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Radio and television in Morocco: New regulation and licensing for private channels

ABSTRACT

Until 2006, Morocco had only two radio and two television stations catering for a population of 30 million people. Like in most Arab countries, such stations traditionally fell under the administrative, financial and editorial authority of the State, something that contrasts with the status of the printed press, which remained, globally speaking, private and partisan.

Over the last year, Morocco's broadcast media landscape has witnessed the emergence of more media outlets. New radio and television stations were created, all of which were private. Because of this, the public monopoly was abolished and public authorities (the King, Parliament and the Government) again adopted a code that would regulate the broadcasting media functioning. As such, Morocco seems to be revisiting its past. Before gaining independence, when it first launched its media, Morocco possessed as many public as private stations.

However, newly launched private television stations, although constituting the first initiative in the Maghreb, are only broadcast by satellite, and their programmes are limited in time. New radio stations are all local and with basic programming. They are restricted to music and entertainment. The administrative regulating authority, Haute Autorité de la Communication Audiovisuelle, however, has not granted licenses for all projects. But no project has been proposed that would

KEYWORDS

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regulation
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1. With the exception of the famous work of John Waterbury and some other American and English scholars, and because of the French Protectorate, most academic research on the Moroccan political system has been carried out by French specialists.
2. For many authors, such as Samir Amin, Ghassan Salamé, Bernard Etienne and J. P. Tuquoi, the persistence of many Arab absolutist regimes is due to the protective complicity of western interests.
3. The following websites may be visited on the topic: www.maghreb-ddh.org; www.amnesty.org; www.fidh.org/article; www.hrw.org/arabic/reports/2005/morocco; www.amdh.org.ma
4. In default of feedback from the authorities to which *l'Association Marocaine des Droits de l'Homme* (The Moroccan Association for Human Rights) addressed a list of torturers from the dark years (known as the Years of Lead, *les années de plomb*) in Morocco – having taken note of the fact that such torturers were still holding their positions in the higher spheres of the state and were still being continuously confirmed in their privileges and honours – the association held a sit-in on 10 December 1998 in front of Parliament on the occasion of the fiftieth anniversary of the United Nations' Universal Declaration of Human Rights. The demonstration was deemed as disorderly conduct and violently dispersed, while its organizers were prosecuted for breach of public order.

cover a wider scope of programming with country-wide coverage through regular antenna for radio or television. Broadcast media require heavy investment, as the infrastructure for the production and broadcast services is costly. In Morocco, this tends to deter broadcasting operators, especially when returns are not immediate and when the leeway for free expression is fluctuating or undermined.

To compensate for the weakness of the private sector and to meet the challenge of the 485 Arabic satellite chains received by the Moroccan public, the State has created a fund aimed at stimulating broadcasting, by relieving money pressures from the shoulders of Moroccan producers and broadcasting outlets; yet this also calls into question the degree of their independence. The path to such independence has indeed proved to be fraught with obstacles during coverage of some events, such as the Casablanca terrorist attacks in 2006, when the new radio and television stations restricted themselves to the mere transmission of official news updates.

In comparison to other countries in the Arab world, cast in the mould of immutability by self-same regimes, Morocco appears more of a lucky exception. By contrast to most Arab States ranging from the Gulf to the Atlantic, homes to the supreme rule of powerful, one-party systems or to the reign of absolute hereditary monarchies, Morocco indeed has borne witness to a tradition of constitutionally established multipartism, ever since its first constitution that dates back to 1962. Whilst abiding to particular social conventions, and to specific political and cultural values, Morocco is beyond any question a nation open to the rest of the world, grounded in tolerance and well versed in pluralism, whatever its nature.

Yet, looking into Arab regimes with more scrutiny, it soon appears that comparison is pointless. Obviously, as an Arab country, Morocco stands out of the lot due to peculiar, distinctive political, ethnic, religious, social, linguistic, geographic and economic specificities, all of which have contrived to make of it a land of plurality and cohabitation. However, on the whole, Arab countries remain governed by absolute regimes, some more autocratic than others (Flory and Mantran 1968; Flory and Korany 1992).¹ Unaffected by liberation movements, unbending before the political immutability of their rulers despite the institution of elections, impervious to any attempts at overthrowing by force and still turning a deaf ear to the appeals of modern governance, some of these regimes have been dragging on ever since the State's independence or even since its very creation. Their persistence was too often secured by the protective complicity of western interests (Salamé 1994)² and they have been embodied by absolutist monarchs or presidents for life. Self-proclaimed as fathers of the nation, its guardians or guides in order to preserve their continuity, such leaders naturally fall heir to their countries' riches and appropriate all powers. In their attempt to build up a legitimacy of their own, they can resourcefully hark back to religion, drawing on its capital for their own self-interest, or, to add insult to injury, turn to secularity, a striking paradox for predominantly Muslim countries. So, to ascertain an authority of their own, they hold control of the army and enjoy the regular or arbitrary assistance of public services used to disreputable and erratic practices, practices that have been censured by international NGOs;³ they also resort to tight security control plans and make use of repression measures while crushing any attempt at criticism in the bud. So far, such practices have gone unpunished, although some of the averred torturers have been cast out, on the basis of supporting evidence by human rights associations.⁴ Well settled on the pedestal of their

past achievements to secure their say and promote their image, they either ascribe themselves the monopoly of the mass media, or, in case of forced pluralism, comply with them.

The fall of the Berlin Wall and the end of the Cold War brought along hopes for change in Arab populations, whose leaders had been gambling on the West-versus-East confrontation to work towards their own advantage. In Morocco, after State crimes were disclosed by the press and upon pressure from NGOs, the Equity and Reconciliation Commission – a body in charge of shedding light on crimes committed under Hassan II's absolute reign – was created. On the other hand, and in anticipation of forthcoming privileges from the West, the Family Code was overhauled, and the traffic police made some place for women while others among these were singled out for senior positions.⁵ However, the September 11 events and the ensuing worldwide fight against terrorism, into which Arabs were led to take part, ultimately shattered such hopes and reduced populations to begging for their rights from autocratic, self-perpetuating regimes.

