

# ARAB CITIZENSHIP REVIEW N. 2



DEMOCRACY AND CITIZENSHIP IN NORTH  
AFRICA AFTER THE ARAB AWAKENING:  
CHALLENGES FOR EU AND US FOREIGN POLICY  
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## ARAB CITIZENSHIP REVIEW No.2

### MOROCCO

By Ward Vloeberghs and Youssef Benkirane,  
CERAM / Ecole de Gouvernance et d'Economie de Rabat, Morocco

*This series of policy briefs provides a regular update of debates concerning key rights issues in three Arab states, Morocco, Egypt and Tunisia. In a first round of briefs on the three countries, we provide background on these debates since the beginning of the Arab spring.*

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## INTRODUCTION

Morocco's reform process has passed through four phases since early 2011. In each of these phases, debates about rights have been centre-stage. Both advances and blockages have been witnessed in relation to rights, but definitions of preferred concepts of rights by local Moroccan actors remain fluid.

The first defining moment can be labeled one of contestation. Unfolding after a call for democratization launched online by three bloggers in late January 2010, an alliance of youngsters and grassroots organizations gathered peacefully in over fifty cities on the 20 February and mobilized even more successfully in the months thereafter, voicing socio-economic concerns. This movement, known as the 20 February movement (M20F), acted as a platform pushing for change. It was inspired not only by events in Tunisia, Egypt and elsewhere but as much by a local context and a long legacy of domestic social struggles. Though it was not overtly targeted, this represented the most serious challenge to the monarchy under King Mohammed VI. A second phase was the royal response to these requests and demonstrations, which came on in the form of a historic speech in March 2011 in which the King promised constitutional reform. This phase came to an end when a nationwide referendum convincingly approved the new Constitution in July 2011 and the nation subsequently appointed a new parliament in elections in November 2011.

The formation in January 2012 of a four party coalition government led by the moderate Islamist Party for Justice and Development (PJD) allowed for a third phase of prudent optimism. Optimism was merited especially in comparison with transition difficulties witnessed in other North African countries. By then, however, a standoff was already underway between the government and the Palace. Together with concerns over economic performance, this gave way to a fourth and final phase of increasing frustration and infighting among cabinet members resulting in a growing sense of deadlock and procrastination.

This policy brief looks at the major developments during these four phases, in terms of decisions, practices and discourse on individual rights and liberties and on notions of democracy and

citizenship. It discusses the most notable accomplishments; then setbacks and failures to advance; and, the main forces pushing for or obstructing change.

## WHAT HAS CHANGED FOR CITIZENSHIP RIGHTS

The single most significant change in Morocco since 2010 has been the adoption of a new constitution. A lot has been said and written about this constitutional reform, which resulted from the recommendations formulated by a special commission of experts appointed by the King. Although critics were quick to lament that the changes do not go far enough, the new Constitution does introduce some substantial new elements: the King is bound to name as head of government a member of the party that won the elections and the powers of the prime minister (in naming and replacing ministers) are considerably strengthened, as are the prerogatives of the parliament's president.

Several new bodies are set up to protect and develop individual rights. Articles 19 to 40 are devoted to liberties and fundamental rights and the very word 'liberty' occurs 36 times in the new Constitution, compared to nine in the previous version of 1996. Furthermore, the equality of "civil, political, economic, social, cultural and environmental rights and liberties of men and women" is enshrined in article 19.

Also, tellingly, the uniquely Moroccan definition of the King as the Commander of the Faithful (*amir al-muminin*) is henceforth separated from his role as the head of state. This is achieved by the transformation of one previous article into two new ones: one (article 41) stipulating the King's exclusive prerogatives pertaining to the *imarat al-muminin* institution and a second one (article 42) defining his role as head of state. Besides, an Economic, Social and Environmental Council is set up (article 151) and, last but not least, a (partly elected, partly appointed) Constitutional Court is established (article 129) which can be used by any citizen engaged in a judicial process.

On a different level, the issue of linguistic rights received considerable attention and, in line with

previous initiatives such as a dedicated institute (IRCAM), Tamazight, the Berber language spoken by a majority of Moroccans, has now been granted the status of an official language (article 5). This is a major step in the recognition of ethno-cultural pluralism. Finally, petitioning rights were secured (article 15) and Moroccans residing abroad were given full citizenship rights (article 17), including the right to vote and to be elected. Foreigners residing in Morocco are allowed to vote in local elections (article 30).

