

Morocco 1996-2007

A Decisive Decade of Reforms?

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Introduction

Monarchy in Morocco is a sacred institution and plays the role of arbitrator. It is a key actor as well as a key factor in the reform process. The current monarchy's political reform policies are always presented as a continuation of what has already been achieved, respectively Hassan II's social reforms followed Mohammad V's steps to independence.

Today, the host of reform domains and aspects compels the monarchy to present the situation as a comprehensive scenario in many episodes (administrative, legal, economic, civil status, educational and religious). It appears clearly in the monarchy's "Social Project".

The declared aim of this project is to build "a modern society whose objective is to foster a state based on the rule of law; renew, upgrade and modernise administrative methods; restore the dignity of social and environmental solidarity, activate the role of civil society, revive economic development, and encourage public and private investments." It also aims to "launch a comprehensive development process and an economic process that aims at employment opportunities for the younger; raise the standard of rural areas, of various sectors of society and underprivileged areas, and rehabilitate human resources."

However, other actors are players in the reform process; political parties, represented or not in the parliament, have been playing a major role, even if it is quite clear that constitutional, operational, political and electoral reforms are hostage to the regime's obsession of maintaining political balance, and to the opposition's one of delineating royal prerogatives. Authorities are resorting to various mechanisms to maintain this balance, in parallel with their repression and confrontation methods such as the formation of political and partisan elites, infiltrating them and interfering in the formation of parties, in electoral entitlements and in drawing the political map.

Looking at Moroccan constitutions, one can note a gradual shift away from a presidential monarchic system to parliamentarianism. This process ushers in a period of growing dialogue between the monarchy and the political parties and to lesser extent with civil society institutions.

The mid-eighties however, with the structural readjustment programme and constraints on public freedoms, witnessed large-scale arrests of human rights activists and of those calling for democracy and freedom of expression.

The restructuring of the constitution in 1996 marked a "turning point". It opened the way for the 1998 government of Abdel-Rahman Al-Yusufi, the first to be led by the joint opposition, and was a prelude to what can be considered a democratic transformation. Since then, government ministers have been chosen, barring a few exceptions, among the members of political parties represented in parliament. Furthermore, the diverse social and geographic constituencies were better represented in the government, and for the first time, a government included almost all the different ethnic, cultural and social groups of the country. This trend was reversed however in 2002, when Driss Jettou chose his ministers among technocrats.

Though the “democratic transformation programme” is implemented with some hesitations, the 1996-2006 decade saw a number of genuine reforms in various fields.

First, the judiciary occupied a prominent place in the reform agenda with the objective of increasing its independence, modernising it and strengthening its moral values. Nevertheless, this independence continues to be relative and still endures a great number of interferences.

The pardon granted to political detainees in 1994 was a turning moment in the transformation of the issue of political detainees, from one requiring a legal solution into one requiring a political solution. The first approach was defined as compensatory; then the death of King Hassan II, the establishment of the Moroccan Forum for Truth and Justice on November 27, 1999 seemed to push in the direction of an approach based on national reconciliation.

In the media field, the new Law contains a number of positive elements and signals significant progress, particularly in the area of criminalising racial incitement, hatred and violence based on sex, colour, ethnic origin and religion, despite all the restrictions that were introduced later.

The electoral system itself benefited from reforms with the expansion of the pool of voters and candidates. Since 2003, the voting age was lowered to 18 and since 2005; Moroccans living abroad are allowed to vote. In 2002, the law for the House of Representatives increased the number of its members to 325, from which 295 are elected by districts, and 30 at the national level, a measure designed to bring in women.

In the education area, a National Charter for Education and Training was initiated which permitted many advances, even if the sector still suffers from a shortage in human resources and a lack of physical equipments that result in the isolation of schools from their social milieus.

Women’s issues continue to fuel the conflict between modernizers and traditionalists. Reforming the condition of Moroccan women is a difficult proposition because it is related to a political and ideological cleavage. When on March 19, 1999, the state agency in charge of social, family and child welfare submitted its “Plan to Integrate Women in Development”; the plan ignited a heated controversy even though it was based on the principles of the Islamic *Shari’a*. The drafting of the Plan (or Code), known as *al-Moudawana* was a commitment undertaken by Prime Minister Abdel-Rahman al-Yusufi, in response to calls by the women’s movement, and by democratic forces.

The attacks of May 16, 2003 in Casablanca shocked the country at the political, social and security levels and highlighted the duality of rights versus security. They signalled a transformation in the legal behaviour of the Moroccan state and compelled stakeholders to reconsider the bases on which legal behaviour depended. This was evident in the law related to the fight against terrorism. While the anti-terror law was enacted, draft laws related to rights and freedoms witnessed a marked revival, both at the level of enacting ordinary laws (parliamentary), and that of harmonizing laws with the international legal system, and adopting its standards.

Policy-makers are now trying to attract the largest level of participation (including NGOs) in the formulation of this agenda, through dialogue, negotiations, pressure and group activities. Some of these avenues for dialogue became permanent mechanisms. International cooperation undoubtedly

played an important role as well on issues of human rights by integrating them in all cooperation agreements since the 1990s.

This report considers reform efforts underway by assessing the perspectives of political activists from various intellectual backgrounds, on the issues of reform. It considers reform initiatives through a number of indicators, mechanisms and tools of reform, in a transforming society. One way or another, these reforms are connected to changes taking place in the Arab and Mediterranean regions. They relate to the heavy-laden historical contradictions of the Moroccan political scene and the events and policies that are shaping the current struggle in the Maghreb region.

Because we believe that the struggle for reform is comprehensive, various avenues, perspectives, and initiatives are covered in as far as they reflect areas of progress towards change in Morocco today.

I. Political Players and Reforms

1. Reform and the monarchy

The position that the monarchy holds in Moroccan life in general, and in the political context in particular, places it at the heart of the reform process.

Based on the rhetoric of the monarchy, the task of conducting reforms remains one of the main justifications for the king's large-scale political presence. At the same time, for many opposition parties, the monarchy itself is the object of reform demands.

The relationship between reform and the monarchy raises three fundamental questions:

1. What position does the monarchy occupy in Morocco's political and constitutional structure?
2. How does the monarchy play its role in the reform process?
3. How do elites and political parties view the relationship between the monarchy and reform?

a. The monarchy's position in Morocco's political and constitutional structure

The monarchy occupies a prominent position at the top of the constitutional structure. Its consecration as an institution of state takes place through the constitutional guarantees it enjoys, especially because this consecration is a unique privilege through which it monopolises the institutional character. This places other public and political institutions in the realm of the unknown, the variable and the imprecise.

Prior to the mid 1980s, emphasis was placed on the king's traditional responsibilities as head of state. Researchers have compared his prerogatives with those of the French President, especially when one considers similarities between Article 19 of the Moroccan constitution and Articles 5, 16 and 35 of the Fifth Republic's constitution pertaining to the declaration of martial law and other articles concerning the dissolution of parliament and the right to appeal directly to the nation. The king's prerogatives extend much further than those of a French president as he fulfils the role of Commander of the Faithful, his religious status is therefore institutionalised and he can fill the legislative vacuum (as he did, in October 1983, when he addressed the opposition, after its withdrawal from parliament, under the pretext that its legislative tenure had ended). This event marked the end of the separation of the religious and political realms.

By using religious symbolism and theological texts, the monarchy has reclaimed its hegemonic role at the head of the entire constitutional and political hierarchy. Article 19 of the constitution states that "The King, the Commander of the Faithful (Amir Al-Muminin), shall be the Supreme Representative of the Nation and the Symbol of the unity thereof. He shall be the guarantor of the perpetuation and the continuity of the State. As Defender of the Faith, He shall ensure respect for the constitution. He shall be the Protector of the rights and liberties of citizens, social groups and organisations. The King shall

be the guarantor of the independence of the Nation and the territorial integrity of the Kingdom within all its rightful boundaries.”

In fact, this article’s is important not only because it institutionalizes the centrality of the monarchy within the constitutional structure, but also because it embodies all the major tenets, which the monarchy relies on to, rule the country. This explains why King Mohammad V – who assumed power on July 23, 1999 – referred to this article in his second address to the nation, to assert the religious basis and autocratic nature of his rule.

The monarchy as an institution remains, regardless of the Commander of the Faithful role that endows it with an adjudatory and conciliatory role as a religious and political institution, unrestricted and unlimited by constitutional boundaries – in the narrow sense. Apart from a few willingly conceded pro-forma limitations, which started with the Constitution of September 1992 and were enshrined in that of 1996, not a single chapter places any limits on the role of the monarchy, especially when its personal judgement is called for.

This reference, in passing, to the position of the monarchy in Morocco’s political and constitutional spheres, is a useful indicator of the relationship between this institution and the reform process. Problems that arise from this relationship become clear when the extent to which the monarchy, with its comprehensive and overwhelming presence in political, economic and social spheres, can respond to all the issues, instabilities and uncertainties that face Morocco.

b. The monarchy’s role in reform

-Reform discourse and the vision of reforms

The monarchy’s survival is not related to the success or failure of the reform agenda. It approaches the issue from the perspective of a self-assigned legitimacy and performs its duty based on its “legal acclamation (bay’a) as imam, which dates back more than twelve centuries, as evidenced by God’s book and his esteemed messenger, and is enshrined in the Moroccan Constitution.”

This particular logic of legitimizing the monarchic political system historically and religiously is what led King Hassan II to assert that the monarchical institution of is what made Morocco “what it is”, that it is an “absolute necessity” and that “had it not been for the populist monarchy, Morocco would not have existed.” In this sense, “reforms” have no function in justifying the monarchy’s existence, because the monarchy does not operate as an equal player in the field of political competition, nor is it bound by responsibility or accountability. King Hassan II was prompted to state, in a press interview, that he does not spend his time counting his reforms.

Royal rhetoric has been careful however to address the subject of reform, and heavily incorporated certain reform-inspired terms and theories, such as ‘modernisation’ and ‘rehabilitation’.

In general, royal policies present the issue of reform as a proof of the awareness of a crisis, and as an agent of continuity. In this context, reform becomes part of a normative project, and ultimately appears to be part of a comprehensive scenario.

Reform policies seem to reflect an awareness of the genuine condition of the country, through an analysis of real conditions and an ability to face up to problems and crises that beset the country, especially those linked to economic and social conditions.

Reform policy is always presented as related to what preceded it and as a continuation of what has already been achieved. Thus, reforms have been ongoing since the reign of Mohammad V.

The host of reform domains and aspects compels the monarchy to present the situation as a comprehensive scenario of many episodes. There is talk of administrative reforms, legal reforms, economic reforms, civil status reforms, educational reforms and reforms in the religious field... If the subject of reform always brings up the issue of background, to compare and contrast, it is clear that reference to past reforms is a normative reference. This becomes evident in what the monarchy's political agenda calls, the "social project", which everyone is working to achieve. Thus, reform becomes a means of achieving a reference point, and a normative objective, i.e. the social project in question.

-The reform framework: the "democratic social project"

The political agenda of King Hassan II offers a general context for all aspects of reform, namely the "highest objective" towards which Morocco strives, and the country's "strategic path". It is the "social project" which is upheld by the monarchy. If the role of the monarchy here is to identify the main themes of the social project, "constitutional and political institutions and active forces in the country should embody those themes on the ground, through projects with specific aims, their sources of funding, time periods and evaluation."

The ultimate aim of the project is to build "a modern society whose objective is to foster a state that is based on rights and the rule of law; to renew, upgrade and modernise administrative methods; to restore the dignity of social and environmental solidarity, to activate the role of civil society, to revive economic development, and to encourage public and private investment." It also aims to "launch a comprehensive development and economic process that aims to create youth employment opportunities; to raise standards in rural and underprivileged areas, in other sectors of society, and to rehabilitate human resources." This would be achieved based on an "understanding of our society in its historical context, and by working to change it for the better, with a sense of realism that is free of empty rhetoric and ready-made declarations, and is capable of interacting with newfound change."

Citizenship is one of the cornerstones of the royal project. There are repeated calls to abandon the 'dependent and patient attitude as well as the negativity' that could become a hallmark of the Moroccan people.

The social project strategy illustrates the strategy and policies that the monarchy has chosen. This strategy repositions the King at the heart of the political system, not as an aloof ruler, a head of state with a religious and constitutional background, but as a strategic player who has a 'project', regardless of what the project is, or what its chances of success are.

Another observation concerns the collective and harmonising element that official policies confer on this project. It is the King's project and, as such, is not open to discussion, debate or accountability.

All that secondary players can do is implement it, strive to embody it and put the best possible face on it. This becomes especially clear when political parties repeat the King's words regarding the project.

- Contents of the reform agenda: economic and social or political?

The reform agenda as it is understood by those who follow royal policy, is organized in two stages, which are not necessarily consecutive in time. The nature of the challenges facing Morocco at different times in its recent history determined which of the two is likely to respond more adequately to the needs of society and the environment. For King Mohammad VI, it was clear early on that economic and social reforms had the absolute priority, followed by the gradual emergence of political reform. After the events of May 16, priorities shifted again, and within the agenda economic and social reforms, the emphasis was on the social issues, leading to the formulation of the National Initiative for Human Development.

-The timing of economic and social reform

During the reign of King Mohammad V, the monarchy developed policies in which economic and social reforms were the fundamental priority. The era of Mohammad V was an era of national independence, while that of Hassan II was one of institution building. Mohammad VI was left with the task that his rhetoric has eagerly portrayed as the greatest economic and social jihad. At the beginning, royal political rhetoric dealt, in a confident tone, with the Moroccan political agenda as a complete and finalised project, and estimated that the time was right to move on to what was more important, i.e. the economic challenge.

The National Initiative for Human Development set social and economic issues as the priorities on the official agenda. What was of particular significance however was the emphasis on social issues. Not only were social issues ranked as the top priority, but also they were no longer made dependent on economic growth and made hostage to it. Social welfare was to be based on the principle of solidarity and guaranteed through interventionist public policies.

The strongest indicator of this choice is in the speech that the King delivered to the nation, on 18/5/2005, in which he announced the Initiative, and in which a clear indication can be found that the "social dilemma" is the greatest challenge to the social development project.

-The shift in discourse towards political reform

According to the monarchy's vision, political reform requires an assessment of the performance of various players and mechanisms, including political parties, party pluralism, election-related behaviour and parliamentary and representative activities. It also seems that, from the monarchy's perspective, political reform at that level means the reform of institutions lower in the hierarchy.

Royal policies gave a harsh assessment of the condition of political parties, before calling for measures to strengthen and rehabilitate the partisan scene.

The issue of a parties' law will reappear, and in the same critical tone, there will be accusations about the way elections are managed and the state of representation on both national and local levels.

-The means of reform: Commandment of the faithful, constitutional monarchy, and an executive managerial monarchy

It is noticeable that when the throne passed to the new King, in 1999, a change in the concept and occupation of royalty did not follow, namely that of an executive and ruling monarch. The notion of exclusivity remains unchanged. Hassan II considered that "if a constitutional monarchy usually means a system in which the king reigns but does not rule, then Morocco's special character makes the presence of a king who both rules and reign an absolute necessity."

The notion of an executive monarchy refers to the powers of the monarch as over-ruling the provisions of the Constitution. Thus, the Constitution becomes devoid of the mandatory aspects of western constitutions, since it neither imposes limits on power, nor embodies the separation of powers. This is perhaps what compelled some researchers to consider that the distribution of power in the Moroccan political system is horizontal, rather than vertical. Others believe that it is impossible to talk about any powers aside from the institution of monarchy, only about a distribution of positions.

In the Moroccan political system, the King is the head of the executive branch. He chairs the council of ministers' meetings, which allows him to steer government policy, and intervenes directly in parliamentary affairs, through parliamentary addresses, without there being a mechanism for discussing their content. The image of the ruling monarchy becomes particularly evident, however, in its management of economic-related issues, and in civilian, military and judicial appointments.

