracy presented in the introduction been used instead of the 'core principles' approach, the typical conclusion would have been that Morocco is not a democracy as it does not fulfil the criteria of most of these. In fact, if one takes a look at the five categories of definitions identified in the introduction, Morocco would only qualify as a democracy according to one category, the electoralist definitions, which have the sole requirement of reasonably competitive elections, devoid of massive fraud, with broad suffrage.

Yet, as demonstrated in this book, Morocco does not simply protect and respect one core democratic principle; it also protects and respects additional features often associated with democracy. In short, the country goes beyond the requirements of the electoralist definitions and is therefore not adequately described by these, yet it fails to meet the criteria of the remaining categories of definitions, the country does not, in other words, fall into any of the established categories of definitions, making it difficult to choose a label that describes the country's level of democratic development satisfactorily.¹

Finally, before moving on to an analytical summary of the dynamics and developments of the democratization process since independence, a few words on the prospect for the future of democracy are in place. Most importantly, perhaps, is the reality that in Morocco, democratization has more often than not been a result of actions taken from above, that is, by the King. Although the initiatives by the monarch have usually been the result of pressure from the political parties, the military, or a rioting population, the King has at times taken his initiatives further than strictly needed to satisfy these pressures; hence, a certain commitment to democracy and further democratization has been shown by the head of state.

Despite this commitment, however, the prospects of Morocco protecting and respecting all three core democratic principles in the near future are rather bleak. Despite pressures for constitutional reform, this seems unlikely to happen,

which, in turn, means that the core democratic principle of independent government will not be protected and respected anytime soon as it is neither protected in the constitution nor respected in practice at the moment. For the core democratic principle of basic civil liberties, the future looks brighter as this core principle is indeed protected in the constitution and has been so since the original version of 1962. In other words, the problem with regard to the basic civil liberties lies with practice. Developments taking place during the past decade provide grounds for optimism as well as cause for concern, making it difficult to gauge whether Morocco will come to respect as well as protect this core democratic principle sometime in the near future.

On the one hand, the country has improved the status of its Berber population, women's rights have improved, and the IER has given some closure to the victims and families of those who disappeared or were imprisoned during the reign of King Hassan. On the other hand, the reconciliation process fell short of acknowledging the human rights abuses committed after the death of King Hassan, thereby virtually denying that such atrocities have continued under Mohammed VI. The existence of human rights violations in contemporary Morocco is, however, beyond dispute. As this book has shown, the country's Islamists, in particular, continue to find themselves victims of such breaches and, increasingly so, after September 11 and the Casablanca bombings of May 2003.

The democratization process in post-independence Morocco

In addition to applying the core principles approach, the analysis in this book has centred on the identification of the different actors, their positions and the phases the democratization process went through. Summing up the developments in the period 1956–77, the key finding was how the King took the role of liberalizer and slowly initiated the democratization process after independence in 1956. By the early 1960s, the process was intensified as Hassan II decided to open up the regime to the moderate opposition and civil society by sending the country's first constitution – which provided for a multi-party system – for approval at a referendum in 1962.

Despite the opening up of the regime in 1962, the opposition did not make its move until 1977, some fifteen years later. The reality that it took the opposition this long to make up its mind may come across as somewhat peculiar, but as the analysis in Chapter 1 showed, the early part of the period was plagued by harsh repression as the King changed his position from liberalizer to hardliner in the years from 1965 until mid-1972. Consequently, even if the moderates had wanted to enter the regime during these years, it would simply not have been possible for them to do so, as there were no reformers for them to negotiate with.

In late 1972, this situation changed, and King Hassan became a liberalizer once again, repeating his offers to the moderates to enter into the regime. After the rigged parliamentary elections of 1963 and the harsh repression during the

next ten or so years, it is hardly surprising that the moderates found it difficult to trust the regime and needed time to consider the offer when it was reiterated.

The reality that the democratization process had come to an end by 1977 proved to last for nearly five years, as only by 1983 was a new process initiated when King Hassan once again opened up the regime to the moderates and civil society. Despite King Hassan first asking the USFP to form government in late 1983, and later insisting that the USFP and the *Istiqlal* be part of the government formed in the aftermath of the 1984 elections – although the loyalist UC, RNI and MP were more than capable of forming a government of their own – none of the King's efforts were well received by the two parties; hence, the moderate opposition remained intact and the process continued to roll.

With the moderates declining the King's offer of joining the regime, the next move was left up to King Hassan, who took nearly ten years before he finally reacted in 1993. As Chapters 3, 4, 6 and 7 have shown, King Hassan chose to open up the regime once again by inviting the *Kutla* to form government in 1993, an offer both parties declined. When the moderate opposition – principally the USFP and the *Istiqlal* – declined to form government in late 1993, the King was again left with the choice of repression of the moderates and civil society, or further liberalization. In the end, the monarch chose the latter option, initiating further reforms albeit not to the extent that Morocco came to protect and respect all three core democratic principles.

Having liberalized the country further, King Hassan then decided to open up the regime to the moderate opposition in the aftermath of the 1997 elections, an offer which both the *Istiqlal* and the USFP accepted. With the entry of the dominant members of the moderate opposition into the regime in 1998, some observers might conclude that the democratization process had come to an end. However, this book has argued that this was not – and still is not – the case. Although almost all of the moderate opposition joined the regime, the democratization process has been sustained with the regime continuing to open up in the period from 1998 until the present day; further liberalizing initiatives have been adopted and implemented, among them the *Moudawana* of 2004 and the new law on political parties of 2005. In addition to this, the Islamist PJD was allowed to contest the elections both in 1997 and in 2002, and there are indications that the party would be allowed to be part of government – if it indeed wishes to be so – provided the PJD does well in the next elections scheduled for 2007.

In short, it seems as if, by mid-2006, the liberalizers within the regime are left with three options:

- 1 to continue liberalizing, but not to the extent that it results in the protection of and respect for all three core democratic principles;
- 2 to continue liberalizing and opening up, eventually resulting in the protection of and respect for all three core democratic principles; or
- 3 to end the process by turning into hardliners.

As stated earlier, option 1 looks the most probable of the three.²

The prospect of the PJD entering the regime after the 2007 elections raises the question of what impact such a development is likely to have on the country's democratization process. As explained in the introduction, this book operates with four groups of actors: hardliners and liberalizers/reformers within the regime, and moderates and radicals located in the opposition. Of these four groups, only two – the liberalizers and the moderates – are willing to negotiate with each other. Consequently, had the opening been seen to have ended by 1998, the country's prospects for further openings would have been extremely bleak as there were hardly any moderates left to negotiate with, apart from the PJD, that is. If the PJD does indeed enter the regime after the 2007 elections, the prospects for further opening will no longer simply be bleak, they will be virtually non-existent, as there will be no significant political parties left in the moderate opposition, provided that the *Istiglal* and the USFP do not exit the regime, which – as explained in previous chapters – seems highly unlikely.³

The optimum strategy: taking a gamble or playing it safe?

The conclusions reached in this book and summarized above were not arrived at without problems, however. The most serious difficulties encountered related to the analysis of Morocco's democratic development and perspectives for the future. In Chapters 6 and 7, in particular, the issue of constitutional reform significantly revising the position of the King within the political system was raised. In these two chapters, it was advocated on the basis of the core principles approach that the moderates, civil society and liberalizers pursue such reform initiatives, as substantial constitutional reform is necessary if Morocco is to protect and respect more core democratic principles.

The emphasis of the core principles approach on the protection of and respect for more core democratic principles as a measure of democratic progress is at the core of the problems encountered at the latter stages of the book, as the political reality painted a less straightforward picture when it comes to democratic progress. The situation which particularly raised questions was that of the constitutional debate. In Chapter 7, it was put forward that it was disappointing that none of the dominant political parties were advocating constitutional reform; rather, the majority were arguing that the change needed for Morocco to progress further in a democratic direction could be achieved by the King simply changing his behaviour when appointing government. From the point of view of the core principles approach, it is indeed disappointing that none of the dominant political parties are currently advocating constitutional reform, as this means that the core democratic principle of independent government will not be obtained in the near future – as the core principles approach prescribes, a core democratic principle must be protected in the constitution as well as respected in practice in order to be counted as obtained.⁴

The problem is that the political reality is more complex than the core principles approach assumes; reality involves dilemmas, and these are not covered by the approach. When considering the demands put forward by the politicians

within both the radical and moderate camps as well as from within segments of civil society, the moderate PJD and UC as well as the liberalizers within the USFP, the *Istiqlal*, the MP, the RNI, and so on were left with the following choices:

- 1 Demand changes to practice via the adoption of a new constitution.
- 2 Demand changes to practice, but arguing that this could be achieved without adopting a new constitution.
- 3 State that no changes were needed, neither to the constitution nor to practice (status quo).⁵

According to el-Messaoudi, several politicians and their parties would prefer option 3, that is, status quo, to option 1 or 2, as she is of the belief that these are really hardliners disguising as liberalizers:

There is a significant amount of people who work against democracy in Morocco because this means more competition for the jobs, for instance in the *makhzen*, but also in government. These people are happy that they are part of the new system of government⁶ but do not wish for it to change or open any further. They do not wish to share their newfound power with anyone else. That is why they resist.⁷

This book has shown this not to be true, however. The politicians could have chosen not to opt for status quo, but they did not. Rather, to most politicians, out of the three available options, only two – path 1 and path 2 – were possible choices, as these politicians were located either within the moderate or liberalizing camps.⁸ It is beyond doubt, that some of the dominant political parties preferred option 1 to option 2, whereas others favoured option 2 over option 1. However, when it came down to choosing which path to pursue, the most probable determining factor must be assumed to have been each path's probability of success, rather than simply the political parties' preference ranking of the two paths under discussion – championing a path unlikely to bring about the desired change would, quite frankly, be absurd, if another available path was likely to provide the goods.

If one adopts this perspective, the decision by the dominant political parties to demand changes to practice rather than support the demand for constitutional reform becomes rather logic. If these parties had decided to champion path 1, that is, the pursuit of changes to practice via constitutional reform, the adoption of a new constitution is likely to eventually have become the outcome, but it is implausible that the adoption of a new constitution would in fact lead to the fulfilment of the dominant political parties' wishes. According to Belhaj, even if the King is pressured into initiating constitutional reform and does perhaps have to give more concessions than he originally intended, the most likely outcome is the adoption of a new constitution altering the number of houses parliament is made up of or the size of one of the two houses.⁹

If the dominant political parties, on the other hand, chose to put pressure on the King to change his practice when appointing government, the changes desired by these parties are much more likely to come about compared to in the previous scenario. As demonstrated in Chapter 7, the demand for changes to practice is also only likely to lead to cosmetic changes. However, because such changes would not be legally binding for the King – as they would not be put down in the constitution or any other part of the legal framework – it is probable that they would not only be easier to bring about compared to constitutional reform, but they would also almost certainly be more extensive; after all, King Mohammed could easily, if he so desired, change his practice once again.

Summing up, when deciding on which stand to take on the issue of constitutional reform, the dominant political parties chose to prioritize reality over model life, opting for a path that did not follow the blueprint of the core principles approach, but conformed better with the contemporary political reality; pursuing substantial constitutional reform, as advocated by the core principles approach, was simply deemed unattainable at the time and therefore not considered an available option.

Finally, with regard to the political reality in contemporary Morocco, the dominant political parties decided to play it safe rather than gamble. They went for the option most likely to yield the desired results, demanding changes to practice with respect to the procedure of government appointment, rather than the adoption of a new constitution. Consequently, because the adoption of this approach has increased the probability of more extensive reforms compared to if the dominant political parties had chosen to push for constitutional reform, this choice must be judged as the best possible strategy for Morocco, even though it did not conform to the prescriptions of the core principles approach.

Another dilemma: where to begin the reform process?

Whether one favours the strong emphasis of the core principles approach on the protection of and respect for more core democratic principles as the way to measure democratic progress, or whether one is willing to compromise with this particular approach in favour of political reality, it is beyond doubt that if Morocco is to reach a level of democratic development comparable to that of most Western democracies, then the country needs to implement extensive reforms, particularly with regard to lack of independent government.

Chapters 6 and 7, in particular, stressed the need for reforms to the party system and the political system, resulting in a party system where the political parties are not only in touch with the electorate, but also responsive and truly representative, and a political system in which the King plays a ceremonial role and political matters are left up to the political parties, the legislature, and the executive, that is, an executive in which the King has no presence – formally or informally. The question is, then, how should Morocco approach these reforms?

Because the reforms to the party system and political system must necessarily be comprehensive, it seems unadvisable for Morocco to embark on a reform

process including both areas simultaneously, as this would increase the risk of one set of reforms overshadowing the other, resulting in a less than satisfactory overall outcome. Following the prescriptions of the core principles approach, the set of reforms which ought to be given attention first would be reforms relating to the political system since this set of reforms deal with the lack of protection of and respect for the core democratic principle of independent government, whereas the set of reforms relating to the party system does not directly touch on any of the three core democratic principles.