Positing themselves as the collateral victims of the same loathed terrorism⁶ and cynically claiming this very pretext to repress any form of criticism, Arab regimes 'have gradually encoded themselves in the political lineage of dated times, upsetting, in this way, the reformatory ambitions of both their citizens and their Western partners' (Mohsen-Finan 2006).⁷

As far back as Hassan II's rule, the broadcasting field – be it under major circumstances⁸ or even under tacit agreement among protagonists of the Moroccan political scene – has been the *Makhzen's*,⁹ while the written press – actually as much independent as compliant with the regime – has been a property of the political parties, though it is necessary to point out that the country's first and second dailies along with several periodicals operate within the ambit of power.¹⁰ As the two only popular media in Morocco, and those that enjoy a public audience by default, given the poor circulation of the written press¹¹ and the high illiteracy rate among the population,¹² radio and television media operate under the sway of the State's authority and are subject to multiple types of media blackout: juridical, editorial, financial or even security-motivated blackouts, to name but a few. Yielding to external pressures that were urging for a change in governance and abiding by the demands of deregulation, which has become a universally pressing obligation under the terms of the rules of the WTO – of which Morocco is a founding member – the state has decided to open up the sector to private endeavour. The laws repealing public monopoly and providing for the creation of a regulating authority have been available since 2002. The first one, a decree-law, was signed by the Prime Minister; the second was a *dahir* – royal decree – and was issued by the monarch. In 2005, there was promulgated, by the King's *dahir*, a draft law on audio-visual communication, submitted by the government to Parliament, which passed it. The allocation of the first licenses, which took more time than expected, came more than two years after the statute law known as 'liberalization' was published. As Rémy Leveau,¹³ an expert on the Moroccan regime, states, the question is whether this is to be seen as an evolution or a change at all.

Technically speaking, this new regulation in Morocco comes as a consequence of the frequency management in Hertzian analogical mode, which is a limited resource by the standards of communication systems. However, with the advent of terrestrial digital television, cable and satellite television, as well as the Internet, such a narrow range of channels can no longer be accounted for, and the very principle of license allocation itself is thereby undermined.

5. On the occasion of the *Conférence Euro-Méditerranéenne des Médias* (the Euro-Mediterranean Conference on Media), held in Marseille on 17–18 October 2005, a female executive from the European Commission's General Directorate for External Relations, in charge of the Maghreb Unit, commenting on the current tendency in the Arab World, especially Morocco, to promote women to top executive positions and aware of the unwavering eagerness they show in serving their regime, underscored the fact that 'they [women] are worse than traditional men to serve the *Makhzen*' (Elles sont pires que les hommes politiques traditionnels [...] Prêtes à tout [...] pour servir le *Makhzen*).

6. Here, reference is made to the Casablanca attacks of 16 May 2003.

7. The conclusion of the article of Khadija Mohsen-Finan is interesting: Even though democracy is currently a common norm, the Arab regimes are still practicing feudal governance. They have successfully frustrated the civil society hopes and the millennium democracy plans of international partners ».

8. Morocco being an autocratic country, the decision making and the country's general policy depend solely on the monarch's will. Deemed as seditious, the north of the country was marginalized by Hassan II and deprived of investment opportunities after the Rif uprising in 1958. Since he discovered that the microclimate of the town of Ben Slimane befitted his

respiratory problems, the King erected a palace and built a gulf there, in addition to existing palaces and residences, and prevented any industry implantation in the region. In 1983, the Moroccan Parliament was willing to pass a law prohibiting smoking in public places. After it was submitted to Hassan II for approval, the King, being a heavy smoker, rejected it. Upon coming back from his visit to the United States in 1996, during which he experienced health problems, especially respiratory, he ordered a revival of the bill, and the bill was finally adopted.

9. Monarchic power system, or the monarchic establishment.
10. The popular weekly *Demain Magazine* banned in 2003 and the courageous magazine *Le Journal Hebdomadaire* closed on 2010 seems to be the last experiences of opposition press. As a reminder, Ali Lamrabet, director of *Demain Magazine* was barred by Moroccan Justice from practicing his profession of journalist for a period of 10 years and the leader writer, Abou Bakr Jamai, of *Le Journal Hebdomadaire* has left the country. Currently, the Arabic daily *Al Massae*, directed by Rachid Nini is the only one exception in this respect. The newspaper has the best circulation in the whole Moroccan press, with next to 80,000 copies for the beginning of 2010.
11. In Morocco the penetration rate of the written press is thirteen printed copies for every thousand people, according to the distribution

Thanks to the new information and communication technologies, such as the Internet, a plethora of channels are currently available. As is already the case in countries such as Italy, for example, there is a channel for everyone, something that is supposed once more to arouse the lawmakers' queries about the use at all of broadcasting regulation (Debbach and Gueydan 1991)¹⁴ by way of administrative licenses.

THE MOSQUE, A MEDIUM FOR THE MASSES

According to the International Religious Freedom Report 2007 of the US Department of State, the expatriate Christian community, Catholic and Protestant, consists of approximately 5000 practicing members (although some estimates are as high as 25,000), the Moroccan Jewish community includes approximately 4000 to 6000 Jews, the Baha'i community numbers 205 to 400 persons, the Shi'a Muslim community's size is around 3000, and more than 99 per cent of the Moroccan citizens are Sunni Muslims. According to the 2004 census, the population was 33 million.

In view of their number and of the percentage of Muslims, mosques are a real mass media. Mosques, which numbered a total of 48,000 in 2009, nearly half of which are mandated for the Friday preaching, are, aside from their spiritual role, the most popular communication medium in Morocco. But because they are put under the authority of the Ministry of the *Habous* and Islamic Affairs, on behalf of a 1984 *dahir* text, even when built on private donations, and because the weekly Friday sermon is written under the favourable auspices of the said Ministry, mosques are not, despite the millions of worshippers who frequent them, a medium for local community needs.

Being subject to close surveillance from the powers-that-be, mosques cannot offer any type of civic or health education; neither can they take part in any humanitarian activity. As a space much coveted by Salafist currents at a time when the Arab-Muslim world, in search of identity retrieval, is turning inward and witnessing a religious revival, the *Makhzen* has made a vanguard move by taking up the mosque universe.