What has enabled the monarchy to maintain its overwhelming presence in the reform projects is its self-attributed scope for manoeuvre. The king invokes the dual nature of the monarchy (the principle of the commandment of the faithful and the constitutional monarchy dimension, to take the lead in the reform of the civil status and of the religious domain, as well as in the re-definition of power and partisan reforms, and uses different means of intervention.

c. The elites' and political parties' vision of the monarchy's role in reform

-There is general acceptance of the reforming role of the monarchy

This acceptance is linked partly to the current political culture of Moroccan elites who believe in the centrality of the state in the national modernising process. This belief is based on the notion that "in our current society, the state occupies a central position in steering the country and determining its general development needs. This means that development cannot become progress without restructuring the relationship between state and society..."

Elites do not shirk from granting the state a priority role in their social projects, or asking it to take society under its wing; this makes the state seem as the primary mover behind radical change. The elites' bet on the reformist role of the monarchy is based on the belief that it is the strongest and most deeply rooted institution, compared with other socio-political organisations such as the tribe, family, *zawya*, the party and the unions.

This analysis reaches the conclusion that if once the monarchy's role and legitimacy were based on the trilogy of Islam, the defence of borders and the preservation of the country's unity, today it is

required, also, to uphold a new trilogy, that of unity of the soil, modern democratic reform and the fight against poverty and illiteracy.

-The monarchy as the object of reform: a leftist point of view (vision of the United Socialist Party)

The United Socialist Party belongs to a political school that calls for the establishment of a parliamentary monarchy in which the King reigns, but does not rule. In its opinion, if the monarchy is not reformed, it will become a burden on society, rather than a tool of reform.

It firmly believes that a parliamentary monarchy is the only formula that conciliates between a hereditary monarchy and democracy, and the only one that can evolve in a manner that allows the prime minister to implement economic, social and cultural programmes, both, internally and externally, based on the contract he establishes with the people.

In this context, reform of the monarchy requires the delineation of the king's constitutional role, and the replacement of the formula of the "king's sanctity", which appears in the present Constitution, with a new one which says that the king "enjoys total immunity". Regarding Chapter 19, the United Socialist Party suggests that it should be divided into two articles, the first specifying the significance of the title of "Commander of the Faithful", (which actually means the power to symbolically oversee the religious affairs of Muslims) without jeopardising the work of existing institutions and laws. The second would define the King's responsibilities as the state's representative in international forums (the symbol of its unity, the guarantor of its continuity, the upholder of the rights and freedoms of the citizen, and the guarantor of the kingdom's independence and its integrity within the confines of its borders). An addendum to this article would specify that, "the King performs his responsibilities strictly according to the terms of this Constitution."

The call for a parliamentary monarchy necessarily entails strengthening both the powers of the government, which would then assume responsibility for all levels of executive management, and the monitoring and legislative role of parliament.

-Reform of the monarchy from an Islamist point of view: the vision of the Justice and Charity Party (*al adlwal ihsan*)

Contrary to certain Islamist movements, that wish to operate within the framework of a constitutional monarchy and accept the notion of "Commander of the Faithful", the Justice and Charity Party espouses a policy with a religious background, and a political vision, that promotes it as an overall alternative.

The Party has a number of reservations, in form and content, regarding the notion of bay'a (acclamation) that binds the king to the people, and on the qualities that a candidate to the country's leadership does, or does not possess.

The alternative put forward by the Party is that of a "Caliphate in the footsteps of Prophet", a term that signifies the political example set by the Prophet (Peace be upon Him) and the four Caliphs that followed him, who did not rule for more than thirty years.

The "Abdel-Salam Yassin's Group" advocates for a new Constitution that would be based on the "spirit of Islam", by a freely elected founding society. Its provisions would allow the establishment of a

governance structure based on the supremacy of the call to Islam, and the full-time devotion of state officials to the management of public matters.

From casting doubts on the religious “commandment of the faithful” and “bay’a” (allegiance) options, to defending the strategic objective of founding a caliphate on the Prophet’s footsteps, the Justice and Charity Party seems not only to be seeking to reform the political attributes of the ruler but the overall transformation of the state’s structure and governance system.

2. Political parties and reform

a. The right and centre in Morocco: Parties of the right born in government

When the Socialist Union of Popular Forces voted “Yes” to the 1996 Constitution, many viewed this as an official, public and institutional acceptance by the Party, for the first time in its history, of the nature of Morocco’s political regime. This opened the way for the 1998 government of Abdel-Rahman al-Yusufi, which represented the assumption of power by the joint opposition, as a prelude to, what can be considered, a democratic transformation.

A number of right wing parties in Morocco (the Popular Movement, Constitutional Union, National Democratic Union, which were known as the Accord Parties) called for active opposition. Objectively, this is a sign of significant change in the Moroccan political scene since it represents a radical reversal of positions. Incidentally, many analysts who downplayed the historic value of this event based their position on al-Yusufi’s government policies (1998-2002). It also seems that this development could have placed Morocco on track for a serious democratic transformation, had the “democratic transformation programme” been seriously activated, rather than simply managing daily government affairs while waiting for gradual accumulation of parts of this transformation, in order to break with the past. The reason behind this shortcoming is the Socialist Union Party’s continuing belief that the “problem in Morocco is due to bad management”, which is true only to a certain extent.

This view “of the accumulation of parts” did however influence the outcome of the left’s participation in government, by hastening the pace of democratic transformation, and therefore the implementation of a number of necessary political and economic reforms. In spite of this, the right did not carry the torch and chose instead the easier option of rejoicing at the left’s difficulties.

After the legislative elections of 2002, there was an even bigger upheaval in positions. The Socialist Union (the leftist party) remained in government under a right-wing prime minister (a businessman), and the Popular Movement, which openly professes right-wing leanings, joined the government. Major political and economic responsibilities were taken-over by the king, under a daily management system that embodied the true sense of the term “executive monarchy”...

- *Al Haraka al Chabia* (The Popular Movement): Suspended identity and violent protests

The *Al Haraka al Chabia* was founded in reaction to the “Istiqlal Party’s” hegemony over the political scene after independence. This hegemony was a strategic mistake that was a catalyst to the formation of this party, which continued to fight the National Movement parties until 1998.

Since the early years of independence, protests by Mohammad Hassan al-Yusufi, regarding the "sidelining" of the Berber from public office, marked the beginnings of the Popular Movement's reform agenda. The Movement was accused, by the Istiqlal Party of being made up of "feudalists and traitors to the national cause." The arrests of al-Mahjoubi Ahradan the Governor of Rabat, in 1957 and Dr Abdel-Karim al-Khatib, one of the Liberation Army's leaders, who headed this protest movement, created sympathy for their call for pluralism. It prompted *al-Shura*, *al-Istiqlal*, the Independent Liberals and Maghreb Union Parties, (all allies of the Movement), to submit an appeal to King Mohammad V, demanding democracy and political pluralism. The monarchy responded with a founding reform document, which served as the basis for the set of royal decrees on public freedoms enacted in 1958.

Demands for "Islamic Socialism" were nothing but rhetoric from the Popular Movement attempting to outbid others, and harp on the same tune as the radical faction within the *al-Istiqlal* Party. Its reform agenda represented a tripartite stabilisation policy that put an end to the hegemony of the strongest party. The struggle between parties in the National Movement, and those that were formed because of their opposition to it, continued to be part of the Moroccan political scene until the beginning of the twenty-first century. Throughout, the central authority continued to hold the reins, and to serve its own interests.

The Popular Movement did not adhere to its demand for an "elected founding council to write the Constitution", as its leader stated at its founding congress. On the contrary, it hastened to endorse the 1962 Constitution, joined the "Front for the Defence of Constitutional Institutions" after having called for the downfall of Abdullah Ibrahim's government.

Although this party could be blamed for delaying institutional democracy by supporting several decisions and positions that were against the National Movement's demands, it cannot be denied that it constituted an "element of stability" in Morocco's political life. Al-Khatib's refusal to declare a state of emergency, in 1956, and Ahradan approval of this move, led to the break-up of the Popular Movement. In 1984, the party split again, because of the conflict between Ahradan, and the Prime Minister Mohammad Karim al-Omrani, supported by then Minister of the Interior, Idris al-Basri. This culminated in the dismissal of Ahradan from the Popular Movement. He soon re-appeared on the scene with the "National Popular Movement", in 1991, pursuing what he called the "struggle for the spirit" (dignity).

One of the reforms demanded by the Popular Movement was the official recognition of the Amazighian language made by Ahradan directly to King Hassan. If this request reached its intended ears, and was mentioned more than once in official declarations, to highlight the difference between the Maghreb and the Arab Eastern identities, Ahradan in particular often made it as a political request to involve the Amazighians in the management of the country, and limit the Arabised elites' hegemony in this domain.

In spite of that, this partisan current, represented by the union of popular movements in the country, remains an electoral force in Morocco.

-The Liberals: The reform through memoranda

Al tajammu's al watani lil ahrar (the National Rally for Independents) was formed after the failure of the first major attempt to elicit the approval of the "National Bloc", on the 1972 Constitution, whose

leaders had taken part in its formulation, and the failure of attempts to bring that same alliance into the 1972 government.

Events accelerated after the elections of 1977, from which the *Etihad Ishtiraki* (Socialist union) emerged with an impressive parliamentary bloc. It reinforced its position with the people, by establishing the "Confédération Démocratique du Travail", in 1978. What further confounded traditional alignments was the participation of *al-Istiqlal* in the government, alongside the Popular Movement, and the announcement of social-oriented measures, including the electrification of rural areas and the introduction of agricultural reforms by the government of 'Isman, President of the Liberal Party.

The War in the Western Sahara prompted Prime Minister Ahmad 'Isman to openly criticise the way state affairs were being run. As a result, he was asked to resign, which he did. 'Isman resigned although his party did not. His resignation was explained by his need to "devote his time to party matters." However, when, in 1981, the Casablanca rebellion took place and the Socialist Union openly supported it, Ahmad 'Isman, the Alliance President, addressed a letter to King Hassan II, strongly criticising the political and economic situations, and expressing the Party's critical attitude vis-à-vis the Western Sahara issue, the way the government was appointed and its marginalisation of political parties.

The Liberal Party did not make any constitutional demands, as other parties did, to gain positions in the central authority. These demands are still not forthcoming today, or are lying deep in the party agenda, despite demands by certain youth factions, and seasoned party cadres, to develop plans for reforming the Party, as a prelude to the adoption of measures to reform society.

Social democracy, which is still a theoretical notion of reform in Morocco, needs to be politically adapted. This explains why the Liberals are still not taking part, in any significant way, in the reform process. The Party's hesitation stems from its two conflicting propositions: reform and conservatism.

When the Liberal Party adopted social democracy, in 1983, it portrayed its position as a victory for the notion of social economy, the freedom of initiative based on an open market, and the triumph of a state built on rights and the rule of law, including in the economic sphere, particularly the freedom to compete and equal opportunities. At this time, the Democratic Union seceded from the Party, which soon resumed its leadership of the parliamentary majority where the largest bloc belonged to the Constitutional Union. This, however, coincided with the structural readjustment programme, and with constraints on public freedoms, especially in the mid 1980s, that witnessed large-scale arrests of human rights activists and of those calling for democracy and freedom of expression. The Moroccan people were living through dark days of repression as had previous generations in the sixties and seventies.

The Party's leaders claim that their opinion was not taken into consideration, that their own freedom had been equally restricted, and that the Ministry of the Interior's measures had spared no one!

This claim had some truth to it. Events happened in quick succession, and the Party's President found himself in direct confrontation with the Minister of the Interior. In spite of this, the Liberal Party was

not able to transform itself into an effective party, which would suit the worthy theory of social democracy it upheld.

Despite its parliamentary and electoral strength, the Liberal Party remains no more than a gathering of like-minded people without a specific agenda. However, it is considered the first party to have opened the door of government posts to technocrats that have nothing to do with the Party, per se, in the 2002 government.

-The Constitutional Union: a liberal dream buried alive

Liberal ideology is an ideology of reform *par excellence* and an ideology of struggle. It has intellectual, political and economic freedom lying solidly at its base. This is why, the political management of the Party - the way priorities and alliances are defined, the decision making process, the internal organisation and a programme that requires courage to implement - is what makes the Party truly liberal, one that is exclusively devoted to liberal ideals.

Whether the Constitutional Union can transform itself into a genuine liberal party is hard to know with certainty, when one considers the Party's past, and some of its former members. What is certain is that some of its members look forward to developing a genuine liberal agenda. The answer, therefore, is "Yes", when one considers the ability of its new elite to interact with current developments in the country, and to break through the "barriers that surround the decision-making centres", even becoming decision-makers themselves.

Liberals in Morocco have their own suspended reform agenda, as do the centre and the left, and the real liberals' agenda that could possibly emerge in Morocco, today, is no less radical than that of the leftists.

However, what is clear, as far as the Constitutional Union is concerned, is that it was transformed from a strong party in 1984, to a weak one after the 1997 elections. It is an unusual development, which many observers blame on the changing nature of the relationship between the Ministry of the Interior and political parties from 1997.

-The left and reform

For around 40 years, the Moroccan left, with both its reformist and radical components, opposed the economic, social and political policies that the state adopted and defended. This opposition underwent various alterations of course along with changes in the relationship between the state and society. The start of the past decade marked the beginning of a rapprochement between the authorities and certain parties of the left. This rapprochement was dictated, above all by compelling international factors like the collapse of the Eastern Bloc, the end of the Cold War and the rise of the importance of democracy and human rights, which prompted the above-mentioned parties (?) to raise the level of their demands for political and constitutional reform.

While part of the Moroccan left (offshoots of the Marxist-Leninist Movement) remained largely attached to radical reform policies, the fact that the reformists among them voted in favour of the 1996 Constitution (the Socialist Union of Popular Forces, Party of Progress and Socialism), and participated in the alternation government of 1998 led to a profound change in their vision of reform.

-The reforming Left

The *Etihad Eshtraki* and the Party of Progress and Socialism.

The parties of the left that joined the government coalition, which led the conciliatory rotational experiment, between 1998 and 2002, underwent several significant transformations of their vision and their policies.

Although the declaration by the Sixth Congress (2001) was largely based on the Party leadership's experience in the alternation government, which issued minor reformist demands, the declaration issued by the last Congress (April 2005) marked a clear shift in the Union's vision of reform issues. Although the Party had willingly agreed to take part in the government experience, it reached the conclusion that the "most important setback in the experiment was the departure from democratic principles."

In light of the above, the Party stated that "it is impossible for political life to continue on the same old track; a thorough review is necessary based on the following two premises: 1/ Consistent political principles; and 2/attending to the constitutional issue, political and administrative reforms, courageous reconfiguration of partisan policies and modes of operation, and the building of alliances and blocs".

This was confirmed during the last party congress, held on April 21-23, 2006. The vision of the Socialist Union, and the Progress and Socialism Party reflects their attempts to adapt to the present party and political balance in the country. Their demand that there be a strong monarchy, especially from the religious point of view (commander of the faithful), remains tied, to a large extent, to the fear of the rise of the Islamist Movement, which became an important player on the Moroccan political scene after the 2002 elections and the emergence of the Justice and Development Party.

-The radical left

What has most distinguished the radical left, in the past few years, is the realignment that led to the unification and integration of Marxist-Leninist offshoot organisations, and others from the Unionist Movement, such as the United Socialist Party, founded in September 2005.

In its founding conference, the United Socialist Party called for a series of reforms including:

- the introduction of fundamental political and constitutional reforms that guarantee the people's sovereignty,
- the separation of powers, and the laying of a foundation for a genuine democratic transformation towards parliamentary monarchy,
- the amendment of the election law; the preparation of new electoral lists to guarantee free, fair and transparent elections, and handing the responsibility of monitoring elections to a credible and independent constitutional body,
- the expansion of individual and public freedoms by abolishing the Terrorism Law,
- and the re-examination of the Press Law to remove from it all provisions that curb freedom
- turning the page on the painful past by revealing the entire truth, compensating victims for all individual and collective harm, an official apology by the state, dismissing the executioners from their current positions and holding them accountable, and putting in place legal and administrative guarantees to ensure that history is not repeated.

