

New actors in the foreign policy of Arab countries: the Moroccan employers' association and the free trade agreement with the U.S.

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Abstract

From Morocco's standpoint, the negotiation of the free trade agreement with the United States (2003-2004) can be analysed as a two-level game whose internal dimension was influenced to some extent by domestic non-governmental actors. Among these, there is call to highlight the Confédération Générale des Entreprises du Maroc (CGEM), which had recently achieved recognition as the main association representing Moroccan employers and been formally associated with designing Morocco's foreign economic policy. Mechanisms established by the Moroccan negotiating team for facilitating coordination with the private sector enabled the CGEM to participate -with varying degrees of success- in the initial consultations designed to define the Moroccan proposals, the different rounds of negotiations and the development of accompanying measures¹.

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The negotiation (2003) and signature (2004) of the Free Trade Agreement (FTA) between Morocco and the United States, developed against a particularly conflictive and volatile international backdrop, represents an ideal proving ground for identifying the roles and discourses of economic actors, civil society organizations and social movements vis-à-vis Moroccan foreign policy. The activism displayed by civil society and the media contrasted sharply with the lukewarm involvement of Moroccan political parties in the debates surrounding this controversial agreement. Some observers have ascribed this contrast to the “traditional attitude of political parties, including the Islamist Party (PJD), to bandwagon foreign policy decisions seen as very much the reserved area of the *Makhzen*” (Crombois 2005, 221-222).

Despite the ongoing centralization of the decision-making process and limited freedom of action, domestic non-governmental foreign policy actors in various Arab countries have in recent years become progressively more dynamic, particularly in countries where political liberalization is more advanced: Morocco, Algeria, Egypt, Lebanon and Jordan (El Houdaïgui 2006). This observation should nonetheless be taken with a pinch of salt in that it does not mean to say that these actors have necessarily risen beyond the status of “marginal decision-making units”, overshadowed firstly by a pre-eminent head of state (central unit) and secondly by government and parliament (subordinate unit) (El Houdaïgui 2006, 10-13). Nor does it mean that an area as resistant to public participation and control as foreign policy has undergone a sudden democratization in these States. All it means is that there has been a relative increase in the “vulnerability, permeability and sensitivity of decision-making processes (...) to the viewpoints, actions and mobilizations of private actors” (Charillon 2006, 4), and

therefore the “capacity of Arab states to control tensions between what is domestic and what is foreign” has somewhat diminished (El Houdaïgui 2006, 9).

At any rate, the broader participation or influence of domestic non-state actors does not necessarily stem from genuine democratic transformation. For Joe D. Hagan, who criticizes foreign policy studies based on Manichean comparisons of “open” and “closed” regimes, the conditions imposed by the internal dynamics of coalition building and retaining political power (Hagan 1995, 121-127) are not the exclusive province of democracies. On the contrary, “political conflict within the regimes of authoritarian political systems can be rather intense and foreign policy decision making highly political” (Hagan 1987, 342).

It therefore makes more sense to analyse the negotiation of Morocco’s FTA with the U.S. as a two-level game, on the basis of the model developed by Robert D. Putnam: “The politics of many international negotiations can usefully be conceived as a two-level game. At the national level, domestic groups pursue their interests by pressuring the government to adopt favourable policies, and politicians seek power by constructing coalitions among these groups. At the international level, national governments seek to maximize their own ability to satisfy domestic pressures, while minimizing the adverse consequences of foreign developments” (Putnam 1988, 434). For Putnam, domestic ratification is crucial in any type of international negotiating process and -once again- not only in the case of democratic countries.

In the case at hand, the domestic game has a dual facet, economic and political. The role of the Moroccan employers’ association, the *Confédération Générale des Entreprises du Maroc* (CGEM), is all-important at the economic level, as the main representative body and pressure group for the country's employers and industries. At the political level, a complex array of nationalist, Islamist and left-wing organizations

comes into play, mobilizing as a network via *ad hoc* coordinating bodies against the signing of the agreement and its ratification in parliament, and, by extension, against the new U.S. policy towards the Middle East and North Africa considered to underlie this commercial strategy.

The aim of this paper is to analyse the CGEM's influence and involvement in the FTA negotiations. To this end, I will begin by outlining the origins of the FTA, the characteristics of the negotiating process and the factors that motivated both Morocco and the U.S. to sign the agreement. I will then go on to examine the singular process that had led to recognition of the CGEM in Morocco as a legitimate political actor that has sought varying degrees of autonomy vis-à-vis the regime, and how it came to be formally associated with the design of this country's foreign economic policy.

I will then consider the CGEM's participation in the negotiation of the FTA with the U.S. and the different mechanisms used to facilitate coordination between the negotiating team and the private sector, as well as the levels at which steps were taken in this direction: initial consultations, institutionalized consultations, sector consultations and direct encounters with the American negotiators. I will conclude by analysing the development of the CGEM's discourse in this period, which finally came out in favour of supporting regulated free trade and the need for state intervention in these types of agreement through the implementation of accompanying measures. The main sources used are CGEM publications and interviews with CGEM officials, as well as official documents and press clippings.

The Free Trade Agreement with the U.S.