Again, however, the political reality seems to dictate a different approach. As demonstrated throughout this book, democratization initiatives in Morocco – whether concerning, for example, the creation of a multi-party system, women’s rights, or the fight against corruption within the political parties – have usually come from above, that is, from the King. In addition to this reality, as Chapter 7 made explicit, because the Moroccan King has been the driving force – although perhaps not initially – behind most of the prominent political initiatives passed through parliament in the past few decades, the population has come to perceive the King rather than the political parties as the most effective political actor.

Because the King has been the most dominant driving force in Moroccan politics, the question of the desirability of reforming the political system, significantly reducing the political powers of the King, arises. In short, would political change continue to take place in Morocco if reforms to the political system were adopted and implemented before reforms to the party system? In the long run, there is no doubt that change would continue to happen as the political parties would adapt to the new political reality in which they would be solely responsible for the continued democratic development of the country.

In the short term, however, the prospects are less rosy, since the political parties would need a considerable amount of time to adjust to the new political reality; one cannot expect parties, which have been used to having the King as a political safety net and driving force when a particular reform issue got too controversial, to simply raise to the occasion and begin compromising, not only to the extent needed but to an extent never seen before in Moroccan politics. To put it bluntly, the political parties simply need to learn the functions and responsibilities of political parties in a democracy, something they have never had to do before.

An additional point making the reform of the party system seem the best place to start is the question of whether such reforms would indeed take place if they were not the first set of reforms to be carried out? Just like substantial reforms to the political system are not in the interest of the King, as his powers would be significantly reduced, substantial reforms to the party system are not in the interest of the vast majority of the political parties, as this would mean that the parties would have to change fundamentally in order to carry out the functions expected of them in a democracy. The thing is, in contemporary Morocco, the political parties – perhaps with the exception of the PJD – have no real ideological orientation, they have no proper party programme and, consequently, they lack a constituency.¹⁰ In other words, the political parties have so far served

a procedural role, rather than the representative role, which is not only needed if the country is to progress to a high level of democratic development, but also expected in most democracies. But with the population not engaged in political issues,¹¹ and the King stripped of his political powers and therefore unable to pressure the political parties into carrying out such reforms, why would they?

If reforms to the party system were introduced first, on the other hand, both sets of reforms are likely to be carried out due to the reality that the political parties, if they exercised their political power in parliament and mobilized the population, could force through substantial reforms to the political system. As stated in Chapters 6 and 7, the introduction of substantial reforms to the political system, significantly reducing the powers of the King, is unlikely to happen at present, or even in the near future, as the King is against this idea, the population is not mobilized behind it, and the political parties have opted for the strategy of pressing for changes to the King's practice when appointing government. In the long run, however, things could be different particularly if the party system has been reformed and the political parties live up to their representative and responsive functions. If the political parties are forced to reform, there is the chance that the population will begin to perceive them differently to how they see them now, where many Moroccans find the political parties to be both corrupt and out of touch.

In conclusion, as there are no guarantees to the outcome of any political reform process, nothing is certain. However, it seems more than probable that if Morocco begins with a reform of the party system, then a reform of the political system will follow. On the other hand, if the reforms sought were introduced in the reverse order, it is doubtful whether reforms to the party system would be carried out as the pressure on the parties to adopt and implement such reforms would have almost vanished with the King losing his political powers. Moreover, as the King is strongly against substantial reforms to the political system and the population has not been mobilized behind this campaign, it seems unlikely that such reforms are going to take place in the near future, making reforms to the party system an even more obvious starting point for the much needed reform process.

Notes

Introduction: context and theoretical considerations

- 1 Despite the fact that there is no agreement on what exactly constitutes a democratic transition, most scholars do agree that, at a minimum, it means the absence of authoritarianism. Linz and Stepan (1996: 3) define a democratic transition as complete

when sufficient agreement has been reached about political procedures to produce an elected government, when a government comes to power that is the direct result of a free and popular vote, when this government *de facto* has the authority to generate new policies, and when the executive, legislative and judicial power generated by the new democracy does not have to share power with other bodies *de jure*.

O'Donnell (1992: 18) gives a less complex definition of democratic transition as 'the installation of a democratic government'. Note that some scholars argue that the usefulness of the concept of transition is dying out since the non-democratic countries of the world today are no longer conforming to the pattern of development prescribed by the transition paradigm (Carothers 2002a: 5–21). This position has been met with some criticism. For a debate on the transition paradigm, see O'Donnell (2002); Nodia (2002); Wollack (2002); Hyman (2002) and Carothers (2002b).

- 2 This unanticipated and comprehensive spread of democracy across Latin America varied in intensity across the region, however. Although a few countries had consolidated democracy by the end of the 1990s, and some were on the way to democratic consolidation, many countries suffered from serious shortcomings. Although scholars agree that democratic consolidation requires something more than just a democratic government, there is widespread disagreement over what the additional criteria are. While O'Donnell (1992: 18–19) states that democratic consolidation entails the presence of a democratic regime and stresses the importance of the presence of democratic attitudes and the absence of authoritarian regression, Przeworski (1992: 106) lists four problems that must be resolved if democracy is to be consolidated:

- 1 An institutional framework for contestation must be constructed.
- 2 A competitive representative regime must be established.
- 3 Economic conflicts must be channelled into the democratic institutions.
- 4 The military must be brought under civilian control.

Linz and Stepan (1996: 5) have given the perhaps most wider definition of democratic consolidation, which describes a consolidated democracy as '... a political situation in which, in a phrase, democracy has become "the only game in town"'. This view of democratic consolidation stresses the absolute dominance of democratic attitudes, behaviour and constitutional measures. For further definitions of democratic consolidation and one of the more recent debates on the topic, see O'Donnell (1996a; 1996b); Gunther *et al.* (1996) and Schedler (1998).

- 3 Here, the Arab Middle East and North Africa are defined as the member states of the Arab League *anno* 2006: Algeria, Egypt, Lebanon, Oman, Somalia, United Arab Emirates, Bahrain, Iraq, Libya, Palestine, Sudan, Yemen, Comoros, Jordan, Mauritania, Qatar, Syria, Djibouti, Kuwait, Morocco, Saudi Arabia and Tunisia.
- 4 Major works on the subject of democracy and democratization do not devote as much as a single chapter to the Middle East. See, among others, O'Donnell *et al.* (1986); Diamond *et al.* (eds) (1988, 1989); Diamond *et al.* (1989); Linz and Stepan (1996). In the preface to their edited volume on democracy in developing countries, Diamond *et al.* (1989: xx) state that most of the countries in the Arab and Islamic worlds '... generally lack previous democratic experience and most appear to have little prospects of transition even to semi-democracy'.
- 5 Ibrahim is one of the few scholars who strongly disagree with Gellner. Ibrahim (1994: 27–54, 1995: 29–57) claims that civil society in the Middle East has revitalized itself since the late 1970s in most countries despite stern opposition from Islamists and authoritarian rulers. See also Kubba 2000: 84–90.
- 6 Please note that although many scholars find the modernization theories inadequate when it comes to explaining the lack of democratization in the Middle East, most of them do agree that the modernization theories provide valuable insights. See, among others, Niblock 1998: 221–33 and Waterbury 1994: 23–47. Ross (2001: 356) finds support for what he calls 'a modified form of the modernization thesis'.
- 7 In 2002, the journal *Democratization* dedicated a special issue to the issue of European Union (EU) democracy promotion in North Africa. See, among others, the following articles: Gillespie and Youngs (2002); Daguzan (2002); Haddadi (2002); García and De Larramendi (2002) and Gillespie and Whitehead (2002). For the United States, see Ottaway (2003a); Ottaway (2003b); Hawthorne (2003); Cox *et al.* (2000); and Carothers and Ottaway (2005).
- 8 Hardliners are defined as those actors within the regime who '... believe that the perpetuation of authoritarian rule is possible *and* desirable ...', whereas softliners are those actors within the regime who have come to the conclusion that '... the regime they helped to implant, and in which they usually occupy important positions, will have to make use, in the foreseeable future, of some degree or some form of electoral legitimation' and that '... if its eventual legitimation is to be feasible, the regime cannot wait too long before reintroducing certain freedoms ...' (O'Donnell and Schmitter 1986: 16; see also Mainwaring *et al.* 1992).
- 9 As regards Eastern Europe, scholars were also proved wrong. In the early 1980s, Huntington (1984: 217) wrote that 'the likelihood of democratic development in Eastern Europe is virtually nil'. Scholars today no longer agree with that statement.
- 10 The first four categories of definitions form an ordered scale, whereas the fifth and final category falls outside due to the fact that the definitions and conceptions within this category do not build on any of the preceding categories' requirements (Collier and Levitsky 1996: 17).
- 11 Mainwaring (1992: 298) defines democratization as a movement towards regime change; liberalization, on the other hand, is seen as an extension of civil liberties within an authoritarian regime.
- 12 Note that several factions usually exist within each of the two groups. For example, with regard to the hardliners, some may truly believe in the supremacy of authoritarian rule, whereas others take the hard-line stance for opportunistic reasons. Similarly, within the soft-line camp, there are those who would like to see the demise of authoritarian rule because they aspire to electoral positions in a future democratic regime, while others support liberalization only to the extent that their political tenure or their access to power continues to be guaranteed.
- 13 The work I refer to in particular is Przeworski 1992. Other two articles portraying actors and actions during transitions but with a much 'purer' focus on game theory are Colomer (1991: 1283–302) and Marks (1992: 47–69).

- 14 O'Donnell and Schmitter (1986: 6) add that a typical sign that a transition has begun is when the incumbent regime begins to change the so-called rules of the political game.
- 15 Przeworski refers more specifically to O'Donnell and Schmitter (1986) and O'Donnell (1979).
- 16 In this sense, both liberalizers/reformers and moderates can be seen as *blandos* or softliners.
- 17 As stated earlier, liberalizers can be reformers, but whether or not they are does not become clear until quite late in the democratization process when the liberalizers have to choose between the two options of broadened dictatorship and transition (Przeworski 1992: 112).

1 Government after independence: indigenous leadership with colonial habits, 1956–72

- 1 The *Istiqlal* Party will be referred to as the *Istiqlal*. Note that the word *istiqlal* translates into independence.
- 2 Until 1957, when Mohammed V adopted the title 'King', he was known as the 'Sultan' of Morocco. Since the book only briefly mentions the period before 1957, I have chosen not to alternate between the two titles.
- 3 Note that other members of the royal family and the establishment were much more compliant than Mohammed V when it came to the French occupation. When the King was sent into exile in Madagascar in August 1953, Ben Arafa, grandson of Sidi Mohammed IV, happily took over his position (Pennell 2000: 283).
- 4 Note that Waterbury (1970: 171–2) claims that the situation was not this black and white. The struggle within the *Istiqlal* was not sparked by differences in ideological orientation, and it was not a struggle between what outside observers had come to label as the 'old turbans' and the 'young Turks'; in his opinion, it was a struggle over who should govern the party in the future. In short, Ben Barka was not an 'uncompromising leftist' nor was el-Fassi an 'obscurantist conservative'; rather, the two politicians sought support for their personal ambition by appealing to two different sectors of support within the party: Ben Barka among the union and the resistance movement and el-Fassi among the patronage groups of the founders of the party.
- 5 The position of the *Istiqlal* was that Morocco was now independent. However, at the same time, el-Fassi admitted that the country was not yet completely unified (indirectly referring to Western Sahara, Mali, Algeria and Mauritania) and accordingly openly declared his support for the Algerian army of resistance, the *Front de Libération Nationale* (FLN) (Pennell 2000: 301–2).
- 6 Please note that Mounjib also claims that the MP can be seen as the first *makhzen* party, although the MP – unlike the later *makhzen* parties such as the UC and the RNI – was not created by the initiative from the King. According to Cubertafond (1997: 10), the *makhzen* does not officially exist apart from in a few administrative denominations. In popular language, however, the term is often used to describe the State and its agents, while the term is used politically to refer to the King and his entourage. Leveau (1998) gives a slightly different definition of the *makhzen*, stating that the term refers

to the central administration that was run, initially, by the sultan, and later by the king. Historically, the Makhzen also meant the territory administered by the monarch, as opposed to the *bled siba*, which was territory outside the control of the central administration.
- 7 The existence of rebellions in particular and also the existence of severe economic crisis is evidence of several of the additional political, economic and social features associated with industrial democracy not being present in this phase of Moroccan political history.

