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Counterterrorism Policy in Morocco

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Thesis

Date: 20-06-2017

Word count: 20948

Abstract

Since the 9/11 terrorist attack, Islamic terrorism came to be seen as a worldwide threat to peace, security and stability. The Middle East and North Africa (MENA) region is the region that is most affected by Islamic terrorism. Morocco can be regarded as a stable country in the unstable MENA region which makes it a peculiarity. Evaluating the apparently effective Moroccan counter terrorism strategy therefore lies at the heart of this thesis. The research is not only aimed at uncovering how the strategy evolved over time. It moves beyond this by also taking into account considerations regarding choices of security versus freedom. Michael Ignatieff's framework of lesser Evil is used to weigh these morally difficult choices. The Moroccan comprehensive counter terrorism strategy was implemented after the 2003 Casablanca bombings which is why 2003 will be the point of departure. Moroccan strategy is based on the three pillar system of strengthening internal security, fighting poverty and religious reforms. All these features together with regional cooperation will be discussed and analysed at length to see if they can be regarded as lesser evils.

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Chapter 1: Introduction

“Today, given the current circumstances facing Arab peoples and the Maghreb region, we are in great need of the spirit of solidarity to enable us to rise to common development and security challenges...For Morocco, Africa means more than just being part of a geographical area, or having historical bonds with the continent. Africa also means sincere affection, appreciation, close human and spiritual relations as well as tangible solidarity. Furthermore, Africa is the natural extension of Morocco and the embodiment of the country’s strategic depth. This multi-dimensional relationship puts Morocco in the centre of Africa; it also means Africa holds a special place in Moroccans’ hearts. For this reason, Africa has been given top priority in Morocco’s foreign policy. I believe what is good for Morocco is good for Africa – and vice versa. Theirs is one and the same destiny. I also believe there can be no progress without stability: either the two go together, or they do not exist...Those who engage in terrorism, in the name of Islam, are not Muslims. Their only link to Islam is the pretexts they use to justify their crimes and their folly. They have strayed from the right path, and their fate is to dwell forever in hell.” – *Moroccan King Mohammed VI* (2016)¹

The quote above is a recent statement of Moroccan King Mohammed VI as he addressed a speech to the nation to celebrate the 63rd anniversary of the Revolution of the King and the People, on August 20, 2016. In his speech, King Mohammed VI, highlighted the importance of Morocco taking its place within Africa once again. The speech is of particular interest for this thesis as it is an exemplification of Morocco trying to present itself as a critical player in regional counterterrorism efforts. The speech of the King can also be regarded as a climax of Morocco’s changing counterterrorism strategy that began nearly two decades ago.²

The big Moroccan turnaround towards adopting a comprehensive counterterrorism strategy was the moment when the country suffered its own ‘9/11’ on May 16, 2003. During this day, Morocco was hit hard by violent extremism as a series of five simultaneous attacks by suicide bombers targeted the city of Casablanca. In the attacks forty-five people were killed and over a hundred people were seriously injured.³

Nowadays, Morocco stands out in its counterterrorism policy, which has evolved over the years due to more terrorist attacks in Morocco (2007 and 2011), the Arab Spring and the rise of IS.⁴ Morocco can be regarded as an oasis of relative peace and stability in the region

¹ Morocco World News, ‘Text of King Mohammed VI’s Speech on King and People’s Revolution Day’ (20-08-2016).

² Ibid.

³ J.P. Pham, ‘Morocco’s Vital Role in Northwest Africa’s Security and Development’, *Atlantic Council – Africa Center* (2013), 3.

⁴ Al Jazeera, ‘Moroccan Monarch Pledges Reform’(09-03-2011).

when one looks at their statistics about terrorist attacks and prevented terrorist attacks. According to the Global Terrorism Database of the National Consortium for the Study of Terrorism and Responses to Terrorism (START) at the University of Maryland, between 2011 and 2014 the Maghreb region saw a multiplication of terrorist attacks by 47 times. An increase from 15 terrorist attacks to 1.105. During this period, Morocco endured only one attack which means it was significantly less affected by increased terrorist attacks than its neighbouring countries.⁵ Morocco furthermore has an excellent counterterrorist record judging from the fact that the director of the Central Bureau of Judicial Investigation (BCJI) estimates that between 2002 and 2015 Moroccan intelligences services broke up roughly 132 terrorist cells and prevented 276 terrorist plots from happening.⁶

The apparent policy shift of the Moroccan state after the 16 May 2003 attacks can be characterized as a mixture of a new anti-terrorism law, socio economic reforms and religious sector reform, all of which will be explained in great detail below.⁷ Although from a counterterrorism perspective, the comprehensive strategy achieved successes in preventing terrorist attacks and breaking up terrorist cells and is praised by for example the United States⁸, critics are concerned about human rights violations related to the question of ‘at what cost?’⁹ This thesis will therefore not only describe and analyse the effects of the Moroccan counterterrorism strategy from a purely security perspective, but will also produce normative considerations as to what the positive or negative side-effects of the comprehensive strategy are. Michael Ignatieff’s framework laid out in his book “The Lesser Evil” will be used.¹⁰

The counter terrorism strategy of Morocco must also be seen in the light of broader international events. As was mentioned earlier, Morocco only changed its counter terrorism strategy after the 2003 Casablanca terrorist attack. Changing the strategy had already been discussed in Moroccan parliament directly after the 11 September 2001 terrorist attacks in the United States, but this was rejected because it was not deemed necessary to change it.¹¹ Nonetheless, the ‘9/11’ terrorist attack did transform the way the world thinks about terrorism and counterterrorism.

⁵ START, ‘Global Terrorism Database’ (2015).; F. Reinares, ‘Recent Evolution of Terrorism in the Maghreb’ (2015), *Strategic and International Studies – Real Instituto Elcano*.; Morocco World News, ‘How Morocco Became a World Leader in Combatting Terrorism’ (25-11-2015).

⁶ Ibid.

⁷ J. Kalpakian, ‘Against Both Bin Laden and Belliraj: Lessons from Moroccan Counterterrorism’, *Contemporary Security Policy*, 29 (2008) 3, 453-476, 457.

⁸ United States Department of State, ‘Country Reports on Terrorism 2012 – Morocco’ (30-05-2013).

⁹ J. Kalpakian, ‘Against Both Bin Laden and Belliraj’, 458.

¹⁰ M. Ignatieff, *The Lesser Evil: Political Ethics in an Age of Terror*, (Princeton 2004).

¹¹ V. Bartolucci, ‘Assessing Terrorism and Counterterrorism in the Maghreb’, in: White, L. D. & Tomolya, J., *Terrorist Threats in North Africa From a NATO Perspective* (Amsterdam 2015), 115.

The deadliest terrorist attack of all time killed almost 3000 people, injured over 6000 and crippled the US economy.¹² Therefore it cannot come to anyone's surprise the 11 September 2001 attack galvanized a wide response. The western world rallied behind President Bush who, for the first time in history, invoked NATO's article five of its charter meaning that "an attack against one ally is considered as an attack against all allies" by which all NATO member states were obliged to come to America's defence, and they did.¹³ Nine days after the attack took place, President George Bush made clear America would respond to the attacks by beginning with a 'war on terror' with al Qaeda and would continue until all global terrorist organisations have been defeated.¹⁴

The fight against international (Islamic) terrorism is encapsulated in Rapoport's fourth wave of modern terrorism. According to David Rapoport, certain trends are visible in the history of modern terrorism. He describes these trends as waves, or as cycles of activity within a certain period. Each wave has its own characteristic that typifies the terrorist organisations within the wave. The first three waves were the "anarchist wave" (1880-1920), the "anticolonial wave" (1920-1960) and the "new left wave" (1960-1989). The fourth and current wave is the "religious wave" (1979-present) and Islam is at the heart of this wave.¹⁵

Since '9/11' the 'war on terror' against al Qaeda and Islamic terrorism more generally has, among other developments, resulted in invasions in Afghanistan and Iraq and it thereby gained a tremendous amount of attention worldwide.¹⁶ Especially the Middle East and North Africa (MENA) region is very unstable because it is a primary theatre for multiple terrorist organisations such as al Qaeda linked terrorist organisations, Hezbollah and ISIS who want to gain influence and who continuously carry out attacks in this region.¹⁷ In the post-9/11 world in which Islamic terrorism is regarded as one of the main threats to the world and in which the battle against Islamic terrorism stands high on political agendas, it is rewarding and socially relevant to investigate the counter terrorism strategy of the stable Moroccan country in the unstable MENA region.

¹² USA Today, '15 years after Sept 11, the question that still remains in our minds' (09-09-2016).; R.D Law, *Terrorism, a History* (Cambridge 2016), 323.

¹³ NATO, 'Collective defence – Article 5' (22-03-2017).

¹⁴ G. Bush, 'Address to a Joint Session of Congress and the American People' (20-09-2001).

¹⁵ D.C. Rapoport, *Terrorism: The fourth or religious wave* (Abingdon 2006), 3-4, 17-18.

¹⁶ Al Jazeera, 'Osama bin Laden killed in Pakistan' (02-05-2011).; The New York Times, 'Bin Laden Is Dead, Obama Says' (01-05-2011).

¹⁷ United States Department of State, 'Country Reports: Middle East and North Africa Overview' (2015).

Research Question and Approach

From the above, numerous important questions can be raised. How is Morocco able to stay a relatively stable country within the unstable MENA region? How has the counterterrorism strategy from Morocco evolved since 2003? Why is the Moroccan counterterrorism strategy effective in combatting terrorism? What are the strengths and weaknesses of the counterterrorism policy of Morocco? What are the advantages and downsides from their policy? Can the Moroccan counter terrorism strategy be labelled morally just? Is Morocco working together with regional partners to combat terrorism? Is Morocco presenting itself as regional leader because of its apparent success in combatting terrorism? Can or should (parts of) their policy be implemented in other countries?

All these questions together culminated into the following central research question this thesis will try and answer: *How has Moroccan counter terrorism strategy evolved since 2003 and how can this counter terrorism policy be interpreted and evaluated within a fundamental rights framework (based on Ignatieff's work and given the fact that Morocco officially aspires to be a country that adheres to the rule of law)?*

Answering this question is not only socially relevant, but it can also provide important insights for policy makers in the counterterrorism field as the strong and weak components of an overall effective counterterrorism strategy will be researched. The aim of this study is first and foremost to gain insight into the counter terrorism strategy of Morocco.

To answer the central research question, the thesis will be divided into four additional chapters. The second chapter will explain the theoretical framework of Michael Ignatieff's lesser evil model, which will be used as a foundation to be able to weight morally difficult choices such as security versus freedom that were made in the creation of Morocco's comprehensive counter terrorism strategy. There are a few reasons that have led to the use of Ignatieff's lesser evil model in this thesis to assess the comprehensive counter terrorism strategy of Morocco as opposed to for example John Rawls' *theory of justice*. While both theories are well known and often used in this field of research, Ignatieff's lesser evil model has two advantages. The first is a practical one, as the model provides clear limitations in the weighing of security versus safety. It produces clear measurements to test privacy and security against the Moroccan comprehensive counter terrorism strategy. This will be explained in more detail below. The other clear advantage of using this model is that Ignatieff wrote his model for liberal democracies. These countries have set limits to the use of force their government can use as the values they stand for must not be destroyed by resorting to greater evils in the fight against

terrorism.¹⁸ Whereas Morocco cannot be characterized as a liberal democracy, Moroccan authorities and especially the Moroccan King, have on multiple occasions argued Morocco to be on a gradual road towards democracy.¹⁹ Although Morocco may not be a democracy yet, they strive to become a democracy and already are a country that tries to adhere to the rule of law, which makes it very interesting to apply Ignatieff's lesser evil model to this particular case. The thesis is thus also scientifically very relevant as a non-liberal democracy who wants to increase its adherence to the rule of law will be tested against the lesser evil framework of Ignatieff which has not been done before.

The third chapter will provide some historical background to give insight into Moroccan society and the lead up to the 2003 Casablanca bombings and the entering into force of the Moroccan comprehensive counter terrorism strategy.

The fourth chapter will be about how the counterterrorism strategy from Morocco evolved since 2003 and will start with the history of counterterrorism in Morocco from before 2003 to be able to see what changed since 2003 and how the strategy kept on evolving. The chapter deals with the Casablanca attack itself and the threefold strategy of 1) new terrorism laws, 2) socio economic reforms and 3) religious reform plus regional cooperation until 2010.

The fifth chapter will revolve around the more recent status of the strategy. This chapter will begin with the Arab Spring which started in 2010 and describe in detail how this affected Morocco and how this influenced its counter terrorism strategy. This chapter will also look at what role Moroccan counterterrorism policy played in their surrounding region and whether or not Morocco wants to take on regional leadership regarding counterterrorism. Is Morocco seen as a region leader and what role does King Mohammed VI play in this regard. The fight against ISIS will also be discussed and the chapter will conclude with where Morocco currently stands and what it has stored for the future.

A single case study analysis will be conducted to answer the central research question: *How has Moroccan counter terrorism strategy evolved since 2003 and how can this counter terrorism policy be interpreted and evaluated within a fundamental rights framework (based on Ignatieff's work and given the fact that Morocco officially aspires to be a country that adheres to the rule of law)?* The reason for the selection of the Moroccan case is that it is a

¹⁸ M. Ignatieff, 'The Lesser Evil', 2.

¹⁹ The New York Times, 'Morocco King Proposes Limited Steps to Democracy' (17-06-2011).; Voltairnet, 'Mohammed VI Speech to the Moroccan Nation' (17-06-2011).; Brookings, 'Morocco's King Mohammed VI: 10 Years and Counting' (5-08-2017).; The Global Observatory, 'Democratic Progress for Morocco, but on King's Terms', (28-03-2017).; J. Traub, 'The Reform of the King: Morocco's Mysterious Young Monarch is Promising a "third" Path between Democracy and Tyranny. Is it a Model for the Arab World – or a Myth?', *Foreign Policy* (2012).

stable country in an insecure region that has proven to have an effective comprehensive counterterrorism strategy. Investigating what elements affect the effectiveness of this policy will provide a broader understanding of counterterrorism measures and can provide valuable insights for policy makers.

Qualitative methods will be used for this research. Document analysis will be conducted to gather information on the case of Morocco. Documents that will be analysed include, but are not limited to, changed laws, counterterrorist policy documents, government documents and research documents about counterterrorism.

Chapter 2: Theoretical Framework

The thesis is not only aimed at gaining insight into the Moroccan counter terrorism strategy itself. Both the fourth and the fifth chapter will also be used to move beyond merely looking at counter terrorism effects, as positive counterterrorism effects can at the same time have negative (side) effects on Moroccan society with for example human rights violations. Both sides of the coin need to be considered. The chapters will evaluate the counter terrorism strategy of Morocco by going into ratio's such as security versus freedom, implications for human rights and religious guidance versus freedom of religion. Weighting morally difficult choices such as choosing between security and freedom can only be done academically by making use of a certain framework or approach to structure the whole. As was mentioned earlier, this thesis will make use of Michael Ignatieff's book "The lesser evil: Political ethics in an age of terror".²⁰

The introductory chapter already briefly touched upon the question of why the lesser evil model of Ignatieff was chosen as a normative framework for this thesis. The theory is frequently used and well recognized in this line of research and also provides clear limitations in weighing security versus safety. The most important reason for choosing this framework is that Ignatieff wrote the lesser evil framework for liberal democracies. These countries adhere to the rule of law and fight terrorism because they believe life should be free of violence. Fighting against terrorism inevitably requires the use of force. The challenge for democracies is that they want to protect their civilians from terrorism while at the same time their constitutional identity must not be sacrificed.²¹ This means that democracies are required to prove that abridgments of rights as a consequence of fighting terrorism are justified.²²

While Morocco is no liberal democracy, rhetoric from Moroccan authorities and especially the king make clear that Morocco strives to be a democratic country that adheres to the rule of law. Already at the beginning of his reign, King Mohammed VI hinted he favoured a democratic Morocco and he therefore strengthened democratic reforms in Morocco.²³ In 2011, under the leadership of Mohammed VI some constitutional changes were made to set Morocco on a renewed democratic course by changing Morocco into a constitutional monarchy.²⁴ After the constitutional changes were approved in a referendum, in a speech to the nation King Mohammed VI stated that the changes would "strengthen our democratic development", affirm

²⁰ M. Ignatieff, 'The Lesser Evil'.