The FTA between Morocco and the U.S. has a precedent in the U.S.–North Africa Economic Partnership, known as the Eizenstat Initiative (named after the former U.S. undersecretary of state for economic affairs during Bill Clinton's second term in

office)², a project to create an economic association with the Maghreb countries launched in Tunisia in June 1998. This partnership was initially viewed as an American attempt to penetrate -economically- one of the European Union's spheres of direct influence, competing with the free trade zone provided for in the Euro-Mediterranean Partnership. This was before 9/11 and Washington's interest in the region was then interpreted as essentially economic: this was a drive to boost trade and investment in a region hitherto characterized by French predominance, promoting, among other interests, regional integration (White 2005, 602).

But it was not until after 9/11 that Washington launched an unprecedented programme of free trade negotiations with Arab countries, clearly driven by strategic and security considerations. Not only was it argued that global trade liberalization was crucial to America's war on terrorism, a link was also established between free trade and democracy promotion (Al Khouri 2008, 1-3). Key to American interests at this time were Jordan, Morocco and Egypt, three Arab states with no oil resources but with privileged relations with the U.S. and which generally aligned themselves with its international policy (Benmoussa 2003, 15).

The bilateral focus of these negotiations was ascribed to the U.S.'s dissatisfaction with the multilateral trade agreements in force at that time and the fact that they provided a means of transcending the rules and requirements laid down by the World Trade Organization (WTO). Not only did this strategy enable the U.S. to adapt the terms of each agreement to the particular circumstances of the country in question, but also to "deploy its hegemonic bargaining power" (Al Khouri 2008, 5-6; Benmoussa 2003, 12). Even then however, multilateralism was not ruled out entirely: in 2003 Bush spoke about the possibility of combining all the bilateral agreements reached with

² Later renamed the *American Economic Program for North Africa*.

countries in the region with a view to creating a Middle East Free Trade Area (MEFTA), to come into effect in 2013.

The idea of forging a bilateral agreement with Morocco was presented on 10 April 2002 at a meeting in Rabat by Catherine Novelli, delegate for Europe, the Middle East and North Africa of the then U.S. Trade Representative Robert B. Zoellick³. But it really gained momentum with the official visit by Mohammed VI to Washington at the end of this same month, after which George W. Bush gave the go-ahead for talks between the two countries to begin. At the beginning of July, the Moroccan king appointed the state secretary for foreign affairs and cooperation Taieb Fassi Fihri to coordinate and take charge of this *dossier*, and to act as sole interlocutor with the U.S. authorities throughout the entire negotiating process (Benmoussa 2003, 27-28), which officially kicked off in January 2003. The final text was drafted in March 2004 after thirteen months and seven rounds of talks⁴, an unusually short period of time in the opinion of many observers. The agreement was signed on 15 June and came into force on 1 January 2006⁵ after it had been ratified by the parliaments of both States⁶.

At all events, the FTA gestation process cannot be isolated from the international context in the wake of the 9/11 terrorist attacks, from which Morocco emerged geopolitically strengthened. The immediate and diligent cooperation of Moroccan

³ After holding the post of USTR from 2001 to 2005, Zoellick was deputy secretary of state for one year. He has been president of the World Bank since July 2007.

⁴ These talks took place in Washington (January 2003), Geneva (March 2003), Rabat (June 2003), Washington (July 2003), Rabat (October 2003), Washington (January 2004) and Washington (February-March 2004) (Ministry of Foreign Affairs and Cooperation 2004a; Ministry of Economy and Finance 2004).

⁵ The complete text of the agreement may be seen at <http://www.moroccousafta.com/ftafulltext.htm>. For a summary of its main provisions and an assessment of its first year of implementation, see Khader (2007) and Harmak (2008).

⁶ In America, the agreement went through Congress via the Trade Promotion Authority (or *fast track*), a law that empowers the President to negotiate trade agreements that Congress is free to approve or reject, albeit without making amendments, and within a very strict timeframe (approved by Congress in 2002, this authority expired in 2007). The FTA was ratified on 15 July 2004. In the case of Morocco, the text was adopted by the Chamber of Representatives and the Chamber of Counsellors (lower and upper houses of parliament, respectively) in January 2005 (Tuquoi 2005).

security services in the U.S. Administration's war against terrorism -both through regular and irregular channels- had to be rewarded (Chaarani 2004, 13-98). Rabat later emerged from the Iraq war (2003) as a model pupil in the U.S.'s new political and economic reform project for the region, the Greater Middle East Initiative, subsequently remodelled and renamed by the G8 at its June 2004 summit as the Broader Middle East and North Africa Initiative (BMENA). This development underpinned in 2004 both the signing of this pioneer FTA with a friend Arab country (only preceded by the 2001's U.S.-Jordan FTA), and the designation of Morocco as a major non-NATO ally - a status which most notably allowed the lifting of restrictions on arms sales. Thus did the U.S. express its gratitude to Morocco for collaborating in the war on terror and for its ever-moderate behaviour within the Arab world, with trade and anti-terrorism effectively converging to become two sides of the same coin⁷.

At domestic level in Morocco, the negotiating mandate was presented as the result of "a process of consultation and dialogue between the different governmental and private sector bodies at national level", involving very diverse actors (MAEC 2004a). The methodology chosen was based on the work of 13 thematic groups⁸ made up of representatives of 30 different ministries and bodies, under the general coordination of the Ministry of Foreign Affairs and Cooperation. Throughout the negotiating process, the chairmen of the different working groups held weekly meetings to exchange information and evaluate the progress made in their respective discussions, the aim being to guarantee the overall coherence of the Moroccan standpoint. Various parallel ministerial meetings were held to take stock of the negotiations underway and

⁷ Morocco was also one of the main beneficiaries of development aid in the Millennium Challenge Account (MCA), launched in 2002. In 2007 Morocco was granted \$697.5 million for a five-year period.