Following the tradition of evangelical churches or that of Middle Eastern countries, which have launched religion-preaching channels (Magdi 2007), King Mohamed VI¹⁵ inaugurated a Koranic satellite channel called 'Al Sadissa'. The programmes, presented by *oulémas* and official preachers, cater for Moroccans living inside and outside the country, and are supposed to be competing with the channels of the Arab peninsula, whose preachers have managed, both through style and substance, to win over large fringes of the Moroccan population, a population furthermore forsaken by the regime and repelled by its age-old discourse. In June 2006, the Ministry of the *Habous* and Islamic Affairs inaugurated, in the presence of King Mohammed VI, the equipment of 2000 mosques with television sets designed to receive the channel in question. And since the month of Ramadan 2006, instead of listening to an imam in the flesh speaking from the mosque's pulpit, before attending to the different evening religious prayers, worshippers are enabled to follow the programmes of 'Al Sadissa' on a television screen in the very place where former prayer leaders used to stand.

On account of two main reasons, the regime has decided to react. The first reason is that believers are increasingly attracted by new information technologies that make it possible to receive foreign satellite channels¹⁶ and by the Internet, all of which offer alternative types of discourses. The second

reason is understandable in view of the poor training of the 'official clergy' expertly versed in official accounts. With the help of the Moroccan *Conseil Scientifique Supérieur des Oulémas du Maroc* (Higher Scientific Council of Moroccan Oulémas) made up of religious scholars appointed by the monarch, the Ministry of the *Habous* and Islamic Affairs decided to launch an ongoing training programme for 33,000 Moroccan mosque imams in 2007.

In 2008, on the occasion of the month of Muslim fast (Ramadan), Mohamed VI launched a wider initiative to re-centre the Moroccan religious field. He increased the number of the Local Scientific Councils from 30 to 70, to watch and cover the country more effectively. The National Pact of *Oulemas* (clerks) was activated under the control of the Scientific Supreme Council¹⁷ for 'a collective mobilization and an enlightened religious culture adapted to the Nation'.

And to control the Moroccan Diaspora, the Scientific Council for the Moroccan Community in Europe was created. As for the local councils, this one consisted of right-hand men of the *Makhzen* but without a popular audience.

The cost of the programme amounted to five billion Moroccan dinars (around 700,000,000 USD). Neither the programme nor its expenses were subjected to an examination of the Parliament and in its approbation. And these initiatives mean for them that the *Makhzen* is able to exploit the religion for its own ends.¹⁸ According to Mohammed Yessef, President of the said Council, this initiative aims at educating mosque imams in making them responsible for the spiritual and moral security of the area where they are made to preside over religious duties (El Fane 2007). Such initiatives along with other endeavours, belonging to Hassan II's near forty-year-rule, are part of the prerogatives of the Head of the State. As constituent King, self-proclaimed *Amir Al Mouminine* (Commander of the Faithful), he is the supreme spiritual leader of the Kingdom of Morocco, a position that enables him to keep the religious field under firm control and to shape it to the sole benefit of his governance. However, autocratic systems do possess a major typical flaw. They are the fertile hotbed for the very excesses whose eradication they allegedly profess to be striving for, and hence the proliferation of such religiously inspired supremacists that claim the title of religious commander.

BROADCASTING, THE ONLY MASS MEDIUM

Radio and television broadcasting is the only popular medium in Morocco for two reasons:

- Since radio sets have become within most people's budgets, today there is one receiving set for every two inhabitants in Morocco.
- The scope of cultural life being very limited in Morocco,¹⁹ in terms of theatrical performances, concerts, cinema events and other such nightlife activities – television has become, with the help of satellite channels, the only means of entertainment for the average Moroccan. Despite a deterring cost,²⁰ approximately five million Moroccan households today are equipped with TV sets, satellite receivers, and even videocassette and audio-video CD players. This shows how pervasive the broadcasting universe has become in Morocco, and how image, sound and live effects have permeated people's minds.

Radio, which traditionally used to broadcast in long-wave band but which has been using frequency modulation transmission for about ten years now,

company SAPRESS (Société Arabe Presse) itself. (In Algeria and Tunisia, this rate reaches approximately 48% and 38%, respectively.

12. In Morocco the illiteracy rate is 50–56%.
13. The thesis of Maurice Flory is: Political and social change in Morocco is very difficult because of the alliance between Monarchy and conservative elites.
14. For Charles Debbach and others such as Robert Corn-Revere, TV and radio regulation has to change, especially because of the cable and satellite TV and radio revolution and because of modern electronic broadcasting without borders.
15. According to article 19 of the Moroccan Constitution, the King is the Commander of the Faithful and the Supreme Representative of the Nation. His is the upper 'institution' of the country.
16. On this topic, see the proceedings of the international conference that the College Of Communication of the University of Sharjah devoted to this issue. According to some papers, the audience of national channels in the Arab World is declining (less than 10 per cent in Maghreb countries).
17. Local Scientific Councils and Supreme Scientific Council: compound public bodies of *Oulemas* (learneds/clerks) appointed by the King and asked to watch and manage the religious field, charitable activities and social work.

18. Relating to the Organization Chart of the main political/religious actors in the field of the religion in Morocco and relating to the Chart of Higher Scientific Council of Moroccan Oulémas, the main remark is that all actors are appointed by the Monarch. If opposition to his commandments, rebel Oulémas will be returned. Since the independence of Morocco, the official Oulémas have never objected to the instructions of the Palace.
19. In Morocco, there are approximately 360 annual indoor projections or performances for the whole country, most of which are theatrical representations.
20. Equipment of a Moroccan household with a television set and satellite receiver costs, depending on model specificities, about three times the Moroccan minimum wage.
21. On May 2002, the director of *Tel Quel Magazine* asked in a famous article to make an interview with the king Mohamed VI. Incredible demand in Morocco! Ignored by all Moroccan press, radio and Television channels, the application of R. Benshemsis has been narrated by only one other newspaper "Demain Magazine".
22. Because of lack of democracy/freedom of speech and no access to information, scholarly refereed works on media are rare in Morocco. The best works are conducted by foreigners and published by international editors and journals. Many

has nationwide coverage and is received overseas through the short-wave band. As for television broadcasting, the first channel, 'Radio and Television of Morocco', has an overall national range, while the second channel spans 75 per cent of the territory. The former is the official medium, par excellence. Every time the King of Morocco delivers a speech to the Nation, he does it via the two channels and never before the journalists of the written press. Hassan II, previously, and Mohammed VI, today have never granted any interview or conference to these channels (Benchemsi 2002).²¹ At best, the text of the King's address is handed out to partisan dailies that publish it in full. The discourse is then transmitted over and over via the two radio stations and television channels for one full day, at least.