This Party's positions on reform put it halfway between the views of the United Socialist Party and those of the *Tali'a* Party (Democratic Socialist Avant-garde Party) and *Annahj* (the path) Democratic Party.

These two parties represent the extreme radical left in Morocco, based on their vision and positions on many issues. In its diagnosis of the situation on the ground, the Avant-garde Party bases itself on the Union's various well-known policies (the revolutionary options and ideological-based decisions), and thus considers itself an extension of the Unionist Movement. Since the Party believes, there are no indications that the rulers have a genuine political will for reform; it bases its view of reform on the following two premises:

A demand for a democratically elected founding council to write a new constitution; and the holding of free and fair legislative elections.

At its first national congress, held in July 2004, the *Annahj* Democratic Party highlighted several principles and positions that distinguish it from other visions.

Despite the differences that characterise the radical left on various levels, these parties have tried to coordinate their positions on reform issues, through the development of a federated structure that groups them under its umbrella. On June 6, 2004, the formation of the "Union of the Democratic Left" was announced, with the following imperatives highlighted in its founding charter:

- "To struggle for the passage of a democratic constitution that ensures the separation of powers, the independence of the judiciary, and endows the government with effective power emanating from a parliament that plays its legislative and accountability roles to the full;
- To fight corruption, privilege, and bribery, and to struggle for the protection of public funds;
- To defend human rights, in their universal and comprehensive context, the rule of law and public and individual freedoms, against any violation or repression...;
- To defend the rights of women to justice and equality."

b. The Islamists' view of reform: *El adala wal tanmiya*, The Justice and Development Party and the Justice and Charity Group as examples

Moderate Islamists are a major component of Morocco's political scene. They are spread between a political party, the Justice and Development Party, and a preaching movement, *al adl wal ihsan* (Justice and Charity). Both participate in different ways in the ongoing debate about political developments in Morocco, and take part in analysing the current situation and offering their own vision as to how transformation should occur.

- *al adl wal ihsan*: "The people and society's programme"

The Justice and Charity Group is among the political movements radically opposed to the political system in the country; it espouses three principles known as the three "Nos": No to violence, No to secrecy, No to dealing with the outside world.

The reforms it seeks are not mere patch-up solutions, but a radical alteration of the situation on the ground on a regional rather than countrywide level. It also believes that change does not come from the outside but from within, i.e. first within the individual, himself, through an education based on Islamic religious norms and, then, within society.

The Justice and Charity Group advocates two different avenues of political reform:

The first relates to the king. The Group appeals to him to seek political redemption through the application of justice in government, and through combating and ending economic corruption, which are manifested in the existing flagrant social inequities. This avenue was the subject of the "Islam or the deluge" message that Sheikh Abdel-Salam Yassin addressed to King Hassan II, in 1974, and of the "to whom it may concern" memorandum he addressed to King Mohammad V, early in his reign, with some difference between the two messages. The tone of the messages falls into the category of, so-called, "moral advice", which is one of the responsibilities of the religious leader towards the ruler, in Islamic tradition. It is also a political message that befits the commander of the faithful notion, in Morocco's political system.

When this avenue came to nothing, the Group embarked on a discussion about institutional practices. Although it calls for *shura* instead of democracy, it agrees to take part in a dialogue regarding democracy, given that it is preferable to tyranny. However, it wants this democracy to be genuine, rather than a comedy of errors, and is ready to participate in elections. It believes that the government should be able to implement a political and economic programme, and be responsible to the people, in other words, political participation in a genuine, rather than phoney, democratic context. In the absence of guarantees for effective participation, or a genuine democratic system, the Group preferred to announce its readiness, in principle, to be involved in semi political or political-religious participation, and to oppose violence, secrecy and dealings with the outside world.

The Group established a political section, in 1998, which operates in the form of working groups, or committees, each responsible for a specific field of activity in which "it undertakes research, gathers data, carries-out relevant studies, conducts analyses and reaches conclusions, offers suggestions and recommendations in view of formulating realistic programmes and alternatives in its field."

The Group believes in cooperation. It put forth what it called an Islamic Charter, or National Charter, based on Islam, which was "a comprehensive document that gathers under its wings the best among those who have vision and free will, because the crisis is bigger than any party, movement or individual, no matter how capable." The importance of this project lies in the fact that it is seen as "a prelude to the desired change; for it is necessary to have, first of all, a basis on which most people can agree, and which they would guard against the harm that renegades could try to cause, and together seek to put its provisions into effect."

The Group's most important propositions are:

- To purify the Islamic *Bay'a* Association from the tradition of succession and compulsion to pursue certain policies, and to allow it to revert to its original faith-based and political roots that make of it a covenant and a conditional contract.
- To seek a new constitution that organises people's affairs, emanating from the will of the nation. Its provisions openly and willingly approved by it, leaving behind the era in which constitutions are

bequeathed to the people, and in which the grantor grants himself a position above the Constitution and the law, orders and forbids without any supervision or accountability.

- To seek the establishment of conventions and laws that abolish all types of impunity and sanctity of individuals, institutions, bodies and political positions, and all others except for those who have the right to choose, decide, express opinions, interpret and give preference, and affirm the right of the nation to criticise, review and change the rulers' policies.
- To promote the formulation of conventions and laws that define the right of citizens to take part in politics, the press, the economy, and other sectors, and to guarantee their right to choose, free from pressure, tutelage, intimidation and extortion.
- To seek a national convention that protects the law, its independence and freedom, in order to enshrine justice, preserve rights, and bring to an end all forms of oppression, exploitation and domination.
- To seek the formulation of laws that affirm the Islamic character of the state and society in matters of faith and in all activities, in education and behaviour, in morals and manners, and not just as rhetoric or in form, forgery or disguise.
- To seek the establishment of an Islamic society in which the spirit of brotherhood and solidarity reigns, and the economy is built on education, hard work, honest gain, equal opportunity, the fair distribution of wealth, and other principles that contribute to a climate where the citizen's dignity and rights against all forms of exploitation, slavery and humiliation are upheld.

As to the relationship between reform and the outside world, the Group believes that "the rhetoric that the United States upholds, in terms of human rights, political pluralism, the peaceful exercise of power and the spread of knowledge, cannot be reasonably argued against, and are deeply-rooted in our religion and tenets, and detailed in our project. However, if this rhetoric is used to impose hegemony over smaller countries, to impose the will of the strong in political, social, cultural, faith-based and moral matters, or used as a tool to interfere directly, militarily or politically, in the affairs of others, they will be categorically rejected and would only deepen the rift, exacerbate hatred, and threaten interests."

-The Justice and Development Party: "Ethics in politics"

The Justice and Development Party is the new name of the "Popular, Constitutional and Democratic Movement" which was founded in 1967 by Dr. Abdel-Karim al-Khatib, after he seceded from the Popular Movement led by Mahjouby Ahradan. It is also (seen as) the political wing of the Unification and Reform Movement.

The Justice and Development Party's (JDP) policies are based on Islamic principles. However, it does not seek refuge in Islam, or speak in its name, and considers itself a political rather than a religious party.

The Party has outlined its approach to the reform issue, based on the awareness that the Constitution affirms the Islamic character of the Moroccan State, and the religious qualification of the King.

According to the party, the monarchy's wide prerogatives are due to the political conflict between the monarchy and certain political forces, in the early 1960s. Because the conflict became an existential matter, it led to the choice of a monarchy with wide prerogatives, and to the constitutional reform issue remaining a constant subject of political debate. The Party advocates for constitutional reforms

to be implemented in cooperation with the King, and with political party and electoral reforms in parallel.

The JDP specified the limits and avenues of reform, using authenticity as the main criterion for specificity. According to the Party, authenticity means that reform projects should emanate from Islamic tenets, and our interpretations, in various fields, should in no way contradict their provisions and objectives.

In its reform agenda, the Party pays special attention to religious reform and believes that mosques should stay out of partisan conflicts, and remain places where consensus reigns, and where citizens are guaranteed spiritual peace. On the constitutional and legislative levels, the Party proposes giving constitutional texts relating to Islam, their due meaning and tangible impact on all aspects of life. They advocate the formulation of a text that clearly states that Islam is the highest source of legislation and laws, and all that contradicts it should be considered null and void.

It believes that constitutional reforms, relevant to the monarchy's prerogatives, should take place in agreement with the King, rather than in a climate of conflict and tension. This would help to achieve equilibrium between the branches of power, allow the government wider prerogatives in formulating and executing policies, strengthen the prime minister's position, bolster constitutional guarantees for the judiciary's independence, and reform parliamentary law to ensure both its effectiveness, and the expansion of its prerogatives, in the fields of legislation and monitoring of executive power.

In the political domain, the JDP calls for the pursuit of party rehabilitation through more development, and the reform of electoral law. It also calls for overcoming signs of weakness in partisan and political life, reaffirming public freedoms by turning the page on political arrests, formulating legal and administrative mechanisms to expand freedoms and preserve the right of political participation, establishing societies and parties, upholding the right to question officials and hold them to account, and the right to occupy public positions.

In the economic and development fields, the Party considers the human being as the basis of all desired reforms, and calls for genuine development based on the need to build a wholesome and integrated economy that aims to serve the citizens' essential needs. It also believes that there should be a balance between the private and public sectors, in a manner that serves the national interest, allows everyone to contribute to the country's productive potential, and be part of the development process. It advocates a reasonable and appropriate management system, as well as a fair system of distribution of wealth among individuals and groups, provinces and areas, the countryside and the city.

The vision and principles of the Justice and Development Party regarding reform were developed over three decades, starting in 1977.

The JDP's participation through existing political mechanisms, its vision of reform and its tools of operation, underline the difference between its vision of reform and that of the other wing of the Moroccan Islamist Movement. The Justice and Charity Group believes internal reform, under the present conditions and climate in the country, is useless, while the Justice and Development Party

believes that its participation in internal "reform" would contribute towards creating the right conditions and climate, instead of waiting endlessly for it to happen.

On the political level, it is quite clear that constitutional, operational, political and electoral reforms are hostage to the regime's obsession with political balance, and to the opposition's obsession with the delineation of royal prerogatives. It is obvious that the authorities are resorting to various mechanisms to maintain this balance, in parallel with their repression and confrontation methods. These include infiltrating political and partisan elites, interfering in the formation of parties, in electoral entitlements and in drawing the political map.

Like many Arab countries, Morocco witnesses a widespread tendency of staying away from political and partisan activities, so much so, that partisan activities for some are linked now to opportunism and abuse of privilege. There is also a preponderance of self-serving lobbying groups, and a revival of a profit-based economy, whose owners have taken advantage of the climate of political conflict, and the regime's need for loyal economic and political elites in its confrontation with radical opposition groups.

II. Reform Sectors

1. Institutional and constitutional reforms: parliament and the government

A thorough analysis of the five Moroccan constitutions requires a look at two different phases:

- The first phase is relevant to the first three Moroccan constitutions (1962, 1970, 1972), which confer on the Moroccan constitutional system the character of a presidential monarchic system.
- The second relates to the last two constitutions (1992 and 1996), and reflects a gradual move towards a parliamentary system.

Between these two phases, a Moroccan political system based on political pluralism developed, in accordance with several factors, among which are:

- The relationship between the institution of monarchy and national political parties;
- The establishment of institutions defined by the Constitution;
- Enshrining the rule of law and human rights;
- Dealing with the past and the process and mechanisms of reconciliation;
- Introducing the notion of alternation government (change of majority);
- The importance of uninterrupted elections;
- Developing the modern democratic social project, based on the primacy of the economy;

If some of these elements have characterised political development in Morocco, others have distinguished its constitutional development, for it is possible, within the context of constitutional reforms, to categorise the 1992 and 1996 Constitutions as those that usher in a new era.

Perhaps, the most important aspect of the 1992 and 1996 constitutional reforms is that they were in response to the demands by the Democratic Bloc, which includes the Socialist Union of Popular Forces Party, the *Istiqlal* Party, and the Party of Progress and Socialism, as well as the Organisation for Popular and Democratic Action.

The activities of the Democratic Bloc have been characterised by a number of gains, through the political rehabilitation of the country, among which are the amendment of the Constitution, in 1992 and 1996, which gave constitutional reconstruction a strong push. The memoranda concerning constitutional reform, which the Bloc's parties submitted to King Hassan II, heralded in a new phase characterised, on the one hand, by the strength of the dialogue between the monarchy and parties in the National Movement and, on the other, by incorporating most of these parties' demands in the new constitution's text.

It seems that, after the 1992 Constitution, the Moroccan constitutional system started shifting away from a presidential monarchic system in favour of a monarchy gradually shifting towards parliamentarianism. Parliamentary characteristics appeared clearly in the new Constitution's provisions, with parliament given wide-ranging prerogatives in the domain of government monitoring, the main characteristic of all parliamentary systems. In comparison with previous constitutions, the

provisions of the 1992 Constitution, reaffirmed by those of 1996, signal a new phase towards the establishment of a gradual parliamentary monarchy, through the improvement of the representative body's conditions, and strengthening the role, and position, of the prime minister.

Although the written Constitution called for this to happen, practice shows that the monarchy is still presidential; it added to the preexisting notions of commandment of the faithful, and the modern constitutional monarchy, those of executive monarchy and citizenship monarchy.

a. Reform of the parliamentary institution: two houses to ensure effectiveness

The parliamentary institution achieved a number of gains thanks to the latest two constitutions that helped speed up the pace of activities in parliament, and expanded prerogatives of the government.

The first noticeable aspect of parliamentary reforms is the change brought about by the latest constitutional amendment (September 1996) that called for the establishment of a second house, in the Moroccan parliament, to be known as *majlis al mustashareen* (House of Counsellors). It gave the two houses together, the House of Representatives and House of Counsellors, the right to pass legislation and supervise the government. Although reforms relevant to the two houses of parliament take on a relatively pro-forma aspect they were, however, accompanied by another reform. This related to parliamentary activities, as part of the amendments to parliament's internal law.

This is how the need to amend the internal law of the House of Representatives came about, after taking stock of the imbalances and shortcomings, among those are:

- The lack of harmony between the internal laws of the House of Representatives and House of Counsellors

- The King's call for the need to amend and review internal laws

- The negative tone in dealing with certain organisational problems, such as the representatives' presence or absence from general sessions and committees. Article 163 of the internal law, for example, gives representatives the right not to attend: "Representatives have the right to excuse themselves from attending a general session."

- The need to consider appropriate means to limit representatives' movements from one group to another

- The lack of coordination between the two Houses in the legislation field, (Who has priority? Who decides on amendments? etc.) and in parliamentary monitoring, (overlapping questions...)

- The slow pace of review and amendments of articles as requested by the Constitutional Council

Preparations for amending parliament's internal law started during the sixth legislative term, 1997-2002. The amended law was approved during the present term, after it was made to conform to the decisions taken by the Constitutional Council, in its session held on April 28, 2004.

It was the first time an internal law had undergone a complete review. The amendments involved all chapters, sections and articles, and took four and a half years to complete. Past reviews were limited to a few articles and took a shorter time to complete.

They were careful to have the internal laws of the House of Representatives conform to the former Constitution, and to past organisational and ordinary laws and decisions of the Constitutional Chamber and Constitutional Council, regarding the conformity between the internal parliamentary law and the provisions of the Constitution.

A number of parliamentary reforms, relating to the functioning of parliament, were enforced and became common practice. Some of these are:

-The provisions of the law: for the first time, draft laws were presented to parliament, namely the Family Law and the Parliamentary Immunity Law, and they triggered lively discussions. For the first time parliamentarians were given the chance to discuss the (Family) Civil Code, which was and remains in the hands of the Commander of the Faithful, to enrich and further develop the debate. The importance for the Immunity Law lies in the fact that it is enshrined in the Constitution an ordinary law, while previous constitutions had been content with a chapter that explained, in detail, the circumstances under which parliamentarians could be granted immunity (Chapters 37 and 39).