⁸ The working groups focussed on 11 spheres of action targeted in the negotiations: access to markets, industry, the textile sector, agriculture, customs, "public markets", services, telecommunications, intellectual property, the environment, social and legal questions. Coordination, information and communication were also added to the list (Hmaity 2003; MAEC 2004b).

make decisions concerning more specific sector-related issues. In addition, “consultations with parliament” -as per the official discourse- also took place consisting of various sessions devoted to the FTA in the Foreign Affairs, Defence and Islamic Affairs Commission, as well as the oral questions submitted to the government in both houses of parliament. There were also “consultations with the private sector” consisting of meetings with representatives of the different business associations or federations, sector organizations and forums such as the *Conseil national du commerce extérieur* (CNCE), to ensure coordination between each working group and the corresponding private sector party (MAEC 2004a).

In practice, real authority laid with Fassi Fihri, one of Mohammed VI’s right-hand men. A qualified economist and the real architect of the foreign policy of the new reign, it was Fassi Fihri who headed the inter-ministerial negotiation team. The power of this member of the so-called *neo-Makhzen*, who reported directly to the king bypassing his theoretical superior, Foreign Minister Mohammed Benaissa, and Prime Minister Driss Jettou, is yet another sign of the continued control over foreign policy by the Palace (Crombois 2005, 221)⁹. At any rate, his Fassi Fihri's ministry is still one of the *sovereign ministries* whose leaders are appointed by the king irrespective of who wins at the polls (Chadi 2007). The negotiations were discreet owing to the delicate international situation at the time. The start of the Iraq war did not interrupt these negotiations, but it did lead to the transfer of the third round (March 2003) to Geneva (Hernando de Larramendi 2005, 122; White 2005, 603).

Did economic and political objectives take pride of place in the FTA? At least this was the question asked by the Moroccan press during those months. Historically, trade relations between Morocco and the U.S. had always been marginal due to the

⁹ After holding the post of minister-delegate in Driss Jettou’s government (2002-2007), Fassi Fihri was promoted to Minister of Foreign Affairs and Cooperation in the new government led by Abbas El Fassi formed after the 2007 elections.

geographical distance between the two countries and the lack of complementarity between their respective exports, particularly in comparison with the EU's privileged status as a trade partner (Hernando de Larramendi 1997, 208)¹⁰. Exchanges with the Common Market represented 65% of total Moroccan trade, whereas the U.S. absorbed a mere 3.4% of domestic exports and provided 6.5% of imports (Jaïdi 2008, 182; White 2005, 601). Geography is still a decisive factor as far as some issues are concerned. Here, though, everything seemed to indicate that political arguments outweighed geographical considerations.

The Moroccan Ministry of Foreign Affairs nonetheless insisted on the “exclusively economic and commercial” thrust of the agreement, arguing that it would facilitate exports of Moroccan products into U.S. markets and enhance Morocco's appeal to foreign investors, and that it was likely to transform Morocco into a springboard for companies seeking better access to Europe, West Africa and the Arab world. It was also said to pave the way for the necessary restructuring and upgrading (*mise à niveau*) of the Moroccan economy (Desrues 2006, 247): “In particular, [the FTA] offers real and immediate opportunities for Moroccan exports to the U.S. market, which presently represents barely 0.03% of total U.S. imports. It also contributes to consolidating the process of economic modernization and reforms Morocco embarked on several years ago, while at the same time strengthening Morocco's vocation as a ‘platform’ for foreign investments of all origins, in anticipation of preferential access to various markets, European, American and Arab” (MAEC 2004a). These arguments are not completely without basis. For economists like Larbi Jaïdi, the fact that trade relations take place in a context of non-equilibrium should not lead us to reject the idea of commercial liberalization on principle. Diversifying trade flows is an unavoidable

¹⁰ For an insightful analysis of Moroccan political economy stressing the effects of this country's historic dependence from Europe, see White (2001).

necessity for any country in the present context of economic globalization. The FTA with the U.S. differs from the Association Agreement with the EU because it does not include any financial compensating factors or accompanying measures for raising the productivity standards of Moroccan companies to make them competitive on international markets, by virtue of the classic principle *trade not aid*. But it also has the comparative advantage of having been conceived as a global agreement and one that therefore does not exclude key sectors such as agriculture and services” (Jaïdi 2008, 181-185)¹¹.

From Washington’s standpoint, and as noted earlier, the strategy of promoting trade liberalization through bilateral agreements outside the WTO’s multilateral framework converges with the Greater Middle East/BMENA geopolitical agenda (Crombois 2005, 219-220). Zoellick was very explicit about this connection: “open trade”, he said, “is a strong tool to help reformers” and “the policies that foster economic freedom open the door for political freedom”. The trade/reform link even encompasses the war against terrorism: “Muslims are striving to define the nature of Islam. It’s a struggle between leaders who embrace tolerance against extremists who thrive on resentment. It’s a conflict of economic reformers against those who fear modernization because it threatens their power to intimidate. And it’s a contest of those who welcome closer ties with the West against those who see us as an enemy”¹².

With this letter of introduction, other analysts, such as the Moroccan economist Najib Akasbi, immediately decided that there was “nothing economic” about this treaty. “Everyone now knows that the United States has a project for the ‘Greater Middle East’.

