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Forming Benkirane's Second Government: Mission Impossible?

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Introduction

Abdelilah Benkirane, Morocco's appointed prime minister, has so far failed to form a coalition government, a full five months after the country held its last parliamentary elections, the second set of legislative elections since the adoption of Morocco's new 2011 constitution. Benkirane, whose Islamist-oriented Justice and Development Party (PJD) won a plurality of seats in parliament—125 out of 395 seats—has yet to secure the backing of the simple majority (198) parliamentarians needed to have his cabinet formation approved. The following paper explores why Benkirane's task of forming a parliamentary coalition is proving so difficult.

Obstacles to the Formation of a Government

Unlike other countries with a parliamentary system of government, the Moroccan constitution does not set firm deadlines for the formation of a cabinet following the elections. Similarly absent from the 2011 constitution is any mention of what should happen in case the appointed prime minister fails to secure the backing of a majority of parliamentarians, leaving the present predicament open to legal interpretation. With no deadline facing the appointed prime minister, Benkirane could conceivably be unbounded in the time it takes him to form a successful cabinet, placing Morocco in a constitutional conundrum and paralyzing policy-making in the country. In such a situation, Morocco would function under a caretaker government for an indefinite period of time, one unable to take strategic decisions. Benkirane is no stranger to these situations, having taken four months to form his second cabinet in 2013.

The present obstacles to the formation of a government in Morocco today are a natural consequence of the elections held in October 2016. Many had viewed these latest parliamentary elections in Morocco as a reversal of the gains made by the popular protests and revolutions of the Arab Spring. With the continuing difficulties faced by Benkirane in forming his government, many have come to the conclusion that the brief window of political freedom and pluralism ushered in by the 2011 constitutional reforms is now closed, and that the country will eventually be forced to hold new elections at some point.

Manipulating the Elections

Moroccan political commentators believe that there is widespread disenchantment at the seat of central political authority known as the *Makhzen* surrounding the opportunities afforded to parties formerly in the opposition, such as the Justice and Development Party, by the 2011 Constitution. This line of reasoning holds that the October, 2016 elections were planned specifically to take power away from Benkirane's Islamists. While the Moroccan parliamentary system makes it difficult for a single political party to rule outright, and although supervision of the polls was entrusted to Morocco's Ministry of Interior and not an independent elections commission, this scheme failed to achieve its aims: eventually the Justice and Development Party did secure the highest number of votes, entitling Benkirane to form a government. Even by the terms of the 2011 Constitution, Morocco's Ministry of Interior continues to be a "Sovereign Ministry" or a "Crown Ministry", answerable directly to the Royal Court in Rabat and not to any elected government, thus ensuring that the *Makhzen* had some sort of leverage on the outcomes of the electoral process. In practical terms, oversight of the elections process gives the Interior Ministry control of the electoral registers, which in theory allows all Moroccan citizens aged 18 years and above the right to register to vote. In practice, the Interior Ministry controls eligibility for candidacy in the elections, with some of the reasons provided to reject an individual's candidacy being ambiguous and open to interpretation. In the run-up to the October 2016 polls, the Justice and Development Party was already forced to protest the treatment of its candidates, who it says were prevented in taking part in the elections¹. Not only were some PJD candidates prevented from standing in the polls, but the party also claims that many of its supporters were assigned to voting stations located in remote areas far removed from their residences—a tactic, it claimed, set to prevent PJD supporters from casting their ballots in the polls. Together with the Left Federation, a coalition of three leftwing parties, the PJD, formally accused the Interior Ministry of working to help the Modernity and Authenticity Party, known for its close ties to the Royal Court².

¹ See "Morocco rejects nomination of Salafi preacher for parliamentary election", *Middle East Monitor*, September 17, 2016, <https://www.middleeastmonitor.com/20160917-morocco-rejects-nomination-of-salafi-preacher-for-parliamentary-election/>

² For details about accusations of voting irregularities, see "Morocco's elections: Preliminary results put Islamists ahead of liberals", *The New Arab*, October 8, 2016,

In reality, the efforts by the *Makhzen* to fix the outcome of last year's election began not on the eve of polling day, but in the first discussions held by the Interior Ministry with a number of political groups on the redrawing of district boundaries, in the summer of 2015. A number of political parties have already voiced their objection to the boundaries with which the country went to the last polls. Given its detailed understanding of Morocco's layout, manipulation of the results through gerrymandering was no difficult task for the Interior Ministry³.