-The form and process of the debate: debate inside parliament was lively and ongoing, and focussed, in particular, on laws related to public freedoms: the associations, right of public assembly, and political parties' laws. Family, health insurance and labour laws became the subjects of heated debate sessions.

-The courage displayed by parliamentarians in dealing with the Constitutional Council, for example in the case of the organisational law relevant to the House of Representatives, in the context of preparing for the 2002 legislative elections.

-The suggestion by the parliamentary minority to hold an extraordinary session devoted to studying the draft law regarding political parties

-The interest by parliamentary teams in current issues, prompting them to call for the holding of study sessions, seminars and meetings

-The promotion of parliament's role in monitoring public funds

b. Reform of the government: the search for coexistence between the technocratic and the political

In the absence of any law or internal rules that organise the work of the government, the practice of government responsibilities becomes the only available source to monitor change, or reform, in the government's mode of operation. It can also be said, regarding the institution of government, that the 1990s witnessed a number of changes to the body charged by the Constitution with shouldering the country's executive responsibilities.

A number of reforms came to attention. The first was the manner in which the government was formed and the qualifications of its members. The second was the way it performed its executive duties.

After the announcement of the election results in 1997, the King asked the first secretary general of the winning party (the party that got the highest number of votes), Mr Abdel-Rahman al-Yusufi, to form a government, based on the new provisions of Chapter 24 of the Constitution. According to this amended Chapter, the Prime Minister proposes a list of government members to the King. The inclusion of this new technicality took on particular importance during the formation of al-Yusufi's government. It was mostly a political government and was keen to reflect this by calling upon the political parties represented in parliament, to submit their candidacy to participate in the government.

There was another noteworthy change, which related to the characteristics of the new government's members. Since al-Yusufi's government, ministers are generally members of political parties and they hold academic degrees. Furthermore, the social and geographic cross-sections, represented in the government, expanded. For the first time a government included almost all groups in Morocco. In particular those from the North of the country, which had not enjoyed adequate representation in previous governments.

Despite the lack of harmony within it and obstacles that hampered its operation, the alternation government contributed to the ushering in of a new era, in Morocco, which paved the way for a democratic transition.

Instead of entrenching the principle of alternation of power through the ballot box, there was a retreat from this principle when the government of Driss Jettou's was appointed in 2002, after the legislative elections of September. The Prime Minister chose his ministers from outside the political parties, sidelining, in particular, the party that had won the largest number of votes in the elections. He reverted to the preponderance of technocrats in the government, and in doing so; he placed his government among those of the previous era, when elections results bore no relation to governments formed in their aftermath.

Over and above those reforms to the government's provisions, other changes became common practice. These are:

- Holding regular government sessions;
- Presentation of the government's programme by the Prime Minister to parliament, to seek its approval;
- Reduction in the number of government re-shuffles.

It is worth noting here that within the context of establishing the practice of forming governments from the parliamentary majority, and appointing a prime minister from the winning party, debate intensified about the prerogatives of government and the position of the Prime Minister. This is happening in parallel to the ongoing debate on the subject of the expansion of the government's prerogatives, an issue that goes right to the heart of constitutional reforms.

c. Controlling constitutional and institutional activities: a constitutional law

With the 1992 and 1996 Constitutions, Moroccan constitutional law underwent a significant development with the establishment of an independent body, charged with the constitutional supervision of laws, based on a political agreement that brought together various political sensitivities under its wing. The prerogatives of this legal body have expanded the capacity to monitor the constitutionality of laws. A quarter of the two Houses' members were granted the right of reference, at a time when ordinary laws also became the objects of constitutional supervision, in the event the majority in parliament requests it.

The establishment of this constitutional body builds the ground for establishing the functional and material independence of the judiciary's role, fostering a more effective monitoring function, and accelerating the positive interpretation of Moroccan laws in the Constitution's provisions. It is important, within the context of establishing the rule of law, to continue raising awareness regarding core legislative procedures in this domain. A good example is the abolition of the July 29, 1935 decree related to the banning of demonstrations that violate public order, or show disrespect to the authorities. The abolition was based on a constitutional amendment proposed by the opposition after a royal declaration indicating a willingness to implement it. The same goes for procedures, which relate to the vote on new public freedom laws, namely the press, associations, and public assembly Laws.

Civil society institutions are also contributing to enriching and intensifying the debate on constitutional reforms. While they were mostly issued by political parties belonging to the National Movement, (in particular from Democratic Bloc parties), calls for constitutional reform are increasingly coming from civil society institutions, and from a number of opposition parties in parliament, especially the United Socialist Left and the Justice and Development Party.

2. Administrative reforms: Old style management in the era of reform

In early 1996, Morocco's economic institutions witnessed a purification campaign by the taxation and customs departments of the Ministry of the Economy and Finance. According to a number of political analysts, the central authority decided, after the World Bank had criticised its poor management of the Moroccan administration and judiciary, to turn this criticism to its advantage by launching a campaign against those that evade taxes, delinquents and smugglers of goods and drugs. The campaign ended after a full year of negotiations, with a tax pardon, which brought dire consequences to the national economy and investment, due to all the violations and settling of accounts, during the campaign. The campaign was largely opportunistic and was not intended to introduce genuine reform, but rather to reorganise active political and economic forces.

When the new king came to the throne in 1999, renewed hopes and expectation for reform arose. The new era heralded in a "new understanding of what authority means". At the level of the

administration, changes were guided by the determination to establish the rule of law, based on human rights and respect for the public freedoms that Morocco had ratified through international conventions on economic and social rights, and on equality before the law and in the public sphere. One of the first measures undertaken by the alternation government (1998-2002) in this regard was the formulation of a Charter of Good Governance, designed to serve as a frame of reference regarding the principles and values that should govern activities and behaviour in the public sector.

However, although the Charter of Good Governance benefited from a continuous promotion campaign, it did not proceed beyond the expression of good intentions. This is due to the heavy legacy, in this domain, that is liable to obstruct the best of intentions, and to the fact that the social and cultural conditions that underlie the Moroccan administration, are far too complex to be liable to repair through declarations by the Prime Minister, even if he enjoyed the trust and respect of all.

The government's administrative reform programme, under the mandate of the two governments, relied on the technical and financial support of the World Bank, the European Union, and the United Nations Development Programme, in two basic domains: the enhancement of administrative effectiveness in the management of public funds, and the improvement of its management of human resources. These reforms were to be undertaken in parallel with efforts to establish a de-centralised system for the administration of resources, financial or human, to raise moral standards in the public sphere, and to encourage transparency and improve practices in the public sector.

From 2002 onwards, the modernisation of procedures relating to the preparation and implementation of the Financial Law, and known as the new approach in budget management, took on an added urgency. It relied on four basic premises, which are:

- Improving the budget programming technology and clarifying its link to public policies over the medium term (3 years), and integrating it within the framework of economic and social development planning;
- Working on the basis of the comprehensive envelope of allocated credit, whereby those in charge of spending can be allowed to transfer amounts within the same sector, not only within the same project, without the prior approval of the Ministry of Finance. This was based on the assumption that specific results would be achieved within a given amount of time, and could be measured through performance indicators that make the supervision of the programmes or projects possible;
- Managing the budget according to results, performance and the commitment to achieve certain results within an allocated time period;
- Ensure that decision-makers bear the ultimate responsibility, by signing of specific contracts and spreading the culture of project evaluation. This would be made possible through the Financial Monitoring Law of public and other institutions (2003), and other laws that promote official accountability, and strengthen post spending monitoring.

In addition to the above measures, opportunities for those in charge to take initiative have been expanded, in exchange for greater accountability regarding performance, and its evaluation, including the first annual reports (2003/2004 and 2005) of the High Council for Accounts, published in the Official Gazette after being submitted to the King. In general, what most impedes good administrative practice is the lack of coordination between officials, and the prevailing mentality that tends to consider every department as the private domain of its head, that s/he can apply whichever policies

s/he chooses, without having to take into consideration general public policies that are applied in other departments. This sometimes leads to conflicting or overlapping policies and consequently, to the wasting and dispersal of ever-decreasing resources. This is due to the overwhelming presence of a vertical perspective of sectors, and the quasi absence of a horizontal coordination effort.

Administrative reforms have focussed on the strategic role of human resources as the main driver of change. In this context, reform centred on measures that promote transparency, consider merit as the main criteria for promotion, and evaluate public office. However, it is clear that the application of these new measures will not go without problems. In effect, their publication in the Official Gazette coincided with the announcement of their rejection by the Employees' Union, and the demand that the relevant ministry reconsider their terms.

3. Judicial Reforms

a. Judicial policies between 1996 and 2006

During this period, the reform of the judiciary occupied a central place in the work agenda of successive governments. Prior to the advent of the alternation government, the aforementioned report by the World Bank (1995) had alluded to the negative role and endemic corruption of the judiciary, which prompted King Hassan II to deliver a speech calling for the promotion and reform of this sector. However, the only achievement of this period was the relative increase in the salaries of judges. When opposition parties formed the alternation government in 1998, it identified judicial reform as one of its priorities, and developed a five-year plan to address it.

Within the subsequent government, the coalition of parties that fared well in the legislative elections was able to make appointments to the post of Minister of Justice. Up and until then, a technocrat occupied the Minister of Justice position, given the Ministry of Justice (as is the case with the remaining ministries) was considered an institution where policy change was not desirable. Given the fact that the judicial sector continued to suffer from the same weakness, all judicial reform programmes focused on the same set of goals and objectives, namely to enhance the independence of the judiciary, pursue the modernisation of work systems by sector, strengthen the judiciary's ethics and values and build capacity through training and rehabilitation.

b. Extent of the judiciary's independence

To assess the status of the judiciary, and the extent of its independence from the other branches of government, one needs to examine the powers and institutional structure afforded to it by the Constitution and to analyse its relationship with the executive authority, and legal provisions related to the judiciary's independence.

The present constitution, amended in 1996, stipulates the principle of the independence of the judiciary. According to Article 86 of the Constitution, the King heads the Higher Judicial Council, with

the Minister of Justice acting as his deputy. As a representative of the executive branch, this arrangement enabled the Minister to occupy a central position on the affairs of the judiciary, and to affect promotions and undertake disciplinary measures against judges. This effectively undermines the principle of the separation of power as stipulated by Article 82 of the Constitution.

Furthermore, the judiciary statute is governed by the judges' basic law, which dates back to November 1974, a period during which Morocco was under a state of emergency. Since then, amendments made to this law have been superficial and partial, and have not changed its core elements. As a result, the law regulating the judiciary remains stifling, giving the judges little space for manoeuvring.

As a branch of government, the judiciary is subject to constant interference by the executive authority in its affairs. This is evident if one examines the various amendments introduced to the basic law. For example, it twisted the principle of the impermissibility of dismissing judges, to give leeway to a more elastic interpretation of this principle. The Promotion of judges hinges on the availability of funds in that year's budget, rather than on individual seniority, competency, or skill. In addition, the eligibility of a judge and his/her inclusion on the list of nominees suggested by the Higher Judicial Council, is put forward by the Minister of Justice, without being having to abide by the recommendations of the Council. This effectively enables the executive branch to decide and control the promotion of judges, thereby threatening those who refuse to succumb to pressure or to follow orders. The Minister is also the one who decides the work agenda of the Council, and the date of its sessions. Moreover, standing justice, or members of the prosecutor general's office are under the direct control of the Minister of Justice, which is a flagrant violation of the constitutional principle that underpins the independence of the judiciary from the executive branch. Various legislative and organisational provisions and legal texts grant the Minister additional powers in the area of appointing judges.

It is also worth mentioning that at the beginning of the third millennium the High Council for the Judiciary's became more active: annual meetings were held more regularly, putting away with the paralysis that had beset it in the past. This provided a new set of opportunities available to judges who now had new hopes about their chances of promotion. Furthermore, the Council's activities have become more transparent, with its proceedings being published in the daily press.

The courts are subject to supervision by the inspector general's office, which answers directly to the Minister of Justice. This represents another form of interference on the part of the executive authority, in the affairs of judges, which could undermine their independence.

Similarly, the budgets of the courts and the remunerations and salaries of judges fall under the control of the executive authority. The executive authority can decide whether to increase them, based on the economic and political situation. Ultimately, this weakens the impartiality of the judiciary, and makes them vulnerable to financial pressure, and an easy prey for material temptations and bribery.

On the other hand, Judges benefit from a certain degree of immunity that allows them to carry out their duties with a degree of impartiality, and to pursue their responsibilities with moral and intellectual fortitude, shielded from threats and pressures. Those privileges and immunities protect them from legal investigation, indictment or investigation, unless they were ordered by the Prosecutor

General, and are issued by a judge of at least the same standing. The state also protects judges "against potential threats and attacks."

In parallel, the Criminal Law is particularly severe in cases in which an offence has been committed by a judge, and includes provisions that stipulate punishment for every judge or employee involved in bribery or the abuse of power (Articles 284 and 249). Judges also shoulder responsibilities that limit their freedom. For example, they are barred from "... undertaking any political activity, or assuming any politically-related position", or from "... establishing professional unions or belonging to them." Making use of those provisions reached its peak in 2003, when the "Moroccan Society for the Defence of the Judiciary's Independence", a society that was founded by lawyers and members of civil society and in which a number of judges were active, raised a petition to the king in his capacity as President of the High Council for the Judiciary. This coincided with the publication of an article addressing the issue of reforming the judiciary, by a member judge of the Society. As a result, he was arrested and referred to the High Council for the Judiciary, which acts as a disciplinary body, and was subsequently assigned to another post, hundreds of kilometres away from his previous location. This case became a cause celebre among judges and in society, and stirred debate concerning the right of judges to join civil society organizations.

In addition, a number of measures were adopted to reform the judiciary and its related structures. In 2004, measures were taken to re-structure the central administration of the Ministry of Justice, to help it operate more efficiently. Management responsibilities were divided amongst three main groups: the judicial group, the professional group and the instruction and guidance group, which includes the Department of Studies, Cooperation and Modernisation. This structural review took place in 2004.

To promote the judiciary, and to respond to the demands of foreign stakeholders, especially those active in the economic field and whose promises of investment were made conditional on the existence of the rule of law and legal guarantees, in 1998 the government established six new Commercial Courts and three Commercial Courts of Appeal. In 2002, the move was bolstered by the creation of two more Trade Courts, in 2002, with the help of the World Bank. It is interesting to note that international donor organisations focus only on the legal-commercial aspect, due to its link to international investments, and to the interests of foreign investors. Moreover, the regular efforts of the Ministry to map out citizens' legal needs was re-examined with the goal of making the judiciary more responsive to those needs, and bringing them closer to the law. However, those reviews were not guided a clear vision, nor was the formulation of judicial policy based on an assessment of people's needs in the different geographic areas.

It is also noticeable that the number of legal institutions has slightly increased in the past 10 years. The number of First Instance Courts (66) and Courts of Appeal (21) has not changed. However, in 1998, 8 new Commercial Courts, and three Trade Courts of Appeals, were established. In 2004, new offices for various branches of the Court of First Instance dealing with Family related issues were established (following the enactment of the Family Law of the same year). In late 2006, two Administrative Courts of Appeal were established. In return, in 2005 the Special Court of Justice, a body that dealt with crimes involving bribery and abuse of power by employees was abolished. This was motivated by many factors, including the fact that it did not guarantee the right of defence to the accused. Furthermore, its limited effectiveness had become all too apparent, and was often used as a

tool to achieve political objectives rather than to punish and curb financial crime. Subsequently, the prosecution of financial crimes fell to ordinary courts.