- 8 The commitment to the holding of elections was also declared in writing in the so-called 'Royal Charter of 1958' (Zartman 1964: 201, 221).
- 9 As the government took form, it became clear that the UNFP, which had dominated the previous government, had been not been awarded a single ministerial post, while the *Istiqlal* received three, the *Parti Démocratique Constitutionnel* (PDC) and the MP one each, and former *Istiqlal* members and independents shared the remaining nine posts (Zartman 1964: 19). Note that the PDI changed its name to PDC in 1959 when some of its leading figures joined the UNFP (Waterbury 1970: 247).
- 10 Only a few loyal men assisted King Hassan in writing the first constitution (Pennell 2000: 321). It must be noted that the constitution was adopted by popular referendum. Despite UNFP calls for a boycott of the referendum, due to the wide-ranging powers the new constitution would guarantee the King, 85 per cent of the electorate turned out, and only 2.5 per cent voted against the adoption of the constitution (ibid.: 322; García 1979: 17).
- 11 For a figure illustrating the development of the Moroccan party system until the late 1990s, see García (2000: 246).
- 12 Although other parties and political groupings did exist alongside the *Istiqlal*, the party had always been dominant due to the leading role it had played during the struggle for independence.
- 13 Mohammed V died unexpectedly during minor surgery to his nose in February 1961.
- 14 Another psychological factor likely to have motivated the new King to constitutionally guarantee his dominance over political life was the demise of the monarchy in neighbouring Tunisia. In 1957, shortly after having gained independence, the Tunisian National Assembly voted for the abolition of the monarchy under strong pressure from the powerful Prime Minister, Habib Bourgiba (Lapidus 2002: 604; Hudson 1977: 377–88).
- 15 The process of introducing a parliament elected by the citizenry had already been set in motion before the adoption of the first constitution, as Morocco held its first municipal elections in May 1960. Please note that although popular parliamentary elections were new to the country, a parliament – or a so-called consultative assembly – had existed since 1956. The members of the consultative assembly were appointed by the King (Waterbury 1970: 157, 194).
- 16 The inclusion of this article sets the Moroccan constitution of 1962 apart from the constitutions of other Middle Eastern countries as well as from the constitutions of most other countries in the world. The inclusion of this article in the constitution ensures that Morocco cannot legally be turned into a party-based totalitarian regime like that of, for instance, Gamal Abdul Nasser in Egypt, Hafez al-Asad in Syria or Saddam Hussein in Iraq.
- 17 Compared to other Middle Eastern constitutions from the same period such as the Constitution of the Hashemite Kingdom of Jordan 1952 and the Kuwaiti constitution of 1962, the Moroccan constitution of 1962 was much more explicit.
- 18 Please note that the existence of two chambers of which only one is elected by the citizenry was common in the Middle East at the time of the promulgation of the Moroccan constitution in 1962. Again, the Jordanian constitution of 1952 is a good illustration.
- 19 See, for example, the Constitution of the Republic of Turkey as of the 2001 amendment and the Kuwaiti constitution of 1962. Please note that the people responsible for writing a country's constitution tread a fine line between being too detailed and not being detailed enough when wording each article. For an example, consider a constitution that specifies in detail when and when not the different freedom rights prevail. Such a constitution evidently limits the rights of the citizens by giving too much detail. On the other hand, take a constitution that states that there shall be a parliament elected by universal suffrage. The latter constitution makes room for the abuse

- of the rights of some citizens, usually women, as it does not specify what is meant by universal suffrage or that both men and women have the right to vote.
- 20 Granting extensive powers to non-elected members of parliament is a common feature of Middle Eastern constitutions. See, for example, the Jordanian constitution of 1952.
 - 21 The constitutional guaranteed powers of the King of Jordan – both then and now – correspond to a large extent to those of the Moroccan King. However, on some issues, for instance, with regard to the appointment of the upper house, the Jordanian King is much more powerful than his Moroccan counterpart. See, Chapter Four, Part I, of the Constitution of the Hashemite Kingdom of Jordan 1952 and the 1958 and 1974 amendments.
 - 22 Note that following article 78 of the 1962 constitution, a new House of Representatives should take over no later than twenty days after the dissolution of the previous house.
 - 23 See, for instance, the Kuwaiti constitution of 1962 and the Turkish constitution of 1982.
 - 24 In other words, despite committing in the constitution to the holding of democratic elections, in practice this promise was not upheld. Moreover, not only did the monarchy interfere with what should have been a democratic process of selection of political representatives, it also resorted to repression – thereby breaching democratic principles – when it turned out that the outcome of the elections did not suit King Hassan.
 - 25 The new party consisted of a merger between the PDC and the MP plus a number of independent political figures. It must be noted that the MP only entered into the new party under pressure from Hassan II (Waterbury 1970: 247).
 - 26 Most obviously, the number of votes it took the FDIC to gain a seat was significantly lower than the number of votes it took either the *Istiqlal* or the UNFP. However, just as significant, but perhaps less obvious, was the reality that the FDIC also gained considerably by the existence of the constitutionally enshrined parliamentary system composed of two houses of which only the first was elected by the citizenry, while the latter was elected by electoral colleges. As Table 1.1. shows, there is a large discrepancy between the results of the popular elections to the House of Representatives and the electoral college elections to the House of Councillors; while the FDIC was much stronger than its rivals in both elections, it only managed to win approximately half of the popular vote compared to nearly 90 per cent of the votes cast by the members of the electoral colleges.
 - 27 The government formed in the aftermath of the 1963 parliamentary elections consisted of members of the FDIC, independents and technocrats loyal to the King (Ferrié 2004: 9).
 - 28 One might ask why the King did not simply extend the life of the previous government in which he himself held the post as prime minister with trusted politicians and members of the armed forces taking up the remaining posts (*Annuaire de L'Afrique du Nord* 1963: 877). The answer to this question must be that such a move would have been extremely difficult for King Hassan to carry out. There are three inter-related reasons for this: First, the new constitution, which King Hassan himself had championed, had just been adopted. Violating it so shortly after its adoption would most likely have led to a massive uproar not only from the political establishment but also from the general population, which had voted on the constitution. Second, parliamentary elections, which were provided for in the newly adopted constitution, had just taken place. Had King Hassan extended the life of the previous government, he would have undermined not only the elections but also the new constitution. The same would be the case if he had abolished parliament or formed a government completely out of touch with the election results. Finally, King Hassan had only been on the throne for a little more than two years when the parliamentary elections took place

- in May 1963. Having just succeeded his father, King Hassan did not have enough political credit to run the country on his own; he needed more experienced political allies that could help him through the first difficult years as monarch.
- 29 The state of emergency was declared on 7 June 1965. Note that this time, in contrast to the similar situation in 1960, there was some legal basis for the King's manoeuvre: article 35 of the 1962 constitution enabled the King to declare a state of emergency if this was judged a necessary means to secure the functioning of the constitutional institutions. Whether the situation at the time of the proclamation of the state of emergency was of such a character that it warranted the usage of article 35 is disputed, however. While the King and his allies claimed that the political parties and the rioters were hindering the functioning of the constitutional institutions, the critics claimed that the malfunctioning of the constitutional institutions was the fault of the government rather than the House of Representatives or the political parties (Cuberta-fond 1997: 61).
 - 30 In a first attempt to lessen the burden and share the blame, Hassan II relinquished his position as prime minister to the independent Mohammed Benhima in July 1967. It must be noted, though, that Hassan II remained in full control of the government as he continued to oversee its affairs, appoint its members and had the power to dismiss it.
 - 31 Please note that during the state of emergency, the governments were not completely devoid of civilian representation, as there were several governments composed of politicians as well as members of the royal family and the armed forces. Among the ministers whose main affiliation was not with a political party were: King Hassan (Prime Minister, June 1965–July 1967), Prince Moulay Hassan Ben Driss (Minister of Saharan and Mauritanian Affairs, 1966–August 1971), and General Oufkir (Minister of the Interior, June 1965–August 1971). See Europa (1965: 445; 1966: 502; 1967: 548–9; 1968: 517, 528; 1969: 536; 1970: 544).
 - 32 It must be noted that King Hassan did not have the right to initiate the revision of the 1962 constitution. According to article 104 of the constitution of 1962, this privilege belonged to the prime minister and parliament.
 - 33 Please note that during the years of repression, the *Istiqlal* had in fact insisted on the return to constitutional rule as laid out in the constitution of 1962 (García 2000: 28). Hence, when the 1970 constitution was eventually adopted, the King had won somewhat of a double victory, as he had not only succeeded in enhancing his powers but had also simultaneously humiliated his old rival, which found itself unable to support the return to constitutional rule under the new constitution.
 - 34 Note that despite these increases in the powers of the King, he continues to be much less powerful than many of his Middle Eastern counterparts, including the Jordanian King, who was used as an illustration earlier (See Chapter Four, Part I, of the Constitution of the Hashemite Kingdom of Jordan 1952 and the 1958 and 1974 amendments).
 - 35 Vanhanen (2004) gives a figure of 4,105,820 voters, while the International Institute for Democracy and Electoral Assistance (IDEA) (2006) claims that 4,160,016 voters took part.
 - 36 The MPDC came about as a result of a split within the MP in 1967 (Mednicoff 1994: 399). The PCM was officially dissolved in February 1960 but continued to exist. In 1968, the party relaunched itself under the name *Parti de Libération et Socialisme* (PLS), which in turn was banned in September 1969 (*ibid.*: 408; García 2000: 27).
 - 37 Social and political stability is one of the additional features associated with industrial democracy.
 - 38 Despite the excessive use of force by the army cadets who carried out the attack, the coup attempt was ruthlessly put to an end by King Hassan and General Oufkir (Pennell 2000: 331–2). Several army cadets were killed as the coup attempt was brought to an end, and many more, along with the mastermind of the coup attempt by General Mohammed Medbouh, were executed (*ibid.*).

- 39 It is interesting to note that the *Istiqlal* and the UNFP did in fact have members on the committee tasked with political reform, as Abbas al-Fassi represented the *Istiqlal* and Abdullah Ibrahim the UNFP (interview with Ahmed Osman, leader of the RNI, London, 12 March 2005).
- 40 Please note that when I state that the 1972 constitution indirectly increased the portion of parliamentarians elected by direct universal suffrage I allude to the fact that previous constitutions did not stipulate how large a percentage of the parliamentarians were to be elected by what method. The 1962 constitution (articles 44–5) simply declared that the members of the House of Representatives were to be directly elected, while the constitution of 1970 (article 43) merely stated that a proportion of the members of parliament were to be elected directly. In practice, 145 out of 270 members of parliament – or 54 per cent – were directly elected in the 1963 parliamentary elections, while 90 out of 240 – that is, 37.5 per cent – were directly elected in the parliamentary elections of 1970.

2 Government after independence II: indigenous leadership with colonial habits, 1972–90

- 1 For a more detailed look at the status of civil liberties in Morocco, see Chapters 3 and 5.
- 2 U.S. Department of State, Bureau of Democracy, Human Rights, and Labor (2002). See also the United Nations Development Programme – Programme on Governance in the Arab World (2001a).
- 3 A few days later, on 4 March 1976, the SADR announced its first government. For the text of the proclamation of the SADR and the announcement of the first government, see *Annuaire de L’Afrique du Nord* (1977: 916–18).
- 4 Please note that Pennell states that the Polisario had the support of twenty-three OAU member states, while Weexsteen gives the figure of 20. I have chosen to rely on Weexsteen, as his data is more detailed as well as more cautious.
- 5 Among the greatest victims of repression were the USFP and the *Ilal Amam*, a left-wing party created by former members of the PLS in 1970. In the period 1975–6, several members of the *Ilal Amam* were harassed or even imprisoned, while the leader of the USFP, Omar Benjelloun, was assassinated on 18 December 1975, seemingly by the secret service (Vermeren 2002a: 78; Chadi 2002: 6–7). Note that there are claims that Benjelloun died at the hands of Islamists (El-Azizi 2001: 7).
- 6 A contributing factor was probably the King’s desire to re-establish positive relations with the opposition at a time when Morocco entered into severe economic crisis.
- 7 One member of the UNFP, Maati Bouabid, did join the government; however, he was soon expelled by the party (Europa 1978: 567; 1979: 585).
- 8 These changes concern articles 43 and 95 of the 1972 constitution, which were put to popular referendum on 30 May 1980 (the second referendum). For more details of the wording, see *Constitution Marocaine* 1972. In practice, the increase in tenure from four to six years meant that the parliamentary elections, which were supposed to take place in 1981, were postponed until 1983, giving the monarchy more time to manage the grave economic situation and the budding political crisis. Interestingly, the traditional opposition was under the impression that the mandate of the existing parliament would not have its term extended; rather, parliamentary elections were going to take place in 1981 as scheduled, and then the new parliament would sit for six years (García 2000: 68–70).
- 9 Apart from buying the monarchy some more time to manage the crisis before the next parliamentary elections, it seems that another core objective of the constitutional amendments was to strengthen the monarch while weakening the regency council (*ibid.*: 68–9).
- 10 It should be noted that the *Istiqlal* was part of the government at that time and hence strongly recommended a ‘yes’ (Santucci 1981: 563).