What essentially occurred was that new pressures for change led the King to introduce reforms that had been lingering and his rapid response, skillfully communicated, suggests that the reforms had been lying on a shelf for quite some time as a remedy to stem major political unrest. What is more, by advancing the new Constitution, the Makhzen (literally, the storehouse, figuratively, the pervasiveness of opaque Moroccan officialdom) absorbed and co-opted the protests in a successful bid to gain back the upper hand.

Of course, the mere inclusion of a right into a constitution does not guarantee that it will be enjoyed in practice. One precondition is parliamentary progress: a long trail of paperwork must be accomplished before a constitution becomes enforceable on the ground by virtue of organic laws and decrees. Many of those pertaining to the 2011 Constitution are still being awaited. It has been estimated that, even if all parliamentarians agreed on the order of priorities, it would take a full legislature to transform the constitution into laws in order to make it felt on the ground. Even then a constitution translated into a coherent legal framework would still be insufficient without further support. Indeed, there is also the question of strengthening legal culture throughout society, conditioned by citizens capable of claiming their rights and of officers able and willing to enforce measures.

In short, for the time being, the new Constitution is a norm and an ideal but hardly a tangible reality in contemporary Moroccan society. Staunch pessimists might even add that, on the contrary, it has essentially been a public relations exercise.

In addition to the Constitution, several other changes deserve a mention. A national council for human rights (CNDH) was established in March 2011, not technically as part of the constitutional reform but in a preexistent initiative to invigorate a hitherto consultative body. Similarly, efforts

have been made to have a long-awaited fund (RAMED) for medical assistance to economically vulnerable citizens and basic medical insurance operational as of 2013.

An innovation in terms of mobility rights was announced in June 2013 in the form of negotiations for a new partnership with the EU. This agreement, designed to facilitate visa procedures for Moroccan students, researchers and business people endows the country with the most favorable treatment among southern Mediterranean countries. In return, Morocco will readmit illegal immigrants who transited via Morocco to enter the EU, something Rabat had (officially) refused to do so far.

## WHAT HAS NOT CHANGED FOR CITIZENSHIP RIGHTS

One of the issues not included in the 2011 Constitution was the freedom of conscience and belief. Although the text does guarantee freedom of thought, opinion and expression in all its forms (article 25), at the behest of PJD pressure it does not include religious freedom. In spite of a longstanding tradition of religious tolerance in Morocco, the freedom to leave or to change one's religion remains elusive. Proselytism is banned, except for those seeking to convert to Sunni Islam of the Maliki school, by far the most dominant branch in the country.

One feature specific to Morocco resides in having a King who, as commander of the faithful, can defend and symbolize Islam and, as such, simultaneously guarantees freedom of worship for all citizens. Yet this contrasts with the existence of a penal code which identifies several un-Islamic practices –such as eating in public during Ramadan or premarital sex- as punishable crimes. One recent polemic erupted following a public outcry over the case of Amina Filali, a 16-year old girl who committed suicide in 2012 after being forced to marry her rapist.

Such dramas highlight the importance of recurrent calls for increasing women's rights. Although the Moroccan family code (*moudawana*) was reformed in 2004 to great international acclaim, its application remains erratic. Notwithstanding the fact that the latest Constitution emphatically consolidates women's rights (article 19) and although the same article establishes a special authority to promote gender parity and to combat all forms of discrimination, a lot remains to be

done for ordinary women to enjoy equality on daily basis, especially in rural areas. Their participation in the labour market is among the lowest in the region. Interesting initiatives exist, however, and they include new feminist interpretations of Islam that seek to empower women from theological perspectives.

Critics note the failure to advance on socio-economic rights. Employment, housing and health care are basic rights that, today, are far from secure throughout Moroccan society. Regarding employment, a prominent issue at the heart of the uprisings, efforts have been made to generate new jobs by integrating some of the highly organized *diplomés chômeurs* (a movement of jobless graduates who protest on a regular basis and are on a waiting list among government administrations), to raise salaries of state officials and to activate state bureaucracies and dependencies such as the phosphate giant OCP. The PJD also vowed to cap the salaries of top civil servants.

Meanwhile, a large informal economy exists as an essential source of revenue for many households to make ends meet. Structurally, however, the problem of employment is intimately linked to tackling illiteracy, which is now declining but is still at 30 per cent of the overall population in 2013). Some investments have been made in social housing projects and, spurred by security concerns following several bombings, there is a clear commitment to eradicate slums – although the problem is manifold and proves harder to solve than simply by building new housing blocks.