During the early stages of discussions around the reform of the judiciary, the issue of drafting a Morality Code arose, with the idea that this text would be based along lines similar to other legal texts that deal with the behaviour of judges, and which would be binding on all them. In line with the law relevant to the declaration of assets, this law requires appointed judges and their spouses to declare, all their real estate and transferable assets. Nevertheless, the law never went into effect, as it did not elaborate on crucial follow-up and evaluation mechanisms, and penalties in case of violation. However, by end of 2007, references to the aforementioned missing mechanisms were made in the draft law, and it was re-submitted to the parliament for consideration. The significant interest displayed by parliamentarians in this law resulted in heated debate of its provisions.

One factor that improved the moral standing of the judiciary was its decision to adjudicate a number of financial and administrative corruption cases, involving the squandering of public funds and abuse of power, by public officials. Following the abolishing of the Special Court of Justice, these cases had been referred to the Specialised Courts of Appeal more than three years ago, (2001-2002). The delay had caused both the press and public opinion to lose faith in the eventuality of a decision being rendered.

The year 2006 also witnessed the prosecution of several of the nation's representatives, in connection to their elections to the Parliament's second chamber. Once their involvement in electoral corruption was confirmed, they were charged with "bribery, and vote buying". As a result, 12 of the 13 persons that were taken to court were indicted.

In recent years, the Ministry of Justice has placed a lot of importance on the socio-professional background of the judge. Today, most judicial positions in Morocco require that an applicant has a university degree in legal studies, and that he/she enrolls at the Higher Institute for Judges.

However, this sector still suffers from corruption. One objective indicator is the lack of trust displayed by the petitioners in their legal system and the abstention of others from going court to demand the restitution of their rights. This is one of the most serious indicators to the Judiciary's loss of legitimacy, not to mention the complexity and long duration of judicial procedures, and the delay in enforcing decisions, all of which further undermines the legitimacy of the legal body, and consequently affects both the investment climate and social stability in the country.

Furthermore, the selection of members of the judicial elites has not changed. Despite the development of new legal branches and their related fields (civil, commercial, administrative, criminal, family...). Today, the same criteria that have preconditioned the graduation of the first group of judges have remained in place, including the pre-requisite degree in Private Law, or Islamic *Shari'a*. The Ministry of Justice is still in charge of the formation of these elites, and the High Institute for Jurisprudence has not developed sufficiently enough to function as an independent public institution. It also seems that reform policies, relevant to the judicial branch, still waver between amounting to serious reform, and remaining at the level of rhetoric. Rigidity still characterizes the legal branches, except for the Trade Law, which thanks to its direct link to international investment, became the object of significant reforms involving international donor institutions (the World Bank).

4. Press reforms

a. Climate that governs reform of the press

In 2002, efforts to reform the legal framework of the Moroccan press law (otherwise known as Reform 2002), drew some of its legitimacy from the demands of the National Movement parties. Until then, the press had suffered from restrictions introduced by the Press Law, issued on November 15, 1958. Therefore, it is not difficult to conclude that these efforts were neither a by-product of the formation of the alternation government, nor of the implementation of its declared programme. Demands to ease the restrictions on freedom of opinion and expression had been one of the key demands of the National Movement to the monarchy.

b. National democratic parties, and calls for press reforms

In the 1960s, national parties had focused their demands on the need to abolish the amendments that had been made to the Press Law. Restrictions introduced by way of amendment on April 10, 1973 were considered the most dangerous as far as freedom of opinion, expression and publication are concerned. At their core, the 2002 reform of the Press Law cited as its foundation, the provisions of Chapter 9 of the Constitution emphasizing the right to freedom of opinion, and freedom of expression, for all citizens. Amendments introduced to the law were also based on the recommendations of the Press and Communications' Debate, of 1993, and which had brought together all the parties concerned with reforming the law, to make amendments that were based on the principle of freedom of opinion and expression.

c. Reforming the Press and Communications Law

One has to bear in mind that the law could not be shielded from the political conditions that brought about these amendments (barring the publication of three newspapers: al-Sahifa, Le Journal, and Demain, by order of the Prime Minister, and in accordance with the provisions of Chapter 77). Thus obsession with political and security issues resulted in the continued arrest and prosecution of journalists, and it was in those same conditions, that current law was drafted. It is shameful that the 2002 Law cemented the lack of distinction between the provisions of the Press Law and Criminal Law. Amendments introduced remained limited, and only served to entrench the authority of the administrative branches to arbitrate, in a field where freedom is key. Notions and terms were deliberately kept general and obscure, thereby granting public authorities wide margin for interpreting its different provisions in a way that would allow them to stop, prohibit or hinder any activities that they consider threatening to the public order or the "best interest" of the country.

Nevertheless, it cannot be denied that this new Law, with all the restrictions introduced to it, still contains a number of positive beneficial elements. For example, it criminalised racial incitement, as well as hatred and violence that is based on sex, colour, ethnic origin and religion. Among other positive elements is that it enshrined the right to information, and to it. The law also responded to new technological developments by regulating all electronic media outlets.

d. Reform of the Broadcast Media

The second alternative government drafted a number of complementary laws to regulate the audio-visual sector. However, these laws were frozen by the government's general secretariat. The only exception was the law relevant to the establishment of the High Council for Audio-visual Communication, issued on August 13, 2002, and which was adopted in a version that is different from the original one proposed. A decree put an end to the state's monopoly over radio and television transmissions, and opened the door for independent initiatives in the domain of audio-visual communication. On January 7, 2005, Law No. 77-03, relevant to audio-visual communication was issued, thereby nationalizing Morocco's Radio and Television Stations, and laying out the authority of the High Council for Press and Communication in regulating this field and its technology, and licensing the process of investments in the broadcast media.

In retrospect, it is clear that state control over the broadcast media was first imposed shortly after the country gained its independence. On May 18, 1959, an order was issued demanding that all radio stations, in Morocco, cease broadcasting. The only one to be exempted was the Moroccan National Radio Service.

The state imposed its total control over the broadcast media, and expanded its field of control to include the province of Tangiers, where broadcasting from all radio stations was halted.

One of the reasons why the state sought to issuing laws that strengthened its ability to monopolise the broadcast media sector is the fact that it wanted to undermine voices of dissent and opposition to the policies of the Moulay Abdallah Ibrahim's government of 1959. That this could very well be the case, is supported by the fact that this government was dismissed just a few months later, and replaced by another under the leadership of Mohammad V, with the heir to the throne, Hassan II acting as his Deputy.

Speculations in the media pointed out that the reason why this state of affair had lasted for decades after independence is not only due to the state's efforts to turn this sector into its private domain, but also because of the failure of political forces to provide an alternative to the official channels of the media and press. They were content to refrain from appearing on television screens, and to confine having their voices heard over the airwaves.

It seems that ending the monopoly and opening the door to the private sector, does not necessarily mean that this sector will become a de-regularized sector that is accessible to all. The state will always remain there to regulate it. To do so, has used the High Council for the Press and Communications, an agency that enjoys independence from the authorities, especially the executive. This does not mean, however, that the Council has nothing to do with politics. It is itself a political body, with its members appointed by the highest political authority in the country.

5. The Election system

The first elections in Morocco were held in 1960. Since then, eight legislative elections and the same number of local elections have taken place. During this time, there have been a number of changes affecting different aspects of the electoral system. The organization and holding of elections has taken place in a more regular fashion, and has undergone changes of form. The use of signs instead of colours in the voting procedures is one change, while certain social groups, particularly women, have benefited from measures of positive discrimination. Provisions governing spending on election campaigns by political parties were amended, and the pool of eligible candidates expanded. The last change to occur was the enlargement of the electorate by lowering the voting eligibility age, and allowing Moroccans living abroad to cast their vote.

a. Expansion of the electorate

Article 5 of the Moroccan constitution (issued 1962) states that "Moroccans are equal before the Law" and that "men and women shall enjoy equal political rights" (Article 8). It also stipulates, "freedom of opinion, of expression in all its forms, and public gathering", (Article 9). These provisions were restated in all successive constitutions.

As is the case in a number of countries, the right to vote in Morocco is only granted to nationals of the country. This means that foreigners who live in the country do not enjoy this right, unless they obtain citizenship. Affiliates with certain categories of employment are also barred from voting.

Up and until 2003, the minimum age to cast a vote was 20 years of age. During this time, various political forces, particularly the opposition, were demanding that the minimum age requirement be reduced to 18 years, conforming to that in democratic countries. This was accepted, and subsequently the King announced the change.

In the past, Moroccan law forbids nationals living abroad from participating in elections. Whether this was of the authorities' concern that they would be more susceptible to influence from the opposition based abroad, or was driven by logistical and technical considerations is unknown. Although restrictions were lifted to allow Moroccan citizens abroad to participate in the elections of 1984, the ban was reinstated to coincide with the subsequent elections of 1993. The ban remained in place until the end of 2005, when the King announced his decision to allow this community, once again, to take part in the legislative elections of September 7, 2007. However, they were only allowed to do so only at voting stations in Morocco, and not abroad. This was a decision that generated a lot of heated debate, and which the authorities justified it on the grounds of organisational factors (time and expense). Political observers on the other hand, believe that the authorities did not have a clear picture of the electoral make up of the Moroccan community abroad and the extent of its infiltration by Islamic forces.

b. An exclusively Women's national list

Granting women special status in elections remained one of the main demands of women groups' and of political parties. This was based on two factors. The first has to do with encouraging women's participation in the different political and decision-making processes, especially in a society where in the past, nominating a woman meant a definite loss of the seat. The second was that electoral systems in other countries had made considerable progress in ensuring the representation of women in legislative institutions.

However, this became possible only during the legislative elections of 2002, when Article 1 of the Organisation Law of the House of Representatives increased the number of its members to 325 (295 of which were to be elected by electoral districts, and 30 at the national level) .

However, this Law did not provide for a list exclusively devoted to women nominees, for fear that it be opposed by the Constitutional Council, since according to the Constitution, "men and women shall enjoy equal political rights", without any discrimination. The text, therefore, did not ban men who intend to run in the elections from inclusion on the national list, though it later reversed this decision. However, an agreement reached between the different parties taking part in the elections to devote a list to women, helped to resolve this constitutional problem.

The formula guaranteed the election of 30 women to the House of Representatives. This is in addition to those who won seats, in a number of electoral districts, as a result of having headed the lists of parties to which they belonged. This formed an unprecedented level of women's representation in Morocco's entire parliamentary history, especially if one considers the insignificance of female presence prior to 2002.

Despite the progress in women's representation through the application of affirmative action after the 2002 elections and talk about the need to increase women's participation, their status quo remained unchanged. One of the reasons behind this is that during the September 2007 elections most parties had no interest in supporting the national women's list that included candidates from all political parties.

c. From a one man-one vote system to a voter list system. Is it a change in form, or in the sociological structure of elections?

Ever since Morocco held its first elections, the one man-one vote, system has been used only once. Since then, the system has been criticized by the opposition, as seeking to prevent the politicization of the elections and to make them more susceptible to personal, family and clan based interests, rather than to choices and programmes offered by political parties. Others saw it as a deliberate attempt to rig the elections and their results.

This voting system was abandoned only in the latest legislative and local elections. During the former, a voting list system, based on proportional representation. The latter adopted a dual system that used both the old system (one man-one vote in one round) in electoral districts with less than 25 000

voters, and the new system (lists-based on proportional representation) in electoral districts with a total of voters that exceeds that number.

However, following the September 2007 elections, questions were raised regarding the practicality of the voting by list system, especially since practically speaking, the relationship between voters and candidates and the electoral process was very much governed by the one man-one vote system. ¹

d. New standards in financing election campaigns

Since the 1992 local elections, the state has allocated financial assistance to the campaigns of political parties running in local and legislative elections. Although prior to that date this kind of financing was prohibited by law, it still took place in secret, in order to guarantee the success of parties loyal to the state's policies and options.

The last round of elections presented an opportunity to introduce a number of important changes to several mechanisms related to the electoral process. However, this did not signify that other mechanisms, which had either remained unchanged, or had been minimally changed to tackle problems, did not remain in place. Every attempt to enhance the credibility of the election process and change the negative image that Moroccans have of it, should bear this in mind.

However, reforms will fail to resolve the problem of elections in Morocco, if the constitutional framework that organises the process is not reshaped to allow for a majority to emerge and that is then able to implement its programmes and policies.

The structure charged with supervising the holding of the elections, and deciding on electoral divisions, lists and voting mechanisms, etc. is one of the most important factors on which any electoral reform efforts should focus.

In all previous elections to take place in Morocco, the Ministry of the Interior had been responsible for supervising, organizing, and holding them from beginning to end. This was the case, despite the existence of the National Committee for the Elections, which first operated during the 1992 elections. However, it was dissolved after the 1997 elections because it was apparently resisting provisions that were designed to limit its effectiveness. Opposition parties always demanded that the role of the Ministry of the Interior be abolished, and that the process be placed under the supervision of "an independent national committee". They also highlighted the negative role that the Ministry was playing in influencing the election process, either through direct intervention to predetermine the outcome of the results, or through its passivity vis-à-vis violations that were being committed by certain candidates and political parties.

¹ The electoral system in Morocco does not allow any one political party to gain a majority of seats in parliament. Parties with a minority of seats can therefore form coalition governments, as has been the case with the socialist party since 1998. Some ministers in government are not affiliated with any party; they are technocrats, usually appointed by the king.

Although opposition parties abandoned these demands later on, the moment they joined the government, thereby effectively taking the reconciliation between the National Movement's parties and the Ministry of the Interior turned on step further to become a rallying around the latter", it was the opposition's new party members that took up the issue. For example, as preparations for the elections were underway, the Justice and Development Party stated that, "for the law organising the affairs of the House of Representative to allow the Ministry to maintain this function (...) is a shameful act which will only be used against it."

No doubt, the issue of electoral districts is one of the main elements of the election process and, as such, remains one of the factors that exacerbate the conflict between the authorities and the opposition. The opposition believes that since the government holds the prerogative of deciding on the delineation of electoral districts, it uses them to reduce the opposition's fortunes in those elections. This belief is founded on several considerations, among the size of the district is not proportional to the number of voters; the overlap in some districts between rural and urban voters; and surrounding some urban centres with belts of misery, or, allowing a process of "de-urbanising urban centres". According to the opposition, the authorities delineate constituencies based on the influence that strong candidates, and those favoured by decision-making circles, have on the electorate, with complete disregard to the socio-cultural and geographic homogeneity of certain constituencies.

The current delineation of electoral districts must be revised to make them more balanced, and reflective of electoral facts on the ground. So far, the electoral process has remained in the hands of the administration to foster political representation. In at the time of the September 7, 2007 elections the Islamic leaning Justice and Development Party has, noted that the new electoral were particularly affecting the electoral districts which it had won two seats during the September 2002 elections.

Furthermore, registration for general elections was made compulsory and electronic. This, however, was a contentious issue, because a number of political groups saw it as a vote-rigging tool. Successive elections, including the latest ones, allowed the use of lists where names were repeated and the names of deceased included.

Some political parties believed that successfully ending those "irregularities" requires the total abolition of existing voting lists in favour of entirely new ones. The Ministry of the Interior, however, has repeatedly rejected this request. The drawing-up of new lists remains an election reform priority.

Election cards were also used as a vote-rigging tool, and a number of problems persisted. This took place despite amendments to the 1997 registry and adoption of other reform measures in 2003, and which regulated a number of electoral issues (such as determining the agency/government institution that can issue them, and the way voting is to proceed in case the card was lost or stolen). Although this has been a long-term demand of the opposition, and one that has been rejected by the administration, addressing the concerns of the former by the latter could help resolve the issue. One way to resolve it could be by designating national identification card as the only document of proof necessary for voting. Adopting this measure would also make any rigging or falsification exceedingly difficult.

