

MOROCCO: CHALLENGES TO DEMOCRACY

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As the Kingdom of Morocco confronts many of the new millennium's challenges—poverty, booming populations and security concerns—its government and people have a great opportunity to increase democracy while retaining their traditions. Morocco's position directly south of Spain and at the European Union's door could provide an example in enacting democratic reform. Morocco's biggest challenge to democratic reform lies in the current structure of its government: vast powers vested in the king and conversely few in the elected parliament or appointed judiciary. The manner in which this challenge is addressed should be considered by both the EU and the United States as an important test case for democracy in a majority Muslim country. The moderate nature of Moroccan Islam, along with its geographical and political proximity to Europe—the latter a result of its colonial past and extensive diaspora—will play an important part in any political reforms. The kingdom, as *Boston Globe* columnist H. Greenway puts it, “is the West's best hope.”¹ This leads to the following questions: What are the possibilities for greater democracy and political freedom in the kingdom? Would a monarchy modeled on EU countries, such as Spain, work in Morocco? How can these reforms take place amidst increased economic and security concerns?

The Monarchy: A Sacred Tradition

The 1996 constitution establishes that the king, as descendant of the Prophet, is first and foremost “Amir Al-Muminin,” or Commander of the Faithful, and as such “the person of the king shall be sacred and inviolable.”² The king appoints the prime minister, as well as the ministers of interior, foreign affairs, justice and Islamic affairs. He may also “terminate the services of the Government either on his own initiative or because of their resignation,”³ and can dismiss either or both houses of parliament (the House of Representatives and the House of Counselors) by royal decree. The parliament is elected from a variety of political parties, and members of parliament as well as opposition groups may criticize the government except in three key areas, known as the “sacred limits.” No person may “question the role of the monarchy, the position of Islam, or policy on Western Sahara.”⁴

¹ Greenway, H.D.S. “Morocco's Challenge.” *International Herald Tribune*. 12 April 2006
<<http://www.iht.com/articles/2006/04/11/opinion/edgreenway.php>>

² Constitution of the Kingdom of Morocco <<http://www.servat.unibe.ch/law/icl>>

³ Ibid.

⁴ *Morocco: Constitution and Institutions*. The Economist Intelligence Unit. New York: EIU ViewsWire. April 2007 <<http://ezproxy.library.nyu.edu:2082/pqdweb?index=0&did=1264525371>>

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Morocco's long history of monarchic rule (interrupted by forty-four years as a French protectorate)⁵ set the stage for post-colonial political leadership with little true democratic participation in the decision-making process. Muhammad V, grandfather of the current king, returned from exile in 1956 to take over upon the voluntary withdrawal of the French. From the beginning, the government was set up as a monarchy with nominal representation through an elected body. Political parties were initially encouraged in order to compete with the group that had supported Muhammad V's ascension, the Istiqlal.⁶ The number and variety of parties would grow, but their level of participation in driving the government would remain the same. This was especially true in the first post-colonial reign. Muhammad V enjoyed "hero" status because of his role in the independence movement, so his power went relatively unchallenged by opposition factions.

Following the initial exhilaration of independence, however, Muhammad V's son, King Hassan II, dealt with "frustrated coups, foreign invasions and several assassination attempts"⁷ by establishing a state of emergency in 1965. This began a period of repressive government on par with other Arab states at the time. Nevertheless, expectations of increased democratic freedoms were very high among Moroccans when his son Muhammad VI ascended to the throne in 1999. These expectations would not be completely fulfilled. Although reform-minded in certain areas, such as women's rights and voting laws, the new king retained the substantial powers given to him by the 1996 constitution, even as the population looked for democratic change.

Morocco's Problems and the Royal Response

The myriad of problems facing Morocco have given grist to the mill of both the opposition seeking more political say as well as to the king and his supporters seeking to maintain the status quo. First, Morocco has a very young population that is becoming increasingly urbanized; it increased from 25% in 1960 to 55% in 2000.⁸ Many live in poverty, with 14% subsisting on a dollar or less per day. Within the adult population, Morocco has the highest level of illiteracy (50%) in the Arab world.⁹ Further, three million jobs will have to be created by 2010 "simply to absorb the increase in the working age population."¹⁰ In addition to these economic and social problems, there is low confidence in the existing government institutions, which are viewed at best as inefficient and at worst as corrupt and impotent, leading to voter apathy and frequent calls for change. This

⁵ Waterbury, John. The Commander of the Faithful. New York: Columbia University Press. 1970. 15.

⁶ Ibid. 146.