²¹ M. Ignatieff, 'The Lesser Evil', xiii.

²² M. Ignatieff, 'The Lesser Evil', 2.

²³ M. Ottaway & M. Riley, 'Morocco: From Top-Down Reform to Democratic Transition?', *Carnegie Papers*, 71 (2006), 7.

²⁴ The New York Times, 'Morocco King Proposes'.

the “commitment to democratic principles” and mark a “milestone in the consolidation of our distinctive model which is based on democracy and the pursuit of development”.²⁵ The new constitution even stipulated that Morocco is a “constitutional, democratic, parliamentary monarchy”.²⁶ Seeing as Moroccan authorities want Morocco to be seen as a democratic country that adheres to the rule of law, it is relevant to test Moroccan comprehensive counter terrorism strategy to Ignatieff’s lesser evil model that was written for liberal democracies.²⁷

“Life’s toughest choices are not between good and bad, but between bad and worse. We call these *choices between lesser evils*. We know that whatever we do, someone will get hurt. Worst of all, we *have* to choose...If we do too little, we will get attacked again. If we do too much, we will harm innocent people” – *Michael Ignatieff*²⁸

The question of ‘at what cost?’ is a relevant one that needs to be asked when talking about counter terrorism strategies. Two opposing schools of thought exist. The moral perfectionists believe existing rights and guarantees should under no circumstances be suspended, while the other school of thought, labelled as false necessity, believes anything is justified in the fight against terrorism.²⁹ Ignatieff positions himself in between the two opposing groups with the ‘lesser evil approach’. He argues that in the fight against terrorism some liberties will always be sacrificed at the cost of security *and vice versa*. It is important to choose lesser evils to prevent greater evils from happening.³⁰

Ignatieff contends that sometimes violence is required to keep terror at bay and coercion, violation of rights and violence may be warranted. But how can societies resort to lesser evil, without caving in to the greater evil? How to deal with the terrorist threat without sacrificing your own identity as a country? And what are the moral limits of lesser evils a country can commit in the face of greater evil?³¹ According to Ignatieff, authorities need to make choices and are allowed to suspend certain rights if they believe this can forestall greater harm. It is, however, imperative that these decisions that infringe rights are publicly justified. Rights should

²⁵ Voltairenet, ‘Mohammed VI Speech’.

²⁶ M. Hashas, ‘Moroccan Exceptionalism Examined: Constitutional Insights pre- and post-2011’, *Instituto Affari Internazionali*, 13 (2013) 34, p.12.

²⁷ The New York Times, ‘Morocco King Proposes’.; Voltairenet, ‘Mohammed VI Speech’.; Brookings, ‘Morocco’s King Mohammed VI’.; The Global Observatory, ‘Democratic Progress for Morocco’.; J. Traub, ‘The Reform of the King’.

²⁸ M. Ignatieff, ‘The Lesser Evil’, vii

²⁹ Ibid.

³⁰ M. Ignatieff, ‘The Lesser Evil’, viii.

³¹ M. Ignatieff, ‘The Lesser Evil’, xiii.

not become a barrier to government action when needed, but checks and balances are at the heart of the lesser evil approach as public authorities need to be forced to explain why they chose a certain balance between liberty and security.³²

To make this more concrete, Ignatieff's position is that necessity may demand authorities to respond in such a way that it protects democracy and that this policy at the same time strays away from established dignified democratic commitments, although not too far. When for example a hundred people can be saved from a terrorist attack, it may be worth to continuously interrogate a suspect to the limits of his or her ability. Although interrogation like this is a violation of the dignity and rights of the suspect and therefore a wrong thing to do, it would be a lesser evil than allowing a hundred people to get hurt.³³ Crucial in understanding the idea of lesser evil is that while it justifies the resort to some forms of evil, it still regards the measure as evil, only acceptable because other measures would be insufficient.³⁴ Torturing a suspect for information would be so morally problematic that it is not allowed for in Ignatieff's position.³⁵ This is because the government must not succumb to the interest of the majority. Government are constrained as they cannot sacrifice the freedom and rights of individuals over the tyranny of the many.³⁶

Ignatieff therefore argues that "the best way to minimize harms is to maintain a clear distinction in our minds between what necessity can justify and what the morality of dignity can justify, and never to allow the justification of necessity to dissolve the morally problematic character of necessary measures".³⁷ This means that in some instances security may trump rights, but the reasons for doing so must be strong as it can be morally questionable to do so. Therefore, certain limitations must be applied; measures need to be necessary, used as a last resort, need to be strictly targeted, need to be used to a minimal number of people and the measures must be out in the open for public scrutiny.³⁸ Especially this last part is important, as the people of a country are best able to scrutinize measures and prevent lesser evils from becoming greater evil. Lastly, according to Ignatieff, measures must not violate individual dignity. This means international ratified human rights instruments such as the UN Charter and the Geneva Convention must be kept in mind as foundational obligation to human rights must

³² M. Ignatieff, 'The Lesser Evil', viii.

³³ Ibid.

³⁴ M. Ignatieff, 'The Lesser Evil', 18.

³⁵ M. Ignatieff, 'The Lesser Evil', viii.

³⁶ M. Ignatieff, 'The Lesser Evil', 5

³⁷ M. Ignatieff, 'The Lesser Evil', 8.

³⁸ Ibid.

always preclude cruel punishments.³⁹ One of these rights, is the right to a fair trial which means that people must always be provided a fair process by which the government is prevented to abuse its powers. This is the best defence of distinguishing the guilty from the innocent.⁴⁰

Although it may be difficult to assess when a counter terrorism measure is no longer on the right side of the delicate balance of being a lesser evil, this thesis will nonetheless try to do so by looking at the limitations of the moral framework as laid out by Ignatieff’s lesser evil approach. The table below provides concrete guidelines that follow from the limitations that were described above. These limitations and guidelines will be used in chapter four and five to analyse the Moroccan comprehensive counter terrorism strategy.

Limitations - Moral Framework	Concrete Guidelines
1) Measures need to be <i>necessary</i> and used as a <i>last resort</i> .	<ul style="list-style-type: none"> - Less coercive measures must have been tried first. - Measures need to enhance security both on the short and long term.
2) Measures need to be <i>strictly targeted</i> .	<ul style="list-style-type: none"> - Do not implement measures based on ethnic/socio-economic or other means of profiling. - Prevent vague (definitions of) measures. - Prevent violations to the freedom of religion.
3) Measures need to be <i>used to a minimum number of people</i> .	<ul style="list-style-type: none"> - Measures must not be used indiscriminately.
4) Measures need to be <i>open for the public/ public scrutiny</i> .	<ul style="list-style-type: none"> - Oversight must be possible.
5) Measures must <i>not violate individual dignity</i> .	<ul style="list-style-type: none"> 6) The foundational commitment to human rights precludes cruel punishment or torture. Authorities need to abide by the (international) laws and stay within the legal bounds. - Abide by the rules of <i>fair trial</i>.

³⁹ M. Ignatieff, ‘The Lesser Evil’, 24.
⁴⁰ Fairtrials, ‘The Right to a Fair Trial’ (2017).

Chapter 3: Contextualising the lead up to the comprehensive Moroccan Counter-Terrorism Strategy

Before going into detail about the 2003 Casablanca terrorist attack and the effects it has had on Morocco's evolving counterterrorism strategy, it is important to provide some historical context about Morocco and its counterterrorism strategy until 2003 in order to give insight into Moroccan society itself and Morocco's place in their region.

Historical Context Morocco

When compared to other countries in the MENA region, Morocco stands out by its increased openness and its moderate interpretation of Islam.⁴¹ This 'exceptionalism' created a sense of immunity for terrorist attacks to an extent that people even believed Moroccans were unable of carrying out terrorist acts.⁴² This thought was based on the idea that Morocco as a whole adheres to the Maliki school of jurisprudence of Sunni Islam which opposes and therefore prevents Salafi jihadist terror attacks to be carried out by Moroccans.⁴³

Mohammed El-Katri, a political risk analyst focused on the MENA region, argues that Moroccan society is defined by its ethnic, intellectual and cultural diversity and that the common adherence to the Maliki school of jurisprudence must be seen as a unifying component in Moroccan society. This means religion is very important in Morocco and the Maliki school of jurisprudence of Sunni Islam is the established state religion in Morocco because the Moroccan royal family is from the Alaouite dynasty that adheres to this particular school of Sunni Islam.⁴⁴ The Royal family has profound influence in Morocco as they claim direct descent from the Prophet Mohammed and have been ruling Morocco since 1649.⁴⁵

Bearing the title of Commander of the Faithful, the King is the country's religious leader. The King is also Commander in Chief of the military and is therefore also the political leader of Morocco.⁴⁶ The King has substantial political power as he presides over the Council of Ministers and appoints the Prime Minister.⁴⁷ In the past Moroccan Kings manipulated the

⁴¹ V. Bartolucci, 'Assessing Terrorism', p.111.; J. Kalpakian, 'Current Moroccan Anti-Terrorism Policy (ARI)', *Real Instituto Elcano*, 89 (2011), 9.

⁴² V. Bartolucci, 'Assessing Terrorism', p.111.; M. Hashas, 'Moroccan Exceptionalism Examined', 1.

⁴³ Jihadology, 'The Clear Banner: The Death of Moroccan Exceptionalism: A Brief History of Moroccan Salafi Jihadism and Current Jihadist Trends' (2014).

⁴⁴ M. El-Katri, 'The Institutionalisation of Religious Affairs: Religious Reform in Morocco', *The Journal of North Africa Studies*, 18 (2013) 1, 53-69, p.55.

⁴⁵ A. Billingsley, 'Political Succession in the Arab World: Constitutions, Family Loyalties and Islam', (London 2015), 80.

⁴⁶ M. El-Katri, 'The Institutionalisation of Religious Affairs', 55.

⁴⁷ M. Hashas, 'Moroccan Exceptionalism Examined', 8.

electoral process and prevented opposition forces from government as the Kings wanted their allies to remain in power.⁴⁸ This is important as Ignatieff emphasised in his lesser evil framework that measures need to be scrutinized to prevent lesser evils from becoming greater evils and this would be a harder thing to do when the King pulls the strings of government.

Another major important historical circumstance regarding the balance of power in the Maghreb / Sahel region is the Western Sahara dispute. In 1973 the Polisario movement was formed with the support of Algeria. This group claimed the territory of the Spanish Sahara in order to establish an independent state. The Western Sahara territory, formerly known as the Spanish Sahara was occupied by Spain until 1975. When in 1975 Spain left Spanish Sahara, Moroccan forces occupied the area. Algeria rejected the Moroccan claim and a clash between forces ensued. In 1976, Algeria declared the formation of the Saharawi Arab Democratic Republic (SADR), while Morocco and Mauritania divided the Western Sahara territory.⁴⁹ This dispute over the Western Sahara territory between Algeria and Morocco remains an issue of controversy until this day and acts as an impediment to regional cooperation.

From the 1980s onwards, then King Hassan II started a process of gradual liberalization in response to an economic crisis. Under pressure of riots because of the worsening economy, the King acknowledged the need for expanding the room for political expression. This allowed room for NGO's and civil society to express themselves on issues such as human rights and women's rights. What is more, the increased openness also allowed for opposition parties to take part in the parliamentary system.⁵⁰ Although the King was pushed to integrate opposition parties into the regime and transfer more power to the Prime Minister, one cannot speak of a true democratization process as no substantial redistribution of power took place and the King retained most power as a non-elected head of state.⁵¹

The conflict about Western Sahara created a massive drain on government spending and was one of the reasons why King Hassen II was forced to push through reforms in the country.⁵² What is more, Morocco even left the Organisation of African Unity (predecessor of the current African Union) in 1984 because the SADR became a member of the organisation.⁵³ Although

⁴⁸ H. Malka, & J.B. Alterman, 'Arab Reform and Foreign Aid – Lessons from Morocco', *Center for Strategic and International Studies* (2006), 46.

⁴⁹ BBC, 'Morocco Profile – Timeline' (2017).

⁵⁰ Ibid.

⁵¹ M. Monjib, 'The "Democratization" Process in Morocco: Progress, Obstacles, and the Impact of the Islamist-Secularist Divide', *The Saban Center for Middle East Policy at the Brookings Institute*, working paper no 5 (2006), 4.

⁵² Malka & Alterman, 'Arab Reform and Foreign Aid', 46.

⁵³ BBC, 'Morocco Profile – Timeline'.

in 1991 a ceasefire between Polisario and Morocco was brokered by the UN, the dispute between Morocco and Algeria remains important in the balance of power in the region.

This is because political disagreement between the two countries hampers regional security cooperation, which also affects the possibilities of regional counter terrorism cooperation. The Moroccan-Algerian “cold peace” is a driver of regional competition and as both countries are relatively powerful in the region, a struggle over regional hegemony in the Maghreb ensued over the last decades.⁵⁴ Since the dispute, Algeria became the region’s hub for security matters and because of its dispute with Morocco, it even excluded Morocco from regional initiatives such as the G-5 Sahel.⁵⁵ Stepping out of the Organisation of African Unity also weakened Morocco’s position and makes it harder to take on a leadership role in the counter terrorism field.

As was mentioned earlier, Moroccan authorities felt immune to terrorist activity and they therefore did not enact new counter terrorism measures directly after ‘9/11’. This does not, however, mean Morocco *was* completely immune to terrorist attacks and terrorist organisations on Moroccan soil before the Casablanca bombings. It merely meant both were kept at a minimum. The Moroccan Islamic Combatant Group (MICG), who carried out the Casablanca bombings, was formed in the early 1990s from returning Moroccan veterans that had fought in the Soviet-Afghan war. This al-Qaeda aligned group that operated throughout the Maghreb region was also responsible for the 1994 Marrakech terrorist attack in which two Spanish tourists were killed.⁵⁶

When King Mohammed VI succeeded King Hassen II in 1999, he promised to keep Morocco on the path of reform towards democracy. This is an important development prior to the 2003 Casablanca attack as it opened the door to public scrutiny. Although before 2003, the Moroccan Penal Code was equipped with dealing with terrorism, terrorism itself was not mentioned in the penal code and no special laws existed to deal with terrorism specifically.⁵⁷

The 2003 Casablanca Terrorist Attack

Moroccan exceptionalism prevented the Moroccan parliament to adopt counter terrorism legislation directly after the 11 September 2001 terrorist attack in the United States. Being an

⁵⁴ A.H. Cordesman & A. Nerguizian, *The North African Military Balance*, *Center for Strategic & International Studies* (2010).

⁵⁵ S. Rakowski, ‘Morocco Rising’ (27-05-2014).; U.S. Department of State, ‘Country Reports on Terrorism 2014’.

⁵⁶ Religion and Geopolitics, ‘Morocco’s Counter-Terror Approach May Just Keep ISIS at Bay’ (22-11-2016).