BROADCASTING, A STATE MONOPOLY

Notwithstanding the global change in lifestyle, governance models and social patterns, and despite the fall of the Berlin Wall and the collapse of monolithic regimes throughout the world, the broadcasting field, traditionally liable to frequent revolutionary transformations, remains a sovereignty medium in Morocco. Decried, for technical and colonial reasons, as State monopoly by the French Protectorate, by means of a *dahir* of 25 November 1924, such monopoly was jealously prolonged well after Morocco's independence for the same technical reasons but also for motives of control, as in Protectorate times. Unrelentingly, the monopoly system, just like the State's mode of governance, has outlived all possible crises (coup attempts, riots, strikes, political changeover, monarchic transition), as well as all technological revolutions and social mutations without ever taking due account of them. Just like in authoritarian Third World regimes, the system turns a blind eye on change, as though the country were but an alien piece of land remote from others, immune from any democratic contamination and forever a promised haven for the *Makhzen*.

'RTM', the main radio and television station, which has always been an 'administrative department' placed under the authority of the Ministry of Communication, has been subject to an attempt at statute change. With a view to streamlining the running of the department, and following the turning of the 'Radio and Television of France' into an agency, a royal draft-decree was submitted on 22 November 1966 by the umbrella ministry to make 'Radio and Television of Morocco' a public institution endowed with legal status and financial autonomy. But the project was given up, and since the Finance Law of 1968, the subordination of the institution to the Ministry of Communication has reasserted it in its status of administrative department, granted with a supplementary budget (Hidass 1999).²² Unwilling to put the State's monopoly into question, such being the rule from the beginning, King Hassan II initiated, next to the radio and television station 'RTM', two broadcasting projects financed with both private Moroccan and foreign funds:

- On 28 March 1978, during a visit to France, Hassan II launched the creation of a commercial Franco-Moroccan radio station and put the French company Société Financière de Radiodiffusion in charge of developing the master engineering project. French funds having amounted to 49 per cent of capital and Moroccans having provided the remaining 51 per cent, the station known as 'Médi 1' has been alternately broadcasting its programmes in Arabic and French since 1980, into Morocco, the Maghreb and abroad. Through a successfully handled bilingualism, 'Médi 1' proved

a pioneering station in both the Arabic- and French-speaking worlds. Using a trendy, up-to-the-minute and lively style, falling back on a fresh, attractive mode of communication and drawing on a rigorously planned schedule, the station's vigorous dynamism stands in sharp contrast to the first channel – RTM's – archaic features. Headquartered in Tangiers, in the north of the country, 'Médi 1' functions with an unknown legal status since its structure has never been published in the *Bulletin Officiel* of the Kingdom, while the convention of its creation along with its book of specifications have always remained confidential. Exclusively, *de facto* and without any legal motive, 'Médi 1' enjoys, for its unique benefit, the radio advertising monopoly over the whole country. As a general radio station, with 34 journalists holding their posts at the head offices, functioning without premises, employing neither local nor international correspondents, its programmes are dull and its news updates draw directly on news telegrams coming from international press agencies, mainly from the France Press Agency. Sealed tight to domestic current affairs, to which only a couple of minutes are devoted in its main editions, 'Médi 1' nevertheless adopts a less restrained tone for international topical issues and is a willing supporter of great causes, on the condition that Morocco is not involved in the accounts. Such a style has helped the station lead the way, while its editorial policy has been, for some time now, a source of inspiration for such new satellite Arab channels as 'Arab News Network' and 'Al Jazeera', 'Al Arabia', which deals unreservedly and in complete freedom with any matters concerning Arab countries other than their own.

- Following in the footsteps of 'Médi 1' radio's promising beginnings, Hassan II once more entrusted the French Company SOFIRAD with the creation of a commercial television channel using a similar funding apportionment, with 49 per cent of the capital being provided by foreigners and 51 per cent by Moroccans. Called '2M International' and handed over for its administration to the King's son-in-law and son of his then Premier, Abdellatif Filali, this second Moroccan, encrypted and pay-television channel, whose programmes are presented by 161 journalists, is running into deficit. Without consulting Parliament on the issue, the Public Treasury generously absorbed the debts and as foreign shareholders had quit, the State decided, as an ultimate rescue plan, to buy out 80 per cent of the station, while public bodies were to support the remaining share. Like 'Médi 1', '2M' is modern-looking and assumes a dynamic communicative tone; unfortunately, however, it similarly has no premises and no national or international correspondents. Readily disposed to deal with world affairs in total freedom, it remains close-lipped with regard to Morocco. The channel's asset is that of having launched the new concepts of press reports and public talk shows. Well focused, monitored by the *Makhzen* and presented by loyal journalists,²³ the channel indulges in rituals of self-flagellation and criticisms and develops a self-centred type of discourse, which at best points out the usual scapegoat in social cast-offs. Even in the most flagrant of cases where the news hits the international press headlines, the *Makhzen*, its nomenclature, its excesses and its eccentricities are never evoked. The same applies to the hoax of the oil fields of Talsint, east of Morocco, the question of the oil shale deposits, the issue of the current Minister of Foreign Affairs or the purchase of the Moroccan embassy in Washington, the affair between the court and the Harem or the crisis of the Leila isle – or Perejil, for the Spanish²⁴ – the banning of the Moroccan critical press, or the riots of unemployed graduates [...].

themes in the field of media and monarchy are taboo. See the *dahir* (Royal Decree) of 1958 on Print Media and the Audiovisual Communication Act of 2005.