In addition to charges of gerrymandering, the Interior Ministry has also openly attempted to overturn the electoral threshold, which had previously stood at 6% of the overall votes cast. The ultimate motive behind getting rid of the new threshold is, presumably, to make it more difficult for practical coalitions to emerge. The compromise reached by Benkirane and the sitting Minister of Interior was to reduce the threshold for entry into the parliament to 3%, a solution which the PJD arrived at despite the fact that his own party would likely be the largest loser as a result of the change⁴. Morocco's electoral system remains the single strongest obstacle preventing the emergence of a single political party as the uncontested leader of a parliamentary majority capable of ruling the country. The bylaws of Morocco's parliamentary system allow for a form of proportional representation that affords representation to a broad range of the political spectrum, while at the same time making governing coalitions less stable and permanent. In short, oversight of the Moroccan electoral system by the *Makhzen* serves to ensure that increased political pluralism and the increased margin of freedom does not lead to an abrupt upset in the politics of the country.

<https://www.alaraby.co.uk/english/indepth/2016/10/8/moroccos-elections-preliminary-results-put-islamists-ahead-of-liberals>

³ See Mohammed Mosbah, "For Morocco, Manipulating Elections to Contain Islamists May Backfire", *World Politics Review*, October 4 2016, <http://www.worldpoliticsreview.com/articles/20095/for-morocco-manipulating-elections-to-contain-islamists-may-backfire>

⁴ See, "Benkirane: I agreed to reduce threshold to avoid accusations of being exclusionist", *Al Yawm 24*, April 9 2016, (Arabic): <http://bit.ly/2mwtg57>

The Impasse Facing the Moroccan Regime

Since 1997 at least, the Moroccan authorities have been able to effectively deploy tactics similar to those described above to avoid any electoral upsets to the system of government in the country. The first real challenge to the fixing of Moroccan elections by the *Makhzen* came in 2015, when the PJD won landslide victories in the municipal councils in all of the major cities across the country. The results of the October 2016 poll, in which the PJD won a plurality of parliamentary seats, served to give a further blow to *Makhzen* oversight, and won the PJD its highest ever share in the legislature.

While the PJD remains unable to form a government on its own, the Moroccan authorities are today incapable of either discarding the outcome of the last legislative election in the country, nor are they capable of adapting to a future in which the *Makhzen* surrenders some authority to the ballot box.

Future Scenarios: Possible Ways Out

The present impasse facing the Moroccan political class has unveiled a long existing structural crisis in the country's political regime. Morocco's political order provides a textbook example of a "hybrid regime", one which blends both modern democratic practices with traditional, authoritarian measures. There is a limited number of distinct potential scenarios which could determine how Morocco exits the present crisis:

- Benkirane strikes a new deal, similar to the compromise which brought him to power following the 2011 protests and the new constitution which those demonstrations precipitated. That compromise guaranteed "Reform under Stability" and the territorial integrity of Morocco. This cautious approach was essential to ensuring a peaceful democratization in a multiethnic, linguistically diverse and political pluralist country such as Morocco.
- Benkirane submits his resignation to King Mohammed VI, an outcome for which there is no constitutional precedent or prescription. This in turn presages two distinct outcomes:
 - The first involves a "democratic" interpretation of the Moroccan constitution, and would entail a new set of legislative elections following the failure of the appointed prime minister to form a cabinet. Such an outcome would be more faithful to the spirit of the 2011 Constitution,

although it fails to remedy the question of the indeterminacy of the present system, itself a consequence of the existing electoral laws. Given the PJD's extensive experience of politics, however, the party stands the chance of winning an even greater number of seats at a second election.

- The second possible way out would be a Royal Decree investing the parliamentary of the PAM, the second largest bloc in the Moroccan legislature, as the new prime minister, tasked with forming a coalition government. While such a move would have no constitutional basis, it was proposed by the PAM chairman in a petition to the Royal Court⁵. Following the successful formation of a parliamentary coalition which had the backing to elect a Speaker of Morocco's House of Representatives, the lower house of parliament, such an outcome seems increasingly likely to observers of Moroccan politics.

Conclusion

In the end, some form of conciliation between the Royal Court and the PJD remains most likely, especially given that Morocco is presently engaged in an ambitious foreign policy aiming to resolve the long-standing dispute over the Western Sahara and from there to build stronger ties with the African Union and eventually join the body. Rabat is hoping to reap the benefits of its two regional rivals—Algeria and Libya—being mired in their own internal affairs in order to enhance its relations with the wider world. The Moroccans can only do this, however, if their own domestic affairs are in order and if a popular prime minister is in government. Equally, the new prime minister will be compelled to take further unpopular measures—including the lifting of public subsidies on consumer products and the gradual floating of the Moroccan Dirham on the world. This too will require a government which enjoys widespread public confidence if Morocco is to avoid possible instability resulting from growing social tensions.

⁵ See, "PAM Asks King for Electoral, Constitutional Changes", *HESPRESS*, October 20, 2016, Rabat, (Arabic): <http://www.hespress.com/politique/325405.html>