Democracy Backgrounder
July 2007





An Islamist Government in Morocco?

FRIDE Democracy Backgrounders

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Moroccan parliamentary elections on September 7th, 2007, will witness for the first time an Islamist party running for government with a reasonable possibility of success. The Justice and Development Party (Parti de la Justice et du Développement, PJD), a moderate, non-violent and non-revolutionary Islamist party that recognises the current political system of the monarchy, has forcefully emerged and consolidated its position as the main opposition force in Morocco since the last elections in 2002. Domestic and international observers anticipate a potential political shift.

In a tactical move to appear gradually on the political scene in order to avoid upsetting the palace, in the previous legislative elections in September 2002, the PJD only presented candidates in 56 percent of the electoral constituencies (40 percent in 1997). In spite of their limited number of candidates, the PJD won a remarkable 43 out of 325 seats in parliament, making it the third strongest parliamentary force in 2002. However, the government remained composed of the same co-opted parties that up to now hardly take advantage of the minor room for manoeuvre at their disposal to influence political decision-making. In the upcoming September 2007 elections, the PJD, an apparently more dynamic, modern and 'clean' opposition party, will present candidates in all constituencies, and has openly declared its ambition to participate in government. Early polls heralded a PJD victory from 25 up to 47 percent of the intended votes.¹ Will things be different this time and elections bring about genuine political change?

How likely is an Islamist victory? How realistic is the vision of an Islamist government's significant influence on political decision-making in a setting of entirely palace-driven state affairs? What are the prospects of a new government substantially to influence the democratic reform process? Would a PJD government ultimately remain committed to democratic principles? And what are the prospects for democratisation if there is no government change at all?

Political Reform in an 'Executive Monarchy'

The outlook of a potential change in government raises both fears and expectations in Morocco and abroad. The royal palace and its power apparatus (commonly called the '*Makhzen'* – deriving from the Arabic word for storehouse – or simply and tellingly '*le Pouvoir'*), fearing the forceful mass appeal of the Islamist movement that might destabilise the country and

challenge its own grip on power, has been driving a confrontational course against open critics of the monarchy, and prevented them from running for election.

At the same time, the regime has been trying to involve and co-opt the moderate PJD, the only major Islamist force included in the political process, which it apparently considers as the 'lesser evil' against the background of an apparently unavoidable rise of Islamist forces. Nevertheless, the PJD's aspirations to emerge from the September elections as the strongest political force are still observed by the Moroccan leadership with considerable suspicion, and Moroccan papers debate about whether or not the PJD's rise constitutes a potential threat to the monarchy. PJD leaders, however, miss no opportunity to reassure that such suspicions are unfounded, as they are well aware that not questioning the monarchy is a basic precondition for being admitted onto the political stage in the first place and a fortiori into government.

Pro-democratic observers entertain hopes that the Islamists' integration into government may further moderate some of their views. Equally important, it is hoped that the participation of the PJD in government may have a significant positive impact on Moroccan democracy by integrating society and giving a fresh impulse to the democratic reform process. On the contrary, others fear that, once in public office the PJD may re-excavate the orthodox positions it has been step by step burying during the last few years, and hamper the process of democratisation by reverting to creeping religious orthodoxy at the expense of democratic standards. Again others believe that neither the PJD nor any other opposition party joining

 $^{^{1}}$ Polls conducted by the International Republican Institute (IRI) in March and August 2006, respectively.

government, as reform-willing as they may be, will be able to break the established power structures and significantly alter the political course of the executive in one way or another.

Formally a constitutional monarchy, Morocco has a King who is not only the highest political authority but also the 'commander of the faithful'. This double political and religious supreme authority given to the King by the constitution – unique in the Arab world – provides him with convenient political impunity justified by religion that forms the base of his untouchable power. Crucially, the personal union of religious and political leadership provides the King with the legitimacy to govern at his will and stop any reforms he does not approve of. The 'executive constitutional monarchy', as Morocco's governmental system has been labelled by Mohammed VI, subtly reflects the real distribution of powers: the monarch is the country's chief executive, without any significant limits imposed on him by the constitution.