¹¹ For more information on continued obstacles to trade despite the FTA (health and plant health measures, technical obstacles, environmental regulation, legal and social issues), see Benmoussa (2003, 59-68).

¹² Speech by Robert B. Zoellick at the FTA signing ceremony. Department of State, Washington, DC, 15 June 2004, http://www.ustr.gov/sites/default/files/uploads/speeches/2004/asset_upload_file409_3734.pdf. See also White (2005, 602).

Given the difficulties they are facing in Iraq, they needed a good pupil and knew, given Morocco's situation, that we were not going to turn the offer down" (Ksikes 2004). Where did Rabat's political interest lie? The regime now had the chance to benefit from a new *geo-strategic rent* that it could use to recover the clout it had lost after the Cold War ended and tip the scales of the regional power struggle in its favour. More importantly, strengthening its alliance with the super-power at such a crucial time as this could cause Washington to end its formal neutrality in the Western Sahara conflict (Desrues 2006, 251-252; White 2005, 609)¹³.

In short, the emergent FTA sparked a great deal of criticism, both political and economic. While Brussels was worrying about its "incompatibility" with the Morocco-EU Association Agreement, in the words of the Trade Commissioner Pascal Lamy, in Morocco it was the haste with which the negotiations were being conducted and their lack of transparency that drew censure to begin with. Economic actors warned of the risks of trade liberalization for the agriculture and textile sectors. Different civil society organizations, led by the Moroccan Association for the Fight against AIDS (ACLS) warned of the potentially negative consequences of the agreement in terms of access to medicines. Islamist and left-wing groups meanwhile, complained that the signing of this agreement signalled Morocco's alignment with the Bush administration's international policy, an unpopular decision incurring high political costs at internal level¹⁴.

The Confédération Générale des Entreprises du Maroc (CGEM)

¹³ In 2003, the so-called Baker Plan II was presented to the UN Security Council as a possible means of resolving the conflict. The plan was rejected by Rabat because the referendum included an option for independence. A year later James Baker, the UN Secretary General's personal envoy and architect of the plan, resigned.

¹⁴ *Bilaterals.org*, a webpage devoted to Morocco, contains abundant documentation on these debates and protests: http://www.bilaterals.org/keyword-articles.php3?id_mot=14.

If domestic non-state actors involved in the foreign policy of Arab states can be divided into Islamists and liberals depending on the discourse they adopt (El Houdaïgui 2006, 9), the CGEM's discourse is particularly representative of the second group (even though it does not exhaust its multiple variables). Its influence as a pressure group, both at domestic and foreign level, cannot be understood outside the context of the comprehensive reform and economic liberalization programme Morocco embarked on following the adoption of the structural adjustment plan prescribed by the World Bank and the International Monetary Fund in 1983 (Cohen and Jaïdi 2006, 37-38). The programme was based on measures such as reducing public expenditure and the budget deficit, and the devaluation of the dirham. Generally speaking, it marked the end of the *State capitalism* that had held sway since independence in 1956.

The depressive effects of this neo-liberal inspired plan and the recommendations of the international institutions that had promoted it led the regime to try out a new social relations formula based on the tripartite dialogue between State, employers and trade unions that Myriam Catusse (1999a) considers to be akin to the neocorporatist model¹⁵. Institutionalizing private sector representation meant renewing and strengthening the CGEM, a veteran employers' association whose origins can be traced back to 1933 and hitherto considered close to the Palace. According to Melani Cammet, the local tradition of protectionism, economic interventionism and “‘cozy’ state-business relations” (close ties between the monarchy and big capital) had historically granted to the Moroccan business associations a greater political role and capacity for collective action than the equivalent institutions in nearby Tunisia, for instance. But it was not until the 1990's that these associations became structured and institutionalized

¹⁵ As the author notes, it is paradoxical that this model of social relations is characterized by low levels of social conflict and by economic wellbeing, generally associated with Western European social democracies, and with which the Moroccan situation in the 1990 had so little in common (Catusse 1999a, 329).

as business interests' genuine representatives, and were enlarged to encompass more than the long-established big industrialists, evolving thus from rather inactive clientelist organizations into more active, vocal and development-oriented players, particularly in the textile sector (Cammet 2007, 1897-1900).

The election in 1994 of Abderrahim Lahjouji as CGEM president -presented as the ideal prototype of the new modern liberal businessman¹⁶- marked the start of a genuine remodelling of the organization¹⁷. This consisted of internal restructuring, broadening its geographical and sectorial representation -with special emphasis on small and medium-sized enterprises- and, above all, establishing a new legitimizing discourse. Its ability to defend corporate interests by adopting a consensual and non-conflictive vision of social relations and the country's development -very much in sync with the new economy-based discourse that was so fashionable at the time- turned *entrepreneurs* into the "linchpin" of the political and social reform under way (Catusse 2001, 5). Concepts such as governance, social dialogue, citizens' enterprise (*CGEM Infos*, 16/4/2004) and corporate social responsibility (*CGEM Infos*, 11/6/2004) represented the new *esprit du temps*. In other words, it was a twofold role that the CGEM shouldered in the transition of the regime: pacifying the political sphere and promoting the discourse of a new economic and political ethic (Catusse 2001, 23).