Despite the importance of dealing with the above reform-related measures, and the role that addressing those issues could play in enhancing the fairness and credibility of the electoral process, efforts will not bear fruit if the reform is not of a comprehensive nature. Reforms must reinvigorate the Moroccan political field, and bring its electoral processes and concept closer to that followed in Western democracies. However, this cannot take place without re-evaluating the constitutional framework that currently governs the electoral process, and its relevant institutions. This would require in particular a review of two fundamental aspects. The first relates to the nature of the government formed as the result of the elections. The second concerns the role that the legislative institution should play in Morocco's constitutional structure.

6. Human Rights and public freedoms

Examining the different aspects and components of the human rights policies that were followed from the 1990s until the present, will shed light on the discourse that was adopted at different periods, and allows for a better understanding of the state's relationship with the public sphere. It also sheds light on many aspects of reform in Morocco.

One can discern three different types of discourse that shaped and characterised the structure of the public legal domain during this period:

- "Completing the process of the rule of law": a discourse prevalent since 1990 to describe the state's performance, in the legal arena, up until early 1994. During that period, the law became a cause of disagreement between the different political stakeholders.

- "Politicisation of the law": this discourse predominated from 1993 up and until March 14, 1998, upon with the advent of Abdel-Rahman al-Yousufi's government. The period marked a telling transformation in the stakeholders' awareness of the crucial role that law can play in the Moroccan political domain, and the building of new coalitions. The fact that this slogan became the foundation of public policies in the field of human rights, made the formulation of a public intervention policy that is capable of tackling existing shortcomings in Morocco's rights arena, a necessity.

The state's intervention in tackling sensitive legal issues (political detentions, forcible disappearances) led to re-stabilizing the political arena, during the second half of the 1990s. This became evident through measures such as the establishment of the Ministry for Human Rights in 1993, and the annulment of the June 29, 1935 order that formed the legal basis for the arrest and trial of many opposition members in 1994. The pardon granted to political detainees that same year, is a pivotal moment in the transformation of the political detentions issue, from one requiring a legal solution, as the Legal Moroccan Movement was demanding, into a one that finally acquired a political solution. As a result, the law-based approach became a basic element in the ongoing consultations between the Royal Palace and a large segment of the traditional opposition movement, during its efforts to persuade them to form an alternation government

-The "Pending Issues" Discourse: It could be said that the first discourse regarding the "politicisation of the law" lost its objective justifications with the appointment of the al-Yousufi's government, meaning that a new discourse had to be found to lead, and steer, public policy in the field of human

rights, and to guide all of its technical and strategic elements. Searching for formula that would allow the state to admit to the commission of serious violations of human rights and at the same time, allow for a reasonable way to manage the political repercussions of making such an admission, raised awareness of the legal and human rights realities in Morocco. It also brought Moroccan political rights conundrum to the forefront of the public debate. The noteworthy rise of the complex Moroccan legal issue to the forefront of public debate in the late 1990s, led to the establishment of a special arbitration body charged with determining the compensation to be allocated to victims of arbitrary detentions and forcible disappearances.

Despite the importance of this development to the state's admission of responsibility for the grave human right violations in Morocco over the past decades, various factors pushed in the direction of going beyond the compensatory approach, in favour of one based on reconciliation and coming to terms with those events. These factors included the death of King Hassan II, the development of new interpretations and approaches towards this issue by the Moroccan human rights movement, and which culminated in the establishment of the Moroccan Forum for Truth and Justice on November 27, 1999, and the events of May 16, 2003. This marked the beginning of the Moroccan experience in addressing transitional justice issues.

a. The Moroccan Equity and Reconciliation Commission: foundation issues and difficulties in the search for truth

On November 6, 2003, King Mohammad VI's endorsed the recommendation by the Consultative Council for Human Right to establish the Moroccan Equity and Reconciliation Commission. This marked an important shift in the official approach towards the Moroccan human rights issues. Despite taking into consideration worldwide cases studies of establishing truth commissions, the options that were chosen by the transitional justice experience in Morocco experience highlights the strong influence of Morocco's symbolic and traditional political legacy. This became evident in the state's insistence on monopolising the mechanisms necessary for unveiling the truth, basing them on the "magnanimous tenets of Islamic *Sharia*", and considering them part of the overall "achievements and gains ..." that could not have been possible without recommendations from King Hassan II.

It was clear that the recommendations of the Commission downplayed the gravity of human rights violations, in contradiction to the recommendations that came out of the national debate. This debate had identified violations to consist of forcible disappearances, arbitrary arrests; unfair trials, killings, torture until death or severe physical and psychological harm, extra judicial executions, exile, forcible removals, deportations, sieges, and the unlawful expropriation of assets.

However, the clearest and deepest political significance came from dropping the recommendation demanding criminal prosecution, and the declaration that the Truth Commission's activities are part of a non-judicial approach to those human rights issues.

The moderate approach of the state, manifested itself in the nature of the Commission's composition, announced on December 15, 2003, and its members' roster (8 from the Consultative Council for Human Rights, and 8 from legal and academic bodies). The composition indicates that the authorities

have taken a number of political factors into consideration that would preserve the existing political balance.

With the publication of its basic law, in the form of a royal decree (On April 12, 2004), the Equity and Reconciliation Commission clearly became an integral part of the state's human rights strategy. Claiming that it seeks to establish the truth, efforts were focused on building national consensus around it, whilst distancing itself from the radical approach adopted by some elements of the Moroccan human rights movement.²

b. The events of May 16, 2003 and the difficult duality: rights versus security

The events of May 16, 2003 in Casablanca shocked the country at the political, social, and security levels. It would not be an exaggeration to say that those events marked a significant transformation in the human rights policy of the Moroccan state. This became evident from the juridical pronouncements and provisions that were developed, and the way in which certain issues, (example political detentions), were handled.

If the 1990s are remembered for the government's enactment of laws relevant to the fields of human rights and public freedoms, the events May 16 compelled stakeholders to reconsider a number of the bases on which legal discourse, as a whole had been established. This was evident in the 03-03 Law related to the fight against terrorism, which remains the focus of much debate within legal and political circles.

Despite all of this, the development of legal texts and provisions related to rights and freedoms witnessed a marked revival, both at the level of enacting ordinary parliamentary laws, and that of harmonizing laws with the international legal system, and incorporating its standard.

In relation to the enactment of laws by parliament, it is important to highlight that House of Representative's passing of several laws, in the past few years, which has added a substantial qualitative dimension to the Moroccan legal and juristic system. For example passing a law that criminalises torture is in tune with the state's ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and its submission of state reports to concerned international committees. It was also an indication that the state sought national legislation in line with international human rights treaties, standards and commitments.

The extensive debates that accompanied the passing of the Law on Political Parties, from the moment it was drafted, clearly highlights high stakes attached to it, given the major role that political parties could play in any efforts of affecting democratic transformations. It is clear that the drafting of this law was driven by many considerations, the most important of which is the rehabilitation of Moroccan political parties to enable them to play their role, particularly in light of the consequences of the 16th of May events. In addition, it sought to monitor the operation of Islamist Movements within society,

² *The Equity and Reconciliation Commission and the Transition Process in Morocco*, Arab Reform Policy Brief N° 12, September 2006. www.arab-reform.net

and to regulate the flow of funds to the different political parties. 2005 witnessed re-emerging debate concerning the Law Regulating Strikes, after a draft was submitted by the Ministry of Labour and Professional Training, and which took into consideration feedback and remarks from the International Labour Organisation's.

Regarding the adoption of international legal standards, we must allude to the meeting of the Ministerial Committee, charged with public freedoms, human rights and international human law issues. Held under the auspices of the Prime Minister on February 21, 2005, the meeting culminated in the adoption of the following decisions:

- Dropping reservations to Articles 20 and 22 of CAT;
- Signing and ratifying the first Optional Protocol of the International Covenant on Civil and Political Rights;
- Dropping reservations to Article 14 of the Convention on the Rights of the Child and substituting that with an explanation that refers to a number of key constitutional and other legal provisions;
- Continuing to study the possibility of dropping reservations to articles within the Convention on the Elimination of All Forms of Discrimination against Women and ratifying the Convention's Optional Protocol;
- Dropping the state's reservations to the International Convention on the Elimination of all Forms of Racial Discrimination.

The events of May 16 led to arrests and trials of members of a group known as the "salafist jihadis". This elicited a lot of criticism by the human rights community, concerning the violations of rights that had characterized those trials. These events had improved the standing of certain elements within the state structure that had become increasingly anxious about the creeping advent of human rights witnessed by Morocco since the beginning of the last decade.

All of the above drove the state to believe that it needed to intervene in an effort to control these developments, and to try to steer them with the least possible losses

It is within this context that King Mohammad IV granted a general amnesty for a group of Islamist detainees. This was meant to mitigate the intensity of the reactions to the trials that followed the May 16 events, and to respond to a number of demands being made by the human rights community concerning political detentions.

7. Social sector reforms

a. Education

The changes that Morocco went through in the early 1990s affected the education sector, which remained the most contentious issue between the authorities in power and the opposition, during the years of conflict.

In the mid 1990s, the education sector underwent reform. A national committee, made up of various experts from the political, social, economic and academic fields and trade unions was charged with reviewing the state of education. Although it began working in 1994, however, its work did not accomplish the desired results. This compelled King Hassan II to establish a special committee for education and training, to be presided by Mr Mizyan Belfaqeh.

This committee eventually resulted in the development of a National Charter for Education and Training, and which was the outcome of consistent efforts by specialists in the field of education and other fields of expertise and of ongoing efforts to reform the Moroccan educational system early in the third millennium.

The establishment of this committee also enabled various components of civil and political society to participate in those reform efforts, and stood proof to the national consensus that had emerged around the main elements and shape of the education system, the political reform measures that need to be adopted, and the aims to be achieved before 2010.

In line with the Charter on Education and Training, the Committee embarked on an effort of reforming the education system: laws were passed, organisational memoranda were issued and workshop were held all of which sought to address reform of the educational sector and related fields. Some of these dealt with compulsory education and the means to monitor elementary school attendance (compulsory for children who are 4 years or older).

Since its inception, in 1997, the informal education programme has witnessed great progress in adapting educational material for children between the ages of 8 and 16, who either did not attend school or had dropped-out early. In particular, the programme targeted children from rural and semi-urban areas, especially girls, as well as working children and those coming from difficult backgrounds. The programme was implemented by the Ministry in partnership with civil organisations, and sought to reintegrate those children into the formal education system and professional training programmes, and prepare them for the professional life.

It quite clear that the Ministry of National Education has placed a lot of importance on primary education and has established centres for developing the educational material for this level of education, and to distribute it in the various provinces. It has also organised training seminars for heads of primary education bureaus, inspectors, coordinators, and teachers in those provinces.

As far as human resources in the field of education are concerned, several provisions of the Basis Statute governing the affairs of the employees of the Ministry of National Education were developed, and the selection of heads of provincial education and teacher-training centres streamlined.

In addition, reforms were introduced in the domain of material and professional development, including the establishment of the Mohammad VI Institute for the Promotion of Social Work, the elaboration of provisions that guided the reorganisation of the High Council for Education, delineating the system of compensations, and establishing the administrative framework of many public education institutions.

In addition to reforms in the fields of elementary, preparatory and secondary education introduced by the National Charter for Education and Training, more attention was given to higher education as an important part of the education system as a whole.

However, despite all these reforms, schools are still isolated from their social milieus, and the sector still suffers from a shortage of human resources, and lack of material capacity and infrastructure. Furthermore, contact and communication between various stakeholders at the university level is poor, and there are difficulties encountered in the efforts to teach certain subjects at this level.

Generally speaking, one notes that the state which at times sought to marginalize educational reform efforts at all levels, and to monitor it during the years of conflict, realises that this sector represents today a serious threat, not only on a security and political level, but also on the social and economic levels

b. Women and reform: the conflict between modernizers and traditionalists

The mid 1980s witnessed an abundance of intellectual and public debate, including many publications by women on the subject of reform. It also witnessed the rise of female individualism, and the establishment of many women's organisations in the form of independent and specialised organisational and ideological bodies. This helped to break away to years of submission to and dependence on various political organisations. The introduction in 1993 of the first amendment to the Code (*Al Mouwdawana*) (p.58), and the formation of several women's organisations, within the context of the debate round the integration of women in development (1999-2000), bolstered the independence, diversity and variety of activities conducted within the women's movement, and expanded them.

The women's movement played an important role in the qualitative increase in activities that led to the creation of the Family Register. However, other factors have also contributed to this development, which, which will be addressed below.

No doubt, external factors such as the fall of communism in Eastern Europe, the rise of democracy, and the increased attention to human rights issues worldwide, have all played a role in reinvigorating the democratic movement in Morocco. The events of September 11 have played an important role by compelling many countries to adhere to human rights, and espouse the democratic path.

Late in the reign of King Hassan II, Morocco introduced a number of reforms, and the Constitution reaffirmed the country's adherence to human rights, as they are internationally recognised. The

Consultative Council on Human Rights was established in 1990, political prisoners were released, a number of exiles were allowed to return home (between 1991 and 1994), and the Ministry of Human Rights (1993) and the Consultative Council for Social Dialogue Follow-up (1994) were established. During this time, four women assumed also ministerial positions in the transitional government.

When the alternation accord government came to power and Morocco's so-called democratic transformation occurred, a series of reform initiatives, embodied in the establishment of the Royal Institute for Amazigh Culture (2001), in 2002, it started implementing measures of positive discrimination in 2002. The national list enabled 30 women to enter the House of Representatives in addition to five others elected from local lists. Reforms to the Family Code were introduced in a manner that enhanced gender equality and social progress, and the Fairness and Reconciliation Committee was established in 2004. Other reforms included the amendment of important provisions related to women's rights (the Work Register, Criminal Law, Criminal Standards and the Nationality Law).

Those who monitored the above progress, would have paid special attention to reform measures during this period, would have also taken note of a measure also called the quiet revolution, namely the development of the Family Code, and which was the result of efforts to integrate women in development.

On March 19, 1999, the state agency responsible for social, family, and child welfare issues submitted a plan to "promote the status of women", entitled "Plan to Integrate Women in Development". The plan was based on a commitment made by Prime Minister Abdel-Rahman al-Yousufi alternation accord government, in its first draft programme to parliament in 1989, to develop a strategy that would expand women's participation and reform the Civil Status Code. This commitment came as a response to demands by the women's movement, and democratic forces, in Morocco.

The implementation of the plan required 11 months, and three different meetings bring together representatives from different sectors, including the Ministry of Islamic Affairs and the women's movement. The aim of these meetings was to coordinate between various points of view, while taking into consideration the minimum demands of the women's movement.

The Plan relied on the "virtuous principles of Islamic Shari'a" that are based on justice, fairness, tolerance, and gender solidarity.

A 170-page document was published. It included a general introduction, an analysis of priorities and implementation tools, and delineated which of elements were the most urgent, as well as longer-term objectives.

Five different objectives were specified to:

- guarantee women's effective and sustained participation in education and training;
- promote reproductive health and improve women's health conditions;
- enhance women's legal knowledge and combat violence against them;
- strengthen women's political power and encourage their access to decision-making positions;
- put in place institutional mechanisms and frameworks specially dealing with women.

In its introduction, the plan states that women from villages and peripheral towns are at a greater disadvantage due to the economic inequality resulting from the implementation of economic structural readjustment programmes, and the negative consequences that this has had on their level of education, health, and employment. Tangible measures to end the widening gap of inequality and to ensure a sustainable development process were proposed, in which the interest of both genders was taken into account. The Plan resulted in different reactions. There was also considerable criticism of the measures proposed to enhance the legal status of women; and which addressed a number of points presented below:

Specific Aim	Proposed Measures
1. Reconsidering certain provisions of the Civil Status Code	1. Raising the marriage age to 18 years. 2. Dropping the prerequisite of guardian’s prior permission in marriage for adult girls. 3. Abolishing divorces based on men’s unilateral decision, and making it a court-related decision. 4. Abolishing polygamy and proposing alimony for extraordinary circumstances, at the judge’s discretion and the first wife’s approval. 5. Unifying custody age of children, regardless of gender, at 15 years. 6. Abolishing the provision that removes child custody from a divorced mother upon her remarriage. 7. Expanding alimony to include the marriage home as a basic component. 8. Requesting the right to manage a minor’s assets from the judge regardless of whether his/her legal representative is the father or mother. 9. Granting divorced women half the assets accumulated during marriage. 13. Recognising the female judges jurisdiction over these cases. 17. Recognizing the right of Moroccan mothers married to foreign nationals to pass on their nationality to their children.