The King governs as the *de facto* head of the executive, and appoints government members, as well as high officials in the strategically most important ministries that deal with declared matters of 'sovereignty' (interior, foreign affairs, and justice). Behind the largely formally democratic governance structures, the *Makhzen* constitutes a network of palace loyalists, a shadow power structure whose tentacles lead from the highest government positions over media and business down to the *Walis* and local councils. Behind the formally appointed cabinet of ministers, ministries are controlled by a shadow cabinet of royal counsellors who are the *de facto* ministers and the real decision-makers.

The role of the government, appointed at the King's will following legislative elections, hence degenerates into little more than the state's operations manager, with independent decision-making power only in politically harmless areas. Likewise, parliament is weak and has no legislative power without the King's approval. Democratic bodies such as the Consultative Council for Human Rights (Conseil Consultatif des Droits de I'Homme, CCDH) have only consultative status and lack influence. Thus, to some degree, rather than effectively pushing forward democratic transition, they provide convenient fig leaves for the *Pouvoir* in the face of pro-democratic critics. There is virtually no separation of powers, either institutionally or in terms of political practice. While in a constitutional monarchy the constitution is meant to control and limit the powers of the King, Morocco's is a 'monarchical constitution' – a constitution serving the King's purposes and backing his overarching executive power. All strings lie in the hands of the Makhzen, and the King shows no sign of a genuine wish or preparedness to change that.

The internationally much-praised Moroccan reform process has in fact so far been halting and in many ways superficial. King Mohammed VI's ascension to the throne in 1999 has considerably accelerated the pace of the political reform process initiated by his father Hassan II during the last years of his reign. Important liberalising changes have been implemented in a number of areas, some societal taboos have been lifted or softened, and Morocco's change into a notably more liberal society has been remarkable. Nonetheless, reforms have been selective and, most importantly, the centralisation of all state power in the palace has remained untouched. In other words, Morocco has been liberalising and modernising, but democratisation has yet to start.

Among the most notable reforms implemented under Mohammed VI are the establishment of the Equity and Reconciliation Commission (Instance Equité et Reconciliation, IER), a truth commission to shed light on human rights violations committed between 1956 and 1999; the revision of the family code (mudawanna) in 2003; a reform of the associations law and a new press code in 2002; and a new political parties' law (last amended in 2007). Some areas have also witnessed a reinforcement or even introduction of constraints during Mohammed VI's rule, such as the electoral framework; freedom of the press; and human rights restrictions deriving from the anti-terror law following the 2003 Casablanca terror attacks. While societal taboos (the monarchy, Islam, Western Sahara) are softening, journalists remain under heavy government pressure, with the last few years seeing some of the most far-reaching and widely criticised sentences against independent journalists.

While there is general consensus in Morocco that some democratic reforms are necessary, society is divided over both the pace and nature of the reforms required. Some (notably those close to the *Pouvoir*) argue that transition must be gradual in order to be sustainable. According to critics, however, selective reforms and democracy discourse are brought underway by the *Pouvoir* not as gradual steps towards genuine democracy, but instead to prevent any broader, systemic level democratic reform, while at the same time maintaining the international image of a supposed 'model Arab democracy'.

While recent reforms and government discourse suggest a real commitment to democratic transition, a true participation of the population via political parties

and organised civil society has been avoided by setting up a façade of involvement. Morocco's flourishing civil society thus largely exists outside the sphere of traditional politics. At the same time, the weakness and lack of independence of the Judiciary - which is not recognised as an independent power by the constitution - impede the effective enforcement of existing democratic laws. Behind the façade of pro-democratic paroles, contradictions are de-masking the regime's double-faced discourse: participation yes, power to the people no; democracy yes, checks and balances no. While the range of liberalising reforms implemented so far are very important and valuable in and of themselves, they cannot hide that Morocco is still far from, and does not even seem to be heading towards, true democracy.

Elections: What Chances for Reformist Forces?

In the run-up to the legislative elections, the regime is working to minimise the risk of losing control over the opposition and other regime critics, while at the same time avoiding the image of the oppressor of dissent and public liberties. The *Pouvoir's* strategy in this regard has been to try and co-opt main opposition players and other potential opponents. Co-option and involvement of potential opponents allows the executive to keep control over the political landscape and reduce the efficiency and significance of both parliament and political parties. Since the appointment of opposition leader Abderrahmane Youssoufi as Prime Minister in 1998 and the subsequent government of *alternance*,

many former critics and dissidents of the regime of Hassan II have been integrated into government institutions and processes. Those who prove intractable, by contrast, are being ignored and/or boycotted.