- 11 For the text of King Hassan's speech, see *Annuaire de L'Afrique du Nord* (1982: 921–4). For interpretations and comments, see Bendourou (2004: 73–4).
- 12 What happened was that heavily urban administrative districts, such as the district of Casablanca, whose governors were heavily influenced by the Ministry of the Interior, had their constituencies redrawn; in the case of Casablanca, the number of constituencies went up from five to fourteen. In that way, the power of the Ministry of Interior increased as the percentage of urban constituencies grew at the cost of the less controllable rural constituencies (García 2000: 86).
- 13 The *Organisation de l'Action Démocratique et Populaire* (OADP) was formed in January 1983 by former members of the *Mouvement de 23 Mars*, a clandestine Marxist–Leninist group of the 1970s. The OADP succeeded in gaining legal recognition, thanks to the party's strong support for King Hassan's policy towards Western Sahara (Mednicoff 1994: 408, 414).
- 14 García (2000: 25), for instance, mentions how political parties during the 1963 municipal elections concentrated their candidates in the most important cities.
- 15 Here, I must underline that the discrimination against urban-based parties was in fact often not in the interest of the monarchy, as several of the political parties loyal to the crown were urban-based and, as stated earlier, also due to the fact that the urban administrative districts were under much stronger control of the Ministry of the Interior than their rural counterparts.
- 16 These calculations were made on the basis of data found in García (2000: 84, 100).
- 17 It must be noted that compared to the situation at the time of the 1976 municipal elections, this form of discrimination had actually decreased by the time of the 1983 municipal elections due to the redrawing of constituencies. With the redrawing of constituencies in 1983 (immediately after the 1982 population census), the number of urban constituencies actually increased by 45.6 per cent, while the semi-urban increased by 15.7 and the rural by 10.7. This massive increase in urban constituencies meant, as stated above, that 11.6 per cent of the total seats available belonged to urban constituencies in 1983, compared to 9.3 per cent in 1976 (García 2000: 84, 100).
- 18 See the *Istiqlal* daily *L'Opinion* in the period 12–15 June 1983; the PPS paper *Al-Bayane* on 21 June 1983; and the USFP's *Libération* in the period 11–15 June 1983.
- 19 The *Union Constitutionnelle* (UC) was formed in 1983 by former members of the RNI under the leadership of Maati Bouabid. The party has been strongly supported by the monarchy since its formation and is seen as a '*makhzen* party', that is, part of the establishment. In the 1983 municipal elections, the UC proved to be very strong in the urban and semi-urban constituencies to such an extent that it rivalled even the *Istiqlal* and the USFP (Mednicoff 1994: 398–9; García 2000: 100–1). Like the UC, the *Parti National Démocrate* (PND) is a breakaway party, which originated in the RNI. The party was formed in 1981 by Abdelamid Kassimi and a group of rural, landholding notables after they had fallen out with the leader of the RNI, Ahmed Osman. In the 1983 municipal elections, the PND came out as the fifth strongest party in urban and rural constituencies, and the third strongest in the semi-urban (Mednicoff 1994: 409–10; García 2000: 100–1).
- 20 It must be noted that parties within the opposition suffered as well. The PPS, for example, lost nearly two thirds of its voters (García 2000: 99).
- 21 All the leaders of the main political parties – apart from the PPS – were represented in the new government; so, although the USFP had refused to head a new government, the party was not against participating in it. Note, moreover, that the mandate of the new government was limited not until the Western Sahara referendum but until the next parliamentary elections scheduled for early 1984 (García 2000: 109).
- 22 The parliamentary elections were delayed until September 1984 because of political tension between Islamist groupings and extreme left-wing organizations during the Islamic summit in Casablanca in January 1984 (El-Mossadeq 1995: 93; García 2000: 116–17).

- 23 Please note that another change introduced in the run-up to the 1984 parliamentary elections was the enlargement of parliament from 263 seats in 1977 to 306. This enlargement was facilitated not by a constitutional amendment but by a law adopted in June 1983. Some observers claim that the size of parliament was increased in order to facilitate the representation of all political parties as the number of parties had gone up significantly in the period leading up to the 1984 parliamentary elections (*Al-Bayane*, 18 June 1983; García 2000: 118–19).
- 24 If one takes a closer look at the results of the indirect elections, it seems as if the RNI and MP are the parties with most support among the so-called independents, at least at the local level. Despite receiving only 14.3 and 12.2 per cent of the seats respectively in the municipal elections of 1983, while in comparison the *Istiqlal* received 16.8, the RNI and the MP were awarded more seats than the *Istiqlal* by the communal councillors in the indirect round of the 1984 parliamentary elections, the RNI winning nineteen seats, the MP twelve, and the *Istiqlal* eleven (see Table 2.3; García 2000: 161).
- 25 In the 1984 parliamentary elections, the directly elected representatives were elected following the first-past-the-post system (FPTP), while the indirectly elected representatives were elected according to a party-list system of proportional representation. The Moroccan constitution does not define a definitive electoral system; rather, the electoral system is defined by an organic law or by a *dahir*, resulting in the electoral system being subject to frequent change both in the case of municipal and parliamentary elections.
- 26 It is interesting to note that despite obvious discrepancies in the official results and the accusations of fraud and manipulation, the results of the parliamentary elections of 1984 did not produce any overall trends regarding links between party affiliation of the candidate elected and the geographic location of the constituency, nor between party affiliation of the elected candidate and the rural/urban setting of the constituency (*Ibid.*: 158).
- 27 There are disagreements as to whether the MP took part in government. García (2000: 161) and Mednicoff (1994: 418) state that the MP did not, whereas Europa (1985: 609, 619) claims that the MP did. It is a fact, however, that Mohand Laenser – member of the MP since 1975 and leader of the party from 1986 onwards – assumed the post of Minister of Posts and Telecommunications; hence, I have made the decision to count the MP as a member of the Lamrani government formed in April 1985.
- 28 In 1987, the UN sent a mission to the region in order to organize a referendum. In 1988, both Morocco and the Polisario accepted the idea of a referendum, which was eventually scheduled for 1992. However, the referendum never took place due to disagreements over who would be eligible to vote, and it does not look like one is going to take place in the near future as Morocco and the Polisario seem to take turn in retracting their support.
- 29 Please note that although not formally joining the opposition umbrella, factions within the MP, the RNI and the UC supported the demands for institutional reform and agreed that if such changes were going to take place, a united front would indeed be called for (Santucci 1988: 612–13).

3 Intensification of the democratization process, 1990–96

- 1 The most popular and powerful of the Islamist organizations during the early 1990s was *Al Adl wal-Ihsan*. Yasin's opposition to the monarchy is well known, as he has openly attacked it on several occasions, and has spent considerable time in prison and house arrest as a result of his uncompromising stance (For an example of Yassine's work, see Yassine (1998)). Vermeren (2002b: 53) describes the leader of *Al-Adl wal-Ihsan* as 'l'incontrôlable cheikh Abdassalam Yassine'.

- 2 In addition to the before-mentioned three developments linked to the Gulf War, Morocco had also witnessed grave social tensions. On 14 December 1990, these tensions culminated in a general strike called for by the *Confédération Démocratique du Travail* (Democratic Confederation of Labor) (CDT) and *Union Générale des Travailleurs du Maroc* (The General Union of Moroccan Workers) (UGTM). The strike spread across the country and reinforced the demand by the opposition for reform of the political system (García 2000: 164).
- 3 In comparison, in the 1977 parliamentary elections, the *Istiqlal* won 19 per cent of the seats in parliament.
- 4 For the full text of the memorandum, see Pereira (1999: 283–6); García (2000: 166); *L'Opinion*, 27 May 1992.
- 5 Among the members of the committee were Ahmed Osman (leader of the RNI 1978– and Prime Minister 1972–9), Ahmed Réda Guédira (Minister of Foreign Affairs 1963–4 and leader of the defunct FDIC) and Driss Slaoui (Minister of Finance 1963–5 and former Permanent Representative of Morocco to the United Nations) (interview with Ahmed Osman, leader of the RNI, London, 12 March 2005).
- 6 The principle of citizenship is one of the cornerstones of democracy. For a look at how citizenship is emphasized within different areas of the study of democracy, see Dahl (1989); Putnam (1993); and Mueller (1996).
- 7 To put things into perspective, it must be noted that Morocco's non-Muslim population is very small; however, this does not make the change any less significant. According to countryreports.org (2005), only 1.1 per cent of the Moroccan population is Christian and 0.2 per cent Jewish.
- 8 Regional councils were finally established in April 1997 by law 47/96 (García 2000: 232). The election of the members of the regional councils is rather complicated. According to the United Nations, the members of the regional councils are 'elected by the local communities, professional organization and wage-earners; they also include members of Parliament elected on a regional basis and the Presidents of the prefectorial and provincial assemblies located in the region, who attend as non-voting members' (United Nations Committee on the Elimination of Racial Discrimination 1997: paragraph 16).
- 9 The results from the Saharan provinces – Bojador, Smara, El Aaiún and Río de Oro – were particularly extreme, as votes in favour of the new constitution were announced as being between 99.99 per cent and 100 per cent in the four provinces, with between 99.3 and 100 per cent of the registered voters participating (García 2000: 170).
- 10 A *bay'a* was originally an oath of allegiance given to the Moroccan Sultan on his accession by the country's notables (Waterbury 1970: 19–20).
- 11 This is not to say that several restrictive measures did not remain in the constitution. In other words, although opening up for further democratization, these amendments to the constitution did not at that time result in significant practical democratic progress.
- 12 The text of the memorandum was published in *L'Opinion* on 29 April 1992. The parties supporting the memorandum were not only the *Istiqlal* and the USFP but also the *Parti de l'Avant Garde Démocratique Socialiste* (Party of the Democratic Socialist Avant-Garde) (PADS), the PPS and the OADP.
- 13 Please note that when the commission tasked with monitoring the elections was finally formed in June 1992, it became clear that it was going to be far from independent, as it would either be presided over by the King himself or by Ahmed Réda Guédira, the Minister of the Interior (El-Mossadeq 1998a: 33). As regards to the second commission, that is, the commission charged with overseeing the existing election laws, its creation did not lead to the complete bypassing of parliament, as it was only allowed to examine existing laws with the aim of reaching a consensus, after which the texts would be submitted to parliament following the ordinary procedures.

- 14 For the wording of this address, see *Le Matin du Sahara et du Maghreb*, 21 May 1992. See also, El-Mossadeq (1998a: 28–9), García (2000: 173–5) and United Nations Committee on the Elimination of Racial Discrimination (1993).
- 15 These figures refer to the share of all the 111 seats up for contestation, in other words, both the seats filled in the indirect elections as well as the seats filled in the partial elections.
- 16 In 1993, the USFP only managed to win two out of sixty-six seats allocated by the communal councillors' electoral college, while the *Istiqlal* fared only slightly better with four seats. However, in comparison to the situation of 1984, the *Istiqlal*'s performance in 1993 was disastrous, as its share of seats awarded by this particular electoral college declined from 18.3 to 6.1 per cent.
- 17 The 1992 constitution stipulates in article 43:

La Chambre des Représentants comprend, dans la proportion des deux tiers, des membres élus au suffrage universel direct et, dans la proportion d'un tiers, des membres élus par un collège électoral composé des conseillers communaux ainsi que des membres élus par des collèges électoraux comprenant les élus des chambres professionnelles et les représentants des salariés.

- 18 For the results of the local elections of 1992, see García (2000: 181).
- 19 Interview with the leader of the USFP, Mohammed el-Yazghi, Rabat, 4 April 2005 (Layachi 1999: 86).
- 20 Interview with Mohammed el-Yazghi, Rabat, 4 April 2005. It should be noted that Youssoufi was hospitalized at that time and was therefore unavailable for the interview that had otherwise been scheduled.
- 21 The most prominent of Morocco's independent human rights organizations are *Ligue Marocaine de Défense des Droits de l'Homme* (1972), *Association Marocaine des Droits de l'Homme* (1979) and the *Organisation Marocaine des Droits de l'Homme* (1988).
- 22 The original *Moudawana* was promulgated between 22 November 1957 and 20 February 1959. In 1979, attempts were made to amend the law in a manner that would not only make polygamy illegal but also make divorce conditional on mutual consent and allow women to institute proceedings (Daoud 1996: 299–301). In 1991, another effort was undertaken as women's organizations collected no less than one million signatures for a petition to introduce changes to the *Moudawana* in the wake of the Minister for Religious Endowments publicly declaring that 'Islamic law did not allow a woman to exercise political power' (Daoud 1996: 319–22; Pennell 2000: 388). It should be noted that the *Moudawana* was eventually reformed again in 2004, bringing about further advances, albeit not to the extent needed if men and women are to experience equal rights. Among one of the main criticisms of the *Moudawana* of 2004 is the reality that although polygamy is made much more difficult, the custom remains legal (Mounir 2005).
- 23 Note that the national broadcasting service began its transmissions in *tamazight* on 25 August 1994 (Donnet 1995).
- 24 Articles 37–8 of the 1996 constitution stipulated that the House of Representatives would be renewed every six years and that the House of Councillors would be elected for a nine-year term, with one-third of the members being renewed every three years.