⁵⁷ Moroccan Penal Code, ‘Dahir No 1-59-413 DU 28 Joumada II 1382: Portant Approbation du Texte du Code Pénal’ (26-11-1962).

oasis of tranquillity Morocco imagined itself to be invulnerable to terrorist activities and attacks. Whereas an attempt was made to change the country's counter terrorism strategy, parliament in the end rejected the law as it was felt that it was not relevant for Moroccan reality at that time.⁵⁸

This changed on May 16 2003, when the city of Casablanca was hit by the most devastating coordinated terrorist strike the country had ever seen. The security expert Valentina Bartolucci even spoke of "the burial of Moroccan 'exceptionalism' in terms of vulnerability to terrorist planning and attacks".⁵⁹ During this fateful day, fourteen suicide bombers struck five different locations in Casablanca within thirteen minutes of each other.⁶⁰ Thirty-three civilians were killed during the attacks and twelve out of fourteen terrorists died as well. A total of forty-five lives were ended and over a hundred people were seriously injured as a result of the assault.⁶¹ The sites that were chosen by the terrorist were: Hotel Farah, a Jewish cemetery, Café de Espana, a Jewish Community Center and a Jewish-owned Italian restaurant which assault also caused collateral damage to the Belgian Consulate. This clearly indicates the commitment to attack Jewish and Western locations with the aim of instilling panic and terror to weaken the state's security.⁶²

All fourteen suicide bombers lived on the edges of Casablanca in the poor shanty towns or slums of Sidi Moumen, Thomasville and Carriere Thomas.⁶³ Furthermore, the aggressors had generally left school early and were therefore poorly educated and most of them were unemployed.⁶⁴ Investigation showed the attackers to be adherents of the Salafia Jihadia terrorist group that has been accused of having ties with al-Qaeda. The al-Qaeda aligned MICG terrorist organisation was thought to be responsible for the attacks.⁶⁵ Whereas no terrorist group claimed responsibility for the attack, the tactics of the assault; multiple, near-simultaneous attacks and using suicide bombers to target lightly defended locations, are said to bear many hallmarks of an al-Qaeda orchestrated attack.⁶⁶ What is more, a few days earlier Osama Bin Laden had designated Morocco as a target for fundamentalist Islamists.⁶⁷ It was furthermore established

⁵⁸ V. Bartolucci, 'Assessing Terrorism and Counterterrorism', 115.

⁵⁹ Ibid., 110.

⁶⁰ BBC, 'Terror Blasts Rock Casablanca' (17-05-2003).

⁶¹ J.P. Pham, 'Morocco's Vital Role', 3.

⁶² T. Connors, 'Analysis: May 16, 2003 Suicide Bombings in Casablanca, Morocco', *Manhattan Institute's Centre for Policing Terrorism* (2014).

⁶³ Ibid.

⁶⁴ Y. El Bouhairri, 'The Fight Against Terrorism: Between the Reasons of State and the Human Rights. Special Reference to Morocco', In: Fernandez-Sánchez, P.A., '*International Humanitarian Law Series: International Legal Dimensions of Terrorism*' (Leiden 2009), 44.

⁶⁵ Human Rights Watch, 'Morocco: Human Rights at a Crossroad', 16 (2004), 6.

⁶⁶ T. Connors, 'Analysis: May 16, 2003'.

⁶⁷ Y. El Bouhairri, 'The Fight Against Terrorism', 43.

that most of the involved were Moroccan extremists that had been exposed to extremist trainings in Afghanistan.⁶⁸ It is very important to emphasize the socio-economic and religious issues. This is because initiating social programmes to address poverty and social exclusions as well as countering violent extremism by preventing people from becoming radicalised are two of the pillars of Moroccan counter terrorism strategy. This will be explained in greater detail below.

⁶⁸ United States Department of State, 'Middle East Overview: Patterns of Global Terrorism' (30-04-2001).

Chapter 4: Evolving Moroccan Counter-Terrorism Strategy

The 2003 Casablanca terrorist attack brought about a change in the counter terrorism policy of Morocco and can be seen as a first step towards their comprehensive strategy. The attack led to the immediate wish to strengthen internal security which is why a new law on combatting terrorism was created within two weeks. During the following years, Moroccan counter terrorism strategy evolved as two additional elements were added. Fighting poverty and gaining control of the religious sector while promoting the true values of Islam were added to the already existing element of strengthening internal security. In short this means that the effective counter terrorism strategy of Morocco is based on a three-pillar system. This chapter discusses when, how, with what intention and with what effect Moroccan counter terrorism strategy evolved from 2003 onwards.

The Aftermath of the Casablanca Bombings – Adopting a New Counterterrorism Law

The Casablanca bombings may well be regarded as a focusing event. In the book, *How does an idea's time come?* John Kingdon explains the multiple streams framework. He argues that in a policy environment three separate streams exist: the problem stream, the policy stream and the political stream.⁶⁹ Kingdon's multiple streams framework is mostly interested in policy that comes about from dramatic events. Focusing events are significant events, or crisis, that call for and justify a policy response. They create opportunities for people to pursue a certain favoured policy. It can be argued that gradually accumulating evidence of a threat is often ignored and that a sudden break or focusing event is necessary to cause a big policy change. Such events break the policy world from inaction and create a policy window of opportunity in which the likelihood of a change of policy is enhanced.⁷⁰

The Casablanca bombings were a focusing event as it signalled the beginning of a comprehensive counter terrorism strategy. This claim is defended here by the fact that within two weeks after the attack took place, a new antiterrorism law was promulgated by the Moroccan government to combat violent extremism.⁷¹ Taking this measure can certainly be regarded as necessary (limitation 1) seeing as Morocco had just been hit by the most devastating terrorist attack it had ever seen and the current Moroccan Penal Code knew no specific anti-terrorism laws. Limitation 1 of Ignatieff's moral framework, however, also states that measures may only be used as a last resort. Adopting a counter terrorism law two weeks after the terrible

⁶⁹ J. Kingdon, *Agendas, Alternatives, and Public Policies*, (New York 2011), 2.

⁷⁰ M.J. Mazarr, 'The Iraq War and Agenda Setting', *Foreign Policy Analysis*, 3 (2007) 1, 14.

⁷¹ J.P. Pham, 'Morocco's Vital Role', 3.

Casablanca bombings, does not pass the test of being a last resort. Less coercive measures have not been tried first as the counter terrorism law was the first action undertaken by the Moroccan government. However, Ignatieff also states that authorities must sometimes act quickly in the face of terror and it then is up to public scrutiny to see if the right balance between liberty and security was struck by the government. Before deciding whether or not the imposition of law violated the lesser evil approach, the thesis will therefore in more detail look at the law itself.

Law No 03.03 on the fight against terrorism was established by Dahir (law) no. 1-03-140 and was published in No. 5112 of the Official Bulletin of the Kingdom of Morocco on 29 May 2003.⁷² This counter terrorism legislation added and amended articles to the already existing Penal Code and Criminal Procedure Code.⁷³ The most important elements of this law which provided enhanced powers for the security services will be discussed and analysed below.⁷⁴

The first article (218) of the law on combating terrorism explains which offenses are considered to be acts of terrorism. It criminalizes acts as terrorism when they are regarded to be “intentionally linked to an individual or collective plan to seriously breach public order by intimidation, terror or violence”.⁷⁵ Among other things, the list includes wilfully killing a person or his identity; destruction, or degradation; theft and extortion of property; and knowingly concealing an upcoming terrorist attack.⁷⁶ Listing acts that can be considered terrorism is not, however, the same as precisely defining what terrorism is. The vague and far-reaching description of terrorism can lead to the law being abused.⁷⁷ The ambiguous phrase “seriously breach public order” is also debatable as it can be applied very flexible to offences ranging from terrorism to petty crimes. Intimidation, terror and violence are not just used by terrorists, which means the law could also be applied to other criminals.⁷⁸

The vague definition of terrorism, which actually is no definition at all, that is used in the new law clearly violates Ignatieff’s limitation that measures need to be strictly targeted (limitation 2). Although it is necessary (limitation 1) to have a definition of terrorism in a counter terrorism law, the measure does not necessarily enhance security because of the vagueness of the definition. It can therefore be argued that the definition of terrorism as laid out

⁷² Kingdom of Morocco, ‘Official Bulletin: no.5112’ (29-05-2003).

⁷³ Human Rights Watch, ‘Morocco: Human Rights’, 25.

⁷⁴ Religion and Geopolitics, ‘Morocco’s Counter-Terror Approach’.

⁷⁵ Kingdom of Morocco, ‘Official Bulletin: no.5112’, 416.

⁷⁶ Ibid.

⁷⁷ Y. El Bouhairri, ‘The Fight Against Terrorism’, 47.

⁷⁸ A. Saadoun, ‘Combating “Terrorism” in Contemporary Moroccan Law (2003-2014): A Comparative Analysis’ (06-05-2015).

in the new law does not prescribe to the limitation of necessity (limitation 1). As already pointed out above, this far-reaching and vague definition of terrorism can easily be misused or abused in order to wrongfully mark someone a terrorist. Criminalizing terrorist acts can only be done in a targeted manner (limitation 2) when the definition of what a terrorist act constitutes is clear. Otherwise too many people may be charged with terrorist offences which hold that the liberty of too many people may be violated. This opposed the limitation that measures need to be used to a minimum number of people (limitation 3). Therefore, this vague definition of terrorism is problematic and does not conform to the limitations Ignatieff has set out. Following this line of thinking, it can therefore be concluded that the law does not strike a fair balance between liberty and security and is not an example of a lesser evil preventing greater evil as it may do greater evil itself in violating the liberty of people because it is not strictly targeted and may be used against too great a number of people.

This claim can best be proven by looking at the staggering number of people arrested in the months after the Casablanca bombings. The Moroccan Justice minister stated that only one year after the 2003 terrorist attack no less than 2.112 suspects had been charged with terrorist offences regarding the 2003 bombings. Of them, 903 were convicted and seventeen sentenced to death, although none have been executed.⁷⁹ These figures make clear an overwhelming number of suspects was apprehended which makes it almost impossible for the measures to have been strictly targeted (limitation 2) and used to a minimum number of people (limitation 3), which Ignatieff says need to be applied for a measure to be a lesser evil.

The law furthermore established deterrent penalties for the already mentioned list of activities that were deemed terrorist acts. Specific punishments were written down for certain crimes, ranging from imprisonment between two and six months for “anyone who defends acts constituting terrorist offences, in discourse, cries or threats made in public places or public meetings or in their writings” (article 218-2) to the punishment of execution when terrorist acts have led to the death of one or more people (article 218-3). The law furthermore provides amendments to the Penal Code by increasing the severity of punishments when offences are considered to be terrorist acts. In short, this for example means life imprisonment for a certain crime becomes a death penalty when it is believed to be an act of terrorism.⁸⁰ These deterrent penalties are strictly targeted (limitation 2) as they are specified to certain crimes, but seeing as the definition of terrorism is so broadly defined within the law it remains questionable just how targeted the penalties really are. Because of the broad definition of terrorism, the specific

⁷⁹ Human Rights Watch, ‘Morocco: Human Rights’, 25.

⁸⁰ Kingdom of Morocco, ‘Official Bulletin: no.5112’, 416.

penalties may fall victim to being misused on the basis of ethnic, religious or other means of profiling and may be used indiscriminately.

A few other important elements have been put into place that strengthen the security apparatus in combatting terrorism in Morocco. Law 03.03 added paragraph four to article 66 of the penal code which provides for an extension of the duration of periods of police detention in cases of terrorism. Detention in police custody is raised to ninety-six hours, twice renewable to a maximum of twelve days total.⁸¹ Moreover, paragraph nine was added to article 66 which effectively grants the right to refuse the right of suspects to have contact with their lawyer for up to six days.⁸²

Whereas Ignatieff clearly states that suspects may be detained as terrorist suspect without trial for a certain amount of time if this violation of rights enhances security (limitation 1), he equally undoubtedly makes clear suspects must always retain the right to have contact with their lawyer as this is an international obtained right which authorities need to uphold (limitation 5).⁸³ The right to a lawyer is furthermore necessary to stay within the bounds of fair trial which is a concrete guideline that follows from the limitation (5) that measures must not violate individual dignity. This is because depriving someone of a lawyer is not a necessary measure (limitation 1) for enhancing security. It *is* on the other hand, a necessary right of suspects to have a lawyer who can inform them of their rights in order to guarantee fair trial (limitation 5). Not having a lawyer makes detainees more vulnerable to abuse and even to torture.

According to the study of Human Rights Watch “Morocco: Human Rights at a Crossroads”, multiple limitations were thrown overboard in several cases and security forces failed to uphold the rights of suspects. In many cases, Human Rights Watch found that the limited duration of police detention went beyond the maximum of twelve days total which is a clear violation of the rules of fair trial (limitation 5). The police were said to falsify the arrest date to make it look like as if the suspect had been detained within the maximum limits.⁸⁴ A lesser evil such as police detainment without trial in order to enhance security can easily become a greater evil when authorities do not stay within their own legal bounds. This is because the rights of suspects are not guaranteed and become subject to abuse.

⁸¹ Ibid., 418.

⁸² Ibid.

⁸³ M. Ignatieff, ‘The Lesser Evil’, 29.

⁸⁴ Human Rights Watch, ‘Morocco: Human Rights’, 2.

Many suspects that were apprehended in the year after the 2003 Casablanca bombings reported to Human Right Watch they were transported to a detention centre after being detained instead of being held by the police.⁸⁵ Even though Moroccan authorities denied transporting suspects to said detention centres, the extended duration of police detention which apparently is also sometimes violated coupled with the right to deny suspects a lawyer for up to six days makes room for violating the rights of suspected terrorists which violates individual dignity (limitation 5). It therefore makes it possible to turn a lesser evil into a greater evil. What is more, a profound number of detainees argued they had become the victim of both mental and physical torture in order to get a confession.⁸⁶ Torture is always so morally wrong that once this happens a lesser evil is turned into a greater evil (limitation 5).

On a more positive note; Moroccan authorities acted in answer to criticism from human rights organisations, civil society and UN pressure. In 2006, the Moroccan government took measures to try and eliminate torture by making amendments to the law. Before 2006 torture was already prohibited in its Penal Code, but no definition of torture was presented. After 2006 the Penal Code did include a definition of torture which made it easier to punish the offence.⁸⁷ Although torture has not been prevented altogether since 2006, this public scrutiny fits exactly into Ignatieff's framework as he argues that measures must be corrected by means of public scrutiny (limitation 4). In this case the possibility of a measure turning into a greater evil was counteracted by public scrutiny to make it a lesser evil again.

General Moroccan law stated that house searches can only take place with the explicit written consent of the homeowner and the house search must take place between 6.00 a.m. and p.00 p.m. As decided by law 03.03, subparagraph four of article 79 and article 102 allow for homes to be searched and surveilled at any time of the day, even outside the normally appointed hours, when authorization is given by the public prosecutor.⁸⁸ Tapping or intercepting communication of someone under investigation on charges related to terrorism is also made possible with the adjustment made to article 108, paragraph 3. The Attorney General of the King may request the Appeal Courts to order the interception of telephone or other remote-communication to record the communication and to make a copy of the communication or to seize it.⁸⁹

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Amnesty International, 'Shadow of Impunity: Torture in Morocco and Western Sahara' (09-05-2015).

⁸⁸ Kingdom of Morocco, 'Official Bulletin: no.5112', 418.

⁸⁹ Ibid.

According to Ignatieff's model, the abovementioned measures can be regarded as lesser evils as long as they are necessary (1), strictly targeted (2) and used against a minimal number of people (3). When following the law by the letter, all three limitations could be warranted as it can be regarded necessary to broaden the rules of house searches because the terrorist threat had risen and the law pertaining house searches itself does not violate the other two principles in and by itself. The problem, however, is that after the new law entered into force a massive crackdown on suspected terrorists occurred. Human Rights Watch speaks of "massive arrests and home searches without judicial warrants, mostly in poor neighbourhoods that are suspected Islamist strongholds".⁹⁰ Human rights Watch argues massive home searches have been conducted. This means the execution of the measure was based on religious and socio economic profiling (limitation 2) and was used indiscriminately (limitation 3). On top of that, homes have been searched without warrants which is against the law and the rules of fair trial (limitation 5). Therefore, although the measure in and by itself can be regarded as a lesser evil, the execution of the measure was not in line with the lesser evil principles drawn by Ignatieff.