Advocates of reform adopt different approaches to deal with this reality. To some, closeness to the regime necessarily entails being absorbed by it, thus turning former dissidents away from real criticism. To others, cooperation with the regime, or at least refraining from confronting it, is a crucial precondition for any dialogue on reform.

By order of the constitution, the King is entitled to appoint any government he chooses, without having to take into account election results. Some doubt whether Mohammed VI will not be reluctant to display so openly a lack of democratic principle under the eyes of domestic and international observers for a second time. At the same time, the King's appointment of the independent Driss Jettou as Prime Minister following the 2002 legislative elections has shown how sure the palace is of its own power, thus placing another arbitrary government appointment among the realistic possibilities. Under such conditions, elections clearly appear increasingly meaningless. The results, rather than leading to a change in course based on the people's will, might provide little more than an element of symbolic pressure to influence the King's decisions.

Election observers have accorded Morocco a strongly increased electoral credibility since 1997, with the 2002 parliamentary elections, in relative terms, considered the most transparent elections in Moroccan history. At the same time, past elections have seen numerous irregularities, and in 2007 the risk of

manipulation is still present. Past criticisms of the electoral process have above all been directed towards the lack of transparency in the procedures of vote collection and publication of election results: at present, there are still no detailed official data for the results of the 2002 parliamentary elections. In the runup to the 2007 elections, the purchase of votes has been a prominent issue. The decision not to allow expatriate Moroccans to vote has also been widely criticised. The practical significance of election results thus decreases taking into account the weak role of parliament and the constitutional disconnection between election results and the formation of a cabinet. Accordingly (also taking into account that almost half of the Moroccan population over 15 is illiterate), people have little interest in political affairs: in a recent poll, 73 percent of Moroccan voters declared little or no interest at all in politics. Hence, voter turnout is expected to be as low as in 2002, when only 52 percent of Moroccan voters went to the ballots.

Since the last 2002 legislative elections, the strongest party in the Moroccan parliament is the Socialist Union of Popular Forces (*Union Socialiste des Forces Populaires*, USFP), which won 50 out of 325 seats; closely followed by the Independence Party (*Istiqlal*) with 48 seats; and the PJD with 43 seats. USFP and *Istiqlal* are governing in coalition, forming the so-called '*Kutla* block' together with a number of smaller parties. Many Moroccans express disappointment over how the former opposition parties of the *Kutla* block and their leaders, mostly former dissidents, have been co-opted and absorbed by the *Pouvoir's* power apparatus since they entered government in *alternance* in 1998. Some even notice a tightening grip on power

on the part of the former dissident opposition who, coming in from the cold, seek 'revenge from history' by clinging on to the power they have so ardently fought to get hold of. The established parties are poorly organised internally, and much of *Istiqlal's* credibility in particular still stems from the party's role back during the years up to independence. These developments, hand in hand with the emergence of the PJD as a major political player since the last elections, have been leading to an increasing erosion of the influence of traditional parties.

Opposition parties, by contrast, benefit from their 'clean' image in comparison to traditional parties, and the PJD in particular has been gaining followers by campaigning on a platform of transparency and accountability. After having won most of the districts in which it presented candidates in the 2002 legislative elections, the party managed to consolidate its image as an 'acceptable Islamist party' and established itself as the main opposition force and major political actor, altering the well-established Moroccan political landscape considerably. As the September 2007 elections and the appointment of a new government approach, the PJD leadership has been increasingly softening its discourse and positions in order to adapt to a certain extent to the regime's rules of the game.

The PJD is considered by many observers exceptional in Morocco's political party landscape, in terms of its apparently coherent pursuit of goals, its grassroots campaigning, and its well-organised partisan structure which is generally perceived as being among the most democratic in the Moroccan party spectre. However, while the *Pouvoir* worries over the party's aspirations to come out of elections as the strongest political force,

the risk of a true power shift remains negligible as long as constitutional provisions prevent any party from having any substantial influence in political decision-making. In addition, aware of the *Makhzen's* rules of the game, so far the PJD leadership's discourse avoids anything that might lead to a direct confrontation with the royal power apparatus. But even if the PJD does not risk taking up truly controversial issues with the *Pouvoir*, the emergence of a generally more determined and dynamic political force might enhance the direct exposure of the political role of the royal power apparatus in public discourse.