4 Reasonably competitive, free and fair elections (1996–2006)

- 1 Whether the statement that opposition parties must be allowed to participate is to mean that all opposition parties are to have this right or whether it can be limited to some opposition parties constitutes a dilemma for several democratic and non-democratic states (Linz and Stepan 1996: 97–8). In the case of Morocco, all opposition parties, which are not deemed to be 'anti-systemic' are allowed to participate in

- the elections, whereas parties seen to be anti-systemic have been banned. Please note that a state excluding parties from participating in the elections on the grounds that it sees these parties as anti-systemic could prevent democratic parties from participating in the elections if these are against the regime form of that particular state. However, if one follows Linz and Stepan's line of thinking, the label 'anti-systemic' is only intended for parties that seek to overthrow democratic regimes. As shall become evident later in this chapter, in the case of Morocco, the parties excluded from the election process could be defined as anti-systemic both from the point of view of the monarchy and also following Linz and Stepan, as these parties have as their ultimate goal the transition to a non-democratic regime form – either communist or Islamist. Finally, it must be noted that although Linz and Stepan seem to prefer the inclusion of all political parties, they have declined to make an official stance (*ibid.*).
- 2 Please note that the *makhzen* did not only find itself under accusations of direct manipulation of the election results, however. As the authorities in some cases failed to prevent, stop and condemn manipulation of the elections by candidates running for parliament or their close followers, while clamping down hard on other candidates and their followers trying to manipulate the elections, the *makhzen* was also accused of indirect manipulation (Layadi and Rehaye 1998: 272).
 - 3 For reports regarding problems with voter IDs, see the special bulletin – particularly issues 11 and 15 – on the 1997 legislative elections edited by *Maghreb Arab Presse* see the Moroccan Ministry of Communication (1997c; 1997d). See also Layadi and Rehaye (1998: 272).
 - 4 According to the organization *Maroc 2020* (2002), by January 2001, around 40 per cent of Moroccans did not have a national identity card. Please note that there is no doubt, however, that this number is extremely exaggerated as 58.30 per cent of the registered voters actually cast their vote – this would simply not have been possible had 40 per cent of the population not had a national identity card. For the problem of the lack of identity cards, see also *Organisation Marocaine des Droites Humaines* (1998). Note that problems with identity cards during the election process is not something exclusively found in the Middle East or younger democracies. Northern Ireland and the United States are good example of Western countries having suffered or still suffering from problems regarding identity at the time of elections, as it is common for large number of so-called 'phantom voters' to cast their vote in the elections. For a recent US example, see Langeland (2004).
 - 5 Please note that the OMDH (1998) and Henry Munson (1998) beg to differ.
 - 6 See Tables 3.2. and 4.1.
 - 7 Please note that the dominant members of the *Kutla* also won a simple majority in the House of Representatives in 1993, where they contested the elections together under a *Kutla* umbrella. Had the UNFP and the *Istiqlal* combined forces in the 1963 elections, they would have won a simple majority of the seats in the House of Representatives then (see Table 1.1; García 2000: 66, 161, 189, 195).
 - 8 The new government consisted of forty-one ministers and secretaries of state, of which thirteen ministers came from the USFP, six from the *Istiqlal*, six from the RNI, three each from the PPS and the MNP, two from the FFD, and one from the PSD. The remaining members of government were technocrats (García 2000: 245).
 - 9 Mohammed VI's first visit, which is of high symbolic value, was to the Berber-dominated Rif region in the North of the country, a place where his late father was unable to set foot after quelling a rebellion there in 1958 and having referred to the local population as 'dirty, ignorant beggars' (Dalle 2001; Macleod 2000).
 - 10 It should be noted that although promises of wide-ranging reforms were made, it was never explicitly expressed what they were to entail. However, the public and several politicians took the reform promises to mean that the country would embark on a serious democratization process (Fernández 2004).
 - 11 This does not mean that the public and several of the parties were not sceptical

- towards the outcome of the elections (Chahir 2002b). This aspect will be treated in detail in Chapters 6 and 7, where the process of formation of government and the government's effective power to govern is analyzed.
- 12 In the parliamentary elections of 1997, only two women – Fatima Belmouden and Badia Skalli, both of the USFP – gained a seat in the House of Representatives, while another two won seats in the House of Councillors. By October 2003, the number of women in the House of Councillors had increased to three or to 1.1 per cent. It is important to note that the women's associations had not been campaigning for the creation of special lists for women; in fact, as some stated, they would much have preferred it if the parties had given women more priority and put them higher on their list of candidates (Bentak 2002; Lamlili 2002a).
 - 13 Please note that women also increased their number of seats in the House of Representatives. By October 2003, there were three female members of the House of Councillors compared to two in 1997 (United Nations Development Programme-Programme on Governance in the Arab World (2001d).
 - 14 For detailed information on how elections to the House of Representatives take place, see the Moroccan Ministry of Communication (2002c). Please note that the need to be placed high on the party list is due to the design of the election code, which provides for very small constituencies. In 1997, the constituencies were single-member, whereas in the 2002 elections, the size of the constituencies varied between two and five members.
 - 15 The PJD won 12.9 per cent of the seats in the House of Representatives, despite only running in 60 per cent of the districts (see Table 4.4; Vermeren 2004: 298). If one makes a prognosis on the basis of these figures, the PJD could have won 21.5 per cent of the seats in the House of Representatives had the party presented candidates in all districts.
 - 16 It is important to keep in mind that in Morocco, when parties are excluded from the election process, they are not directly excluded from taking part. What happens is that the organization in question is refused recognition as a political party, which in turn makes it unable to contest the elections as this privilege is reserved for the parties, trade unions and, in most elections, independent candidates. In the 2002 parliamentary elections, the following formations were not recognized: *Mouvement des Démocrates Socialistes* (Movement of Social Democrats), *Annahj Addimocrati* (Democratic Path), Yassine's *Al Adl wal-Ihsan*, and the two Islamist groups *al-Badil al-Hadari* (Civilian Alternative), and *Al-Haraka Min Ajl al-Oumma* (Action for the Nation) (El-Messaoudi and Vintró 2005: 103). Please note that *Al-Badil al-Hadari* gained legal recognition as a political party in June 2005, making it the country's second legal Islamist party (Rifi 2005). In December 2005, another Islamist party emerged. *Le Parti de la Renaissance et de la Vertu* (PRV) was formed by former members of the PJD and the RNI; whether the party will obtain legal recognition is not yet known (Lamlili 2005e; El-Hamraoui 2006).
 - 17 *Al-Tawhid wa al-Islah* can be translated as 'Unity and Reform'. It should be noted that the organization took the name of *al-Tawhid wa al-Islah* in 1996 but was formed already in 1982 as a result of the re-organization of the *al-Chabiba al-Islamiya*. The movement, which first appeared under the name of *al-Jamâ'a al-Islamiya* and later as *al-Islah wa at-Tajdid*, has a salafist outlook; it sought legal recognition in 1983, 1985 and 1986 but failed to achieve its goal (see Tozy 1999; Willis 1999: 46–9; the Center for Strategic and International Studies 2000: 7–8; Dialmy 2000;).
 - 18 Note that according to the press, the PJD leadership is now so willing to play the game that the party has become *makhzenized*, that is, co-opted by the regime (Rhandi 2005a, 2005b; Bennani 2005c).
 - 19 The most feared of the Islamist groups is Abdessalam Yassine's *al-'Adl wa al-Ihsan*, the Justice and Charity organization, which has a sunni-sufist orientation. *Al-'Adl wa al-Ihsan* is the largest Islamic movement in the country, enjoying a larger following than the PJD.

- 20 Note that the RNI and the MP later gave birth to several other political parties, among them the PND (of RNI), FDIC (of MP), MPDC (of MP) and MNP (of MP). In Morocco, most political parties are formed as a result of a group splitting from an already existing party and forming its own party; hence, most parties can trace their origins back to one of the ‘older’ parties such as the *Istiqlal*, the UNFP, the MP or the RNI. It is not uncommon to find a party, which is the result of a group splitting from a party and forming its own, from which another group then split and formed the party in question – one example of this pattern is the USFP, which was formed as the result of a group splitting from the *Istiqlal* and forming the UNFP, from which a group later split and formed the USFP.
- 21 According to Vermeren (2004: 298), the PJD agreed to limit its presentation of candidates to 60 per cent of the districts, while Choueiry (2002), García (2002) and de la Guérvrière (2003) claim that the PJD accepted to present candidates in only fifty-six out of ninety-one districts.
- 22 For a discussion of reforms of the election code in relation to independent government and effective power to govern, see Chapter 6.
- 23 PR list systems can take different forms as the lists can be ‘open’, ‘closed’ or ‘free’. In an open list system, the voter can express a preference for a candidate within a party list as well as voting for a party. In a closed party list system, the voter is restricted to voting for a party only, while the party decides on a ranked list of candidates from which the members of parliament are selected in accordance with the number of seats the party receives on the basis of its overall share of the local/regional/national vote. Finally, a free list system either takes the form of *apparentement* or cumulative voting. *Apparentement* enables separate parties to declare themselves linked for the purpose of seat allocation. Cumulative voting gives the voter the opportunity to cast as many votes as there are seats to be filled in the constituency and gives the voter the freedom to cast one vote for each candidate, all votes for one candidate, or more than one vote for a number of candidates (Lakeman 1970: 85, 95). Please note that Morocco opted for a closed list system.
- 24 Note that there had been talks of making voting obligatory (*Le Matin*, 20 January 2002).
- 25 Please note that when I refer to vote-buying by candidates running, I mean fraud commissioned by the candidate himself as well as the party backing him.
- 26 Note that money was not only used to buy votes from the electorate but also to buy a good spot on the party lists. This is one of the reasons why some scholars do not find PR list systems much of an improvement; another is that they claim that PR list systems do not produce proportionality ‘on any other basis than that of the party’ (Hallett 1984: 116).
- 27 As stated earlier, the only parties excluded from the process in 2002 were the marxist-leninist *Mouvement des Democratres Socialistes* and the Islamist organizations *Al Adl wal-Ihsan*, *al-Badil al-Hadari*, *Annahj Addimocrati* and *Al-Haraka Min Ajl al-Oumma*.
- 28 As stated above, the adoption of national lists for women was a controversial issue. Although I see the adoption of these lists as a positive step, many scholars, politicians and activists may not agree as it is indeed a form of preferential treatment. In other words, the adoption of national lists for women or minorities was – and is – not a dilemma just for the Moroccan parliamentarians but for democrats across the globe. Whether a person is for or against the adoption of such preferential lists usually comes down to personal prioritization of two principles: free competition and representation.
- 29 The maximum number of seats won by a single party in any district was two, and this only happened very infrequently. The PJD won two seats each in Casa Blanca Anfa (DM 4), Ain Sebaa-H. Mohammedi (DM 5), Al Fida Derb Sultan (DM 4) and Tanger-Arcila (DM 4). The *Istiqlal* won two seats each in Essauira (DM 4) and Tiflet-

- Rommani (DM 3). Finally, the PND succeeded in winning two seats in Tarudan Al Janoubia (DM 4) (see El-Messaoudi and Vintró 2005: 88–93; Altavista Maroc 2005).
- 30 See also the Commission of the European Communities, *Commission Staff Working Paper, European Neighbourhood Policy, Country Report, Morocco* (Brussels: The Commission of the European Communities, 12 May 2004). (The document codes are COM(2004)373final and SEC(2004)569); and the Moroccan Ministry of Communication (2002c). It should be noted that according to El-Messaoudi and Vintró (2005: 87), the introduction of a district threshold rather than a national threshold led to a situation in which the parties with a strong-hold in the rural areas were being put in an advantageous position compared to those with a strong-hold in the urban areas.
- 31 In both elections, the PDI was the smallest party to gain entry with 1.19 per cent of the direct valid votes cast in 1997 and 1.01 per cent in 2002.
- 32 Moroccan Ministry of Communication (2002c).
- 33 A ‘wasted vote’ is a vote that is not counted, such as the votes for lists C and D in the example given, as well as the votes in list B’s remainder and the votes for list A in the modified version where the party only received 10,000 votes. An illustration of the ‘wasted vote’ problem in 2002 is how the PDI was awarded two seats in the House of Representatives despite winning only 1.01 per cent of the valid direct votes, while the CNI was given only one seat although having won 1.98 per cent; the PDI simply had a geographically concentrated voter base whereas the CNI did not. In this sense, the introduction of the 3 per cent district threshold did have the intended effect, as parties with a geographically concentrated support base were rewarded at the expense of parties with a more scattered voter base and less of a standing in local areas.
- 34 See, for instance, the Moroccan Ministry of Communication (2002e).
- 35 As this book aims to show, faith in the political system, and hence, voter turnout in the elections, is not only affected by the nature of the parliamentary elections in Morocco but also by the provision of and respect for the core democratic principles of basic civil liberties and independent government. As regards to voter turnout, it could easily be the case that in the opinion of the electorate, poor performance on the parameters of basic civil liberties and independent government outweighed the good performance on the parameters of reasonably competitive, free and fair elections.