Another issue that has continued to stir debate is the power and abuse of central authorities. This complex issue ranges from evidence of continuing repression and violence against political opponents, restrictions on press freedom and requests for curbing royal privileges. For all his widened powers, the prime minister is still largely dependent on the King, who remains a powerful head of state with far-reaching prerogatives. After all, the new Constitution characterizes Morocco as a constitutional monarchy, not as a parliamentary monarchy. Despite the release of some 190 political prisoners (mostly Islamists) in April 2011, reports on brutal handling by security services has not disappeared –some say that, in fact, after a lull in 2011, repression (for example against the M20F) increased notably from 2012 onwards, especially after the installation of the new government and the withdrawal of Adl wa-I Ihsan (the influential, semi-clandestine Justice and

Charity Association) as a major pillar of the M20F in December 2011. This reveals how two political blocs are now pitted against each other.

## WHO IS PUSHING FOR/OBSTRUCTING CHANGE

Indeed, the stalemate between the royal palace on the one hand and the government on the other helps to understand how change is being promoted, managed and resisted. The rapid reaction of the King and the canny crisis management of the Palace allowed, thanks to a well-oiled state machinery, for an efficient counter-initiative that quelled a phase of contestations. Once the referendum had been approved and the elections were successfully held, the King took full advantage of the privileges granted to him and successively appointed a number of personal counselors, effectively mounting a shadow cabinet even before the new government had been installed. This team of seasoned political advisors (including a deputy minister for interior and foreign affairs) provides the King with a pool of expertise and experience that puts him well ahead of any competing actors and allows him to dominate the political scene. In a symbolic exhibition of power, he unilaterally appointed a series of diplomatic representatives only days after the parliamentary elections.

From its side, the incoming government –led for the first time ever by an Islamist party- was eager, especially during its first months in power, to score points of its own in order to show its determination and pugnacity. Having secured several key ministerial posts including some sovereign portfolios previously entrusted to royal appointees (including foreign affairs and justice), PJD ministers pushed through initiatives –such as the shock publication of a list of (royally granted) transport licenses (*grimas*)- to signal a rigorous attitude towards corruption and what it sees as moral decadence. Measures were announced against alcohol sales, to reform programming on state television and to enforce stricter controls on adoption (*kafala*) of Moroccan orphans by foreigners in a bid against child abuse. Some of these measures implied a certain illiberalism in terms of rights.

Besides, the more outspoken elements among Islamist forces and within the three other governmental parties are also kept in check by the imperatives and constraints of coalition politics –a result of the proportional electoral system. The current government crisis highlights this. Thus,

prime minister Benkirane finds it is difficult to implement tough decisions on urgent matters and sensitive issues (subsidy policies, pension reform and trade). Many decisions are postponed. Alternatively, the PJD pushes forward and finds itself accused of monopolizing decision-making. The government is unlikely to act in any field that would hit the cost of living and purchasing power of ordinary citizens. Whereas such compromised deal making wears out the government parties, the King can limit himself to announcing positive decisions and development efforts.

Equally important, capacity building among parliamentarians remains a necessary point of action. Political parties, many of whom run their own newspapers and yield influence among social partners lack political courage, remain weak and are prone to cooptation strategies. Raising their efficiency is a key challenge if the role of political (but also economic, academic, media, civil society) elites are to counterbalance top-down initiatives effectively. Again, a new constitution is not worth much if these actors fail to enact or adhere to it. Indeed, the King himself has urged political parties to reinforce Moroccan democracy by fielding competent candidates and credible electoral programs. A dynamic new president of the assembly of representatives has initiated a new political culture, railing against absenteeism and corruption.

## CONCLUSIONS

In addition to its internal hybridity, the implosion of M20F –the main expression of protest in line with revolts elsewhere- can be explained by the failure of the movement to transform its socio-economic agenda into a set of clear political demands, on one hand, and by an effective response of the Palace, most notably constitutional reform and early elections that brought an Islamists-led cabinet to power, on the other hand.

Compared to other regimes throughout the region, the Palace's inhibitions (as a traditional defender of religious tolerance) towards Islamists have diminished significantly. The moderate Islamists of PJD have plainly integrated into the political fray and they are now receiving the similar divide-and-rule treatment from the Makhzen as any other political power that confronted it before.



So far, this strategy seems to be working: while the executive and legislative actors have made clear progress thanks to the new Constitution, the King seems to have given without having lost. Although the constitutional changes are yet to be legally and politically consolidated, the most cynical state administrators have had to restrain their actions. The Makhzen may have been forced to reinstall a discourse of seduction similar to that of the initial years of King Mohammed VI's reign.

This being said, the monarchy –after a short period of turbulence in 2011- outmaneuvered the protest movement and now seems as strong as ever. The king rules and, when he wishes to, he also governs. The government, for its part, is struggling to overcome a coalition crisis. This outcome is all the more remarkable because the socio-economic root causes of the discontentment have not been resolved.