With only a few months to the elections, the PJD's official electoral programme is still in the making. The programme, due to be published in July/August according to a party spokesman, is said to draw up a vision for Morocco's socio-economic development process – an outline that bears a striking resemblance to an existing initiative by the King, the National Initiative for Human Development (Initiative Nationale pour le Développement Humain, INDH). A PJD government programme based on the INDH could be a clever move to use the legitimacy and structures of an existing policy initiated by the King. This could bear a promising potential for change, as the rules of Moroccan politics – the King decides on the basic policy lines and the government implements them with more or less freedom of interpretation – would be respected.

Much has been speculated on which cabinet posts the PJD could realistically hope to get if it enters government. No election result could oblige the King to satisfy the PJD leadership's aspirations for the post of prime minister. Only in the very unlikely case of a PJD absolute majority, which could block all government

projects in parliament, might the King appoint a PJD prime minister (which might be PJD's secretary general Saad Eddine El Othmani or his deputy Lahcen Daoudi). In the far likelier case that no party obtains an absolute majority, Morocco's prospects of an Islamist prime minister are close to zero. The same goes for the 'sovereignty' ministries of interior, justice and foreign affairs, and a range of other ministries (finance, defence, religion) which are considered too sensitive for the Pouvoir to take any risk. Among the remaining ministries, PJD officials are well aware that some of their previous stances have put the ministries of culture or national education out of reach. A number of other ministries with less delicate portfolios, however, are possible options, such as health, transport, agriculture, social development and youth, among others. Paradoxically, the PJD's room for manoeuvre to implement its policies will be much bigger in the secondtier ministries. However, the PJD might also be given 'problematic' ministries that face considerable challenges (employment, for example), failure in which could effectively damage their dynamic image and hinder their prospects in the next legislative elections.

A pivotal question is to what degree the PJD in government would still have — and make use of — a margin of manoeuvre to influence the direction of policies and bring about change. The interplay of forces between a moderate and popular Islamist party like the PJD and the *Pouvoir* bears some positive potential that may strengthen the dynamics of reform to the degree that the *Pouvoir* would give way to pressure for change in order to maintain its position. Another question mark consists in what sort of changes the PJD would ultimately attempt to push. The *Pouvoir* fears that too fast a pace of reform might allow the

radical-minded to hijack the process and impose some form of Islamic authoritarianism. Alarmed by the degree of extremism in Morocco revealed by the 2003 Casablanca terror bombings (and again by the bombings of April 2007), many Moroccans share this concern and fear that a creeping religious orthodoxy might reverse the gains of liberalism and the modest opening the country has already experienced. The PJD leadership, one way or another, faces a dilemma: the less they adapt to the line of the palace, the less they are likely to be involved in true decision-making, or to be appointed to government in the first place. At the same time, the more they adapt to the line of the *Pouvoir,* the greater is the likeliness of grave internal divisions or even a clash between the party leadership and its base.

Unlike the PJD, the popular Islamist movement Justice and Charity (Al Adl Wal Ihsane), non-violent but far more radical in its demands than the PJD, publicly rejects the monarchy and the King as the 'commander of the faithful', and calls for the elimination of the monarchy in favour of an Islamic system. This position has been leading to a state of increasingly open confrontation between the movement and the Pouvoir. While the latter considers the movement illegal, it has no interest in discrediting itself by officially prohibiting the movement, and works mostly via indirect means of obstruction. State media and non-independent private newspapers ignore the movement. Recent amendments to the law of political parties, introducing a clause that made null and void any political party founded on a religious, linguistic, ethnic or regional base, were seen by many as having been designed specifically as a means to prevent Al Adl Wal Ihsane's access to elections.

With Al Adl Wal Ihsane - whose outreach in universities and among the marginalised rural population is far more significant than the PJD's thus situated outside of the political electoral sphere, the PJD only partially represents the overall Moroccan Islamist movement. Moreover, as the PJD moves towards the formation of government, the likeliness of a split between its increasingly co-opted leadership and the base is ever greater - a development which would most certainly strengthen the Justice and Charity movement. Observers fear that the *Pouvoir's* course of increasing confrontation with Islamists harms Moroccan interests, as it contributes to polarising society and strengthens extremism. Justice and Charity, while not likely to participate in the political process in the near future, still has a significant potential political weight due to the broad support it enjoys within the population, which is likely to increase to the degree that an overly liberal and/or co-opted PJD alienates its base - thus making the outlawed movement a political actor to be watched.