5 Basic civil liberties (1996–2006)

- 1 A similar conclusion was reached by the Euro-Mediterranean Human Rights Network (2000).
- 2 Please note that the infringements of press freedom listed by Reporters Without Borders do not only refer to those committed by the regime.
- 3 Please note that the three suspended weeklies were allowed to re-open later in the year under new names (Reporters Without Borders 2002).
- 4 Please note that the decrease in number of newspapers banned, fined and censored can largely be explained by increased toleration from the part of the *makhzen*. However, the large degree of self-censorship among the media must be assumed to have played a role as well (Reporters Without Borders, 2005a).
- 5 See *Le Journal*, 201, 2005; and *TelQuel*, 171, 2005.
- 6 Some of Lmrabet’s publications were on the topic of the Sahrawis, the status of Western Sahara, the right to self-determination, the implication of the Moroccan left in one of the assassination attempts on King Hassan in the early 1970s, and the royal household’s finances (AI 2004; Reporters Without Borders 2005b).
- 7 *TelQuel*, 167, 2005; and *Le Journal*, 203, 2005.
- 8 Interview with Mohammed el-Boukili, international spokesman for the AMDH, Rabat, 4 April, 2005; Slymovic 2005: 21–2.
- 9 It should be noted that the deadline was eventually extended until 3 January 2000 (Fédération Internationale des Ligues des Droits des l’Homme 2004: 37).

- 10 Moroccan Ministry of Communication (2004a). Please note that the rules governing the IER were not adopted and approved until 10 April, 2004, when the institution officially began its work (IER 2004b).
- 11 Please note that this is only a brief summary of the missions put forward in article 9 of the statutes.
- 12 The commission was composed of sixteen members and a president. Eight members of the commission were appointed by the *Conseil Consultatif des Droits de l'Homme* (Consultative Council for Human Rights, CCDH), while the other eight were appointed by the traditional opposition and civil society, principally the country's independent human rights organizations. Among the eight commissioners appointed by the traditional opposition and civil society, five were political prisoners sentenced to between three and ten years in prison, while two others were exiles – one of whom had been sentenced to death. The president of the IER was Driss Benzekri, who had himself been a political prisoner for seventeen years and had extensive experience within the country's independent human rights organizations before being appointed as secretary general of the CCDH after its reorganization in 2001 and then as president of the IER in 2004 (FIDH 2004: 40; Association Marocaine des Droits Humains 2004: 41–2; Slyomovics 2005: 195).
- 13 Interview with Mohammed el-Boukili, Rabat, 4 April 2004.
- 14 Ibid. Note that HRW (2005: 4) and the UN Human Rights Committee (2004) support the need for prosecution of those responsible for human rights violations.
- 15 The criticism of the fact that the IER was not authorized to hold the perpetrators criminally responsible is supported by HRW (2005) and AI (Malcolm Smart, director at the Middle East and North Africa programme at the International Secretariat of Amnesty International, paper presented at the Middle East Programme Conference on 'Justice, Reconciliation and Human-Based Development: The Moroccan Experience' at Chatham House, 22 June 2006).
- 16 Interview with Mohammed el-Boukili, Rabat, 4 April 2005.
- 17 Note that these claims are supported by AI (2002).
- 18 For the full text of the *El Pais* interview with Mohammed VI, see the Moroccan Ministry of Communication (2005).
- 19 Interview with Mohammed el-Boukili, Rabat, 4 April 2005.
- 20 See, for example, article 5 of *dahir no. 1–02–206 du 12 joumada 1 1423* as reproduced in Bendourou 2004: 201–2.
- 21 It should be noted that this is not to say that a civil society does not exist in Morocco. According to Howe, there were approximately 30,000 associations operating in the country's largest cities in 2001, and this number is estimated to have risen to 32,300 by 2004 (Roque 2004a; Howe 2005: 251).
- 22 Note that article 3 of the law regulating the freedom of association prohibits organizations threatening the territorial integrity of the country, as well as organizations that are discriminatory and organizations that undermine the religion of Islam or the monarchical regime (Bendourou 2004: 201).
- 23 Please note that the term *jahil* can be translated as 'ignorant' or 'non-believing' with reference to the Islamic religious faith.
- 24 For a discussion of the new law on political parties, see Chapter 6. As stated in Chapter 4, *al Adl wal-Ihsan* can be described as an anti-systemic organization.
- 25 It should be noted that it is by no means difficult to get hold of Abdessalam Yassine's publications in Morocco as these are widely distributed by the organization's members and supporters.
- 26 Note that Abdessalam Yassine did, however, give a press conference when he was released from house arrest on 16 May 2000. Moreover, his opinions can also be accessed easily on the Internet at Abdessalam Yassine's own website at <http://www.yassine.net>.
- 27 Among examples of how both Abdessalam Yassine and Nadia Yassine have ques-

- tioned the position of the monarchy, insulted the person of the King or denounced parliamentary democracy is the book *Islamiser la modernité* published in 1998, in which Abdessalam Yassine – among other things – speaks out against parliamentary democracy as he sees it as un-Islamic; and the letter entitled ‘The King of the poor’ published by Abdessalam Yassine in 1999, in which he mocks and lectures the new King; and the infamous interview with Nadia Yassine published in *Al Ousbouia Al Jadida* on 2 July, 2005 (for an English version of the interview, see Yassine (2005). It should be noted that Nadia Yassine is in fact currently being prosecuted for her comments made in the interview, although at first it seemed as if the case had been dropped due to US pressure (Belghazi 2005; Abdelhadi 2005; Lamlii 2005d; Whitlock 2006).
- 28 The demonstrations against the Gulf War in February 1991 attracted between 300,000 and 700,000 people, while the demonstrations against the new *Moudawana* in 2000 drew in between 200,000 and 500,000 demonstrators across Morocco (Ramonet 2000; Daoud 2002: 253).
 - 29 Note that the general unemployment level was approximately 20 per cent in 1999. According to Moroccan officials, it would take a tripling of the country’s economic growth – to 7 per cent a year – to tackle the situation (Whitney 1999; Akesbi 2000).
 - 30 Interview with Ali Belhaj, Casablanca, 26 March 2005.
 - 31 Ibid.
 - 32 Ibid.
 - 33 Ibid.; interview with Mohammed el-Boukili, Rabat, 4 April 2005.
 - 34 This is not to say that students never end up in prison for a prolonged period of time. As a recent article in *TelQuel* shows, some student activists have been sentenced to jail terms of three or more years, and some have also been subject to torture (Bennani 2005a).
 - 35 Interview with Ali Belhaj, Casablanca, 26 March 2005, and Mohammed el Boukili, Rabat, 4 April 2005
 - 36 Ibid.; interview with anonymous Moroccan intellectual, 11 March 2005.
 - 37 Ibid.; interview with Ali Belhaj, Casablanca 26 March, 2005, and Mohammed el Boukili, Rabat, 4 April 2005.
 - 38 Interview with Ali Belhaj, Casablanca, 26 March 2005.
 - 39 Interview with anonymous Moroccan intellectual, 11 March 2005.

6 Independent government (1996–2006)

- 1 The following academic works use similar definitions of independent government: Karl (1990); Karl and Schmitter (1991); Huntington (1991); Valenzuela (1992); Rueschemeyer *et al.* (1992); and Loveman (1994).
- 2 The PPS and the *Front de Forces Démocratiques* (Front of Democratic Forces, FFD) each won 2.77 per cent of the seats in the House of Representatives in 1997, and the *Parti Socialiste Démocratique* (Democratic Socialist Party, PSD) managed to secure 1.54 per cent (see Table 4.1).
- 3 Apart from 1993, the largest party/alliance in the House of Representatives and in parliament has been part of government. In the parliamentary elections held between 1963 and 1993, the largest party/alliance in the House of Representatives was also the largest party/alliance in parliament. After the 1997 parliamentary elections, the USFP was the largest party in the House of Representatives, while the RNI was the largest party in parliament – both parties were members of the subsequent governments. It must be noted that the reason why the largest party/alliance in the House of Representatives and in parliament was not part of government in 1993 was due to a decision made by the *Kutla* not to participate; the alliance was invited to join government.
- 4 Throughout history, the King has held different ministerial points on several occa-

- sions. The 1996 constitution does not state that the King cannot hold a ministerial post; hence, in theory, it could happen again in the future.
- 5 Please note that in the current government, the Minister of Foreign Affairs, Mohammed Benaissa, the Minister of the Interior, Mustafa Sahel, the Minister of Religious Affairs, Ahmed Toufiq, and the Minister-delegate to the Prime Minister in charge of Administration and National Defence, Abderrahman Sbai are all loyalist technocrats. However, the sitting Minister of Justice, Mohamed Bouzoubaa, is one of the founding members of the UNFP and the USFP and is still affiliated with the USFP.
 - 6 One of the best known examples of how the King has not found it necessary to follow the advice of the prime minister was when Hassan II appointed Driss Basri as Minister of the Interior in 1998, an appointment the entire population was fully aware but Prime Minister Yousoufi did not support (Ramonet 2000). It is also important to note that not only the Ministers of the Interior but also the Prime Minister and Minister of Foreign Affairs tend to be loyalist technocrats and that this trend continues till date: Of the eighteen prime ministers appointed since 1955, twelve did not have party affiliation at the time of holding the post (and that includes the current prime minister, Driss Jettou); of the fifteen ministers of Foreign Affairs appointed since 1956, only four had party affiliation at the time of holding the post; finally, of the six Ministers of the Interior appointed since 1965, none had party affiliation at the time of holding the post (de Zárate 2006).
 - 7 It must be noted that not all of the *Kutla*'s demands were met. For a discussion of the *Kutla* and the 1996 constitution, see García (2000: 209–13).
 - 8 It must be noted that the USFP and the *Istiqlal* did not present joint candidates as they had done in the municipal and regional elections earlier that year; rather, they contested the parliamentary elections as an alliance with two separate lists. The reason why the two parties did not present a joint list of candidates was that the USFP refused to do so; the party felt that it was being overlooked within the *Kutla* – basically the USFP was complaining that it was not given a position matching its electoral power – whereas the *Istiqlal* was given a position above its means (Tredano 2000: 68–9; García 2000: 237).
 - 9 As is evident from Table 4.2, the *Kutla* won 31.38 per cent of the seats in the House of Representatives, the *Wifaq* 30.77 per cent, and the *Centre* bloc 29.85 per cent.
 - 10 Interview with Rkia el-Mossadeq, professor of higher education at the Faculty of Law, University of Sidi Mohamed Ben Abdellah, Fès, 28 March 2005, and Ali Belhaj, leader of the ADL, Casablanca, 26 March 2005.
 - 11 The Moroccan political system is designed in such a way that it is nearly impossible for any political party to obtain a majority of the seats in parliament, making coalition government necessary and, hence, monarchical control over government much more easy.
 - 12 Interview with Rkia el-Mossadeq, Fès, 28 March 2005, and Ali Belhaj, Casablanca, 26 March 2005.
 - 13 By awarding the *Istiqlal* with as few as six ministerial posts in a socialist-led government, the King not only weakened the *gouvernement d'alternance* but also indirectly encouraged the *Istiqlal* to realign with the more conservative parties in the *Centre* bloc, which were ideologically as close to the *Istiqlal* as the USFP and with which the party might be able to strike a better deal in the future.
 - 14 The government was further weakened by the presence of the RNI, which Hassan II had assigned the role of guardian of the King's interests, and of course, by the presence of a number of 'royal' ministers, such as the Minister of the Interior, Driss Basri – Hassan II's right hand (Vermeren 2002: 102–3). Please note that the government was made up of seven parties: the USFP, PPS and *Istiqlal* from the *Kutla*, the RNI and the MNP from the *Centre* bloc, and the two new formations, the FFD and the PSD. The OADP refused to participate, despite being member of the *Kutla*, on the grounds that the elections were fraudulent (Vermeren 2000: 104).

- 15 For examples of how the first USFP-led government was unable to carry out some of its key objectives, see the following sections.
- 16 By dominant, I do not mean in terms of voter-based strength. Although the USFP has often been more popular among the voters than the *Istiqlal* – as was, for instance, the case in 1984 and 1997 – the *Istiqlal* has always been seen not only as the leading party within the independence movement but also as more trustworthy by the King, affording the party a very powerful position in political life.
- 17 Note that there were considerable reservations within the party regarding accepting to be part of government as the *Kutla* did not have a simple majority in the direct elections nor did it have an absolute majority in either the House of Representatives or in parliament.
- 18 For more on the subject of human rights including women's rights and Berber issues, see Chapters 3 and 5.
- 19 For the King's verbal commitment to *alternance* in the period leading up to the appointment of the first Youssoufi government, see the Hassan II's public discourses available online at www.mincom.gov.ma/french/generalites/samajeste/discours/index.htm (accessed 13 March 2007).
- 20 According to Mohammed el-Yazghi, the current leader of the USFP, this opportunity was simply too big to miss. The leading members of the party genuinely believed that regime change would take place, and el-Yazghi maintains that it has indeed happened during the party's years as leading member of the government, although the process is not yet complete (interview with Mohamed el-Yazghi, Rabat, 4 April 2005). There is no doubt that Youssoufi in particular was motivated to accept the offer: first, he had been keen to join the government already in 1993 and, second, as he was the leader of the USFP, he would be the prime minister during regime change. Whether or not Youssoufi believed that regime change would take place, as el-Yazghi claims he thought it would, the first government formed after the 1997 parliamentary elections was realistically his last opportunity to carve a role for himself in the history books as he was nearing retirement.
- 21 The reserved ministries were: the Ministry of Justice, the Ministry of the Interior, the Ministry of Defence, the Ministry of Religious Affairs and the Ministry of Foreign Affairs (Ramonet 2000).
- 22 In an interview with *Le Monde*, Youssoufi claims that in 1998, for the first time, the King listened to the prime minister when appointing the government ministers. There is probably something to this statement, but there is no doubt that King Hassan did not strictly follow Youssoufi's recommendations as the much despised Driss Basri continued as Minister of the Interior for a number of years (for Youssoufi's statements, see Ramonet 2000).
- 23 In an interview with the current leader of the USFP, Mohammed el-Yazghi stated that he, Youssoufi and other leading members of the party all believed that a USFP-led government would result in genuine regime change (interview with Mohamed el-Yazghi, Rabat, 4 April 2005).
- 24 The first Youssoufi government was formed in February 1998, while the second Youssoufi government was proclaimed in September 2000. The second Youssoufi government differed from the first in that four additional ministers were appointed, all of them with close ties to the monarchy (Bibliomonde 2003).
- 25 See also *Le Journal* on 23 August 2005 and International Press Institute (2005).
- 26 Among the reform initiatives are the 1962 Constitution (see Chapter 1), the reform of the *Moudawana* in 2004 (see Chapter 5) and the new law on political parties (see below following sections).
- 27 For an overview of Youssoufi's priorities, see Berrissoule (1998) and Salah (1998a).
- 28 Interview with Rkia el-Mossadeq, professor of higher education at the Faculty of Law, University of Sidi Mohamed Ben Abdellah, Fès, 28 March 2005, and Amina el-Messaoudi, professor at the Faculty of Law, University of Rabat-Agdal, Rabat, 24 March 2005.