Combatting money-laundering and preventing the financing of terrorism is also important in combatting violent extremism. Therefore, special attention was devoted to handling terrorism financing. Article 218 paragraph 4 criminalizes the financing of terrorism as it states that "the provision, raising or management of funds, securities or property, by whatever means, directly or indirectly, with a view to seeing them used, or in the knowledge that they will be fully or partly used, to commit a terrorist act, regardless of whether such an act occurs; and assisting providing advice to achieve that end" is regarded as a terrorist act for which someone can be prosecuted.⁹¹ Article 595 paragraph 4, furthermore foresees in the lifting of bank secrecy as it is made mandatory for banking institutions to provide requested information about financial transactions or movement of funds within thirty days to assist in security and legal investigations.⁹² Article 595 paragraph 2 introduced the possibility of freezing suspicious bank accounts or to seize funds that may be used for terrorist purposes.⁹³ This particular part of the new counter terrorism law is in line with the lesser evil ideas and can be considered as such as it is necessary (limitation 1) to tackle terrorism financing, it is strictly targeted (limitation 2) at the financial sector, it is used to a minimum number of people (limitation 3) as the law is

⁹⁰ Human Rights Watch, 'Morocco: Human Rights', 2.

⁹¹ Kingdom of Morocco, 'Official Bulletin: no.5112', 418.; Security Council, 'Note Verbale dated 3 December 2003 from the Permanent Mission of Morocco to the United Nations Addressed to the Chairman of the Counter-Terrorism Committee', S (2003) 1173, 3.

⁹² Kingdom of Morocco, 'Official Bulletin: no.5112', 419.

⁹³ Ibid.

very strict on which acts are criminalized and it does not violate individual dignity (limitation 5).

In short, law 03.03 broadened the definition of terrorism, extended investigative powers aimed at suspected terrorists and assisted in the prosecution of terrorists.⁹⁴ The positive effects of the new law in terms of the security perspective were seen almost immediately as the number of apprehended suspects and convicted terrorists rose and the number of terrorist occurrences in the country was reduced. Within a period of three to four months after the Casablanca bombings, 1.048 persons had been charged in Morocco.⁹⁵ According to the Moroccan Minister of Justice, a year after the 16 May terrorist attacks, 2.112 extremists had been brought before Moroccan courts throughout the country of which 903 had already been convicted.⁹⁶

The law furthermore played an essential role in containing and breaking up terrorist cells. The enhanced tapping of communication made possible by the law proved to be useful in the fight against for example al-Qaeda in the Islamic Maghreb (AQIM). In 2007 the Moroccan state was able to rapidly tap cell phones of suspected members through which it seized the initiative. Moroccan authorities contained the AQIM and dismantled roughly 132 terrorist cells.⁹⁷ The government was also enabled by the law to seize arms destined for terror use.⁹⁸

From a purely counter terrorism perspective it may therefore be argued that the law works, as it helps security forces in the fight against terrorism. When taking Ignatieff's model in mind, it is, however, equally clear the counter terrorism law does not strike a correct balance between liberty and security. Some elements of the law, such as the vague definition of terrorism which led to so many untargeted apprehensions and the denial of suspect to speak to a lawyer for up to six days, are in and of itself in opposition of Ignatieff's limitations and can therefore not be labelled lesser evils, seeing as they may become greater evils. Other measures such as the enhanced house searches and enhanced police detainment without trial would comply with Ignatieff's model, were it not for the fact that the execution, or the not abiding by the law of government officials opposes the limitations drawn by Ignatieff's framework. Only the combatting money-laundering and preventing the financing of terrorism is completely in line with Ignatieff's limitations for striking a just balance between liberty and security. The law is therefore not an example of a lesser evil preventing a greater evil.

⁹⁴ United States Department of State, 'Patterns of Global Terrorism 2003' (2004), 65.

⁹⁵ Y. El Bouhairri, 'The Fight Against Terrorism', 48.

⁹⁶ Human Rights Watch, 'Morocco: Human Rights', 25.

⁹⁷ J. Kalpakian, 'Current Moroccan', 4.; START, 'Global Terrorism Database'; F. Reinares, 'Recent Evolution'.

⁹⁸ United Nations, 'Fight against Terrorism Begins in Peaceful, Inclusive Societies, Speakers Tell Sixth Committee as Debate on Scourge Continues' (2015), GA/L/3497.

Second Pillar: Social Programmes and Fighting Poverty

Morocco is well aware of the fact that strict security measures must be part of a larger multi-dimensional approach. This view was voiced by Youssef Amrani, chargé de mission at the royal office in Doha as he stated that “addressing the terrorist threat from the security point of view only is an insufficient response”.⁹⁹ Therefore, Morocco’s counter terrorism strategy goes beyond the security aspect by including a social economic aspect.¹⁰⁰

In the book *Lesser Evil*, Ignatieff makes clear he is talking about whether or not measure in counter terrorisms should be regarded as greater evils or lesser evils, but evils nonetheless. The social economic programmes described below may or may not be effective instruments of counter terrorism, but they are *not* evils themselves. The socio-economic measures fit well into the comprehensive counter terrorism strategy of Morocco and must therefore be dealt with in this chapter. The socio-economic measures are *not*, however, repressive in nature and therefore *cannot* be seen as evils, which is a necessary precondition for them to be tested against the lesser evil model. Ignatieff’s lesser evil framework can therefore not be applied to this particular part of Morocco’s comprehensive counter terrorism strategy. It is possible, however, to take a look at the effectiveness of the measures, which will be done below.

While no consensus exists regarding the exact role of socio economics on terrorism, Moroccan authorities agreed that ‘the poor’ are an easier target for recruitment and in that sense, can enable or exacerbate terrorism.¹⁰¹ This perspective was aggravated because most of the Casablanca bombers had come from the slums near Casablanca.¹⁰²

The National Initiative for Human Development (INDH) which was launched and led by King Mohammed VI in 2005, sought to fight poverty and improve Moroccan’s living conditions.¹⁰³ Before going into more detail about the INDH, it is important to shed some light on King Mohammed VI as his involvement in the INDH must be seen as part of his wider reform agenda. Mohammed VI succeeded King Hassan in 1999. As the new King rose to the throne, he immediately told the Moroccan people he identified with the cause of reform and he wanted Morocco to be a pluralistic, democratic society. This means that from the start, King Mohammed VI was invested in issues such as equal rights, human rights, democracy and combatting poverty.¹⁰⁴

⁹⁹ North Africa Post, ‘Morocco’s Counterterrorism Approach Enabled to Preserve Stability in Unstable Region’ (31-05-2016).

¹⁰⁰ North Africa Post, ‘Morocco Showcases Anti-Terrorism Strategy at European Parliament’ (09-12-2016).

¹⁰¹ J. Kalpakian, ‘Current Moroccan’, 4.

¹⁰² The Arab Weekly, ‘Morocco’s anti-terror Chief Highlights ‘Multidimensional strategy’’ (18-12-2016).

¹⁰³ Ibid.

¹⁰⁴ Malka & Alterman, ‘Arab Reform and Foreign Aid’, 47.

Already at the start of his reign, King Mohammed VI campaigned for woman's rights. He for example appointed a woman as a royal counsellor for the first time in history and he proposed a law that reserved roughly ten percent of Parliament for woman. A law revising the Moudawana, or family code, was thwarted by conservative opposition. Once again the Casablanca bombings acted as a focusing event. After the attacks, king Mohammed VI increased its leverage and he was able to push the amendment through parliament. He therewith bolstered the political and social empowerment of woman.¹⁰⁵

In May 2005, two years after the Casablanca bombings the King still had momentum and he used his increased influence to further his intentions of reform and he launched the INDH to combat poverty and unequal socio-economic conditions in Morocco. In 2005, the challenges of Morocco's economy were significant. Almost 50 percent of the adult population was illiterate and nearly 20 percent of the people lived below the poverty line.¹⁰⁶ In line of this, the INDH programme had a budget of around US\$1.2 billion for a term of six years.¹⁰⁷ The INDH was aimed at combatting poverty, creating jobs, reduce social exclusion and promote social inclusion of disadvantaged groups with the goal of erasing those conditions that may lead people to turn to violent extremism. The programme therefore also tried to increase the participation, engagement and ownership of local development for disadvantaged people.¹⁰⁸ The ultimate aim of the programme is counter terrorism related as it wants to increase social cohesion which should prevent disadvantaged people to drift towards such an extend of social exclusion they may resort to violence.¹⁰⁹

The initiative was structured around four different programmes. The first was fighting against rural poverty. The second was a programme in the fight against social exclusion in urban areas. The third was the programme of fighting against precariousness in favour of groups such as street children and the last programme was aimed at projects communities came up with themselves.¹¹⁰ The programme wanted to tackle these problems in a decentralized way as to empower local communities. It therefore aimed at targeting the poorest communities in the country and to give the lead to grassroots decision makers to propose their own projects and implementation of those projects.¹¹¹

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ J. Kalpakian, 'Current Moroccan', 4.

¹⁰⁸ United States Department of State, 'Country Reports on Terrorism 2005' (2006), *Office of the Coordinator for Counterterrorism*, 141.; C. Naïma, 'WHO-Rabat-Morocco Case Study' (28-09-2007), *World Health Organization*, 10.

¹⁰⁹ C. Naïma, 'WHO-Rabat-Morocco'.

¹¹⁰ Government Morocco, 'INDH' (2014).

¹¹¹ Malka & Alterman, 'Arab Reform and Foreign Aid', 51.

As was mentioned earlier, the fact that the Casablanca bombers had come from the slums of Casablanca fostered the belief in Morocco that poverty is not responsible for terrorism, certainly it aids it. Negative socio-economic factors, it was believed, can contribute to fostering an environment for people in which they can become more susceptible to terrorist ideas. It was for this reason King Mohammed VI called for the program '2004-2010 Cities without Slums' to improve living conditions for the poor.¹¹² The programme aimed at removing or upgrading all of Morocco's slums by the end of 2010. This was done by means of the principle of 'city contracts'. Existing slums were assessed in consultation with the community and contracts were drawn up in order to bind local authorities as well as other stakeholders to achieve the status of a 'city without slums'.¹¹³

A housing programme was also part of the social assistance programmes carried alongside the programme. A profound number of affordable houses (100.000) were to be built with government support and these buildings were sold to poor households who received generous loans. This was done with the aim of reducing the number of people who may be inclined to despair and join a terrorist organisation.¹¹⁴ Re-housing and home upgrading was also part of the programme.¹¹⁵

At the end of the first INDH project which lasted until 2010, almost 23.000 projects had been launched. The project had a sound design as it was able to mobilize a substantial number of stakeholders, both large institutions as well as grassroots movements, to help in the implementation of the project.¹¹⁶ Among other positive effects, in rural areas that were targeted by the programme households average income increased with 20.3% according to an investigation of the Moroccan government together with the National Observatory of Human Development. Urban areas did not see an increase in household income because of the programme.¹¹⁷

According to the World Bank, the INDH project achieved some noticeable successes in the 2005-2010 period. To name a few achievements; the programme caused an increase of 11-17% of women inclusiveness in governance structures and a 12% increase inclusiveness of

¹¹² M. Chebatoris, 'Morocco's Multi-Pronged Counterterrorism Strategy', *Terrorism Monitor*, 7 (2009) 13.

¹¹³ A. Baverel, 'Best Practises in Slum Improvement: the Case of Casablanca', *Development Innovations Group* 9, 04 (2008).

¹¹⁴ J. Kalpakian, 'Current Moroccan', 4.

¹¹⁵ M. Chebatoris, 'Morocco's Multi-Pronged'.

¹¹⁶ The World Bank, 'Implementation Completion and Results Report on a Loan in the Amount of Euro 78.9 Million to the Kingdom of Morocco for the National Initiative for Human Development Support Project' (2012), Report No: ICR1955, 12

¹¹⁷ Kingdom of Morocco & National Observatory of Human Development, 'Assessment of the Achievements of the First Phase of INDH (2005-2010) and their Effects on the Target Population' (2013), 5.

youth in governance structures, around 50% of the target population can as a result make use of enhanced infrastructure and services and all government decisions about the INDH project have been published which means the project was 100% transparent.¹¹⁸

That being said, the programme did not fully deliver on the task it set out to do. As reported by the National Observatory of Human Development (ONDH), the positive effects of the INDH programme on increasing incomes did not benefit the poorest households. Instead, the middle-class households of targeted areas benefitted most from the programme, although it was primarily aimed at combatting poverty of the most vulnerable.¹¹⁹ This means the programme was not well targeted and the distribution of resources to the most impoverished people did not materialise. The study similarly concluded the INDH had little impact on improving the level of satisfaction the targeted population felt towards their relationship with local authorities.¹²⁰ This is a bad thing because this means people may still not feel engaged and feel socially excluded which the programme wanted to prevent in order to combat a turn to violent extremism.

Moreover, according to an additional study of the Moroccan government and the ONDH, the basic services healthcare and education for especially children have not significantly improved as a result of the programme. Two of the most important dimensions of human development that can both have substantial influence on breaking intergenerational poverty, have not been advanced extensively through the social programmes.¹²¹ Combatting poverty in the long run to prevent people from falling into social exclusion and resorting to violence was therefore not achieved by the programme. This is also shown by the fact that ten years after the programme came into being Morocco ranked 129th on the UNDP's Human Development Index. This low ranking is mostly due to its lack of improvement of education and healthcare.¹²²

As was mentioned earlier, the lesser evil framework of Ignatieff could not be applied to the social economic programmes described above, as these programmes are not evils themselves. Ignatieff's framework is only applicable to measures that are evils to begin with and the framework then helps in answering the question whether the measure is a lesser evil or a greater evil. The social economic programmes were therefore assessed on their effectiveness.

¹¹⁸ The World Bank, 'Implementation Completion', 13.

¹¹⁹ Kingdom of Morocco & National Observatory, 'Assessment of the Achievements', 7.

¹²⁰ Ibid., 8.

¹²¹ Kingdom of Morocco & National Observatory of Human Development, 'Performance Assessment of the National Initiative for Human Development 2005-2014' (2015), 12.

¹²² Ibid., 3.

Assessing the programme's effectiveness in reaching the goal of creating an environment in which disadvantaged people will feel less excluded and will be less susceptible to terrorist ideas is extremely difficult. The government itself argued that if poverty is not responsible for terrorism it may aid it and therefore should be an important part of their comprehensive counter terrorism strategy. Seeing as the effects of poverty on terrorism are uncertain, assessing the effectiveness of a socio economic programme is very difficult. It can, however, be concluded that a lot of effort has been put into the INDH project, efforts that are worthwhile even without positive effects on countering terrorism. Many projects have been launched, many stakeholders participated and the government was serious with the project as it invested a lot of money in it. Some positive achievements have certainly been made, but the overall conclusion must be that the programme should be much more targeted at the most impoverished people of the country and it must put more weight on increasing the dimensions of youth education and healthcare for it to make a real impact in countering violent extremism. Lastly, the programme set out to reduce social exclusion and increase social inclusion of disadvantaged groups to erase conditions that could lead to violent extremism. The ONDH reported that the INDH did not improve people's satisfaction with local authorities which means people may still feel no engaged and feel socially excluded. Therefore, the social economic programmes can certainly be judged to have failed in this regard.

Third Pillar: Religious Reforms

To tackle the threat of terrorism in Morocco it was felt that an effective multidimensional approach had to combine the two abovementioned pillars with a reform of the religious sphere.¹²³ Abdelhak El Khiyam, director of the Bureau of Judicial Investigations (BCIJ) of Morocco, told in an interview that the Casablanca bombers of the 2003 terrorist attack were thought to have had a misapprehension of Islam. This was believed because, as was explained earlier, the Maliki school of Jurisprudence which is the established Moroccan state religion, strongly opposes Salafi jihadist terror. Considering this, it was deemed very important to make a substantial effort to modify the perception of Islam, especially among the youth in Morocco, through the promotion of an Islam of tolerance.¹²⁴

In Morocco, the King was best equipped to restructure the religious field as King Mohammed VI claims to be and is believed to be a direct descendent of the Prophet Mohammed and is a religious symbol being the 'commander of the faithful' which makes him a guardian of

¹²³ North Africa Post, 'Morocco Showcases'.