However, acknowledging the role of this interest group as a legitimate social actor and its ensuing entry into politics (Catusse 1999a) was not devoid of contraindications. Thereinafter, the CGEM was to demonstrate an increased willingness to stick its neck out and to achieve autonomy from the powers that be, a stand it made

¹⁶ After two mandates as president of the CGEM, Lahjouji founded in 2001 the new liberal party, Citizens' Forces. In 2007, he ran for the parliamentary elections in coalition with the Islamist Justice and Development Party. His singular trajectory is doubtless symptomatic of the political *economization* process that Catusse analyses.

¹⁷ In 1995, its name changed albeit not its initials, having hitherto been called the *Confédération Générale Economique Marocaine*.

very clear during the anti-corruption campaign (*campagne d'assainissement*) of 1996¹⁸. Its condemnation of the arbitrary nature of the operation, mainly stemming from the absence of an independent judiciary and the generalized lack of legal security, provoked a hitherto unprecedented offensive against Driss Basri's Interior Ministry (Dalle 2006, 563-574; Callies de Salies 1999, 185-186). This crystallized into "tension between the resistance of the *Makhzenian* political-economic system on the one hand, and the controlled and regulated, albeit significant, autonomization of a sphere of economic activity on the other" (Catusse 1999b, 150)¹⁹. This catalyzing episode swiftly closed with a gentlemen's agreement between the CGEM and the all-powerful minister. But the pact only served to ratify the business association's political role, leaving no doubt as to its necessary involvement in defining the broad outlines of the country's economic policy (Catusse 1999a, 303-328; Catusse 2001; Sater 2002; Sater 2007, 108-115). The CGEM's new role thus bordered at this time that of a *semi-opposition*, made up of privileged socio-economic groups that had benefited from the authoritarian regime but that eventually came to realize its disappearance would be more to their advantage (O'Donnell and Schmitter 1986).

In addition to serving to institutionalize a tripartite social dialogue, the commitment shouldered by the CGEM paved the way for its formal association with the development of Morocco's foreign economic policy. After barely any involvement in the EU association agreement negotiations (1995) (Catusse 1999b, 149), the employers' association now began to participate regularly in receptions of diplomats and foreign trade delegations (Sater 2007, 114), and more importantly, to make itself heard in some of the decision making processes. The new course being steered by the CGEM was not

¹⁸ For a retrospective analysis of the political implications of this campaign, see *La Gazette du Maroc* (2008).

¹⁹ On the Moroccan monarchy's enduring interventionism in an economic field allegedly undergoing a process of "liberalization" since the 1990's, in which the official discourse proclaims catchwords such as deregulation, governance, rule of law and the search for transparency, see Hibou and Tozy (2002).

altered with Hassan Chami's appointment as president in 2000, following Lahjouji's two mandates. On the contrary, Chami's stint at the helm brought a series of welcome developments: an international department was created within the CGEM following long-standing demands from some of its members (Belalami 2006, 63; El Yazidi 2003), and an office of permanent representation was opened in Brussels clearly signalling the boost to the CGEM's international projection (El Houdaïgui 2006, 15). More significantly, however, a cooperation agreement was signed with the Ministry of Foreign Affairs with a view to strengthening and enhancing coordination and harmonization between Moroccan employers and diplomats beyond the country's borders (Belalami 2006, 22, 62).

According to the text of the memorandum signed in 2001, both parties were aware of "the deep mutations the international economy was experiencing and the increasingly important role of economic interests in terms of consolidating and developing bilateral and multilateral foreign relations", the importance of "the economic role played by diplomacy as a vehicle for Morocco's economic promotion abroad", and "the need to coordinate and harmonize the economic actions taken by diplomats and those implemented by companies on foreign markets". The two parties therefore committed themselves to working together to promote Moroccan products abroad and to exchange information on a permanent basis, information of interest to foreign investors and importers, and information about the delegations visiting Morocco. In addition, the CGEM would help Moroccan diplomats gain a good understanding of the day-to-day running of Moroccan companies, and their strong points and their weak points. To this end, steps would be taken to schedule meetings with affiliate CGEM federations and associations, visits to companies and technical and training centres, and seminars with the participation of businessmen and the presidents of professional organizations

(MAEC and CGEM, 2001). Three years later, the CGEM considered itself to be a fully-fledged member of the “new club of economic diplomacy” following an invitation from the Ministry of Foreign Affairs to participate in a round table on Morocco’s economic promotion abroad (*CGEM Infos*, 10/9/2004) and to form part of the delegation that accompanied Mohammed VI on his Latin American tour²⁰.

Participation in negotiations

In practice, if we examine each of the free trade agreements Morocco has signed since its “economic liberalization” gained momentum (*CGEM Infos*, 19/3/2004), and especially in 2004²¹, the CGEM’s influence can only be qualified as uneven. According to the association’s senior officials at the time, the level of its involvement on each occasion hinged as much on the State’s orientation prior to the signing of the FTAs as on the CGEM’s degree of mobilization and the economic interests at stake²². The association was not involved in the negotiations of the agreement with United Arab Emirates (2001) or the Agadir Agreement with Tunisia, Egypt and Jordan (2004). These cases involved what can be termed a “simple” decision making process (El Houdaïgui 2006, 16). At the other extreme, its greatest involvement was in the FTA with Turkey