23. The Moroccan broadcasting sector, mainly the official radio and television 'RTM', features an unrivalled type of anchor. Immutably settled in their positions that they have been holding for over 30 years now, some of them performs during official travels, handle stonewalling, and practice praise and sweet-talking that would make Goebbels green with envy. Sickened, yet capable of staying on air for hours, they dwell on futilities and improvise odes to the glory of the regime while coating their discourse in adorned wordings forever re-polished. They can indulge in all types of fantasies about the country better than any storyteller of the mythic Jamaa El Fna Square in Marrakesh. During Hassan II's funerals, on 30 July 1999, the Francophone, Paris-based satellite channel TV5 supervised a set where it took up the images and Arabic commentaries live from the Moroccan television 'RTM'. Impressed by the flights of lyricism of the Moroccan commentator on duty at the time, Mr Chabrol, a 'TV5' presenter, asked his Moroccan guest, Hamid Berrada, to translate what was being said for the sake of non Arabic-speaking viewers. The latter simply found it impossible.
24. Foreign affairs being a reserved royal province, the Moroccan press – especially radio

and television – limited itself to taking up the official slogans concerning the rough Spanish landing on the island of Leila, just a stone's throw off the Moroccan coast. One of the rare inquiries into this affair came from abroad (Cembrero 2006).

25. While the audio-visual tax does not exist in countries such as Canada or the United States, and is deducted either by household from viewers and auditors in Denmark, Italy and Switzerland, or by place of residence in Germany, France and the United Kingdom, for instance, in Morocco, it is appended to electricity bills and calculated in proportion to the amount of the bills, while keeping a ceiling in this respect. The tax amount serves to finance public television and to provide for the cinema-backing fund. This being so, not one Moroccan film – not even Mohammed Abderrahmane Tazi's *A la recherche du Mari de ma Femme*, produced in 1993, though it was popular and distributed on a large scale – has been commercially cost-effective. Why then subsidize a loss-making business?

BROADCASTING, A MOUTHPIECE FOR THE MAKHZEN

In a country where tradition has been free-range, the right to propriety gives the public domain pride of place. The private domain being limited in range, the public preserve holds sway across the whole country. Explicitly declared as the State's either material or immaterial property – mines, forestry, fisheries, or air, navigation, telecommunications – the public dominion is actually an extension of feudal rights. Usurped by the *Makhzen* beyond belief, the latter can either exploit this province via State-owned companies or grant its usage to carefully chosen high-ranking officials, in return for symbolic rights, most of the time. The kingdom's most profitable operations in this respect are granted to the Omnium North of Africa holding group, or to the *Siger* Company. For reasons of control rather than profitability, the same holds true for the broadcasting field.

Led from the outset by regime loyalists – among whom the penultimate director who had remained in post for nearly 20 years and the present director still holding duty despite being past retirement age – the *Centre Cinématographique Marocain* (Moroccan Cinema Centre) screens movies imported to Morocco, grants official permission for their commercialization and runs in a sovereign way the public aid fund for cinema.²⁵ During its last fiscal year, the Centre financed the productions of sixteen full-length movies. Because the films are not distributed and are exploited neither inside nor outside the country (Regnier 2007), banking on cinema is simply meaningless. This has become even more significant since Morocco's independence in 1956, as no Moroccan film has been cost-effective; nor has any production honoured its cash-advance fees deposit. Hence the question: why the funding and whose are the profits?

Radio and television are unprofitable sectors, but they are media of sovereignty, and are directed as such. Should their audience decrease, their message fall unheard or should they be kept on financial drip feed, their mission will invariably be the same: to be the voice of the *Makhzen*. Just like Parliament, the justice system or the government, the broadcasting sphere is a State 'body'. Initially decreed as a public monopoly, under the French Protectorate in accordance with the Jacobin tradition in France, the *Makhzen* has constantly been eager to renew the system, a system weighed down with enslaving ceremonies and rituals that aim at conveying an official discourse designed to sanctify power and divinize the monarchy (Bendourou 2000/2001).

In a mostly illiterate, underdeveloped country experiencing a democracy shortage and propelled on the arduous road to modernization, broadcasting, which is part of the fourth estate after the legislative, executive and judiciary, is the second power after the *Makhzen* and its supporting pillar. Firmly silenced by monopoly, securely assisted by an elite staff and committed to a ritual of reverence, it is the unique medium that provides public news. Repelled by its methods, its editorial policy, its stonewalling, its archaic terminology and its outdated ritual formalities, Moroccans still cannot do without it. It is the one and only outlet that allows access to both local and national official activities. Given the range of Arabic- and French-speaking satellite channels that offer more competitive variety programmes, the average Moroccan turns away from these two television channels altogether, except for the two main news bulletins or a few sports contests. The channels only retrieve an audience with the broadcasting of occasional Brazilian, Mexican or Egyptian serials.

Because they have been subjected to the same, never-changing ceremonials since their creation, the two radio stations and two television channels – 'RTM'

and 'Médi 1', on the one hand, and 'RTM' and '2M', on the other – offer, at the beginning of their news bulletins, coverage of official activities whatever their relevance – even if these have to do with the distribution of a soup kitchen, for example – and whatever the time-consuming length of such coverage may be, as is the case with the rebroadcasting of formal ceremonials or the retransmission of long-winded speeches. No matter what may happen, be it a natural catastrophe or a major fire in Morocco or elsewhere, the editorial hierarchy prevails in an inexorable way. Three cases in point may be conjured up here, which attest to this:

- During the last week of November 2002, Morocco witnessed a spell of torrential rains, and a wave of floods with mudslides after which a number of agricultural and industrial areas were completely disaster-stricken. Following such bad weather, the largest Moroccan and African oil refinery caught fire in Mohammadia on 25 November 2002. However, on both TV channels, the news programme opened with an official religious lecture.²⁶
- On 10, 11, 12 and 13 June 2003, the countries of the Maghreb and the South-West of Europe were hit by sandstorms and witnessed unprecedented heatwaves. Top season temperatures were recorded in Rabat, Rome, Paris and Lisbon. While the event hit the headlines of the bulk of televised news in European countries, in Morocco it was relegated to the weather forecast programme to which the last part of the news bulletin is usually devoted. The public radio and television station 'RTM', the semi-private radio, 'Médi 1' and the public television '2M' opened their news edition with official news.
- On the evening of 16 May 2003 and for the first time in Morocco, the city of Casablanca was dramatically struck by a series of attacks. While such news was circulating via word of mouth, mobile phones and while international satellite channels were already giving accounts of the event, the 'RTM' announcer, seemingly dumbfounded, announced, in stammering and mumbling words at the midnight news edition, that a tragic event had occurred in Morocco, without giving any further information. He then moved on, as though nothing had happened, to the international affairs top stories, on which he amply dwelled. Taken aback, the 'RTM' editorial staff, used to working under directives, had apparently not yet received any instructions to handle the matter and therefore did not know how to address the issue.