¹²⁴ The Arab Weekly, 'Morocco's anti-terror'.

the official Islam in Morocco.¹²⁵ The ancient monarchy has traditionally been a counteracting agent against Islamic terrorism as it adheres to the moderate Malikite form of Sunni Islam. Both the present King and his predecessor encouraged the adherence to this moderate form of Islam.¹²⁶

After the 2003 Casablanca bombings, the wish to rearrange the religious perception in Morocco accelerated. In a speech in 2004, the King said that reforms in the religious sphere were needed and should aim at “the renewal of the religious field in order to protect Morocco from extremism and terrorism and preserve its identity which is marked by balance, moderation and tolerance”.¹²⁷ Therefore, from 2004 onwards religious reforms were implemented. In April 2004, just over a year after the Casablanca attack, King Mohammed VI rearranged the Supreme Ulema Council (CSO). The CSO was rearranged a year after the Casablanca Bombings which means other measures such as the new counter terrorism law were already in place, but it was felt necessary to implement religious reforms to enhance security in Morocco. This is clearly in line with Ignatieff’s first limitation of necessity and last resort.

The CSO is led by the King and is tasked with overseeing all matters of religion in the country.¹²⁸ The CSO was already established in 1981 with the aim of protecting Moroccan society from Shiism. King Hassen II used the CSO to protect what was labelled as ‘Moroccan Islam’.¹²⁹ The newly issued 2004 decree gave the council exclusive authority to comment on religious matters and tasked it with unifying and issuing fatwas (nonbinding but authoritative legal opinions) in Morocco based on the Maliki tenets of tolerance and coexistence.¹³⁰ The new goal of the CSO became to achieve the highest possible level of religious homogeneity among Moroccan Muslims. They did so by promoting the moderate *official* Sunni Maliki version of Islam and counteract religious radicalism.¹³¹ Granting one organisation the *exclusive* authority to comment on religious matters may violate the limitation (4) that measures need to be open for public scrutiny as oversight becomes difficult when one organisation is granted that much power. Trying to achieve religious homogeneity also risks violating limitation two of strictly targeting measures as this may result in violations to the freedom of religion. Promoting a tolerate version of Islam and counteracting violent radical versions of Islam is one thing but

¹²⁵ StrategyPage, ‘Counter-Terrorism: Morocco had a Plan and it Worked’ (05-08-2014).

¹²⁶ Ibid.

¹²⁷ D. Maghraoui, ‘The Strengths and Limits of Religious Reforms in Morocco’, *Mediterranean Politics*, 14 (2009) 2, 195-211, 201.

¹²⁸ D. Maghraoui, ‘The Strengths’.

¹²⁹ M. El-Katri, ‘The Institutionalisation of Religious Affairs’, 59.

¹³⁰ Guerraoui, S., ‘Morocco’s anti-terror’.

¹³¹ M. El-Katri, ‘The Institutionalisation of Religious Affairs’, 57.

Sunni fundamentalism must not be equated with violent extremism and creating the highest possible level of religious homogeneity risks excluding religions that lie between the moderate Maliki version of Islam and the violent extremist school of thought. It is therefore argued here that promoting the moderate official Sunni Maliki version of Islam to counteract religious radicalism *does* confirm to the lesser evil principle of Ignatieff, but the wish to create a true religious homogenic Morocco society does *not* as it can lead to violating the freedom of religion.

The Moroccan state wanted to tighten its grip on religious matters even more. It was therefore necessary (limitation 1) to strengthen the grip of authorities on mosques around the country as these are an important part of everyday life and can also be a breeding ground for extremist thoughts. Mosques serve as a social gathering, offer religious as well as political discussion and also have an educational function. Many of the approximately 48.00 mosques in Morocco are, however, ruled by imams that have been ill educated about Islam. Moroccan authorities believed this to be a huge problem as without government control over these mosques, radical Salafists can hijack mosques and preach radical ideas to induce people to become terrorists.¹³²

The upgrading of the religious sphere was aimed at fighting extremism and radicalism in Moroccan society. Moroccan authorities realised that during the decades leading up to the 2003 bombings, mosques throughout the country had been operated independently from the government. This had allowed extremist ideology to be preached in some mosques. The King, followed by the government, wanted to put an end to this terrorist exploitation of mosques by regaining control of the mosques across the country.¹³³

Part of the institutional reorganisation of religious life was to bring all mosques under the supervision of the CSO. This way the unauthorised preaching of Islamic doctrines that differed from the official Sunni Maliki version of Islam could be prevented. As a result, many mosques were closed for the reason they were said to have preached extremist versions of Islam. State supervision was thus used against mosques that diverged from the moderate Moroccan religious religion and the government actively tried to prevent preachers to teach other versions of Islam than the Maliki school of Islam.¹³⁴ As will be discussed in the next chapter, these and other religious reforms proved themselves effective in the long run as Islamist terrorist

¹³² Ibid, 58.

¹³³ The Arab Weekly, 'Morocco's anti-terror'; Morocco World News, 'How Morocco Became'.

¹³⁴ Ibid.

organisation such as ISIS find it difficult to operate in Morocco because of the lack of local Islamist extremist networks.¹³⁵

Moroccan authorities also launched a project of religious education, namely the training of religious teachers and imams that carry out the values of moderate Islam based on tolerance and coexistence to stop the threat of violent Islamist extremist ideologies that can turn Muslims into violent extremists. Training religious personnel or the professionalization of religious education is of utmost importance in preventing radicalisation and misinterpretation of Islam.¹³⁶ It was estimated that 82% of the religious staff in mosques had had no religious training at all before the start of the programme.¹³⁷ Since 2006, a programme issued by the King trained over 1.500 imams or other religious teachers to promote a moderate version of Islam. They have been to nearly 50.000 mosques to affirm the adherence to the Maliki school of Islam, to promote the teaching of a moderate Islam and to show how to resist the attraction of violent radical Islam.¹³⁸ Interestingly, women were for the first time included as religious scholars, named *mourshidat* (counsellor) and received training in moderate Islam. This was done to make sure women could teach other women the ways of moderate Islam.¹³⁹

The programme of religious education was also born out of response to radical missionaries that were sent to Morocco by Iran and Saudi Arabia, which makes it a necessary approach (limitation 1). The last couple of decades also saw a sharp increase of violent radical propaganda which was made far easier by new communication systems such as television and especially the internet.¹⁴⁰ Another important element of the religious reform programme is therefore the creation of a television and radio station aimed at providing a better understanding of moderate Islam based on values such as tolerance, moderation and combatting violent extremism. Different rankings attest to the success of these measures as Mohammed VI radio is the most one that is most listened to in Morocco.¹⁴¹

The abovementioned measures are clearly strictly aimed at unifying religious Morocco to the highest possible level of religious homogeneity adhering to the moderate Maliki version of Islam. From the above it can be gathered that the measures were necessary and used as a last resort which means they comply with the first limitation of Ignatieff. This is because other

¹³⁵ Religion and Geopolitics, 'Morocco's Counter-Terror Approach'.

¹³⁶ North Africa Post, 'Morocco Showcases'.

¹³⁷ M. El-Katri, 'The Institutionalisation of Religious Affairs', 59.

¹³⁸ StrategyPage, 'Counter-Terrorism'.; United States Department of State Publication, 'Country Reports on Terrorism 2014' (2015), 201.

¹³⁹ D. Maghraoui, 'The Strengths', 204.

¹⁴⁰ StrategyPage, 'Counter-Terrorism'.

¹⁴¹ Morocco World News, 'How Morocco Became'.

measures have been implemented before the religious reforms came into being and the measures try to enhance security by counteracting violent, radical Islamic schools of thought. The measures targeting all mosques in the country are, however, definitely *not* used to a minimal number of people as Ignatieff's third limitations prescribes. In fact, the complete opposite is true as the measures are aimed at influencing the biggest possible number of people in Morocco. The measures are also not strictly targeted as they oppose every form of Islamic religion that is not the official moderate version of Maliki Islam. This may also amount to violating the freedom of religion which is a violation of Ignatieff's second limitation. Promoting an official, moderate version of Islam is in and of itself not a bad thing. It can, however, become a greater evil if these measures were to be abused. Closing mosques that *are said* to have been home to Islamist extremist preaches and only allowing the preaching of the moderate *official* Sunni Maliki versions of Islam can become a violation of the freedom of religion if government control becomes too deeply penetrated and instead of preaching a moderate version of Islam to counteract violent radical Islam, the goal becomes to achieve the highest possible level of religious homogeneity in Morocco.

Of great importance for the religious reforms to be called a lesser evil, is that public scrutiny in the form of oversight is possible and present (limitation 4). Whereas religious tolerance is supposedly anchored in Morocco's penal law, discrimination against religious associations are still in force.¹⁴² Many international human rights treaties and also the UN Global Counter-Terrorism Strategy promote the respect for all religions as a fundamental liberty for everyone. Limiting the freedom of religion by actively promoting one official religion can turn from a lesser evil because it is aimed at decreasing the risk of radicalisation into a greater evil if the freedom of religion is damaged (limitation 2) which also means individual dignity is violated (limitation 5) as the freedom of religion is anchored in international human right laws. Although the measures themselves are out in the open for public scrutiny, just as Ignatieff suggests, they are only to a limited extent *really* open for public scrutiny. The measures were launched through a top-down approach. The King, who is commander of the faithful, initiated many of the measures. Seeing as the King is also a symbolic figure who enjoys a tremendous amount of respect, it would be very difficult for the public to scrutinize his measures. Oversight should, however, be very strictly applied in this specific case. Seeing as mosques are part of everyday life the positive influence of promoting a moderate version of Islam may and

¹⁴² D. Maghraoui, 'The Strengths', 208.

countering terrorism may be immense. It can also become a pitfall when the freedom of religion and speech is reduced in these important places.

All in all it can therefore be concluded that the religious reforms were necessary and used as a last resort; were not strictly targeted nor were they used to a minimum number of people; were only partially open for public scrutiny; and run the risk of violating the freedom of religion which violates individual dignity. Therefore the religious measures do not comply with the limitations of Ignatieff's moral framework and because oversight is very limited they may not be labelled lesser evils as they have the hallmarks of a greater evil.

Regional Cooperation

Terrorism is clearly a global phenomenon. In the current globalised world, terrorists can easily cross borders from one country to the next. Cooperating with partner countries, whether they are regional partners or countries further away, is therefore of utmost importance in countering terrorism. Terrorist attacks and the threat of terrorism can destabilise whole regions, which by extension means countries also need to work together to combat the threat.¹⁴³ Some of the most important cooperative initiatives in which Morocco has operated in the period 2003-2010 will be discussed below.

Although Morocco's comprehensive counter terrorism strategy started to take shape after the 2003 Casablanca bombings, this does not mean Moroccan authorities were not aware of the threats of terrorism before the Casablanca bombings. Cooperation with other nations also happened before the implementation of the Moroccan comprehensive counter terrorism strategy began. Since 1983, the United States government provided antiterrorism training and equipment to partner nations, among which Morocco, through the Antiterrorism Assistance (ATA) programme.¹⁴⁴ Throughout the period 2003-2010, this partnership remained strong and evaluation increased local police effectiveness in being faster and more efficient in investigating terrorism. The cooperation with the US also ensures modern, effective antiterrorism techniques are shared regionally to reinforce the capacity to deal with terrorism in the region.¹⁴⁵ This thus clearly was a measure that enhanced security (limitation 1).

The Mediterranean Dialogue, also known as the 5+5 dialogue, is an informal dialogue between five countries from the Maghreb Region (Algeria, Libya, Morocco, Mauritania and

¹⁴³ S. Guerraoui, 'Morocco's anti-terror'.

¹⁴⁴ United States Department of State Bureau of Diplomatic Security & Bureau of Counterterrorism, 'Office of Antiterrorism Assistance 2012: fiscal year in review' (01-08-2013).

¹⁴⁵ United States Department of State, 'Morocco The Anti-Terrorism Assistance Program' (2013).

Tunisia) and five from southern Europe (Spain, France, Italy, Malta and Portugal). The initiative was launched in 1990 and was aimed at reinforcing political, economic and cultural dialogue between the 10 countries.¹⁴⁶ From 2001 onwards, terrorism became an important security risks in the region and has therefore motivated the dialogue to cooperate on these issues as well. Cooperation can for example be seen by the high commitment of Spain to help militarily in in the Mediterranean.¹⁴⁷ Although Morocco has been a full member of the dialogue all these years, they cannot really be called a driving factor behind the initiative on terrorism related issues in the period 1990-2010.

The Trans-Sahara Counterterrorism Partnership (TSCTP) is another US initiative aimed at combatting terrorism in the Sahel/Maghreb region. The TSCTP was established in 2005 to help eleven West and North African countries, amongst them Morocco, boost their capacity in addressing the threat of radicalisation and terrorism. The most important pillar of the programme is trying to facilitate more cooperation between Sahel and Maghreb countries in fighting terrorism. It tries to do so by strengthening national counterterrorism capabilities, enforce collaborative counter terrorism efforts, help to better enforce border security, discredit violent extremist ideology and monitor the financing of terrorism.¹⁴⁸

In 2004 fourteen countries in the MENA region established the Middle East and North Africa Financial Action Task Force. They did so because they recognized the threat of money laundering and terrorist financing operations across the region and believed the threat could be substantially mitigated by cooperating with countries throughout the region. The body recognized as important pillar the 40 recommendations of the Financial Action Task Force (FATF) and stands for implementing these recommendations in combatting money laundering and financing terrorism. The organisation is specifically tasked with raising compliance with these standards and guarantee cooperation on these issues.¹⁴⁹

The fact that most mentioned initiatives have been either US or EU led, instead of region led also tells a lot about the lack of true regional cooperation. Morocco was not in the lead in any of the initiatives. As the thesis will point out in the next chapter, many of the regional cooperative partnerships show an increase in Moroccan involvement from 2010 onwards which signals the Moroccan wish to take on more of a leadership role in security initiatives in the region. The lack of effective regional cooperation is also due to a standoff between Morocco

¹⁴⁶ Economic Forum, '5+5 Dialogue: Chronology of the Main Meetings (2003-2013)' (2014), 2.

¹⁴⁷ IIEE, '5+5 Initiative, Mediterranean Security: Shared Security' (2012).

¹⁴⁸ United States Department of State, 'Programs and Initiatives' (2017).

¹⁴⁹ MENAFATF, 'About MENAFATF' (2017).; MENAFATF, 'Objectives' (2017).; FATF, 'FATF 40 Recommendations' (2003).

and Algeria because of the unresolved Western Sahara Dispute, which dampens the will to truly cooperate. A lack of consistent cooperation between the regional countries neighbouring Morocco can be regarded a weakness in the fight against terrorism. Morocco and Algeria are two of the biggest and most influential countries in the region which is why their conflict about the Western Sahara is an impediment to more cooperation on counterterrorism.¹⁵⁰ As a result, regional cooperation on countering terrorism continues to be splintered. The fact that Morocco was unable to play a leading role in any of the security initiatives can be assigned to the fact that Algeria wants to have a leading role in cooperative security initiatives as it is the largest regional country with the most powerful military. Algeria, moreover has the advantage of being a member of the African Union while Morocco is not.¹⁵¹

The cooperative initiatives in countering terrorism described above came into being or were intensified after the threat of terrorism was regarded to have grown in the aftermath of the '9/11' terrorist attack in the United States. This makes the initiatives necessary (limitation 1) in enhancing security. The initiatives were furthermore strictly aimed at opening dialogue and cooperation between the countries in the Sahel / Maghreb region or at money laundering. The regional cooperation's therefore also comply with limitation 2 of Ignatieff's moral framework. Working together in partnership with other countries automatically provides enough opportunity of oversight (limitation 4) which is why the measures taken in the abovementioned cooperation programmes are not used indiscriminately (limitation 3) and do not violate individual dignity (limitation 5). It can therefore be concluded that the measure taken in the regional cooperation's comply with the lesser evil framework of Ignatieff.