²⁰ The CGEM bulletin celebrated this event as an unprecedented landmark. “Treating the Moroccan businessmen as partners on the occasion of his visit to Latin America, the King has sent out a strong message: Morocco’s partnership with the rest of the world rests on the strength and quality of business relations between Moroccan entrepreneurs and their foreign counterparts”. But the increased status of the CGEM came at price: “All Moroccan businessmen, without exception, are resolutely mobilized behind His Majesty King Mohammed VI. (...) Moroccan businessmen are first and foremost Moroccan citizens. Thus they are doubly honoured to lend substance to the royal instructions with a view to defining Morocco’s economic vision for a better future” (*CGEM Infos*, 3/12/2004). This profession of loyalty to the crown and to the traditional unanimism of the Moroccan regime would ratify Catusse’s hypothesis that the businessmen had become the “new champions of the throne” (1999a, 401). However, in 2005, tensions rose to the surface again after a meeting with the prime minister Driss Jettou (28 April) at which the CGEM complained about the time it was taking to launch the structural reforms required to enable the Moroccan economy to really take off. In addition, there were Chami’s controversial declarations to *La Vérité* (8 July) bemoaning the “confused [*flou*] state of Morocco’s system of governance” (Jibril 2005; Anthioumane 2005; *La Gazette du Maroc* 2005).

²¹ In 2004 FTAs were signed with Turkey (April), the U.S. (June) and Tunisia, Egypt and Jordan (Agadir Agreement, February).

²² Interview with a CGEM senior official during Lahjouji’s and Chami’s presidencies (1995-2006). Casablanca, October 2007.

signed in April 2004, when the CGEM was entrusted with making an impact assessment before the negotiations kicked off (*CGEM Infos*, 2/4/2004), subsequently acting in a more technical capacity when it contributed to restructuring the agreement prior to its implementation (*CGEM Infos*, 1/10/2004). From this standpoint, its involvement in the agreement negotiated with the U.S. can be qualified as somewhere in between. According to the Ministry of Foreign Affairs, the private sector's contribution to the negotiating process, taking the form of "institutionalized and general" consultations (MAEC 2004a) at different levels (MAEC 2004b), was crucial in that this was the only way of making it possible to identify and take into consideration "the interests and effective concerns of the country" (MAEC 2004b).

These consultations took place at different levels using different mechanisms. Generally speaking, the Moroccan negotiating team engaged in a series of preliminary consultations with the private sector, cashing in on the time it takes for internal institutional procedures to be completed in the U.S. prior to the commencement of negotiations (Benmoussa 2003, 29). Consultations became institutionalized and coordination became structured as of January 2003. In all, five meetings were held (9 January, 27 February, 18 July and 16 October 2003; 8 March 2004) with the representatives of the four major business organizations: the CGEM, the Moroccan Exporters' Association (ASMEX), the Professional Grouping of Moroccan Banks (GPBM) and the Federation of Chambers of Commerce, Industry and Services. Many CGEM member federations and associations²³ were also able to take part in the

²³ Federation of Insurance and Reinsurance, Moroccan Textile and Clothing Industry Association (AMITH), Association of Information Technology Professionals (APEBI), Moroccan Association for the Automobile Industry and Commerce (AMICA), Moroccan Fish Processing Association (FENIP), Moroccan Association of High-Sea Fishing Trawler Owners (APAPHAM), Association of Citrus Producers of Morocco (ASPAM), Moroccan Association of Fruit and Vegetable Growers and Exporters (ASPEM), Moroccan Association of Flower Growers and Exporters (AMPEX), National Agroindustry Federation (FENAGRI), Preserved Agrifood Products Association (FICOPAM), National Association of Fruit and Vegetable Producers and Exporters (APEFEL), Mechanical, Electrical & Electronic

consultations, as well as the National Foreign Trade Council (CNCE). Along parallel lines, both the CGEM and CNCE established internal committees -made up of various sector and thematic working groups- and entrusted them with the task of monitoring the FTA negotiations (MAEC 2004b; MAEC 2004a).

At sector level, each thematic working group in the negotiating team coordinated closely, almost on a daily basis, with the corresponding constituent of the private sector, so as to agree on common positions to underpin the offers and proposals submitted to the Americans. These sectorial consultations took place at different times, depending on the progress of the negotiations underway in the respective areas. The first set of consultations, kicking off in February and March 2003, concerned market access and the textile sector. Those devoted to agriculture and telecommunications, on the other hand, did not begin until July.

Last but not least, a number of direct encounters also took place between the U.S. negotiators and the Moroccan private sector -represented by the CGEM- generally at the initiative of the Americans. More specifically, during the first round of negotiations in Washington in January 2003, a roundtable luncheon discussion was hosted by the USA-Morocco FTA Business Coalition, a lobby of sorts made up of U.S. companies and trade associations with an interest in the signing of the trade agreement with Morocco and committed to promoting its advantages. The event was designed to support the launch of the FTA negotiations and explain to local businessmen the new opportunities offered by the soon-to-be-launched agreement. On the occasion of the third round in Rabat in June 2003, it was the chief U.S. trade negotiator Catherine Novelli who convened a meeting between Moroccan businessmen and representatives of the American business community at the headquarters of the American Chamber of

Manufacturers Association of Morocco (FIMME), Federation of Big Producers of Semolina and National Association of Red Meats (MAEC 2004b).

Commerce (Amcham) in Rabat. During the fifth round, which also took place in Rabat four months later in October 2003, the U.S. negotiators held a meeting with the CGEM, ASMEX, GPBM and the Federation of Chambers of Commerce, Industry and Services. They also attended a daylong briefing on the textile industry organized by the Moroccan Textile and Clothing Industry Association (AMITH) in Marrakech (MAEC 2004b). On all these occasions, the CGEM played a key role as an “interface” between the Moroccan private sector and the foreign negotiators (Belalami 2006, 63).