26. The 26 November 2002 issue of the officious daily *Le Matin du Sahara et du Maghreb* and its Arabic version *Sahara* mentioned neither the stormy weather nor the fires that hit Morocco. In its front page news, the newspaper featured process-printed photos featuring official activities.

REPEALING THE MONOPOLY, FREEING THE WAVES?

Morocco is a land of paradoxes. Despite the fact that the system is used to skilfully handle *Makhzen*-led governance and its elite to capitalize on the benefits of its collaboration with the regime, the country hosted a world conference in 1993 whose agenda stood at the polar opposite of privilege systems. The conference was concerned with the closing of the proceedings of the General Agreement on Tariffs and Trade Uruguay Round and the creation of the World Trade Organization (WTO). Morocco, star pupil of the International Monetary Fund and client of the World Bank with a long structural adjustment programme to its credit, committed itself to updating its economy in anticipation of the global market opening. Since all fields without distinction, cultural or sectoral, are normally supposed to be opened to globalization, Third World countries, whether WTO members or members-to-be, all took note of such

27. Despite the fact that the Moroccan Press National Syndicate uncommonly brings together both journalists and newspapers editor members of political parties, it has never succeeded in making its editing members sign the collective convention, which has remained a pending matter for fifteen years now. The Ministry of Communication managed to impose it starting from 2005 after it submitted its contract programme to newspaper editors in exchange for the allocation of public subsidies.
28. Decree-law of 10 September 2002 repealing State monopoly over radio broadcasting, *Bulletin Officiel* (Arabic version) of 12 September 2003.
29. *Dahir* concerning the creation of the *Haute Autorité de la Communication Audiovisuelle* (High Authority for Audiovisual Communication) of 31 August 2003, *Bulletin Officiel* (French version) of 5 September 2003.

an injunction and undertook the liberalization of their media. Morocco has done likewise, borrowing the *Makhzen* style, though.

Although the *Makhzen* definitely keeps an eye on political life, it is still free from blame when one considers the way Moroccans known as leftists, mainly represented by the ‘Istiqlal,’ the ‘Union of Socialist Popular Forces’ and the ‘Party of Progress and Socialism’ – respectively reformist, socialist and former communist parties – lack the resources for any consistent project in this matter. Except for their usual critical rhetoric on programmes and announcers, such parties run on empty.²⁷ In the rush of the globalization of economy, industry and finance, and as the world constantly witnesses the rise of resistances or the eruption of counter-projects, in Morocco the *Makhzen* is the only actor to follow the trend by means of accompanying measures or reservations. As far as parties are concerned, being structurally and chronically enmeshed as they are in problems of administration and leadership, they never developed any economic, social or cultural vision of society. Their historical legitimacy being over, they are presently experiencing a dramatic void after being deserted by their grassroots and ignored by the intellectuals. Their overall collapse is shown by the high abstention rate, which nearly reached the rate of 80 per cent in the September 2007 legislative elections, in spite of the commitment deployed by the administration and despite Mohammed VI’s televised address, on 20 August 2007, which was designed to prompt the population to take part in the elections.

Following the hopes triggered by the appointment of the changeover government led by the socialist Abderrahmane Youssoufi, it was expected, as Youssoufi himself declared in his 1997 inaugural address, that freedom of audio-visual communication would be part of his sites projects. This, however, was not the case. The Ministry of Broadcasting, in the image of all other ministries said to be of sovereignty, – i.e. the Ministries of the Interior, Defense, Foreign Affairs, *Habous* and Islamic Affairs, the Ministry of Justice and the General Secretariat of the Government – is part of the monarchy’s well-guarded dominion. Under article 45 of the Constitution, public liberties fall within the Parliament’s prerogatives, but, as the King, being theologically empowered, possesses greater leeway to interfere in all fields under Article 19 of the said Constitution, there is necessarily a competition of skills, traditionally working in favour of the King, members of parliament having gained little ground in the broadcasting area. Taking advantage of the legislative void towards the end of the parliamentary session, the new elections being expected for September 2002, two bills were then adopted: the first one was concerned with the abrogation of the State monopoly;²⁸ the other was related to the creation of the *Haute Autorité de la Communication Audiovisuelle* (HACA) (the High Authority for Audio-visual Communication).²⁹

The first law was summary. It did not proceed from any constitutional foundation or any authentically principled motivation. Nor was any political commitment sensed behind it. It put an end to the State’s monopoly that originated in 1924 but without, for all that, opening, *de jure*, the broadcasting area to private initiatives or prompting the concerns that, as an otherwise universal constant, the freedom of audio-visual communication is part and parcel of the freedom of expression as defined by international instruments and, in particular, the Universal Declaration of Human Rights. In September 1992, a royal amendment adopted by referendum stipulated that ‘Morocco respects human rights as they are laid out by international law’. Such should theoretically have been the principle attending to the development of audio-visual communication.

Despite the fact that the monopoly is a thing of the past, the restrictive draft version of article 9 of the Constitution pertaining to freedom of expression was not revised. In addition, 'RTM', which is the true embodiment of the State's monopoly in this case, was not restructured. A public entity, by law, it was tacitly confirmed anew in its status and redirected into its *Makhzen* duties. The 2005 Finance Law granted it the same budget, disregarding any change. However, since 1 April 2004, 'RTM' has become the *Société Nationale de Radio Télévision* (National Radio and Television Company). After it was reshuffled into an undeclared partnership under the law on audio-visual communication, with a capital fully held by the State, the authorities seemed to be willing to open it to private capital markets. But given its unpredictable returns, no private operator has made a request so far. On the other hand, the 'Société Nationale de Radio et de Télévision' has, in addition to 'RTM', five other satellite broadcasting channels, whose audience has not yet been tested: 'Al Maghribia' and 'TVM International', designed for the Moroccan community abroad; 'Aarabia', a cultural channel; 'TVM Laayoune', a local channel intended for Sahraoui (Sahara inhabitants); *Assadissa* (*Sixth Channel*), which has been offering religious programmes between 5 and 10 p.m. since 18 November 2004 and whose target audience is the Moroccan community abroad; and, finally, 'Al Rabia'.