¹⁵⁰ United States Department of State, 'Country Reports on Terrorism 2012 – Morocco'.

¹⁵¹ The Broker Online, 'Algeria, The Sleeping Giant of North Africa' (04-11-2015).; United States Department of State, 'Country Reports on Terrorism 2012 – Morocco'.

Chapter 5: Moroccan Counter Terrorism Strategy since 2010

During the period 2003 until 2010, the first phase of the current comprehensive counter terrorism strategy was put into practise. Over those years, the three-pillar structure was established as a new counter terrorism law was created, social economic programmes were brought into existence and the religious sphere became subject to reform. The thesis starts a new chapter for the period after 2010 as this was the year the Arab Spring began. In December 2010, the Arab Spring started in Tunisia and the revolutionary wave would quickly spread across the MENA region.¹⁵² Morocco was also affected by the Arab Spring, although different than other countries throughout the region. The year 2010 is also good starting point for this chapter as the period after 2010 also sees some major differences in regional cooperation, the religious sphere and with the rise and threat of ISIS, Morocco was also forced to reinforce counter terrorism measures in the security sphere. All of this will be described below.

Preventing Revolution

Less than a month after the Arab Spring began in Tunisia, the leader of Tunisia, President Zine al-Abidine Ben Ali, became the first leader to be forced out of office due to heavy protest within the country.¹⁵³ The Tunisian revolution rapidly spread to other parts of the MENA region and on 11th February the leader of Egypt, Hosni Mubarak, became the second head of state to flee his country.¹⁵⁴ Many more countries in the region were affected by the Arab Spring. Whereas the regime in Morocco was not toppled, the country did sustain heavy demonstrations.

In February 2011, Moroccan protest gained momentum as hundreds of thousands of civilians turned out in cities to demand political reform and greater freedom in their country. The enormous demonstrations spawned the '20 February Movement' which demanded a political democratization process and Morocco be become a parliamentary constitutional monarchy in which the monarchy reigns but no longer rules the country.¹⁵⁵ The movement started out as a youth protest, but soon became a national movement in favour of transforming the Moroccan political system.¹⁵⁶ The wishes of the 20 February Movement stand in stark contrast to the movements in neighbouring countries that called for the dissolution of their

¹⁵² *Telegraph*, 'Arab Spring: Timeline of the African and Middle East Rebellions' (21-10-2017).

¹⁵³ *Telegraph*, 'Tunisia Riots: President Ben Ali Flees as Chaos Hits Country' (14-01-2011).

¹⁵⁴ *Telegraph*, 'Arab Spring'.

¹⁵⁵ A. Arieff, 'Morocco: Current Issues', *Congressional Research Service* (18-10-2013), 6.

¹⁵⁶ J. Kalpakian, 'Current Moroccan Anti-Terrorism Policy', 6.

leaders. The movement in Morocco wanted more sovereignty, but they in no way demanded the outright dissolution of the monarchy, however.¹⁵⁷

The Moroccan government reacted swiftly to the mass demonstrations as they were gaining momentum. The reaction of the Moroccan regime differed from other countries that acted with brutal repression. Keeping in mind the fact that the presidents of both Egypt and Tunisia were ousted because of nationwide protest in their countries, King Mohammed VI responded to the protests by giving in to their demands and he initiated reforms in the fields of human rights, democracy and good governance. On 9 March 2011, Mohammed VI announced in a speech that a new constitution would be drafted that would meet the demands of the protesters to create a more liberal democratic order.¹⁵⁸

After the King had made his announcement, he appointed a commission to draft a new constitution which was adopted with a majority vote in a national referendum on 1 July 2011. The turnout was 72% of which 98% was in favour of the new constitution.¹⁵⁹ Whereas the constitutional reform was mostly aimed at creating free parliamentary elections and a reduction of the King's powers, the constitutional reform only delivered somewhat on these matters. The constitution transferred some of the King's powers to the parliament and the prime minister who from then would be referred to as head of government. The King does, however, maintain massive influence as he can still dissolve parliament, retains his title as commander of the faithful and commander in chief of the armed forces. Nonetheless, the new constitution signals greater power-sharing between the monarchy and the government. The wish of Moroccan authorities to be seen as democratic is best indicated by the fact that article 1 of the new constitution stipulates Morocco to be a "constitutional, democratic, parliamentary monarchy" and article 2 states that "Sovereignty is to the people".¹⁶⁰ Although not everybody, most notably the 20 February movement, was totally satisfied with the new constitution, protest waned. The fact that public discussion about the role of the King was possible and even resulted in a changed constitution because of public pressure can be regarded as a positive step towards a more democratic Morocco, which once again shows the relevance of testing Ignatieff's model to the Moroccan counter terrorism strategy.

¹⁵⁷ International Center for Counter-Terrorism, 'Political Transition and Stability on the Borders of the Union: Morocco and North Africa' (2017).

¹⁵⁸ A. Arieff, 'Morocco: Current Issues', 6.; J. Kalpakian, 'Current Moroccan Anti-Terrorism Policy', 6.; M. Hashas, 'Moroccan Exceptionalism Examined', 11.

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

Two other events in 2011 are also worth mentioning and both show Morocco shifted towards making use of more lesser evils according to Ignatieff's framework. The first is that Morocco, in 2011, created a new Human Rights Council. The council was created to strengthen Morocco's engagement to protecting the rights and freedoms of its nationals which is in line with Ignatieff's fifth limitation that states individual dignity must not be violated because of security measures and authorities need to abide by international standards. It also aims to show Morocco respects international human right commitments.¹⁶¹ Together with the announcement of this new body, King Mohammed VI pardoned dozens of Salafists who had been imprisoned since they had been arrested for involvement in the 2003 Casablanca terrorist attack.¹⁶²

The creation of the Human Rights Council is in line with Ignatieff's fifth limitation, that of not violating individual dignity, as it makes clear Morocco reaffirmed its commitment to abide by international laws and standards regarding human rights. With creating a new organisation that observes and monitors the national situation of human rights in Morocco, Ignatieff's fourth limitation that states measures need to be open for public scrutiny, is also enhanced in favour of Morocco. The country used to have no specific observing organisation, but now it has and this organisation can therefore try to prevent the abuses that were seen after the Casablanca bombings in which aftermath a staggering number of suspects were apprehended, sentenced and mistreated. Pardoning dozens of Salafists that had been imprisoned since the Casablanca Bombings is in line with Ignatieff's limitations two, three, four and five. As a result of oversight (limitation 4), measures that were used indiscriminately (limitation 3) and by means of religious and socio economic profiling (limitation 2) after the 2003 Casablanca bombings were reversed and individual dignity was no longer violated because the rules of fair trial were applied to the cases and the suspects that were unfairly detained were pardoned (limitation 5).

Related to the abovementioned positive turn of Moroccan authorities towards abiding by the limitations of Ignatieff's moral framework, is the governments' reaction to the 28 April 2011 Marrakech terrorist attack. The terrorist attack took place on the Djemma el-Fna square in Marrakech and was executed by making use of a remotely detonated bomb.¹⁶³ The attack was only the second terrorist attack after the 2003 Casablanca Bombings (the first being the 2007 Casablanca Bombings) and killed seventeen people and injured over twenty persons.¹⁶⁴

¹⁶¹ International Human Rights Council: Kingdom of Morocco, 'About Us' (2017).

¹⁶² A. Arieff, 'Morocco: Current Issues', 6.

¹⁶³ J. Kalpakian, 'Current Moroccan Anti-Terrorism Policy', 7.

¹⁶⁴ Human Rights Watch, 'Morocco: Marrakesh Bombings Abhorrent' (29-11-2011).

Whereas after the 2003 terrorist attack a massive crackdown on suspected terrorists occurred and over 2.000 people were arrested for the involvement in the attack, after the 2011 terrorist attack King Mohammed VI immediately instructed state officials to start investigating the attack in accordance with the Rule of Law (limitation 5) and with the preservation of peace and security.¹⁶⁵ Figures about the number of arrests and people sentenced for involvement in the 2011 terrorist attack underline the King's wish and thereby stand in stark contrast with figures of the 2003 Casablanca bombings. Three months after the 2003 bombings 1.048 people had been charged with terrorist offences relating to the attack and one year after the attacks no less than 2.112 people had been brought before court of which 903 had been convicted.¹⁶⁶ One week after the 2011 attacks only three people had been arrested in connection with the attack and a year after the 2011 bombing nine people had been convicted.¹⁶⁷

When compared to the government reaction after the 2003 Casablanca Bombings, the Moroccan regime clearly showed a positive learning curve towards abiding by the limitations as set out by the moral framework of Ignatieff. In the aftermath of the 2003 terrorist attack, Moroccan authorities violated limitation 2 which states that measures need to be strictly targeted as massive arrests and home searches were carried out in poor neighbourhoods that were suspected of being violent Islamist strongholds. Arrests were thus carried out on the basis of profiling and the measures definitely did not comply with the need to be used to a minimum number of people (limitation 3) as over 2.000 people were arrested. In 2011, the government from the start set out to carry out the inquiry in accordance with the rule of law and this meant that they did not arrest people based on profiling and carried out their arrests strictly targeted (limitation 2). They furthermore used measures to a minimum number of people which can be seen by the low number of people (limitation 3) that were sentenced a year after the attack.

Lastly, after the 2003 attack reports from Human Rights Watch and Amnesty International clearly showed government authorities to break limitation 5 that states measures must not violate individual dignity as it was reported that suspects were transported to detention centres, suspects were held in police detention beyond the maximum of twelve days and home searches were carried out without judicial warrants. In short, authorities did not abide by the laws and did not stay within their legal bounds, nor did they abide by the rules of fair trial. In the aftermath of the 2011 terrorist attack, no such reports from Amnesty International, Human Rights Watch or any other likeminded organisation have been published about violating

¹⁶⁵ Ibid.

¹⁶⁶ Human Rights Watch, 'Morocco: Human Rights', 25.

¹⁶⁷ Aljazeera, 'Court Rejects Marrakesh Bomb Case Appeal' (10-03-2017).

individual dignity by Moroccan officials. Whereas the absence of reports must not be equated with the absence of violations of individual dignity (limitation 5), it may be assumed that Moroccan authorities did not violate the limitation and abided by the laws and stayed within their own and international legal bounds. What is more, oversight (limitation 4) carried out by the human rights council may have helped in preventing the violation of individual dignity. All in all it must therefore be concluded that the measures described above made Morocco a more democratic country with more oversight over matters relating to the balance between security and freedom and all this was made clear in the Moroccan reaction to the 2011 terrorist attack as the measures taken were targeted, used to a minimum number of people, open to public scrutiny and respected individual dignity. Morocco observed the limitations of Ignatieff's framework very well and made sure their measure relating to the 2011 terrorist attack could be classified as lesser evils.

Combatting New Terrorist Threats

One of the biggest consequences of the Arab Spring was the Syrian conflict that also began in 2011. When the Syrian people began protesting against the undemocratic Assad regime, the Syrian military reacted with brutal violent repression. As a result, the protest turned into an armed uprising which later on became a civil war.¹⁶⁸ The civil war became a true humanitarian catastrophe as figures show that after five years of conflict 400.000 Syrians had been killed and 70.000 more had died because they lacked access to clean water and healthcare.¹⁶⁹

Whereas such an enormous conflict inevitably takes its toll on the security of the region, this became even more apparent when in 2013 the extremist terrorist group ISIS entered Syria and Iraq. They quickly controlled large parts of Syria and Iraq and on June 29 2014 they proclaimed their own caliphate with Abu Bakr al-Baghdadi as their caliph.¹⁷⁰ The rise of ISIS poses a serious security challenge to the whole MENA region and to the rest of the world as they carry out terrorist attacks worldwide. The terrorist threat ISIS poses is clearly one that crosses borders and can only effectively be dealt with by a regional and global response. Moroccan regional cooperation in countering terrorist threats in the period after 2010 will be discussed further down below and this part will focus on the national threat of terrorism and national responses of the Moroccan government.

¹⁶⁸ G. Cronogue, 'Responsibility to Protect: Syria the Law, Politics, and Future of Humanitarian Intervention Post-Libya', *International Humanitarian Legal Studies* (2012), 124-159, p.124.

¹⁶⁹ The Guardian, 'Report on Syria Conflict Finds 11,5% of Population Killed or Injured' (11-02-2016).

¹⁷⁰ The Independent, 'Iraq crisis: Isis declares its territories a new Islamic state with 'restoration of caliphate' in Middle East' (30-06-2014).

Whereas the threat of ISIS coming directly to Moroccan soil was not realistic in the short term, as Morocco is simply too far away from the territory ISIS held, ISIS did threaten Morocco with terrorist attacks on multiple occasions. In July 2014, ISIS already threatened to go after Morocco and plan attacks on Moroccan soil¹⁷¹ and they repeated these threats throughout the following years.¹⁷² Terrorist attacks initiated by ISIS are therefore a viable threat to Morocco. Another major development that poses a threat to Moroccan society is the fact that Morocco has become a major exporter of foreign fighters that have joined the terrorist organisation ISIS. The German Institute for International and Security Affairs reported that at the end of 2015 approximately 1.500 Moroccan nationals fight in Iraq or Syria for ISIS. Consequently, a very substantial threat to Morocco is the return of foreign fighters that have been war-hardened and radicalised in Syria and now may conduct terrorist attacks at home.¹⁷³

Moroccan authorities therefore reasonably believed it was necessary (limitation 1) to initiate several measures in the period after 2010 to combat terrorism. Three of the most important measures will be discussed below. One of the measures is the hard power component called Operation Hadar (Arabic for vigilance) which is a preventative security policy to combat the increased terrorist threat to Morocco that was launched by the Minister of Interior in October 2014.¹⁷⁴ The security mechanism incorporates forces of the Royal Armed Forces, Royal Gendarmerie, the national police and auxiliary forces.¹⁷⁵ The strategy of this operation is to proactively share information and take action to combat terrorism and protect Moroccan citizens and foreigners in Morocco. In order to do so, the incorporated forces have increased their presence at key cities and sites such as airports, train stations and borders in order to prevent violent extremists from (re-) entering the Kingdom.¹⁷⁶

The multi-agency approach of the Hader Operation has helped the security forces of Morocco to arrest many terrorists, dismantle multiple terrorist cells and prevent terrorist attacks and therefore enhanced security in the country.¹⁷⁷ The military presence of Hadar forces has

¹⁷¹ V. Sakthivel, 'The Islamic State Goes After Morocco's Islamists', *The Washington Institute* (15-07-2014).

¹⁷² Morocco World news, 'ISIS Threatens to Carry out Attacks in Morocco on New Years' Eve' (28-12-2015).; Morocco Tomorrow, 'Daesh Threatens Morocco Massacre' (14-12-2014).

¹⁷³ United States Department of State, 'Country Reports on terrorism 2015 – Morocco' (2-06-2016).

¹⁷⁴ Al-Akhbar, 'Can Morocco Face Terrorist Threats with Security Arrangement?' (23-12-2014).

¹⁷⁵ E. Vázquez, 'Morocco's Counterterrorism Strategy: Implication for Western Sahara', *Middle East Institute* (13-08-2015).; Morocco World news, 'How Morocco Became'.; D. Gartestein-Ross, N. Barr, G. Willcoxon & N. Basuni, 'The Crisis in North Africa: Implications for Europe and Options for EU Policymakers', *Clingendael* (April 2015), 33.

¹⁷⁶ Ibid.