- 29 Please note that the government formed after the 1984 elections included four political parties plus a number of technocrats; a government with a majority of seats in parliament could, however, have been composed out of as little as three parties and without any technocrats being appointed. In 1998, seven parties and a number of technocrats made up the first Youssoufi government; however, strictly speaking, only four parties were needed. Similarly, the 2002 government headed by Driss Jettou included six political parties and a number of technocrats, but only four parties were necessary to form the government. It should also be noted that the government formed after the 1993 elections is not included for two reasons: first, the old Lamraki government continued until 1994 and, second, when a new government finally took over under the leadership of Abdellatif Filali, this government was composed solely by technocrats (see Chapters 2–4 and interview with an anonymous member of staff at the Moroccan Embassy in London, London/Exeter, 16 January 2006).
- 30 Note that Lijphart (1999: 131) examined five types of governments in thirty-one parliamentary democracies in the period from 1945 until 1996. He used two different measures to measure average government duration: one focusing exclusively on partisan composition of cabinets, that is, a measure that counts a cabinet as one cabinet if its party composition does not change, and another focusing on events (such as a parliamentary election, a change in the prime ministership, etc.) as marking the end of a government and the beginning of the next.
- 31 It is important to note that minimal connected winning governments are not necessarily minimal winning as the former do sometimes contain superfluous parties. As an illustration, take a situation in which parties C and E have a majority of seats. These two parties would not be able to form a minimal connected winning government as they are separated by a space; hence, party D must necessarily be included in the government (Ibid.: 94–5).
- 32 In defence of the King who appoints the government, it should be noted that forming connected governments in Morocco is rather difficult as there are such a vast number of political parties gaining election to parliament. The task becomes even more difficult if the primary objective in the future were to create minimal winning governments rather than the oversized cabinets that seem to have become the norm.
- 33 Two types of multi-party systems exist: multi-party systems with a dominant party and multi-party systems without a dominant party. Lijphart (1999: 67) illustrates the former by giving an example of a party system with five political parties in which one party receives 45 per cent of the seats, the second party receives 20 per cent of the seats, the third party receives 15 per cent of the seats, and the two remaining parties receives 10 per cent of the seats each. In this example, the first party is dominant. In another example, he illustrates a multi-party system without a dominant party. In this example, three parties are awarded 35 per cent of the seats each, the fourth party receives 15 per cent, while the fifth party wins only 10 per cent of the seats (ibid.). If one disregards the independents gaining representation in the Moroccan parliament, the party system had a dominant party in 1963 (FDIC) and in 1970 (MP). With a little goodwill, one could perhaps classify the UC as a dominant party in 1984, as the party won 27 per cent of the seats compared with the 20 and 15 per cent of its closes rivals (the RNI and the MP).
- 34 As stated earlier, the government was composed of ministers from the USFP, *Istiqlal*, the PPS, the FFD, and the PSD from the left, and the RNI and the MNP from the centre, plus a number of loyalist technocrats.
- 35 The fact that the first USFP-led government had such difficulties presenting a united front when designing the government programme gives an idea of how difficult it must have been for this government and its successor – the second USFP-led government – to push through parliament any laws that were more than a little controversial.
- 36 It must be noted that Tredano is not simply an academic; he is also a founding member and vice-president of the left-wing movement ‘*Alternatives*’.

- 37 See Chapter 2.
- 38 For the results of the 2002 elections to the House of Representatives, see Table 4.4.
- 39 Together, the USFP, the PI, the RNI and the MP sat on 166 out of the 325 seats in the House of Representatives. Another alternative could have been the USFP, the *Istiqlal*, the PJD, and the RNI – but, this would have meant that the Islamists would have been in government. For the results of the 2002 elections, see Table 4.4.
- 40 The PJD was already upset that the USFP was not given the post of prime minister in the government formed after the 2002 elections as the party won the largest share of seats (*La Gazette du Maroc* 14 October 2002). Note that the USFP was so disappointed by the fact that it was not offered the post of prime minister that the party considered not taking part in government. However, it was clear to everyone that this was never really an option as Youssoufi had campaigned within the party for government participation in order to ensure that the USFP's efforts in the two previous governments would be followed through and up. Moreover, it would have been unthinkable for the party not to take part as all the other major parties were represented in the new government, that is, apart from the Islamist PJD and the conservative UC (Naïm 2002a, 2002b; Rifi 2002; Saddiki 2002; Lamlili 2002f; *La Gazette du Maroc* 21 October 2002).
- 41 Interview with Ali Belhaj, Casablanca, 26 March 2005, and Mohamed el-Boukili, Rabat, 4 April 2005. See also Alaoui (2004).
- 42 Ali Belhaj's association *Maroc2020* published the results of a survey of the population's perceptions of political life in the country in 2001. The study found that only 3.7 per cent of the respondents were members of a political party and only 8.7 per cent sympathized with one. Moreover, only 10 per cent declared that they had been mobilized by a political party to vote in the then upcoming elections of 2002 (*Maroc2020* 2001). The findings of this study are in line with those found in another study published by *Le Journal* in March 1998. In this study, 90.2 per cent of the respondents declared that they did not feel close to any political party (*Le Journal* 9–15 March 2002). The findings are further backed by a report by Bourquia *et al.* (1995: 133). This early study of university students in Rabat found that 89 per cent of the students were not members of any association or political party and that only 6.6 per cent found it worth while being a member of a political party.
- 43 As shall become evident later, the creation of distinctive blocs was also one of the King's key priorities.
- 44 Mohammed VI had already stipulated that a new election code must be adopted no later than a year before the next parliamentary elections, which are scheduled for late September 2007.
- 45 Naciri, a Moroccan constitutional lawyer, is in concurrence with this assertion, as he puts forward the argument that it would have been more appropriate had the average size of the electoral districts been around five or six (Ridouane 2006b).
- 46 Here Naciri is once again of the same opinion as mine. In an interview with *L'Economiste*, Naciri stated – with reference to the increase in district threshold from 3 to 7 per cent – that 'Je crois que cela ne change pas grand-chose' (Ridouane 2006b).
- 47 The subject was mentioned in the following royal discourses: '*Discours de S.M le Roi Mohammed VI à l'ouverture de la première session de la 5ème année législative de l'actuelle législature, Rabat, le 12 Octobre 2001*'; '*Discours du Trône, Tanger, le 30 Juillet 2003*'; '*Discours de SM le Roi à l'occasion de la Fête du Trône, Rabat, le 30 Juillet 2004*'; '*Discours de SM le Roi Mohammed VI à l'ouverture de la première session de la troisième année législative, Rabat, le 8 Octobre 2004*'. All texts are available online at www.maroc.ma/NR/exeres/B77F4C81-096E-48EF-BFD6-BF50212CB101.htm (accessed 13 March 2007).
- 48 *Ibid.*; and '*Discours de S.M le Roi Mohammed VI à l'ouverture de la première session de la 5ème année législative de l'actuelle législature, Rabat, le 12 Octobre 2001*'.

- 49 The creation of blocs of parties is not an idea originating from Mohammed VI. García (2000: 235) mentions that King Hassan promoted the concept – with the support of the *makhzen* – in 1997.
- 50 Interview with Ali Belhaj, Casablanca, 26 March 2005.
- 51 Ibid.
- 52 Ibid.
- 53 Ibid.
- 54 Ibid.
- 55 Ibid.
- 56 One might assume that the process of creating two or three blocs of parties would be rather straightforward as three more-or-less loosely knit alliances have previously existed. However, the *Wifaq* and the *Centre* blocs have always been rather fluid, and the *Kutla* has grown or decreased in size several times – there has even on several occasions been rumours of the *Istiqlal* leaving the latter alliance, something the party has not definitively denied. There is, in other words, no guarantee that these blocs would emerge again, especially not if the new blocs are to become a more permanent fixture.
- 57 Article 9 stipulates:
- Si les conditions ou les formalités de constitution du parti ne sont pas conformes aux dispositions de la présente loi, le ministre de l'intérieur requiert du tribunal administratif de Rabat, dans un délai de quatre-vingt-dix jours à compter de la date de dépôt du dossier de constitution du parti visé à l'article 8 ci-dessus, le rejet de la déclaration de constitution du parti. La saisine du tribunal administratif de Rabat est suspensive de la procédure de constitution du parti.
- The text of article 15 is as follows:
- Trente jours à compter de la date du dépôt du dossier visé au premier alinéa de l'article 14 ci-dessus, le parti est réputé légalement constitué sauf si le ministre de l'intérieur demande au tribunal administratif de Rabat, dans ce même délai et dans les conditions fixées à l'article 53 de la présente loi, l'annulation de la constitution du parti. La saisine du tribunal administratif de Rabat, aux fins d'annulation, est suspensive de toute activité du parti.
- 58 For the subject of the status of the basic civil liberties in Morocco during the period 1996–2006, see Chapter 5.
- 59 For the joint comments on the law issued by two of the most influential parties in government, the *Istiqlal* and the USFP, see el-Fassi and el-Yazghi (2005).
- 60 See also the declaration encouraging people to join the AMDH-organized sit-in in front of parliament on 19 October 2005, published by *Annahj Addimocrati* (2005). For the text of the AMDH's communiqué, see AMDH (2005a). The concerns that the state was going to abuse the law to control political opinion was further strengthened when the Minister of Communication, Nabil Benabdellah, declared that the new 'law will be applied against those who misuse the atmosphere of democracy and freedom ...' – in this case, with particular reference to Nadia Yassine and her supporters (*Maghreb Arab Presse*, 15 June 2005).
- 61 As stated in Chapter 4, at the moment, all opposition parties that are not deemed to be 'anti-systemic' are allowed to participate in the elections, whereas parties seen to be anti-systemic have been banned. The parties that have been excluded from the election process in Morocco could be defined as anti-systemic both from the point of view of the monarchy and also following Linz and Stepan, as these parties have as their ultimate goal the transition to a non-democratic regime form – either communist or Islamist.
- 62 Interview with Ali Belhaj, Casablanca, 26 March 2005; Mohamed el-Boukili, Rabat, 4 April 2005; Amina el-Messaoudi, Rabat, 24 March 2005; Rkia el-Mossadeq, Fes, 28 March 2005; and Ahmed Osman, London, 12 March 2005.

63 As the question of whether or not a party is entitled to state funding is tied to the party's share of the vote, so too is the amount of state funding each party will receive (Moroccan House of Representatives 2005: article 35). Hence, the objections regarding the latter issue are closely related to those regarding the former. For the *Istiqlal's* and the USFP's thoughts on the subject, see el-Fassi and el-Yazghi (2005). Regarding Ahmed Osman's thought on the subject, the leader of the RNI stated repeatedly in an interview with the author of this book, how important it is, in his opinion, that the political parties receive state funding. When asked whether that would not be a means for the state to control the parties and whether or not it would be preferable for the political parties to generate their own funding, for instance, by introducing party membership contributions, Osman gave a clear 'no'. If the political parties were to sort out their own funding, this would take them away from their political activities and would negatively affect the democratization process. In fact, according to the leader of the RNI, practically the only thing that prevents Morocco from being a full democracy at present is the lack of state funding for the political parties (interview with Ahmed Osman, London, 12 March 2005).