*Numbers follow the *Moudawana* (Family Code)

The above measures, which constitute the main points of contention, resulted in the rejection of the entire document. They were the main causes for the conflict between the opposing points of view between on one side, the Democratic Women’s Societies, which supported the plans of the State’s Secretary of State responsible for social, family and child welfare and, on the other, the various Islamist elements that were opposed to it.

The Democratic Women's Societies considered this a modernizing project that contains a number of measures, which would lead to the improvement of women's economic, social and legal conditions. For the Islamic elements on the other hand, it was seen as a western project that seeks to target and undermine the values of Islamic Shari'a.

One of the most significant episodes during this conflict was the "international women's march" which was held in Rabat on International Women's Day (March 12, 2000). On the same day the National Council for the Protection of the Moroccan Family, the Women's Awareness Organisation, and six other groups marched in Casablanca, to protest against the plan, raising the slogan that it "aims at uprooting the Islamic nature of the state, and imposing a secular system. The criticism levelled against the plan is summarized in the following points:

1: It was formulated with assistance from the World Bank and other secular institutions. It is dictated by the Zionist enemy and a manifestation of the "dangers of intellectual colonialism". It is also an echo of the Beijing Conference's recommendations, and a dangerous bi-product of globalization.

2: It was the exclusive result of debates that took place among women's groups, and which did not include input from political parties. Islamist groups were not invited to participate, and their opinions were not taken into account.

3: The Plan has been founded on a conflict between opposed dualities (man versus woman, modern versus traditional, family role versus collective social, economic and political roles), which necessarily imposes two opposed principles; each inherently set out to undermine the other.

4: Its contents are contradictory. In its title, it calls for the integration of women in the development process, from which they had been sidelined. At the same time, they have been affirming that they active group in development. Moreover, demands for gender equality and quotas for women diminish the importance of merit.

5: Allowing the girl to marry without the presence or consent of her father or guardian contradicts the teachings of Islam. One hadith is quoted as stating, "no marriage can be contracted without a guardian and two witnesses". Therefore, the requirement of the consent of the guardian violates established social norms. In addition, incidents where a girl is forced into marriage are rare to begin with.

With conflict growing more intense, with religious leaders expressing their opposition to the plan and with the personal opposition of the Minister of Religious and Islamic Affairs, and fear by leftist parties within the government of potential repercussion, the issue was brought before the King. A royal committee was formed, and charged with reporting on the amendments to be made to the Civil Status Register. After much difficulty in coordinating the views of the committee's members, the Register in its current form came into being. The committee was made up mostly of those opposed to the Plan (seven of them were religious scholars), and had weak female representation (only 3 out of 16 members were women). In addition, none of the women's organizations was represented.

On October 10 marking the inauguration of the parliament, 2003, the King announced the creation of the Family Register. In his address, he took care to reaffirm the references and constant tenets on

which the Plan was based, stressing that “we should not allow what God has forbade, or forbid what he has allowed”. He stated that “Islam’s merciful teachings that honour the human being, justice, equality, doing good unto others, unity of the Malki sect and interpretations that make Islam a religion for all times and places, were taken into account in formulating a modern Family Register, in harmony with our true religion.” He underlined the notion that “the Register should not be considered a law for women alone, but for the entire family including fathers, mothers and children, and one that is intended to put an end injustice to women, protect children’s rights, and safeguard the dignity of men.”

Once it entered into effect, there was sharp criticism regarding the implementation of the register. Problems cited, included an attempt to circumvent the law and to pass judgements that were more in the spirit of the old Register. This is particularly evident in cases where female minors were allowed to marry in flagrant violation of the law’s provisions, and where a woman’s inability to shoulder household duties and the husband’s wealth, were considered sufficient reasons for allowing her to enter into more than one marriage contract.

There was an attempt to reject the objective circumstances that have led to the adoption of the register. In this regard, some critics noted “it was a gift from a specify political actor, the product of the moment, in fact, the result of a political will which would not have been the case had it not been for struggle by women movement.” Can there be any talk about reform without including those are most active in it?

Generally speaking, reforming the situation of women in Morocco conditions is a difficult endeavour as it represents a strategic issue that is at the very heart of the ideological discord that pervades the entire society. It is difficult because it challenges the conservative, traditional male dominated values entrenched in society. Thus, the introduction of any new element is seen as an effort to challenge the existing status quo, and as a threat to the interests of its beneficiaries. With every call for reform, women find themselves at the centre of a conflict between several interwoven interests.

c. Reforms in the religious domain: political and religious tensions

The religious domain is a strategic and sensitive field for the Moroccan state, in general, and for the monarchy, in particular, due at least to four different reasons.

The Kingdom of Morocco’s constitution is based on Islam, as the official state religion. Moreover, the monarchy considers God to be the source of their religious legitimacy. Religion and Islam, in particular, have historically played an important role in the establishment and downfall of the state, and as King Mohammad VI is both head of state and commander of the faithful, he draws his prerogatives from Article 19 of the constitution.

The relationship between the political and religion in Morocco generates serious problems, for the use of religion in politics is not limited to speeches, slogans, and symbols, but is an important tool that state institutions employ to control the religious domain. These institutions try to use the symbolic weight of religion to strengthen the central authority of the state, and to bestow legitimacy onto the measures it takes against its enemies.

After the 2001 elections, which revealed the relatively large size of the Justice and Development Party (*El Adala Wa Tanmiya*), efforts were made to contain the waves of religious fundamentalism that were finding their way into Moroccan society. Both the middle and lower classes became the targets of the state's effort to provide for an alternative intellectual, organisational and doctrinal framework. This was done in order to weaken the spontaneous base of support that the Islamist movements were enjoying in a society, which was growing steadily more religious, mainly in reaction to western modernisation, and to the absence of real religious reforms of Islamic doctrine and jurisprudence. Sufism was proposed as an alternative religious way of life to the "*Ash'ari school*", particularly in light of the impact that the Wahabist and Brotherhood doctrines were having, and which were providing dogmatic and narrow interpretations of religious texts and principles, at the expense of the Sufi and spiritual aspects of Islam.

The move intended to combat new forms of religious fundamentalism by reviving more popular forms of religious observances (*zawiya* and visiting religious shrines). Thus the last five years has seen the revival of a large number of religious festivals that had disappeared or diminished in importance over the years, as well as an increase in the practice of Sufi rituals, particularly those of the *zawiya Boushishia* rite to which the Minister of Religious and Islamic Affairs, Ahmad al-Tewfic, belongs. Today, the annual meeting of the Boushists, held in the city of Burkan, has become a sort of general congress attended by major state personalities and the media; (the Boushists issued a declaration condemning statements by the daughter of Sheikh Abdel-Salam Yassin against the monarchy in Morocco).

All these institutions take the teachings of the Malki sect as their only point of reference, in order to undermine influences of other religious ways and sects from influencing society, including the influence of wahabi salafism from Saudi Arabia, that of the strong Islamic Brotherhood from Egypt, or of the Liberation Party from Jordan and Europe. The Moroccan state considers the adoption of a single religious doctrine an important part of its religious policy designed to prevent division, and to foster reliance on local authoritative state sources of interpretation.

Since the Islamic revolution in Iran, the advent of Ayatollah Khomeini to power and his bid to export the revolution's tenets and ideology has strengthened fundamentalism. As a result, Morocco has stressed the unifying aspects of the Malki sect, particularly so following the May 16, 2003 events, in Casablanca, when a suicide group, said to have been inspired by al-Qaeda's beliefs and ideology, attacked a number of tourist sites in the city. Therefore, the Malki sect related teachings of Islam are the only ones that are being taught in schools, universities, and religious academic institutions, and are the ones used to guide *fatwas* (legal religious opinion) by mosques, and circulating in the mass media.

In an attempt to take advantage of religion for political purposes, Islamic religious movements are trying to promote a somewhat contradictory religious policy" to the one being officially promoted by the state. Their religious manoeuvres take on several forms, depending on the medium in which they operate, and on internal and external political circumstances. Several phenomena can be discerned in this domain:

1. Direct control over Islamist movements in the field is most visible in urban areas, and at universities, mosques, homes and charitable and socially oriented societies.

Islamist find their recruits among the youth, educated men and women, the unemployed and those who come from poor city suburbs and slums. However, recruitment tactics differ from one movement to the other. Some time ago, the fundamentalist Justice and Development Party began to attract elements from the middle class and the religious bourgeoisie. The activities of the Islamist movement and the policies of the state often intersect in mosques and the public sphere, with each adopting the slogans and discourse that serves the other.

2. Islamist movements make better strategic use of press and communication technology (newspapers, internet sites, audio tapes, CDs, books, tracts, etc.) than does the state.

3. Islamist movements use organizational and structural channels and frameworks, such as parties, unions, societies and civil organisations, to spread their religious message. The Justice and Development Party also makes use of its representation in the parliament, state institutions, and unions not only to strengthen its political participation, as other parties do, but also to spread its ideology.

The state on the other hand, bases its vision of reforming the religious domain on several elements, including the need to continue deploying the religious element as a basis for political legitimacy and whilst preventing other political actors from doing the same; ensuring religious stability, and preventing global fundamentalist movements from taking over.

8. Participation of civil society in the reform process: the situation of public policies

One of the most significant developments in Morocco is the fact that public policy decision makers are now trying to attract support for this agenda, through dialogue, negotiations, pressure and lobbying. The agendas of civil and political activists have also been partially incorporated into that of the government. An example often given to support this notion is in the field of transitional justice. There, the Equity and Reconciliation Commission was established partially based the agendas of civil society organisations active in the field of human rights, and was itself partly based on the recommendations of the National Debate regarding human rights violations (November 9-11, 2001).

Of equal importance is the transformation of certain avenues of dialogue into permanent mechanisms for that purpose. The most significant example is the social dialogue forum that has now become a quasi-obligatory mechanism for dialogue, especially on private and public sector labour legislation. One of the potential impacts of this development is the possible reviving of old dialogue mechanisms and which have been dormant for many years.

These examples also show the existence of ever changing opportunities for consultation and participation, based activating the role of the state in individual sectors. Today there is more than one avenue for dialogue when formulating economic and social policies in those sectors, an opportunity that does not exist, for example, in the security-related field where the demands of non-government organisations that are active in the field of human rights, are not taken into account.

A preliminary analysis of a sample of civil society organizations reveals a number of institutional transformations in the Moroccan social fabric:

- NGOs are no longer focusing on a specific set of issues, and have significantly increased in number in the north, southeast, and south of the country. Furthermore, the state's reinvention of its role in the social and economic spheres, since the beginning of the 1990s, together with the implementation of international programmes in the area of local development, basic infrastructure, and the fight against poverty, have all played an essential role in helping NGOs branch out their activities into different spheres.
- These same factors also explain the high number of development and socially oriented NGOs that have emerged, and which focus on a wide range of issues from combating poverty, sustainable development, to women and combating illiteracy. In addition to the diminishing ability of the state to address needs in the different areas, numerous local and international public development programmes, make the participation of beneficiaries and NGOs as partners in the planning and management of these programs a pre-requisite for the implementation of those programs. The number of developmental and socially oriented NGOs is expected to rise when the National Initiative for Human Development is implemented, since it stipulates the involvement of all project stakeholders and partners, as a condition for its implementation.

A number of transformations in the structure and role of Moroccan civil society, and especially NGOs, are worth explaining in more detail below.

- The increasing importance of development-related NGOs is partially attributable to the state redefining its role in the social sphere, and its decreasing ability to provide and to distribute services, a phenomenon that has become evident since the 1980s.
- The redefinition of the state's role has also resulted in an implicit redistribution of responsibilities, between the state and NGOs active in the social development field. Since the mid 1990s, this field has become a sphere, par excellence, for partnership between the state and civil society. This provided more opportunities for affecting public policies, compared with other more "political" domains. This redistribution is implicit and not clearly defined, and can only be identified by looking at individual cases. As a result of changing public policies, the relationship has evolved between the state and social development organizations as well as between the state and human rights organisations. Large national NGOs working in social development and human rights now enjoy a high level of media visibility.
- Aside from various public policies related to social development, we should not overlook the role and impact of social change on rural areas. This becomes clear through the categorisation, by some researchers, of development-related societies, that distinguish between those formed for a specific cause (for example to provide access to water and electricity), those formed by an educated and politicised elite, and those formed in response to the requirements of specific programmes. Most international cooperation agencies require the involvement of beneficiaries in societies, especially regarding projects related to social development, the eradication of poverty, and small loans and income generating projects.
- Those same social transformations have strengthened various manifestations of collective social solidarity in rural areas, including in the form of NGOs that are seeking to revive tradition and heritage. Such successful experiences are particularly valuable since they serve as could serve as blueprints for models that can be employed elsewhere. One example is Dwar Ayet Ektef, which operates in one of the poorest localities in al-Houz province, and which succeeded in establishing itself as an organization that relies on old traditional methods of interaction. By mobilising its residents primarily made up of immigrants, youth, and women), partnering up with local and international NGOs, and with the assistance received from the private and public sectors, it succeeded in achieving in implementing a number basic infrastructure related projects to provide drinking water, electricity, a local clinic, irregular schools, press centres, etc.
- Examining the dynamics among civil society activists as described above, one can make the following observations:
 - With the state's withdrawal from the social field, a number of NGO are becoming increasingly aware of their newly acquired role of "bridging the gap", and the resulting social deficit that this withdrawal has entailed. However, there is an unequal awareness amongst them as to the dangers that can result from this situation, particularly as it relates to their independence.

- The qualitative and quantitative development of societies and the organisational transformation of the social fabric, have given rise to new questions and demands, by civil society, regarding their participation in public policy-making. Their discourse indicates that those societies are pondering the parameters of their relationship with both the public and private sectors, and society's view of them. It also indicates that a number of research organizations and think tanks are formulating social, political and economic visions that are complementary, and formulated along the same lines as those of political programmes.
- In the opinion of several civil society organizations, their demands for greater involvement in public policies would amount to recognizing that multiple sources of power and legitimacy exist, and that they are part of the governance. Others see themselves as representing a source of legitimacy parallel to the state, given that their mode of operation is built on principles of partnership and contractual agreements.
- Some of the above is the result of public policy players, including NGOs seeking to integrate foreign frameworks of reference. What should have already taken place is the gradual adoption of these frameworks in public policies, at the national level. Certain political and social forces refer to these frameworks to enhance the legitimacy of their own reform objectives. One case in point is drawing upon the Barcelona Process concerning democratisation in the countries of the Southern Mediterranean, and the new requirements of the European Neighbourhood Policy, that justice related reforms be supported. Starting in the mid 1990s, foreign points of reference adopted by the political discourse in the context of "Morocco's foreign obligations" have been used to various degrees by the government, the monarchy, political parties, and civil society.

By looking at individual case studies, we can identify a number of weaknesses and strengths that relate to the advocacy strategies pursued by civil society in various domains:

Case A: Advocacy, strategies of collective action, and litigation: the role of civil society institutions, active in the domain of women's right, and their efforts to reform the old Civil Status Code (1993) and push for the ratification of the Family Law (February 2004).

Case B: The problem related to the collective strategizing mechanisms: Application of the Agenda 21 Programme. The case concerns a programme implemented in partnership with the United Nations Human Settlement Programme, the United National Development Programme and the Ministry of Territorial Management, Environment, and Water. The "Morocco of Clean Cities – Agenda 21" seeks to promote environmental management and sustainable development in urban areas (2001-2005). It seeks to do so by building the capacities of local groups in those fields and developing their collective assessment skills (including of local groups, foreign partners, civil society, private sector) to undertake tangible initiatives that improve the environmental and socio-economic conditions of underprivileged segments of society.