Fears of a spreading radicalism throughout the region, that might be favoured by a too hasty reform process, are of course not without foundation. Al Qaeda's newly formed regional branch, 'Al Qaeda in the Islamic Maghreb', has already shown its increasing capacity to work in Morocco, as demonstrated by the terror attacks in Casablanca in April 2007 for which it claimed responsibility. Nevertheless, anti-terrorism legislation adopted in the aftermath of the 2003 terrorist bombings in Casablanca has also been harshly criticised by journalists and civil society groups for imposing inappropriate restrictions on freedom of expression, association and assembly, inter alia due to the vagueness of definitions of terrorism, justification

of terrorism and association with terrorist organisations provided in the laws.

The political climate following the renewed bombings in April 2007 led the government to clamp down more forcefully on Al Adl Wal Ihsane (including through systematic arrests); and public media and other progovernment voices have been even keener to stress the dangers of an Islamist rise, thus indirectly also discrediting the PJD, in spite of the latter's non-violent stance. With terrorism back on top of the Moroccan agenda just a few months before elections, the PJD has been facing a campaigning dilemma: on the one hand, it cannot afford to leave any doubt over its strict opposition to terrorism, but on the other hand, its leaders are aware that a too determined distancing from those suicide bombings that lacks compassion for the motives might alienate some parts of their base and reduce their chances of winning votes from the less moderate parts of Morocco's Islamist community. These concerns, however, are not only true for the PJD but, to a lesser degree, for all parties, who are all aware of the importance of not alienating pro-Islamist voters. Accordingly, in reaction to the 2007 bombings, all political parties have been rather reluctant and lukewarm in their public condemnation of the bombings in connection with Islamist extremism.

How likely is an Islamist government? While forecasts vary considerably with regards to the PJD's election results (between 20 and 47 percent of the votes), it appears very likely that the PJD will come out of the elections as one of the strongest parties. The provisions of the electoral law (amended in 2007), and the fragmented party landscape, however, inhibit any party from gaining a significant majority, so any government is likely to

require a coalition of up to six different parties. While the fact that the King can appoint the cabinet without taking into account election results renders forecasts much less significant, some form of government participation of the PJD in coalition with other parties is likely. In this case, the PJD's ability to influence decision-making in important strategic areas will depend on who is appointed and to which posts, the composition and consensus of the governing coalition, and above all, in which way a government including the PJD will manage to negotiate its relationship with the *Pouvoir*.

a shift of power structures away from the King, and the establishment of an effective separation and balance of powers. The *Pouvoir* will not cede these powers voluntarily, but only if ceding some of its competencies and privileges is seen as a way of retaining others. The predominant question for pro-reform forces — both domestic and external — is thus how best to generate and exert pressure on the *Makhzen* in order to lead to such a situation, while at the same time avoiding a direct confrontation that might jeopardise the palace's will to cooperate.

Implications for Moroccan Democracy

While clearly ahead of other countries in the region, at closer examination it becomes clear that Morocco is not quite the exemplary democratic reform model it likes to be portrayed as. Further-reaching reform will not come about through revolution, but through a process of constant pressure on the King and the royal power apparatus. The Moroccan monarchy as an institution will remain untouched. Consequently, the only way the process of democratic reform can be brought forward is with and by the King, not against him. As the King is supported by a skilled and well-established power apparatus whose outreach covers the whole societal spectrum, and whose members are driven by personal motivations to maintain the distribution of powers in their favour, it is not only the King but the whole *Makhzen* that must be brought onto the reform track.

As most Moroccan pro-democracy activists point out, in the end all serious democratic reform comes down to

In some instances, societal pressures have already led the King to pick up popular reform proposals as initiatives of his own, as it became evident that the most elegant way out for the King was to 'flee forward' and seize the initiative. For political forces and pressure groups this means – as the example of Justice and Charity shows – that as long as the *Makhzen* is the only true source of power in the country, open confrontation is not a promising option. The line between constructive cooperation and absorption by a both powerful and experienced apparatus, however, is thin. The way between cooperation and co-option will thus be a tightrope walk for the new government.