7 Independent government, Part II

- 1 The USFP, in particular, was delighted that the King pushed through the new *Moudawana* in 2004, and the population, civil society and a number of political parties were very much satisfied with Mohammed VI paving the way for the new law on political parties.
- 2 As stated in Chapter 6, the most prominent example of the King setting aside the wishes of the prime minister in favour of his own desires was when Hassan II appointed Driss Basri as Minister of the Interior in 1998, an appointment that the then prime minister, Abderrahman Youssoufi of the USFP, was in strong disagreement with.
- 3 Note that Mohammed Sassi split from the USFP and formed his own party *Fidélité à la Démocratie* in mid-2001.
- 4 In late 1991, a feud within the UNFP led Abderrahim ben Amor and Ahmed ben Jalloun to split from the party and form PADS (Mednicoff 1994: 415).
- 5 Constitutional paragraphs that do not refer to the political system will also be paid some attention in order to illustrate the positions of the different actors.
- 6 These two groups have been identified via interviews carried out during my fieldwork in Morocco during 2005, as well as by following the political debate in the country as presented in the media.
- 7 Cosmetic changes are defined as changes that are either not substantial or focus on areas of the constitution that are of minor importance to the development of democracy. The amendments to the constitution that were made in 1970, 1972, 1980, 1992 and 1996 – with regard to independent government – can all be described as cosmetic, although the 1996 amendments bordered on being substantial.
- 8 Substantial changes are defined as changes that lead to the protection of and respect for the core democratic principle of independent government.
- 9 The participants in the seminar were Ahmed Assid ('Berberist', member of the administrative council of the *Institut Royal de la Culture Amazighe*), Ali Belhaj ('liberal', leader of ADL), Mustapha Khalfi ('Islamist', member of the national council of the PJD), Abdelaziz Nouidi ('social democrat', 'militant' member of the USFP and former member of the *Organisation Marocaine des Droits Humains* (OMDH)), Mohammed Sassi ('leftist', leader of the political party *Fidélité à la Démocratie* (FD)), and Mustapha Sehim ('conservative', political commentator and professor of constitutional law). Please note that because of the sensitive nature of many of the articles discussed, it has not been possible to identify the actors behind each position as this information was not made public in *TelQuel*. Moreover, upon

request from the author of this book, *TelQuel* was not willing to disclose this information, and neither were the participants contacted by the author. This is by no means surprising as there is the risk that some of the participants – those with the most radical views – would face trial, if identified.

- 10 According to *TelQuel*, these four articles are receiving considerable attention in the constitutional debate because they enable the King to do exactly what he wants, as article 19 gives him the right to do so, article 29 provides the means, while article 23 eliminates any possibility of contestation (Ksikes and Benchemsi 2005).

- 11 Article 24 states:

Le Roi nomme le Premier ministre. Sur proposition du Premier ministre, Il nomme les autres membres du Gouvernement, Il peut mettre fin à leurs fonctions. Il met fin aux fonctions du Gouvernement, soit à Son initiative, soit du fait de la démission du Gouvernement.

(*Constitution du Maroc* 1996)

- 12 Please note that the first position is in minority and that the latter indicates that the prime minister can be either partisan or non-partisan (Ksikes and Benchemsi 2005).

- 13 The phrase that this third position suggested was ‘le Roi nomme le Premier ministre, après consultation avec les partis politiques disposant d’une majorité au Parlement’ (ibid.). Note that this formulation, in contrast to the previous one, suggests that the prime minister will be partisan (ibid.).

- 14 Position four argued for the following formulation: ‘le Roi nomme le Premier ministre achoisi parmi les personnalités appartenant aux parties représentés au Parlement’ (ibid.). Please note that this formulation indicates that the prime minister will be partisan (like in position three), but it opens up for the possibility of a prime minister from a minority party provided that the majority of parliamentarians supports the appointment (ibid.). Note that el-Mossadeq is in concurrence with this position as is Belhaj (interview with Rkia el-Mossadeq, Fès, 28 March 2005, and Ali Belhaj, Casablanca, 26 March 2005).

- 15 Article 19 stipulates:

Le Roi, Amir Al Mouminine, Représentant Suprême de la Nation, symbole de son unité, garant de la pérennité et de la continuité de l’Etat, veille au respect de l’Islam et de la Constitution. Il est le protecteur des droits et libertés des citoyens, groupes sociaux et collectivités. Il garantit l’indépendance de la Nation et l’intégrité territoriale du Royaume dans ses frontières authentiques.

(*Constitution du Maroc* 1996)

- 16 Article 23 stipulates: ‘La personne du Roi est inviolable et sacrée’, while article 29 states:

Le Roi nomme le Premier ministre. Sur proposition du Premier ministre, Il nomme les autres membres du Gouvernement, Il peut mettre fin à leurs fonctions. Il met fin aux fonctions du Gouvernement, soit à Son initiative, soit du fait de la démission du Gouvernement.

(*Constitution du Maroc* 1996).

Please note that these articles are seen as particularly sensitive as they refer to the decisions and position of a sacred person, the King.

- 17 According to this position, if articles 19 and 23 were amended as suggested above, then there would be no need to amend article 29. As the supreme representative of the state, the King would be allowed to pass *dahirs*, but these would of course be limited to *dahirs* of an administrative nature as the King would be supreme representative of the state and not of the nation. Moreover, this position claimed, there is already a safety measure installed in article 29 in that all *dahirs* must be countersigned by the prime minister (Ksikes and Benchemsi 2005).

- 18 Please note that although it is not clear from this statement, this position accepted the line of position two, which stated that the King takes the role of supreme representative of the state, and it also accepted the line of the first position, which argued that the King's primary function is as arbiter (Ksikes and Benchemsi 2005).
- 19 This is the line championed by several Moroccan academics and human rights organizations (interview with Rkia el-Mossadeq, Fès, 28 March 2005; Amina el-Messaoudi, Rabat, 24 March 2005; and Mohammed el-Boukili, Rabat, 4 April 2005).
- 20 With regard to article 23, the fourth position was in agreement with the first position and that this article as well as article 29 cannot easily be amended, especially not without consultation with the royal family (Ksikes and Benchemsi 2005).
- 21 Note that a *Majlis al-Ifta'e* does not exist in Morocco at the moment.
- 22 There is hardly any doubt that it was Mustapha Khalfi of the PJD who was behind these proposed amendments (see Rifi 2005 and el-Messaoudi 2004).
- 23 It must be noted that the majority of the participants in the seminar did not acknowledge the arguments of this position, as they found them to be too radical; hence, arguing that in practice, it would simply not be possible to realize the visions of this fifth position (Ksikes and Benchemsi 2005).
- 24 As stated, this is only the major step; other issues focusing on the efficiency of parliament were discussed at the seminar as well, including the creation of a stricter working order within parliament and improved opportunities for creating commissions of enquiry (*ibid.*).
- 25 It is important to note that this does not mean that the regional representatives would be stripped of all their powers. Regionally elected representatives would continue to exercise executive powers in the regional assemblies (*ibid.*).
- 26 Note that the 1996 constitution stipulates in article 86 that the Minister of Justice is the vice-president of the Supreme Council of the Magistracy (*Constitution du Maroc* 1996).
- 27 Note that this first position is supported by el-Messaoudi and el-Mossadeq, as well as by el-Boukili (interview with Amina el-Messaoudi, Rabat, 24 March 2005; Rkia el-Mossadeq, Fès, 28 March 2005; and Mohammed el-Boukili, Rabat, 4 April 2005).
- 28 Interview with Ahmed Osman, London, 12 March 2005.
- 29 *Ibid.*
- 30 *Ibid.* Osman's view that ministers should have party affiliation applies to the prime minister as well. However, he sees no need to amend the constitution to include this as a provision due to the existence of the safety mechanism just described.
- 31 Please note that the *Istiqlal* seems to agree with this point. According to el-Messaoudi (2004), the *Istiqlal* has declared that on the subject on constitutional reform, the party is with the King.
- 32 Interview with Mohamed el-Yazghi, leader of the USFP, Rabat, 4 April 2005.
- 33 *Ibid.*
- 34 *Ibid.*
- 35 Interview with anonymous Moroccan academic, 28 February 2007.
- 36 Note that in addition to this requirement, following article 105 of the 1996 constitution, the proposed amendments must be submitted to a popular referendum by royal decree, something that seems highly unlikely if the King is opposed to the revisions put forward.
- 37 This statement is made on the basis of reports of riots or demonstrations in the media – mainly *TelQuel* and *Le Journal* – over the past three years, backed up by material gathered during interviews carried out with political leaders, academics and representatives of civil society organizations in Morocco during 2005. Among the people interviewed were Ali Belhaj (ADL), Mohammed el-Yazghi (USFP), Essaïd Ameskane (MP), Mohamed el-Boukili (AMDH), Amina el-Messaoudi (University of Rabat-Agdal) and Rkia el-Mossadeq (University of Sidi Mohamed Ben Abdellah).
- 38 Interview with Essaïd Ameskane, spokesman of the MP, Rabat, 23 March 2005;

Ahmed Osman, London, 12 March 2005; and Mohammed el-Yazghi, Rabat, 4 April 2005.

- 39 Osman of the RNI stated that he expected such changes to practice to be made in the next government reshuffle, and preferably no later than after the parliamentary elections of 2007 (interview with Ahmed Osman, London, 12 March 2005). However, Osman, el-Yazghi and Ameskane all agreed that although the ministers need to have party affiliation, and although the prime minister should have the right to appoint most of the government, the King should maintain the privilege to appoint certain ministers: the Minister of the Interior, the Minister of Justice, the Minister of Defence and the Minister of Religious Affairs (*ibid.*; interview with Mohammed el-Yazghi, Rabat, 4 April 2005, and Essaïd Ameskane, Rabat, 23 March 2005).
- 40 Regarding the three reform suggestions mentioned at the beginning of the chapter, if the King does change his practice when appointing government in the future, then at least points two and three are likely to be achieved in practice, but they will not be present on paper without a revision of the constitution, and hence, there are no guarantees. Whether or not the first reform suggestion – the creation of a political environment where no party is going to refuse government participation on the grounds that the party finds the regime undemocratic – this can only be achieved if (a) the King changes his practice when appointing government, not only in the aftermath of the 2007 elections, but in all elections to come, or (b) if the constitution is amended forcing the King to change his current practice in line with points two and three.
- 41 At present, on the subject of constitutional reform, there are no reformers within the regime.
- 42 In contrast to the moderate opposition, the radical camp is made up of smaller opposition parties in parliament, opposition parties outside of parliament, and various representatives from civil society. What sets these actors apart from those within the moderate camp is that they are unwilling to negotiate any kind of compromise with the regime. Although this group of actors is at present very weak, their existence is important for the future of the constitutional debate, as the radicals act as the only guarantee that the debate will continue even if Mohammed VI does indeed choose to change his practice when appointing the first government after the 2007 elections to the House of Representatives.
- 43 Another member of the moderate camp is one of the traditionally dominant five parties, the UC.
- 44 This would either result in scenario 1 or scenario 3 coming true, depending on whether Mohammed VI would choose to follow up the cosmetic changes to the constitution (a1) by cosmetic changes to practice as well (b1) or whether practice would remain at status quo (b3).
- 45 Interview with Ali Belhaj, Casablanca, 26 March 2005.

Conclusion: dynamics of democratization in post-independence Morocco

- 1 If one wished to take the study further and compare Morocco's level of democratic development with that of other countries, this would also be difficult due to the inadequate labelling of the country. Morocco could not justifiably be compared to a country fulfilling the criteria of the electoralist definitions, unless that particular country was overachieving as well.
- 2 At present, one could characterize the Moroccan regime as a 'liberalizing broadened dictatorship', although this has a more negative ring to it than a country protecting and respecting one core democratic principle as well as a number of additional features often associated with democracy.
- 3 Moderate political parties will continue to exist, but none of them will be of a size significant enough to warrant them being counted – even if the UC remained in the

- moderate camp, it will not make a difference, as the party only won sixteen out of 325 seats in the most recent elections to the House of Representatives held in 2002.
- 4 Hence, in the short term, Morocco will remain a liberalizing broadened dictatorship or, if one prefers, a so-called '1+' country.
 - 5 As concluded in Chapter 7, substantial changes to the constitution or to practice were not available options. In short, on the issue of constitutional reform, the King is a hardliner, but with respect to the other reform issues discussed in recent years, he has adopted a liberalizing position.
 - 6 The so-called *gouvernement d'alternance* and the subsequent governments.
 - 7 Interview with Amina el-Messaoudi, Rabat, 24 March 2005. Please note that when talking about the forces within the government being against change, el-Messaoudi was referring to the USFP and the *Istiqlal*, in particular.
 - 8 The reality that the USFP and the *Istiqlal* adopted a position different from that of the King on the issue of the need for political reforms points against the two parties having been completely co-opted by the regime in 1998 when Youssoufi was appointed prime minister.
 - 9 Interview with Ali Belhaj, Casablanca, 26 March 2005.
 - 10 Interviews with Amina el-Messaoudi, Rabat, 24 March 2005; Rkia el-Mossadeq, Fès, 28 March 2005; Ali Belhaj, Casablanca, 26 March 2005; Mohammed el-Boukili, Rabat, 4 April 2005; and with an anonymous Moroccan intellectual, 11 March 2005. Note that this has always been true of the Moroccan political parties (Waterbury 1970).
 - 11 See Chapter 7; Entelis 2005: 546–7, 552; Bellin 2004: 144–6.

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