One long-term impact of this Programme will be the development of a common language and understanding regarding the public policies that need to be implemented at the local level. On the shorter run, it would create a common point of reference, and the opportunity for all stakeholders concerned with local public policies to interact on an equal footing, and for civil society to participate in this process.

Case C: the Limited space available for civil society's involvement on issues that fall within the domain of foreign policy. One case in point is that of the Free Trade Agreement between Morocco and the United States of America.

Another relevant example of the constrictions faced by civil society in their attempt to deal with foreign policy issues is that of the Moroccan Coalition for the Right to Care and Access to Medication, which worked in partnership with the Moroccan Coalition for Cultural Diversity. The case highlighted how this domain remains exclusively under the control of the Prime Minister", with space for parallel intervention by the legislative branch.

Based on various case studies and analyses of the institutional frameworks governing civil society's participation in public policies, the following observations can be made:

- We can ascertain that international cooperation has played an important role in developing consultative mechanisms amongst the different stakeholders and strengthening the engagement of civil society's participation in public policies. These practices have taken on different forms. For example, it has allowed civil society to participate in the formulation of the public policy agenda of different sectors. Examining the collective social demands for judicial reform, one finds that they had been formulated early on after independence. The role that external forces have played in this domain must not be under-estimated, particularly as human rights issues have been systematically integrated into every EU cooperation agreement since the late 1990s. It is also certain that there has been an expansion of the stakeholders' participation in the formulation of public policies, for example in the field of justice.
- In other circumstances, the International Development Programme has entrenched new systematic practices, on the level of consultation with civil society, and which were adapted to various degree later on by the policy makers themselves.
- International agreements could provide a common reference point for the authorities and civil society, and would have a positive impact on the process of engaging and consulting civil society. It would assist them in agreeing to the nature of institutional structure that would be necessary to ensure that the country fulfils its international legal obligations. For example, the government is drafting Order No. 2.05.1228 to establish a Central Council for the Prevention of Corruption, as stipulated by the United Nations Convention against Corruption.
- The institutionalisation of sustainable channels of consultation, the participation of civil society, and the expansion of access to information related to the formulation of public policies are considered vital tools for minimising actions of protests. The case of the Syndicate of Obstructive Frameworks (*Ittihad Al Uttar Al Olya Al Mo'attalah*), and that of the two coalitions, the Right to Care and to Cultural Diversity are case studies that support this conclusion.
- Unemployed graduates were not engaged in the ongoing consultations regarding labour policies.
- In the case of the two aforementioned coalitions, their members have often been unable to access minimum information concerning the status of the free trade association and its progress.

- The ongoing public debate amongst a number of NGOs regarding the implementation of the “electronic identity card” programme, managed as part of the electronic government scheme. One of its concerns was the involvement of the General Directorate of National Security in the implementation of the project, and which would allow the electronic management of extremely sensitive personal data (e.g., passport information, driving licence data, and leases). Furthermore, civil society was unable to obtain vital information regarding individual identity cards. Consultations revolved around preventing data in connection with the Biometric card from becoming public information, and to demand that an investigation be conducted in the concluding of an agreement with a private international firm that won the tender. Civil society also highlighted the “legal vacuum” as a result of the absence of legal guarantees for the protection of people’s personal data and individual identity information.
- The irregular levels of consultation between the government (mainly the Prime Ministry, and the Ministry for the Modernisation of the Public Sector) and Transparency Morocco, concerning the Central Council against Corruption, and how it served as a process of dialogue that was gradually becoming institutionalized. We can also consider the diverse make up of the Council (seven representatives from relevant government institutions, eight from professional institutions, and fifteen from civil society and academia) as an initial attempt to institutionalise a framework for joint management of public policies, to fight corruption. Internally, this depends in large part on the balance of power between the traditionalists (the government’s secretariat) and reformists (Ministry for the Modernisation of the Public Sector and the Prime Ministry). In terms of the transitional process, it is a unique example of a conflict between the conservative and moderate forces.
- The NGOs’ collective skills at litigation, advocacy and coalition management are important elements in determining the form and quality of its participation and impact on public policies. A good example of this is the campaign launched by the civil society to amend the NGO Law.
- It is clear that NGOs should strengthen their collective litigation skills as a means of improving their future participation in public policy management efforts, especially at the local level, since collective forms of litigation is now one of the key strategic elements of partnership. In the context of the National Initiative for Human Development, the organisational structure is one of the elements, which are taken into consideration by the Regional Committee for the Selection of Projects when selecting projects for funding. However, organisational and financial management skills, and a background in building partnerships, are now fundamental elements evaluated by the Regional Committee when selecting projects. Therefore, when civil organizations are considered, both their operation and management structure are evaluated to determine their eligibility for the initiative’s support.
- Social and local management issues provide the biggest opportunities for citizen participation, and which responds to local rather than national requirements. However, the approach of National Initiative in selecting its projects and the fact that it relies on participatory planning and assessment of local needs remains an exception in this domain.

- Advocacy campaigns led by civil society coalitions, in the cases presented contributed to upgrading civil society's skills in networking, formulating project justification statements, accessing the media, through the information campaigns, and acquiring negotiating and decision-making skills. However, advocacy efforts were directed mainly at the government, rather than at the parliament. This can be explained by the coalitions' awareness of the weak decision making capacity of legislative institutions in public policy matters.
- One of the remaining systematic difficulties is to measure the impact of NGO coalitions on public policy. It is possible to try to evaluate this impact through case studies and interviews with activists. However, particular difficulty is the difficulty of assessing the impact of these coalitions on the government or parliament's decision-making process. Parliament has neither an organisational structure that allows for the operation of pressure groups (unlike the United States and the European Union), nor general information concerning pressure groups or coalitions in parliament. With the exception of consultation meetings reported or aired by various media outlets, there is no additional information, which makes it difficult to establish alternative and better forms of communication between the government and activist groups.
- Recently there has been an increasing demand by legislators for civil society expertise. As a result, a number of sessions were held and forms completed by parliamentarians, parliamentary committees and groups, to identify the fields of work in which expertise is needed, all in preparation for a data base, run by the House of Councillors. This move was driven by the need to raise the level of legislative performance (especially in the amendment of draft or proposed laws), and to ensure an effective monitoring of the government's activities.
- Restrictions on the ability of civil society organizations to conduct advocacy on foreign policy issues become clear, and stand out in stark contradiction to the important process of consultation, participation and partnership that takes place in the public policy and social domains.

III. Conclusion

Discussions are still ongoing in Morocco as to how to describe these changes and how the Moroccan political system has evolved.

One view, based on a number of facts and incidents, leads to a rather bleak and pessimistic diagnosis of the general political and social situation in the country. It characterises the situation as fraught with confusion, mediocre political performance, a fragmented political scene with divided political parties; avoidance, by a large cross-section of the population, of any involvement in organised political action; an increase in illiteracy rates, and rising signs of extremism and terrorism. This diagnosis has led many observers to predict impending storms and a risk of reversal of the consensus on reform, in favour of old approaches based on crises management.

A second view sees the Moroccan political system from the angle of its specificity or exceptionalism. The argument to sustain it is weak, since it relies on the assumption that any internal movement towards change is impossible, and tends to bring everything back to a particular set of circumstances, which are not amenable to change.

The third view has produced studies in which the notion of democratic transformation replaces that of reform, so much so, that texts relevant to this scenario have turned into a new hegemonic democratic transformation literature that avoids tackling major problems. It relies on a number of statements by activists who have claimed this transformation as their own and feel empowered by it.

The fourth uses the term "political, social, economic and cultural transformation" in reference to the domains where a number of reforms have been introduced, even if has been at a slow pace. According to this view, Morocco has witnessed a transformation that could be described as liberal opening. This means that the country entered a transformation cycle without specifying its exact aims. However, since political mistakes are always possible, suspending a certain newspaper does not mean that this cycle of reforms has been set back.

In looking back at previous diagnoses of reform avenues, and revisiting and gauging a number of incidents, the pace and significance of changes in Morocco's political system and the degree of progress and stability within it, can be assessed by gathering data and building a set of indicators

The **first indicator** is linked to the institutionalisation issue, whereby it is possible to perform a linear and systematic evaluation of how well issues are being managed, and to give examples regarding the degree of institutional development. One example is the Family Code and the discussion around it since 2003. In effect, the discussion had shifted from the social movements to the political parties, and while its legal component was institutionally resolved by the King, its civil component was resolved by parliament. In comparison with the way the file had been managed since 1957 (Civil Status Code), without parliamentary participation, the change is obvious.

However, parliament has great difficulty drawing up action plans, when discussing and absorbing what the government submits to it. The system of seeking political consensus has moved the debate around a number of important laws over the past few years, from parliament to independent specialised NGOs (e.g. the annual draft financial law). The opposition of independent experts to certain provisions of this law often appears in national newspapers, and creates the impression that parliament is not politically fit to discuss the financial law (or other laws). Thus a sort of institutional imbalance is generated which obstructs the dynamics of the democratic process.

Regarding the government's activities, at least two cases can be presented:

First, the operating mode of the government and the question of who does what and how. One symptom of the malfunctioning of the government is the continued existence of ministries without portfolio, which correspond to positions still awarded as political favours.

The second case is relevant to the disruptive practices of the government and its impact on the work of the institutions, namely the parliament (or parliamentary opposition). When the draft financial law of 2005 was presented, the parliamentary opposition, represented by the Constitutional Union and the Justice and Development Parties, was in the process of seeking signatures, in December 2004, to challenge the draft law. The government rushed to put it to the vote, on December 28, and published it in the official gazette on the 29th. The time period relevant to the law's publication becomes, in this case, politically significant; for the case will not only be looked at from the angle of the government agencies' efficiency, but also from that of speeding-up a scenario that prevents the opposition from exercising its right to discuss and challenge legislation, a right granted to it by the Constitution. On the other hand, it would have been difficult for the opposition to gather all the legal requirements necessary to challenge the draft law, given that parliamentarians shy away from openly declaring their allegiance, whether to the opposition or to the majority that supports a coalition government that includes both minority and majority members, as well as technocrats.

The **second indicator** relates to the establishment of the rule of law, based on data reflecting the performance in the following areas:

1. The extent of the independence of the judiciary, measured through analyzing the nature and organisation of the *Haut Conseil de la Magistrature* (Higher Council of Judges and Prosecutors), defining the role of the Minister of Justice and the Ministry's secretary general in this Council, and their connection to the administrative and judicial fortunes of the judges themselves.
2. The evaluation of the state's public policies in the legal domain, whether at the level of reforming the *Haut Conseil de la Magistrature* (its institutional form), or the judicial system itself. Changes have focussed in the last few years, on trade-related rather than civil or criminal-related aspects. Because commercial law deals with conflicts relevant, in great part, to foreign investments, the motivation for reforming it was clearly much stronger.
3. The current trend within the judiciary to engage in direct confrontations with the press. There has been a shift in responsibilities towards a security oriented coercive role, which contradicts the role that the judiciary should play in a transitional phase.

The ***third indicator*** deals with elites (elites in government, transitory councils, parties and unions, as well as economic elites). These could be classified, and their movements could be monitored through, for example, an analysis of the political considerations that lie behind the appointment of governmental and transitory councils' elites. Questions should be raised regarding the identity of these elites (their geographic background, composition and policies), to ascertain whether clear criteria were used in appointments, and to gauge the margin of openness and the care with which the political authorities undertake such appointments, with different modes followed for the government's and transitory council's elites. There is an obviously guarded openness, by the authorities, when government appointees are concerned, in contrast with a greater openness and inclusiveness of broad social categories, for transitory council appointments, as was the case for the Equity and Reconciliation Commission, and the Higher Council for the Audio-visual Media.

The mobility of the economic elites, the shift from large commercial families to large or medium-sized contractors, and the extent of their move away from their traditional geographic centres (Fez and Rabat) is another interesting trend worth gauging. Likewise, the business elites' relationship with political elites and decision-making circles, their role in helping reshape or perpetuate the state in its current structure, their contribution to the broadening or contraction of the political sphere and how this overall situation impacts international investment.

In December 2004, a Moroccan Economic magazine (Challenge Hebdo, a weekly that describes itself as the "decision-maker"), published a special edition in which it lists the youngest one hundred business men and women in Morocco who hold economic decision-making power in various fields (services, trade, industry, agriculture, communication, etc.). The magazine considers these people as the main economic players in the Moroccan private sector, leaders of the economic reform and modernisation drive and the main creators of wealth and job opportunities.

Considering the names listed, it is noticeable that most of them come from big urban commercial elite families. According to some western studies, these are the same families that dominated the scene from the early 20th century until the end of the 1960s.

The fact that the same families continue to control the economic scene is certainly an indication of the slow pace of change. The shift from the traditional large commercial families to contractors and business interests happened without a parallel expansion in the geographic area, beyond the traditional and historical centres of Fez and Rabat. The middle-south and south of the country are represented, albeit weakly through a few families (the al-Sha'bi, Qayoouh, Baghdadi, Rahhal al-Salami and others that followed the arrival of the new king to the throne, in 1999, like the Akhnoush and al-Magidi).

Thus, the quasi stability of these economic elites over an entire century, and the fact that many among them have crossed over into the public sector, makes the relationship between the economist and the politician emblematic of the important role that the economic elite can play in changing, or maintaining the Moroccan political system's operating mechanisms.

It is also possible to gauge the parties' elites to evaluate the extent to which the parties elites' thinking is relevant to the needs of the political system as a whole (authorities and society), as there seems to be an imbalance between what the parties can offer, and what the Moroccan political and social market really needs.

The **fourth indicator** has to do with transitional justice, whereby one can define means of expunging the past in Morocco, and measure the success of the Equity and Reconciliation Commission's methods in achieving reconciliation, reconstructing Moroccan collective memory, and building some trust in institutions, through the sociological impact that victims testimonies have on the political players and ordinary citizens alike.

Together, these indicators lead to two basic conclusions:

While the political objective, as expressed through political rhetoric is to achieve reform, political coercion of the internal political scene and activities continues, and the behaviour of the ruling elite fluctuates between undemocratic and quasi-democratic practices. The impression is that the political regime, while it seems to follow a linear and stable path towards transition and economic liberalization as well as attempts to lay the cornerstones for the rule of law, it remains ready however to give it all up, at any moment, to revert to the security state model.

A second feature of the Moroccan political system is the overlap between two different processes underway. One is linked to the persistence of an economic crisis that impedes the process of development and distribution of resources at all levels, interspersed by statements about major financial problems in public institutions and, at the same time, by calls for mobilisation and announcements of major political reforms in various sectors. The call for mobilisation is general, with one trend stressing efficiency, referring to past achievements and taking a forward-looking view of history, on one hand; and another more backward looking and traditional, promoted by the old guard and upheld by a number of political parties, advocating the preservation of the old political equilibrium, on the other hand.

The second process is linked to the decision to introduce reforms in some specific domains, a trend that ushers in a culture of rational planning and benchmarking that is still nascent and remains embryonic (new elections register, activating a number of constitutional institutions, methods to expunge the past among others).

The duality between the persistence of certain symbols of the past, with their implicit resistance to change, and the birth of various signs of renewal indicate that the old Morocco is on its way out, but that the new Morocco is still in a state of incubation.

Footnotes

- 1 *The Equity and Reconciliation Committee and the Transition Process in Morocco*, Arab Reform Policy Brief N° 12, September 2006. www.arab-reform.net
- 2 The electoral system in Morocco does not allow any one political party to gain a majority of seats in parliament. Parties with a minority of seats can therefore form coalition governments, as has been the case with the Socialist party since 1998. Some ministers in government are not affiliated with any party; they are technocrats, usually appointed by the king.