The CGEM’s final appraisal highlights its participation in the three phases that took place, from the time the FTA came into being to its launch: the initial consultations geared to defining the Moroccan proposals, the different negotiating rounds and the FTA *operationalization* phase which consisted of establishing accompanying measures. CGEM senior officials were nonetheless aware that they had wielded more influence in the preliminary phase when they had a representative in each thematic working group²⁴, than in the actual negotiating process in which they only really made their influence felt in the sphere of the textile sector, which is indeed where they were most successful in terms of eliminating U.S. customs tariffs (CGEM Infos, 12/3/2004)²⁵. The Moroccan authorities were so delighted with the way the consultation mechanisms had worked, that they tried to institutionalize them with a view to negotiating subsequent free trade agreements. The government even went as far as designating a working group entrusted with guaranteeing that this coordination continued (Belalami 2006, 63).

²⁴ Interview with the director of the CGEM’s International Department. Casablanca, October 2007.

²⁵ The FTA established 100% access for Moroccan textile exports to the U.S. market and waived some strict rules of origin for three years. The AMITH did play a key role in these achievements (White 2005, 605). On the outstanding influence of the AMITH in the Moroccan industrial policy, see also Cammet (2007, 1900).

Development of the CGEM discourse

It is equally interesting to note how the CGEM discourse developed throughout the negotiating process. The discourse mirrored the independent stand taken by the association, one that did not always coincide with official positions, although it was not systematically removed from them. This was a nuanced pitch swinging to and fro between arguments in favour of free trade and other more protectionist-oriented arguments, finally coming out in defence of regulated free trade and the need for state intervention in these types of agreement, in the form of accompanying measures.

In January 2003, on the occasion of the official launch of talks with the U.S. team and the creation of the thematic working groups responsible for specifying the contents of the agreement, the CGEM discourse was essentially self-assertive, with no purpose beyond underlining the importance of making its voice heard: “It is absolutely essential that talks between Morocco and the U.S. take into consideration the position of domestic economic actors” (*CGEM Infos*, 3/1/2003). The CGEM bulletin contained arguments in favour of the FTA in line with official discourse: the need to diversify the country’s trade relations, the foreseeably negative economic impact of the EU’s eastward enlargement (*CGEM Infos*, 2/5/2003), and the possibility of enhancing Morocco’s industrial appeal to U.S. companies, ultimately turning it into a springboard for gaining access to all the other countries in the region or a preferential means of access to the EU market (*CGEM Infos*, 3/1/2003).

But at the same time, the CGEM made no secret of two key misgivings concerning the merits of the agreement in the making. Its first doubt concerned the practical failure to make use of the international trade regulations and procedures established in the multilateral framework of the WTO, which has given way to a proliferation of bilateral free trade agreements championed by the U.S. and the EU. The

CGEM bulletin avowed that “Moroccan companies would dearly like to be able to sell agricultural products or textiles without commercial rights to the U.S., and see how anti-dumping measures are eliminated. The question that a great many actors are asking is whether greater access would mean the establishment of a free trade area or whether it would be channelled via the WTO” (*CGEM Infos*, 3/1/2003). The second doubt expressed by the CGEM stemmed from what it saw as the lesser advantages of the Washington project as opposed to the EU association agreement signed in 1996 in the context of the Euro-Mediterranean Partnership (and in force since 2000): “The difference between the future agreement with the United States and the agreement signed with the EU is the absence of solidarity mechanisms such as European structural funds for assisting and facilitating the convergence of living standards between the signatory countries” (*CGEM Infos*, 3/1/2003).

Despite voicing these concerns, the CGEM avoided pronouncing itself directly on the political dimension of the agreement. The only analysis in this respect published in its bulletin makes no reference to the specific case of Morocco, but rather to Washington’s overall plan to create a big free trade area in the region through a “gradual process that would eventually bring together the States that sign bilateral free trade agreements with Washington in a regional agreement encompassing the Middle East and North Africa” (*CGEM Infos*, 27/6/2003).

Protectionist arguments, both economic and environmental, initially took pride of place: “For the private sector, the aim is not to define the key concepts of the agreement but rather to understand the underlying U.S. cryptostrategy and install barriers to protect our productive fabric and our national environment” (*CGEM Infos*, 7/3/2003). The advancement of the negotiations, however, triggered a subtle change in the CGEM discourse, with the opportunities embodied in the trade agreement being

seen to outweigh the threats and with companies in the textile, agrifood, tourism and information technologies sectors standing to gain the most. The CGEM did not shed its misgivings concerning three areas: deregulation of trade in agricultural produce, arguing that most Moroccan farmers were still ill equipped to assimilate the new reality; the textile sector, because of the provisions relative to rules of origin; and services, because of the negative list approach proposed by the U.S. negotiators (*CGEM Infos*, 6/6/2003).

In the last phase of the negotiations, the lecture delivered at Hassan II University in Casablanca by the economist and Nobel Prize winner Joseph E. Stiglitz on 18 February 2004 was decisive in terms of shaping the discourses of the various Moroccan domestic actors in relation with the free trade agreement. Stiglitz's visit was broadly covered by Morocco's independent and financial-business press, which had for several months been devoting a great deal of attention to the debate sparked by the implications of the FTA (Crombois 2005, 222)²⁶. The CGEM voiced as its own some of the arguments regularly trotted out by the former chairman of the Council of Economic Advisers during the Clinton Administration and chief economist at the World Bank (1997-2000), relative to the inadequate management of globalization -despite its potential advantages- and the responsibility of policies laid down by international economic institutions, headed by the IMF, after their neo-liberal shift in the 1980s²⁷. For example, the CGEM bulletin reflected notions such as "globalization [*mondialisation*] can be an opportunity provided you know how to shape it"; free trade agreements "should not be considered as a panacea"; and it is all-important for Morocco "to hold its ground relative to a number of dossiers such as access to medicines and agriculture" (*CGEM Infos*, 20/2/2004).