No provision has been made to clarify the status of 'Médi 1 radio' and '2M television', initially accounted for as private commercial entities. What is new, however, is the fact that '2M' and the 'SNRT' have been merged into one public entity with a common Director-General appointed by *dahir*, the very same person who has been in office as Head of the latter institution since 2004. The supposedly liberalist motivation behind this *dahir* does not, however, extend to other sectors of audio-visual communication such as advertising or cinema, which, in the absence of any explicit clauses, fall under the old regime of administration. On 31 March 2003, Parliament unanimously adopted the decree-law with neither amendment nor explications. Indeed, the law stipulated that 'the Parliament will later decide on the required conditions for the creation and management of the companies in this sector', while it simultaneously made it clear that, for the time being and as a transitory measure, the HACA instituted by *dahir* and appointed by the King will deliver the necessary permits for the creation of private radio and television stations. The royal initiative therefore remains predominant and there is reason to believe that it will prevail for the current processes in the making. Let us ask whether, by the Lampedusa paradox standards developed by Jean-Noël Ferrié (*'changer pour que rien ne change'* Change, so nothing changes), this is a true change. *En fait, rien ne change*. In fact, nothing changes, it would seem.

THE HIGH AUTHORITY FOR AUDIO-VISUAL COMMUNICATION

The second bill, adopted by *dahir*, is in line with the tradition of the Moroccan legislation. Despite being copied from French law, the likeness is, however, limited to terminology and form. Everything else is mere smokescreen, as was the case with the Code of the Press of 1958, also modelled on the French law of 1881 (Mollard 1963), or with the 1942 Statute law on professional journalists, also taken after the French law of 1935. While the logic of the *dahir* of 31 August 2002 is French-inspired, its intention and implementation go by the *Makhzen* style. In France, the *Conseil Supérieur de l'Audiovisuel* (Higher Audiovisual Council) belongs to this new generation of authority holders said to be administrative and independent like the *Commission Nationale de l'Informatique et des Libertés* and the

30. Visit the website www.haca.ma (consulted on 22 August 2008 and on 4 July 2010).

CADA, and while these bodies function along such lines thanks to the legal guarantees they enjoy, in Morocco, if the *dahir* in question draws, with multiple minutiae details, on the French 1989 law whereby the *Conseil Supérieur de l'Audiovisuel* was created, it places the Moroccan system's authorities under royal tutelage. As far as this law is concerned, the King's guardianship is intended as a guarantee of protection (as laid out in the 3rd point of the *dahir* preamble). According to the Establishment press and the intelligentsia educated in the *Makhzen*, the objective of such a protective measure is to ensure the regime's independence before political parties. Concerning what is known as the leftist press, this initiative was simply acclaimed without further comment. According to the independent press, every time public officials or public bodies are provided for by a *dahir* text, it is the same old story, for the former are the *Makhzen's* serving followers. By way of evidence, they conjure up the hard times faced by the *Autorité de Régulation des Télécommunications* (The Authority for the Regulation of Telecommunications) (El Hassouni 2003) for its independence. As the British would say – from whom the legislator borrowed the term 'Authority' and the royal touch – concerning the licenses and all the regulation business, 'Wait and see [...] '.

The Haute Autorité de la Communication Audiovisuelle is made up of two bodies: the Conseil Supérieur de la Communication Audiovisuelle (The Higher Council of Audiovisual Communication), and the Direction Générale de la Communication Audiovisuelle (The General Directorate of Audio-visual Communication).

The role of the *Direction Générale de la Communication Audiovisuelle* is a prominent one. As an administrative department of the *Conseil*, it is headed by a director nominated by the King. The department is responsible for the examination and treatment of license applications and the control of distributors; it is also in charge of looking into the breaches and enforcing the *Conseil's* decisions, among other tasks.

The idea of an *Haute Autorité de la Communication* having been conceived ever since 1994, at the Mincom Conference organized by the then Ministry of the Interior and Communication during Hassan II's reign, its creation constitutes an event in itself both in Morocco and the Arab world. While it was regarded as a pledge for a new type of governance – Amourag (2004) – the appointment of its members was nevertheless met with unanimous disapproval. In view of an uncongenial website and on account of the fact that the members have not posted their detailed CVs online³⁰ – something that runs counter to custom in similar bodies of authority such as the CSA in France, the Federal Communications Commission in the United States, the Canadian Radio-television Telecommunications Commission in Canada or El Consejo Audiovisual de Navarra in Spain – it is worth mentioning that no member of the HACA originally has any related background to the field of broadcasting. None of them has ever produced any scientific account for that matter, and some have not even reached the desired educational level. While, traditionally, the experts in audio-visual regulation have strong qualifications from law, commerce or engineering higher schools, the HACA's sole credit is that it employs four university professors.

ALLOCATION OF PRIVATE LICENSES FOR RADIO AND TELEVISION

The allocation by the HACA of a license for a general news satellite television channel and of ten others for local radio stations was a first in the Arab world, and one to put to Morocco's credit. Similarly, on 6 June 2006, the legendary

operator of home and mobile phones *Maroc Telecom* launched a bouquet of pay and a la carte cable televisions for its subscribers immediately before the start of the Football World Cup.

This being so, however, the HACA decision to grant licenses calls for a few observations:

- The HACA took a long time to implement its decision. Created in 2002 for the sake of imminent license allocation in the field of broadcasting, its enforcement took nearly four years before coming to light. While the HACA was supposed to announce the granting of the first licenses on 5 April 2006, such a decision was postponed, without further explanation, to 10 May 2006. When contacted about this postponement, it seems that the HACA members clearly stated that ‘the applications are at the Royal Cabinet for approval by his Majesty’ (Bennani 2006).
- By law as by custom, regulation authorities usually open a call for nominations before the granting of any license. In Morocco, the news circulated unofficially word of mouth and no call for nomination was launched.
- Whether by law or custom, candidates are ordinarily heard: some may be shortlisted, and others may fail on the basis of duly established and published specifications. As far as the allocation of the licenses of 10 May 2006 is concerned, both the HACA’s specifications and the procedure for license allocation remain unknown to the public.
- In Morocco, the radio and television frequency range (FM) is still vacant. There is still room for hundreds and even thousands of FM radios, for some ten classical Hertzian televisions and for much more than that for numerical terrestrial television. The HACA press release of 10 May 2006 suggests a lack of frequencies, something that is technically unthinkable.
- The only accredited television channel, ‘Médi 1 Sat’, actually an audio-visual duplication of the juridically controversial Franco-Moroccan radio ‘Médi 1’, is a satellite television. Given their capability of cutting across frontiers, satellite televisions are submitted to flexible procedures, by mere contract. As a bilingual channel, using both Arabic and French and having started to broadcast from Tangiers at the very moment the city was applying for the hosting of the *Exposition Universelle* of 2012 (which Seoul finally won), ‘Médi 1 Sat’ does not seem to measure up to competitors such as ‘France 24’, ‘Al Jazeera’, ‘Euronews’, ‘BBC World’ and ‘CNN’, among others. After one year’s experience, the channel shows large deficits and its director is appealing to French and Moroccan founders for help. Obviously without positive answers from his call for help, Mr Casalta (career soldier), the mythical, *apparatchik* and manager of ‘Medi 1 Sat’ left the direction of the channel. His trials are numerous. The audience of the channel is weak and there are few advertisers. Mr Casalta was replaced, in September 2008, by Mr Ahizoune, manager of *Ittissalt Al Maghrib* (the first telephone company in Morocco with French-Moroccan capitals) and close to the Palace. But beyond this crisis, the question is about the viability of audio-visual projects in the Arab World in view of the fact that all public radio and television channels are showing shortfalls and depend on State subsidies for survival.
- According to the written press, nine requests for the creation of television channels and 52 radio projects were referred to the HACA. Yet, the selection criteria were not made public. Very much awaited and yet postponed several times, the HACA’s communiqué was reserved in that respect.

31. The three ministers who succeeded Mr. Driss Basri, Messrs. Driss Alaoui Mdaghri (a technocrat), Larbi Messari of the *Parti de l'Istiqlal* (the Istiqlal Party) and Mohamed Achaari of the *Union Socialistes des Forces Populaires* (the Socialist Union for Popular Forces), have made of these conclusions as a reference, and kept pointing out their relevance during their whole term in office.

Cryptic, legalistic and putting full confidence in the King's judgement, the press release was revealed by the official and only press agency *Maghreb Arab Press* outside any press conference or any another communication means. Discussed not without some sweet talk by the written press, the very official radio and television channel 'RTM' did not make any mention of the news during its updates of 7 May 2006.

- Unlike the audio-visual regulation authorities' common practice worldwide, the HACA report does not inform about the nature of the television channels and radio stations that were granted broadcasting authorizations, and does not reveal the identity of such license holders.

On 7 August 2008, during a plenary session held by the Conseil Supérieur de la Communication Audiovisuelle, the HACA took the decision to launch a notice for four procurement processes of television and radio licenses. These four appeals, made public on 18 August 2008 and circulated in the written press on 22 August, concerned the allocation of two licenses, one for the setting up of two terrestrial Hertzian national television services, and the other for the establishment and development of an FM radio service with a national scope.

These calls for competition also pertained to the allocation of two licenses for the establishment and exploitation of two FM radio services covering eight audience pools (Grand Casablanca, Rabat, Fès-Meknès and Pre-Rif, North, Rif, Oriental, Centre et Plateau des Phosphates and Tadla), as well as two licenses for the establishment and exploitation of two FM radio services covering six audience pools (Rabat, The Great Casablanca, Marrakech, High Atlas and Abda, Souss Massa, and Portes du désert and the Saharan provinces).

Who will be the beneficiaries of the second wave of private licenses allocation? Could they be independent audio-visual groups? For the time being, such groups still do not exist in Morocco, the broadcasting sector being a high-risk area for private investors. Only people in the innermost circle have entered the lists, backed to a greater or lesser degree with public funds.

By way of extra evidence rather than by way of a conclusion on the nature of the Moroccan audio-visual landscape, let us point out the two national information and communication conferences organized by the ministers in charge of this department.

The first conference was held on 29, 30, 31 March 1993. Led by the regime's second strongman, Driss Basri – who was then holding the Interior and Communication portfolios concurrently – and presided over by Ali Yata, leader of the communist-affiliated *Parti du Progrès et du Socialisme* (Party of Progress and Socialism), it was organized with pomp and circumstance and with extensive media coverage. Although the conference was in theory open to civil society and to decision makers in the field of communication, its proceedings, save for the public opening and closing sessions, dealt with through different workshops, were held in secret with moderators and rapporteurs previously selected and duly invited by the minister in person, talking issues over. For ten long years, the conclusions and recommendations of this conference remained a reference in this matter and as yet impervious to any public debate on information and communication in Morocco.³¹

The second conference was held on 21 and 22 April 2003, and, if less ostentatious than the first one, was still not without the *Makhzen*-oriented spirit: the opening and closing sessions were public and mediatized, the workshops were closed to the public, participation was upon official invitations, rapporteurs were pre-appointed, and conclusions were plain and foreclosed.

The conference was headed by the Minister of Communication, Mohamed Nabil Benabdallah of the *Parti du Progrès et du Socialisme* – a former communist party – and was presided over by a distinguished expert and founder of the official press agency MAP, Mehdi Bennouna. Yet, what was supposed to be a consultation of civil society under the reign of the new King Mohammed VI turned out to be the mere continuation of the same old system, but with different individuals, a system that still rules over the political, economic, diplomatic and religious aspects of social life, to name but a few, regulating the country's media environment, while always at odds with evolution, just like during electoral³² or referendum consultations.

But if we were to hark back to Morocco's past, we would see that the history of the press seems to be an everlasting new beginning. Save for the fact that in 1958, the Moroccan press edited 300,000 copies a day for 12 million people, whereas in 2008, press circulation is just about 250,000 copies a day for a population of over 30 million people.

And except for the pre-colonial period, when the press, introduced by foreigners, was limited to the Tangiers and Tetuan enclaves respectively under International and Spanish rule (Miège 1954), each time a medium showed up, the regime ended up taming it so as to make of it a continuation of its own existence. This is enough to make one believe that if the press, taken to mean the fourth estate, did not exist, the *Makhzen* would not have invented it, but that if understood as a supporting ally to the regime, if it did not exist, surely the *Makhzen* would have invented it.

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