¹⁷⁷ Voa News, 'Islamic State Threat Rising in Morocco, Analysts Say' (09-03-2016).; Morocco Tomorrow, 'Moroccan Authorities Dismantle'.; E. Vázquez, 'Morocco's Counterterrorism Strategy'.; Morocco World news, 'How Morocco Became'.

also sparked fear amongst some Moroccans who believe the operation may be misused. Some critics believe that the operation may be a strategy of creating a police/surveillance state in which the protection of vulnerable communities comes second to surveillance.¹⁷⁸ If this fear would be realised, this would mean that limitation 2 which holds that measure need to be strictly targeted and the limitation 3 that argues that measures need to be used to a minimum number of people would be violated.

According to International Relations professor Jack Kalpakian, the Hadar operation aims to 1) show the Moroccan people that the government is protecting its citizens, 2) show ISIS that the Moroccan state is putting up a fight against terrorism and 3) provide immediate response in case of an attack.¹⁷⁹ The measure of creating the Hadar Operation was necessary (limitation 1) because ISIS threatened to attack Morocco and the measure also enhanced security as it helped in breaking up terrorist cells and preventing terrorist attacks. Whereas some fears about the Hadar Operation may indeed be warranted, Jack Kalpakian furthermore argues that a striking feature of the Hadar Operation is that it is a “careful and limited operation”.¹⁸⁰ Instead of surveilling everywhere, or in specific places based on ethnic, religious or socio-economic profiling, the Hadar forces are operating in a limited number of sites which are all carefully chosen. It follows that the measures are strictly targeted and used to a minimum number of people and the measure of the Hadar Operation conforms to the corresponding guidelines of limitations 2 and 3 of Ignatieff’s moral framework. What is more, no complaints about Hadar forces violating individual dignity (measure 5) were found which implies they stayed within the legal bounds of the law. Although the absence of evidence is not evidence of absence, it is argued here the Hadar Operation complies with Ignatieff’s limitations and must be seen as a lesser evil.

The second measure Moroccan authorities took after 2010 to combat terrorism was to strengthen their legal system. In 2015, the Moroccan Parliament adopted a law that would amend the country’s counter terrorism law. The amendments broadened the definition of terrorist acts as it criminalized the act of joining, attempting to join or inciting other to join terrorist organizations such as ISIS and strengthened legal measure such as increased punishment to prevent Moroccan citizens from leaving the country in order to join terrorist groups. The law also criminalized receiving terrorist training. Lastly, the amendment foresaw in the extension of the jurisdiction of national courts which from then on could prosecute

¹⁷⁸ E.Vásquez, ‘Morocco’s Counterterrorism Strategy’; D. Gartestein et al., ‘The Crisis in North Africa’, 33.

¹⁷⁹ Al-Akbhar, ‘Can Morocco Face Terrorist’.

¹⁸⁰ Ibid.

terrorist crimes perpetrated by Moroccans or foreign nationals in Morocco, for terrorist offences that were committed within or outside the national territory of Morocco.¹⁸¹

The adopted amendments are necessary and used as a last resort (limitation 1). This claim can be substantiated by the fact that the terrorist threat changed since 2003 and the 2015 law criminalized new acts. The measures are also needed to enhance security in Morocco because of the threat of ISIS itself and its recruitment pose to Moroccan society. Whereas the amended laws are themselves strictly targeted (limitation 2) at joining terrorist organisation or receiving terrorist training, they add to the already very broad and vague definition of terrorism in the law. The problem of this was already explained in the previous chapter and that reasoning holds true for these amendments as well. Together with other measures, the amended law helped in dismantling many terrorist cells and apprehending terrorist suspects. Unlike in the aftermath of the 2003 counter terrorism law, no big reports were written about the measures being used indiscriminately (limitation 3) or state officials not abiding by international laws and the rules of fair trial (limitation 5). Since 2003, Morocco only became a freer, more democratic country in which oversight is possible (limitation 4) which means that the absence of protests towards the amendments points to them not being abused. The 2015 counterterrorism law can therefore be seen as a lesser evil with the exclusion of the fact that the law broadens the already vague definition of terrorism.

The third national measure Moroccan authorities took after 2010 to combat terrorism was to launch the Central Bureau of Judicial Investigation (BCIJ) in 2015. Since its inception, the BCIJ became the leading law enforcement agency tasked with counter terrorism in Morocco. The organisation is the Moroccan version of the American FBI and its goal is to strengthen security governance throughout Morocco within a constitutional and transparent framework.¹⁸² The agency has a pro-active way of countering terrorism as it firmly monitors returned Moroccan jihadist foreign fighters and works closely with regional and international partners in the collecting and exchange of intelligence.¹⁸³ The work of the BCIJ has led to a number of successes both nationally and internationally. Mid 2016, it was reported that since the BCIJ began, they helped in dismantling 40 terrorist cells of which 36 were connected to

¹⁸¹ Kingdom of Morocco, 'Dahir No.1-15-53 of 1st Chaaane 1436 Promulgating Of Act No. 86-14 Amending And Supplementing Certain Provisions of the Criminal Code and Criminal Procedure Relating to the Fight Against Terrorism', (20-05-2015).; A. Saliba, 'Morocco: Bill to Amend Counterterrorism Law', *Library of Congress*, (13-02-2015).; Morocco on the Move, 'Morocco Combats Terrorism at Home and Abroad' (2017).

¹⁸² The North Africa Post, 'U.S. Recognizes Morocco's Counterterrorism Efforts & Cooperation' (7-06-2016).

¹⁸³ *Ibid.*

ISIS and 518 terrorist suspects had been arrested.¹⁸⁴ On the international stage the BCIJ also works very well together with other countries as the fight against terrorism is an international one. The agency became truly internationally recognized after it helped French security forces track down Abdelhamid Abaaoud, the men who planned the November 2015 Paris terrorist attacks.¹⁸⁵

In the face a new terrorist threats and especially the threat posed by ISIS, Moroccan authorities chose to launch the BCIJ in an attempt to strengthen security throughout Morocco. Seeing as multiple other measures had been implemented and tried before the BCIJ came into being it can be argued that the measure of creating the BCIJ was a last resort and it was also necessary (limitation 1) as security needed to be enhanced in the face of the threats. Moreover, the BCIJ did indeed enhance security judging by the fact they were involved in dismantling many terrorist cells in Morocco. Over the course of little over a year the BCIJ was reported to have arrested over 500 terrorist suspects which makes it questionable whether or not they used their measures in a targeted manner (limitation 2) and to a minimum number of people (limitation 3). The terrorist threat in Morocco increased massively since the rise of ISIS which means that without further information regarding specific cases it is nearly impossible to assess these limitations in a satisfactory manner. It is argued that because no reports or other evidence was found that implies suspected terrorists were arrested indiscriminately or as a result of profiling, the BCIJ acted in line with the guidelines of the moral framework of Ignatieff. Once more the caveat that absence of evidence is not evidence of absence must be used, however.

According to the American government the Moroccan government has “publicly committed itself not to use the struggle against terrorism to deprive individuals of their rights. It has emphasized adherence to human rights standards and the increased transparency of law enforcement procedures as part of its approach”.¹⁸⁶ With this statement, the government of the United States suggests that oversight on measures of the BCIJ is possible (limitation 4) and the Moroccan government is clearly committed to abide by international standards and the rules of fair trial (limitation 5). It is questionable to describe the measures of the newly created BCIJ as a lesser evil, because too little is known about Ignatieff’s limitations 2, 3 and 5, but because of the abovementioned American statemen and the fact that no clear reports were found on that point towards breaking said measures it is still argued the that the BCIJ is a lesser evil.

¹⁸⁴ The Arab Weekly, ‘Morocco’s anti-terror Chief Highlights’.; Deutsche Welle, ‘Morocco Boasts Success Fighting Terrorism’ (03-03-2017).

¹⁸⁵ The Arab Weekly, ‘Morocco’s anti-terror Chief Highlights’.

¹⁸⁶ United States Department of State, ‘Country Reports on Terrorism 2015 – Morocco’ (2-06-2016).

Increasing Religious Reforms

Religious reforms are another measure of the comprehensive strategy of countering terrorism in Morocco. As was shown above, the reforms of the religious sphere were extensive. In the period 2010-2016 the reform of religious education in Morocco was professionalised and more emphasis was placed upon cooperation with regional countries.

The first examples of this, is the cooperation with Mali. In 2013, King Mohammed VI and the Malian President Ibrahim Boubacar Keita decided they wanted their countries to be engaged on religious grounds. They therefore signed an agreement in which it was stated that approximately 500 Malian imams were provided with scholarships to study in Morocco the following two years. The imams would be educated on the open, moderate and tolerant Moroccan values of Islam to help Mali in the fight against extremist radicalisation.¹⁸⁷ Both Morocco and Mali (as well as other North African countries) have the moderate school of Malikite Islam as the countries primary religion. This makes it easier for the educational exchange to come about and the Moroccan King in turn wishes to strengthen the Malikite form of Islam in the region to combat terrorism. Morocco and Mali, moreover decided to combine both ministries of religious affairs to preach Malikite jurisprudence.¹⁸⁸ This agreement with Mali marks a step towards regional religious cooperation and is also a sign of the activism of King Mohammed VI in the fight against terrorism. Where in the previous chapter it was discussed that a lack of oversight on the religious reforms made it liable for the measures to fall victim to violating the freedom of religion, the signing of an agreement with another government provides public scrutiny as Mali will insist on the possibility of oversight on the religious education their imams get from Morocco. This therefore is a step of the religious reforms complying with the lesser evil approach of Ignatieff.

The religious education effort that started in 2006 was fragmented all over Morocco as training programmes were given in numerous places. In late 2015, King Mohammed VI believed it to be time to take this education to a next level and to professionalize the official religious training. He therefore launched the most progressive management of the faith to date, the training academy known as the Mohammed VI Institute for the Training of Imams.¹⁸⁹ Aware of the continued threat of unauthorized radical Imams preaching radical ideas, the academy's

¹⁸⁷ Morocco Tomorrow, 'Mohamed VI Foundation for African Ulema to Instill Values of Open, Moderate Islam in Africa' (2015).

¹⁸⁸ A. Charai, 'Morocco, Counter-Terrorism, and the US-Africa Summit', *Foreign Policy Research Institute* (2014), 1.

¹⁸⁹ I. Berman, 'Morocco's Islamic Exports: The Counterterrorism Strategy Behind the Mohammed VI Institute for the Training of Imams', *Foreign Affairs* (12-05-2016).; Your Middle East, 'Morocco's Imam Academy Leading the Way in Combatting Radical Islam' (19-05-2016).

official training courses are supposed to take the lead in countering religious radicalism that can lead to terrorism by training Imams a moderate version of Islam.¹⁹⁰

The academy has room for up to 1.000 students and clergy and accepts 250 new scholars every year, of which 100 need to be women. Although most students are from Moroccan descent, the academy is also clearly internationally focussed. To date religious personnel from Mali, Guinea, Nigeria, Tunisia, Chad, Côte d'Ivoire and France have been trained in the academy. Senegal and Russia have also showed the intent of training their imams in Morocco and Bahrein is also slowly signalling its wish to cooperate with Morocco on religious matters.¹⁹¹ This once again shows the transition Morocco has undergone in gaining a leadership role in the religious fight against radicalism. A Moroccan religious official even went as far as saying Morocco “sees itself as a natural leader” in the fight against radical Islam and in favour of teaching a tolerant Islam.¹⁹²

Professionalizing the official religious training by means of launching a special academy to teach the moderate version of Islam gives the Moroccan authorities even more control over religious matters than they did through the previous religious reforms. This may, however, also mean public scrutiny (limitation 4) will be even less possible especially keeping in mind the fact that the academy was granted the name of the commander of the faithful. Scrutinizing this academy would be a very hard thing to do for Moroccan nationals. The positive side of the opening of the academy is that achieves international oversight because religious personnel from other countries are also training in the facility. More international attention for the religious training programme means more international oversight as Morocco gained worldwide public attention with their religious programme and they cannot afford to misuse the measure as a way of violating the freedom of religion as this will be noticed immediately internationally. International actors can more easily scrutinize the action of the religious training as they have more distance to King Mohammed VI. While the reforms therefore may mean more national control and less oversight nationally they have the opposite effect internationally. It is argued here that oversight is guaranteed internationally which is why the measure is regarded a lesser evil.

An additional royal initiative to showcase Morocco's religious soft power in Africa was launched in 2016. The Moroccan King started the Mohammed VI Foundation of the African Ulemas to continue the fight against Islamist radicalism and in promotion of moderate versions

¹⁹⁰ NATO, 'Moderate Islam: Morocco's Soft Power in Africa' (2016).

¹⁹¹ I. Berman, 'Morocco's Islamic Exports'.

¹⁹² Ibid.

of Islam. The foundation is headed by the King and is aimed at bringing together over a 100 African Ulemas (theologians/Islamist clerics/scholars).¹⁹³ This foundation differs from the Mohammed VI Institute for the Training of Imams as the institute is about educating students or Imams about non-violent forms Islam from a Moroccan point of view while the foundation will try to enhance the religious ties between Morocco and other African countries by urging Ulemas from different countries to discuss Islam and try to unify and coordinate the dissemination of a tolerant, moderate and non-violent Islam.¹⁹⁴ Morocco took on a leadership role with the foundation as its King is commander of the faithful, a title recognized by more countries than Morocco itself, and because other African countries wanted to increase cooperation with Morocco as Morocco had shown its value in the religious domain with measures that the thesis has described above.¹⁹⁵

The same reasoning that was used for the religious training institute applies to the Mohammed VI Foundation as the international character of the measure makes sure that the foundation is open to public scrutiny and oversight (limitation 1) because many more opinions and worldviews play a role in the measure of trying to disseminate a moderate, non-violent form of Islam. In fact, the foundation goes one step further in ensuring oversight and the prevention of violating the freedom of religion (limitation 2) and keeping in mind individual dignity (limitation 5) as it is not a top-down measure implemented and carried out by Moroccan authorities only, but it is a *cooperative* effort between African countries to discuss Islam and come to a coordinated understanding about a moderate version of Islam which should counter the spread of violent radical Islam. This means more parties have a say in the matter which ensures the measure to be kept in line with Ignatieff's limitations and it is therefore clearly labelled a lesser evil.

Although it is difficult to determine whether or not Moroccan religious reforms and institution building have had the intended effect of promoting a moderate, non-violent version of Islam to counter terrorism, the fact that MENA countries and European countries are interested in the Imam training programme shows that the idea of counteracting violent extremism by talking about ideology is very much alive. The initiatives above show the steps Morocco has made towards regional religious cooperation up until the extend Morocco even became a leader in religious cooperation in the fight against terrorism. The fact that

¹⁹³ NATO, 'Moderate Islam'.

¹⁹⁴ North Africa Post, 'Mohammed VI Foundation for African Ulema, a New Milestone in Disseminating Islam of the Middle Path' (15-06-2016).

¹⁹⁵ Times of India, 'Boost for Moderate Islam: Morocco's Mohammed VI Foundation for African Ulema can become a Significant Pillar of the Global Muslim Community' (16-06-2016).

neighbouring countries want to cooperate with Morocco is also a recognition of the good work Morocco has done in previous years with preaching a moderate version of Islam.

The fight against Islamist terrorism is in essence a war of ideas. Morocco tries to win this war by preaching a tolerant, moderate and non-violent form of Islam. The previous chapter shed some doubt on limiting freedom of religion by actively promoting one form of religion over others as this has the potential of turning into a greater evil when the freedom of religion is damaged. This claim was substantiated by the fact that public scrutiny may be difficult in Morocco as the measure were initiated by the King, who enjoys the status of commander of the faithful. This chapter has shown, however, that other countries actively asked Morocco to educate their imams in order to decrease the risk of citizens turning to violent radicalisation. Other countries are more distanced from the Moroccan King and its title and are therefore better able to scrutinize the educative measures he initiated. The fact that other MENA and European countries voluntarily ask Morocco to educate their imams and the fact that Morocco initiated the foundation to discuss moderate Islam with other countries gives enough confidence to state that the religious reforms did not turn into a greater evil that damages the freedom of religion and therefore the religious reforms put forward in the period after 2010 are regarded as lesser evils.