After the elections, various scenarios for the formation of government are possible. Depending on the PJD's election results and agreement among parties, either a maintenance of the status quo (a *Kutla* government with the PJD remaining in opposition), or a coalition of PJD and (some of) the current government coalition parties appear to be the most likely options. The parties of the *Kutla* bloc (USFP, *Istiqlal*, PPS, MP and RNI) are an assembly of leftist, rightist and centre parties, and some observers even argue that the PJD joining the

coalition might simply mean adding another rightist party which may not imply much change after all.

The various parties' willingness to enter into coalition with each other is, however, unclear. On the one hand, as the PJD has been campaigning on a platform of accountability in contrast to the co-opted government parties, it has little interest in linking itself to any of the government parties before elections. On the other hand, leaders of the two main leftist parties USFP and PPS have repeatedly rejected the possibility of a coalition with the PJD, but at the same time general party discourse indicates that the door has never been, and will not be, definitively closed. PJD leaders, aware that their credibility stands and falls with their ability to resist co-option, have hinted that they would not be willing to sign a coalition agreement just for the sake of governing. If the conditions under which the PJD were invited to join government did not imply a minimum chance of implementing at least part of their programme, they would, according to a spokesman, 'wait for 2012'.

The implications for democratic change that might derive from a participation of the PJD in government are very hard to tell. Firstly, due to constraints put on campaigners by current Moroccan power structures, namely the need to avoid alienating the *Pouvoir*, any further-reaching reform intentions must remain undercover. Secondly, the very limited scope for policymaking of the government in general reduces the PJD's possibilities to produce substantial impact in terms of democratic change – if this is after all what the party is aiming for. Thirdly, the PJD's possibilities of leaving a distinct imprint on policy-making are further limited by the need to compromise in a coalition government

with several already well-established and largely coopted parties from the current government.

Notwithstanding all these constraints, the PJD's secretary general established the institutional strengthening of the prime minister, the party system, parliament and the municipal councils, as well as tackling the widespread corruption and inefficiency of the public administration, as priorities for political reform. Dramatic change, however, is not to be expected. While the PJD's leadership has been proclaiming its advocacy of constitutional reform – the precondition for a shift of power away from the palace - it has refrained from making any detailed suggestions, and in the run-up to the elections, several party leaders have pronounced their personal view that constitutional reform is not among the most imminent priorities. There are some areas of overlap between the palace and the PJD which might be more likely to see imminent positive change, such as envisaged efforts to tackle corruption. The PJD's secretary general also stressed the party's determination to resist co-option and to exploit the given margin of manoeuvre. If the new government – no matter whether or not it includes the PJD – continues to fail to exploit this margin in a meaningful way, there is a risk that Morocco might find itself stuck in a semi-authoritarian grey zone, with real democratisation (at best) put on the backburner.

Voices from Europe mostly welcome the prospect of a PJD participation in government. The overwhelming approach of European (and US) policy makers in the face of prospects of a PJD-led government is that engaging moderate, pro-democracy Islamists could prove the best safeguard against the rise of religious fundamentalist and extremist forces. The appeal of a

PJD in power thus increases to the degree that it is seen as an alternative to the rise of more fundamentalist Islamist forces. Moreover, the outlook of a fresh and determined political opposition force entering government is considered promising, as it might give a dynamic to Moroccan politics and, ideally, the political reform process. From a regional perspective, most European observers hope for positive regional spill-overs and support the PJD, as it is seen as providing a far better model of an Islamist government than others in the region, notably Hamas.

As European governments – and among them most notably France, Morocco's most important economic and political partner – would like to see Morocco in the vanguard of the political liberalisation programme

entailed in the Barcelona Process and the European Neighbourhood Policy (ENP), they have embarked on a policy of cautious engagement with the PJD. The party's leadership, for its part, has been doing extensive lobbying across EU and US administrations to gain support, build confidence and present itself as an acceptable partner. However, doubts among domestic and international observers over both the degree of the PJD's commitment to democratic reform and its effective ability to reconcile Islamist positions with democratic values, remain. If appointed to government, the PJD leadership will have to prove it can live up to the varying and even converse expectations of the palace, the Moroccan electorate, its party base, and the international community - all of which cannot be satisfied at the same time.

This report wa	s written by	Kristina	Kausch,	Researcher	at the	Democratisation	Programme,
Fride							

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www.fride.org

Goya, 5-7, Pasaje 2°. 28001 Madrid — SPAIN. Tel.: +34 912 44 47 40 — Fax: +34 912 44 47 41. Email: fride@fride.org