²⁶ See, for example, Grotti (2004) or Shamamba (2004).

²⁷ See Stiglitz (2002).

The emphasis now focused on the need to suitably regulate international economic relations and on the desirable link between globalization and governance: “Globalization creates wealth if it is based on good governance”; “doubt is being cast on the rules of the market economy game and not the model itself”; “the problems identified do not stem from globalization as such but from the shortfalls of its governance” (*CGEM Infos*, 5/3/2004). At the time of the signing of the FTA, the CGEM seemingly extrapolated the neo-corporativist model advocated in the internal plan and called for more state intervention: “In the same way that free trade is a question of upgrading [*mise à niveau*] for the private sector, the State should be associated in its implementation. This is what regulation means” (*CGEM Infos*, 12/3/2004; *CGEM Infos*, 19/3/2004).

Assessments

Once the negotiating process had concluded, Chami declared himself to be extremely satisfied with the results of the CGEM’s participation, particularly in relation with the textile sector. “I do not share the feeling that these negotiations have been opaque. A case is being made against the negotiators based on assumptions not facts. Never before have the economic agents been so closely involved in a process geared to reaching an agreement. Generally, as was the case with the European Union, we are contacted on a formal basis. But in this case, we have been full partners. The teams representing the sectors concerned were consulted with a view to defining acceptable quotas. But an agreement is a compromise. I am not saying we have met all our initial objectives. But, I do believe that at least as far as the textile sector is concerned, our teams went all the way to Washington and the outcome did not fall short of expectations” (Ksikes 2004). However, subsequent appraisals by other members of his team, who had also stood

down from the CGEM management after Moulay Hafid Elalamy was appointed president in 2006, were that the decision to sign the FTA was eminently political and the CGEM was brought into the negotiations belatedly just with the aim of “limiting damages”²⁸.

So can we consider that the CGEM took part in this negotiating process as a fully participating “actor” of Moroccan foreign policy, with the capacity to mobilize resources in order to fulfil its goals and, above all, with a minimum degree of autonomy in the decision-making processes? Or did it act, in the end, as little more than a humble “agent” carrying out orders from above (Hill 2003, 75)? The fairest appraisal is that, on this occasion, the Moroccan employers’ association was neither a real protagonist nor a mere onlooker.

In the previous decade, due to the ups and downs of the Moroccan political economy, the requirements of the reform process and economic opening, as well as the regime’s own needs, the CGEM had been promoted to what is a by no means negligible political position. This prompted its own metamorphosis, its transformation, in Cammet’s words (2007, 1891), from a basically “clientelist” organization to a more “developmental” business association. What the regime initially expected to be a simple agent, began to have its own ambitions as an actor. It is obvious by now that this emancipation was never absolute nor definitive, just as it was not free of tension. But it did legitimize and empower the CGEM, in the domestic sphere, to participate in the recently-institutionalized tripartite social dialogue, and, looking abroad, to be formally associated to the kingdom’s foreign economic policymaking, as shown by the signature, in 2001, of a memorandum of cooperation with the Ministry of Foreign Affairs.

²⁸ Interview with a former member of the CGEM management.

In the case of the FTA with the U.S., the official discourse particularly stressed the fact that the private sector had been efficiently associated with the negotiations through institutionalized multi-level and multi-phase consultations. In practice, the CGEM's participation was much more noticeable in the preliminary phase, when consultations were aimed at defining the Moroccan initial proposals, than in the negotiating process itself, where its effective influence was limited to the discussions on the textile products -the sector in which its most powerful federation (AMITH) is specialized and where the most profitable commercial conditions were obtained from the U.S.. In other words, if we analyze the negotiation as a typical two-level game (Putnam 1988), the CGEM was invited to participate at the national level, not at the international one.

As explained above, this particular FTA was characterized by the duplicity of its goals, by the superposition of a political and security dimension to the purely economic and commercial interests. Whereas the former seems to have been the priority for the U.S., some particular economic issues at stake did really matter from the Moroccan point of view: the safeguard of local agriculture, the extension of export opportunities for the textile sector or the incentives to upgrade its industry, just to name a few (White 2005, 598-599). This is what gave the main employers' association greater chances of influencing the official positions as a lobby, according to its constituents' interests.

But the regime was also driven by its own interests. The rationale for involving the CGEM in the negotiations could range from the classic temptation to share out responsibilities to the convenience of drawing on the association's technical capacity, given Morocco's profound inexperience in negotiating processes with a country like the U.S.²⁹. It should not be overlooked at any rate that, despite the complexity of the

²⁹ The Moroccan team had to refer to Mexican negotiators to handle the agriculture section of negotiations, in addition to external consultants and lobbying companies (Crombois 2004, 221).

decision-making process involved (El Houdaïgui 2006, 17), in cases like this, the final limit of internal negotiation and the search for consensus with domestic non-governmental actors are domains that the monarchy still reserves to itself.

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