Regional Counter Terrorism Cooperation After 2010

From 2010 onwards, a trend reversal in Morocco's role in regional cooperation efforts on counter terrorism related initiatives is visible. Whereas in the previous chapter it was concluded Morocco was unable to take on a significant leadership role in the field of counter terrorism, this changed and Morocco became clearly visible as a regional counter terrorism actor.

The Western Sahara dispute between Morocco and Algeria was by no means resolved during the period after 2010 and remained an impediment to better regional counter terrorism cooperation.¹⁹⁶ This was because the largest country in the region, Algeria, had positioned itself as a regional mediator of conflicts.¹⁹⁷ Coupled with the quarrel over Western Sahara with Morocco, Algeria was effective in derailing regional security initiatives that included both Algeria and Morocco. Algeria even actively excluded Morocco from regional security initiatives. The Joint Military Staff Committee of the Sahel Region (CEMOC) is a case in point. CEMOC was created to help improve the security situation in the region by fighting

¹⁹⁶ United States Department of State, 'Country Reports on Terrorism 2012 – Morocco'.

¹⁹⁷ L. Aida Ammour, 'Algeria's Role in the Sahelian Security Crisis', *Stability: International Journal of Security & Development*, 2 (2013) 2, 2.

terrorism.¹⁹⁸ The organisation's only member states are Algeria, Mali, Mauritania and Niger. Although Morocco is an important regional country it was omitted from the organisation and could therefore not contribute anything to the organisation.¹⁹⁹

In 2012 an opportunity presented itself for Morocco to gain more stature on the regional stage on security matters. During this year, Mali faced a crisis and needed help in the fight against al Qaeda affiliated terrorists. Whereas Algeria had been a mediator for Malian conflicts during the 1990s and early 2000s, internal hardship prevented Algeria from taking an active role in the conflict by sending forces into Mali.²⁰⁰ As Algeria stood idly by, Morocco filled the vacuum and supported a French-led operation into Mali. As a result, Morocco gained a seat at the negotiating table. Even though Moroccan involvement was mostly diplomatic, it constituted a dramatic shift in the regional entente as Morocco could take on a regional leadership role in security and counter terrorism matters.²⁰¹ Far from improving the bilateral situation between Algeria and Morocco, this move *did* help Morocco gain more respect on the regional stage which enabled them to act stronger in regional counter terrorism initiatives.

One example of the increased regional influence Morocco has gained in the period after 2010 is with its religious reform programme. The religious reforms in Morocco which, as was explained above, include a training program for imams, sparked the interest of other regional countries. Training has already begun for imams from a wide variety of countries.²⁰² Another illustration of increased Moroccan involvement in cooperative counter terrorism measures is that according to a NATO spokespersons, Morocco has since 2015 become a major driving force of the Mediterranean (5+5) dialogue.²⁰³

One of the best examples of increased Moroccan involvement in cooperative programmes is its involvement in the Global Counterterrorism Forum (GCTF). Morocco is a founding member of the GCTF which can be characterized as an international forum of 30 member states, including the European Union. The forum was launched in 2011 with the aim of “reducing the vulnerability of people worldwide to terrorism by preventing, combatting and prosecuting terrorist acts and countering incitement and recruitment to terrorism”.²⁰⁴ The overarching missions can also be characterized as promoting a long term, strategic approach to

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¹⁹⁹ Ibid.

²⁰⁰ Ibid.

²⁰¹ A. Charai, ‘Morocco, Counter-Terrorism’. 1.

²⁰² Morocco on the Move, ‘Security in the Maghreb’.

²⁰³ Morocco World News, ‘NATO: Morocco, a Strategic Partner, Mediterranean Dialogue Driving Force’ (2015).

²⁰⁴ GCTF, ‘Focus Points’ (2017).

counter terrorism and also confront the extreme ideologies that underpin it. One of its main goals is to oversee the implementation of the UN Global Counter-Terrorism Strategy.²⁰⁵

The forum tries to develop strategies, tools and good practices to combat the terrorist threat by bringing together practitioners and experts from regions around the world to share their experience in the counter terrorism field. This way, countries can develop better national strategies and action plans. The GCTF currently has five focus points. The Foreign Terrorist Fighters (FTF) focus point is a very important one for Morocco.²⁰⁶ The FTF is about addressing the global challenges by the FTF occurrence. The FTF is co-chaired by Morocco and the Netherlands because it was established after both countries initiated the The Hague-Marrakech Memorandum on Good Practices for a More Effective Response to the FTF Phenomenon.²⁰⁷ Morocco, together with the Netherlands, spearheaded the creation of comprehensive policies to address the flow of FTF with which it took on a leading role within the forum.

Another regional example of a cooperative counter terrorism approach in which Morocco took the lead is the Rabat Declaration. Morocco understood the importance of strengthening the border security across the Sahel-Maghreb region to prevent terrorists crossing easily from one country to the next. Morocco therefore started to host meetings and conferences on this very issue, which eventually in 2013 culminated in the Rabat Declaration on improving border security.²⁰⁸ The Rabat Declaration in effect created a counter-terrorism intelligence sharing partnership to formalize plans to share secret reports on terrorism.²⁰⁹

In 2013, Morocco, together with the US, also announced the Initiative to Foster Cooperation Networks among Justice Sector and Other Law Enforcement Practitioners in the Sahel and Maghreb Region. Information sharing is important in the fight against terrorism and with this initiative Morocco clearly shows it wants to increase cross border investigations. With this, Morocco takes the lead in Maghreb and Sahel cooperation on this particular field of counter terrorism.²¹⁰ Together with the US, Morocco also initiated the Border Security Initiative which was adopted in 2016. As was said earlier, terrorism is a global phenomenon as terrorists can

²⁰⁵ GCTF, 'Background and Mission' (2017).

²⁰⁶ GCTF, 'Focus Points'.

²⁰⁷ GCTF, 'Foreign Terrorist Fighters' (2017).

²⁰⁸ O. Hilale, 'Security Council Open Debate on Threatens to International Peace and Security Terrorism and Cross-Brder Crime December 2014' (2014).

²⁰⁹ Regional Ministerial Conference on Border Security Rabat, 'The Rabat Declaration' (14-11-2013).; A. Charai, 'Morocco, Counter-Terrorism', 1.

²¹⁰ Moroccan American Center for Policy, 'Morocco Plays Central Role in Global Counterterrorism Forum's Newest Initiatives' (24-11-2014).

easily move from one country to the next. This initiative is aimed at managing open borders and securing these borders through enhancing cross-border cooperation.²¹¹

These examples clearly show the central role Morocco plays in regional cooperation and initiating new counterterrorism efforts in the GCTF in particular. The fact that Morocco is a true driving factor behind the GCTF is, however, best shown by the fact that since April 2016 it became the co-chair of the GCTF Coordinating Committee together with the Netherlands.²¹² Morocco clearly assumes responsibility and showcases its will to be involved in a constructive, cooperative fight against terrorism. In 2016, Secretary of State of the United States, John Kerry, even highlighted the vital role Morocco plays in promoting security in the Maghreb and Sahel region and noted US “appreciation for Morocco’s leadership in countering violent extremism”.²¹³ Through the GCTF, Morocco is able to showcase its wish and success of growth in undertaking leadership in countering terrorism. A clear trend reversal when compared to the earlier described period.

Just as the cooperative initiatives described in the previous chapter came into being after the ‘9/11’ threat, the cooperative initiatives described here were regarded necessary (limitation 1) because of the threat ISIS poses to the MENA region. Cooperating with other countries automatically provides plenty opportunity of public scrutiny (limitation 4) which is why the measures taken in the abovementioned cooperation efforts are not used indiscriminately (limitation 3) and do not violate individual dignity (limitation 5). It can therefore be concluded that the measure taken in the regional cooperation’s comply with the lesser evil framework of Ignatieff.

In short, cooperation in the counter terrorism field in the Moroccan region has come a long way. More regional initiatives were started and mostly Maghreb-Sahel countries were in the lead which means they were no longer dependent on the US or European countries alone to increase regional cooperation in the region. What is more, the examples outlined above clearly indicate an increase of Moroccan involvement in counter terrorism organisations. Although the Western Sahara dispute between Morocco and Algeria has not been resolved, it no longer completely dampens regional cooperation.

²¹¹ GCTF, ‘Border Security Initiative’ (2017).

²¹² GCTF, ‘Co-Chairs’ (2017).

²¹³ Moroccan American Center for Policy, ‘Morocco Named New Global Counterterrorism Forum Co-Chair, Hosts Largest Annual US Joint Military Exercise in Africa’ (19-04-2016).

Chapter 6: conclusion

This thesis began with the observation that it is relevant to investigate Morocco's comprehensive counter terrorism strategy which was initiated after 2003 because Morocco stands out as a relative peaceful and stable country in the unstable MENA region. In order to investigate the Moroccan counterterrorism strategy effectively, the thesis tried to answer to following central research question: *How has Moroccan counter terrorism strategy evolved since 2003 and how can this counter terrorism policy be interpreted and evaluated within a fundamental rights framework (based on Ignatieff's work and given the fact that Morocco officially aspires to be a country that adheres to the rule of law)?*

The thesis tried to move beyond only assessing the counter terrorism strategy itself as a comprehensive counter terrorism strategy necessitates making choices regarding security and freedom. Ignatieff's moral framework of Lesser Evil was used to weigh these morally difficult choices. All the measures that were discussed as being part of Morocco's comprehensive counter terrorism strategy were tested against the limitations of 1) necessity and last resort, 2) strictly targeted, 3) used to a minimum number of people, 4) open for public scrutiny and 5) not violating individual dignity, to see whether or not each measure complied with the lesser evil framework as described by Ignatieff and could therefore be described as a lesser evil in the fight against terrorism.

The analysis was divided into the periods 2003-2010 and post 2010. In each of the two chapters measure for those timeframes were discussed. The measures used in both timeframes overlap significantly which is why the evolution of the strategy can clearly be seen. As for the first period, the measures related to the newly adopted counter terrorism law were effective in countering terrorism, but they were generally described as not striking a fair balance between liberty and security. Some of the measures were in and of itself in opposition to Ignatieff's lesser evil framework as they clearly violated multiple limitations. Other measures would comply with Ignatieff's limitations if they were executed in accordance with the law, but they could not be labelled lesser evils because far too often government officials did not abide by their own laws which made them greater evils. All in all, it was therefore concluded that the new counterterrorism law could not be regarded a lesser evil.

Moroccan reaction to the 2011 terrorist attack as well as the implementation of the Hadar Operation and the instalment of the BCIJ show a positive learning curve towards measure becoming lesser evils. When compared to Moroccan reaction to the 2003 bombings, the reaction to the 2011 terrorist attack and the instalment of the Hadar Operation and the BCIJ

must clearly be regarded as targeted and used to a limited number of people. What is more, right from the start the King made clear individual dignity needed to be upheld in the search of the terrorist suspects and more oversight was visible. Moroccan authorities complied with the lesser evil framework and a correct balance between security and freedom was found. No evidence was found these measures violated the limitations of strictly targeting, using the measure to a minimum number of people or violating individual dignity which is they these measures were regarded as lesser evils. It must be said, however, that absence of evidence is not evidence of absence.

Religious reforms have also been subject to significant changes and improvements towards becoming lesser evils. Chapter four argued that promoting a moderate version of Islam helps counter terrorism, but the government should exercise some caution. Oversight was regarded as problematic in the case of the religious reforms and this could go at the expense of the freedom of religion which would make it a greater evil. The period after 2010 witnessed a number of new reforms which increased national control over religious matters, but at the same time increased international oversight as Morocco became the centre of attention in the region with their religious programmes. More parties were allowed a say in the matter so they could exercise oversight that ensured the measure to be kept in line with Ignatieff's limitations. The religious reforms in the second period transformed into a lesser evil because oversight was ensured. At the same time, Morocco also became a leading nation in cooperative organisations within the region which ensured their compliance with Ignatieff's limitations even more.

When taking all the above into consideration it is clear Moroccan counter terrorism strategy is dynamic and changed over time. Morocco officially aspires to be a country that adheres to the rule of law which is why, with regards to most measure, they kept in mind many of the limitations set out by Ignatieff's model and they advanced towards their measures being more in line with the lesser evil framework.

From the above, it can be argued that Ignatieff's lesser evil model which is aimed at providing a moral framework of weighing security versus freedom for liberal democracies, was successfully applied to a country that describes itself as a constitutional monarchy. This thesis therefore showed how on a metalevel, Ignatieff's framework can be applied to a country that is not a democracy, but that at the same time wishes to adhere to the rule of law which comes from an ideology of moderate Islam. Ignatieff's moral framework was therefore raised out of its context of liberal democracies and placed upon a context that is based on a moderate version of Islam where the underlying ideology of wanting to adhere to these rules comes not from democratic values but from the religious values of a moderate version of Islam. With this,

Morocco shows it is able to keep up with Western counter terrorism strategies regarding the balancing of freedom versus security. They, however, do so through a moderate version of Islam instead of through democracy. One of the most important lessons to take from this thesis is therefore that Morocco shows balanced and moderate counter terrorism strategies that are in line with Ignatieff's lesser evil model do not necessarily have to be based on democratic values because within their moderate Islamic foundation, Morocco manages to comply with most limitations Ignatieff mentions in his framework.

This thesis proved a non-democratic country like Morocco largely conforms to Ignatieff's rules that try to decide if counter terrorism measures strike a fair balance between security and freedom and can be regarded as lesser evils. The next question then becomes whether or not the Moroccan approach can be exported to other countries in the region to make sure their counter terrorism approach also complies with Ignatieff's moral framework. The author believes Ignatieff's model can certainly be applied to other non-democratic countries. The caveat being that although countries may not be democracies, they must be susceptible to and strive to be a country that adheres to the rule of law because underlying values such as a moderate version of Islam that have the same effect as democratic values are needed. Seeing as many other countries in the region adhere to the moderate Maliki school of Islam who have shown interest in the religious reform programmes of Morocco, the author believes the Moroccan counter terrorism strategy to be exportable to other non-democratic countries who strive to implement measure that can be regarded as lesser evils.

Research Reflection

After having completed the research there are several improvements that could be implemented for future research.

The first reflection is that Morocco is a French speaking nation which means many sources regarding the counter terrorism strategy of Morocco are in French. The author's French is of a basic level which was a sufficient level to successfully answer the research question. Native French speaking academics may, however, be able to uncover more details that can add to the research into the Moroccan counter terrorism strategy.

Another reflection is that interviews with expert on Morocco and Moroccan counter terrorism strategy would have helped in getting more insight information on the effects of the strategy. The author did have access to Moroccan experts, but due to a lack of time did not have the chance to substantiate the thesis with their information. By interviewing Moroccan citizens

more information about how the counter terrorism strategy effected the public could have been gained and this could provide important insights.

A third and related reflection is that some of the conclusions that were drawn were based on the fact that no evidence was found to prove that measures were not in line with Ignatieff's limitations. As was said before, however, absence of evidence is not evidence of absence. More information about the consequences of the measures relating to counter terrorism measures could strengthen the claim that these measures must be regarded as lesser evils.

Areas of Future Research

As was mentioned above, absence of evidence is not evidence of absence. More information about the effects of Moroccan counter terrorism strategy can be found and future research should therefore focus on proving more substantially no or little violations took place because of the implemented measures.

The most important area of future research is to test the exportability of Moroccan counterterrorism strategy to countries in the region. The thesis proved the counter terrorism strategy of a non-democratic country can be tested against Ignatieff's limitations of his lesser evil approach as long as this country is interested in upholding the rule of law. In the case of Morocco, they wanted to uphold the law because of their adherence to the moderate Maliki school of Islam. Other regional countries that also adhere the moderate Maliki Islam should therefore be considered first to test if the Moroccan approach can be exported.

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