⁷ Greenway, H.D.S. "Reform in Morocco." Boston Globe 11 April 2006

<http://www.boston.com/news/globe/editorial_opinion/oped/articles/2006/04/11/reform_in_morocco/>

⁸ Cherkaoui, Mouna and Driss Ben Ali. The Political Economy of Growth in Morocco. The Quarterly Review of Economics and Finance, No. 46. February 2007: 741

⁹ Martín, Iván. Morocco: The Basis for a New Development Model? Area: Mediterranean and Arab World, Real Instituto Elcano. 2006

<http://www.realinstitutoelcano.org/wps/portal/riecano_eng/Content?WCM_GLOBAL_CONTEXT=/Elcano_in/Zonas_in/Mediterranean+Arab+World/ARI+35-2006>

¹⁰ Ibid.

was true as recently as the September 2007 parliamentary elections where, despite international accolades as to the fairness and transparency of the vote, turnout was a paltry 37% of the population.¹¹

The new king's response was to implement programs to improve conditions and to enact new laws placating opposition parties. In 2005, he launched an ambitious development program called the National Initiative for Human Development (INDH). In a speech detailing the focus of the project, Muhammad VI set three priorities: (1) to reduce the social deficit (both urban and rural) through better access to basic infrastructure; (2) to promote income generating activities and employment; and (3) to offer assistance to the most vulnerable social groups to help them emerge from their precarious social positions.¹² The project falls under the supervision of the governors (appointed by the king himself) and represents a strong step to address the inequalities in Moroccan society. The effects are still to be seen, but critics point out that funding is too limited to address the depth of societal and economic woes in the kingdom.¹³

On the political front, the king established a truth and reconciliation commission in 2004, designed to investigate human rights abuses committed during his father's reign. This is the first commission of its kind in an Arab-Islamic country. Victims of torture and unwarranted detention have been able to "voice their sufferings publicly and have been promised financial compensation."¹⁴ This again is a positive step, but does not address the basic weaknesses in the system. Muhammad VI may be a caring monarch intent on limited reforms, but what about his successors? Will future kings curb reforms or worse consolidate their powers through torture, imprisonment and intimidation?

Other political reforms have been well received by the international community. In 2004, the king signed into law the new family code, or *Mudawana*, giving significant rights to women. This legislation made polygamy more difficult, while also giving women more control over their lives. This was done by forbidding men to take more than one wife (traditionally accepted in Muslim-Arab culture) except through the consent of the first wife, proof of economic ability to support another spouse and the approval of a judge. Another part of the law banned husband-initiated verbal divorces, where an irate husband could repudiate his wife on the spot merely by stating the fact. This act could then be legally binding and the husband was free to abandon the rejected woman.

¹¹ Hamzawy, Amr. The 2007 Moroccan Parliamentary Elections: Results and Implications. Middle East Program, Carnegie Endowment for International Peace 11 Sept. 2007
<<http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=19569&prog=zgp&proj=zme>>

¹² Martín. Op. cit.

¹³ Ibid.

¹⁴ Hazan, Pierre. Morocco: Betting on the Truth and Reconciliation Commission, Special Report 165, United States Institute of Peace. July 2006 <<http://www.usip.org/pubs/specialreports/sr165.html>>

In an even more progressive move, women at age 18 can now become their own legal guardian, instead of their closest male relative.¹⁵

Although these reforms have been praised in the international community as well as by moderate Moroccans, they have not given the Moroccan people more freedom or representation. Indeed, detractors both at home and abroad have called these reforms “cosmetic,” designed to appease the public and the West enough to maintain the peace and the flow of development aid. Foreign Policy Watch called this “defensive democratization,” in which “regimes implement risk-free, cosmetic reforms that give their citizens an outlet to vent but little more. By having elected parliaments and periodic elections, Arab dictatorships can deflect citizen demands, while getting the international legitimacy they crave.”¹⁶

A Thirst for Further Reform

What do the forces of change want? What are the possible ways to implement change while maintaining the monarchy within a stable environment? Calls for reform have increased as the economic development of Morocco has proceeded at a snails pace. Leading parties such as Istiqlal and the Islamist Justice and Development Party (PJD) consider constitutional reform key to any progress. Although not critical of the monarchic system, they would like to see the king’s powers limited via more checks and balances. The PJD leadership, especially, sensed that their party would be considered irrelevant if they accept seats in parliament in the 2007 elections without having changed the system beforehand. In one view, “if [the PJD] joins government, it risks—like others before it—being tarnished with a failure to cultivate change.”¹⁷ Despite this attitude, the PJD moved forward, using toned down rhetoric designed to appeal to moderate members of society. This resulted in a solid showing in the 2007 elections, as PJD candidates received 14% of the vote and 46 seats (only one party gained more seats, the liberal conservative Independence Party).¹⁸ Still, parties returned after the election to their broad consensus favoring an elected prime minister (not one appointed by the king), as well as integration of opposition parties into the cabinet. Lastly, the parties have called for increased freedom of speech as well as transparency in the cabinet and government agencies.

Spain: A Possible Blueprint

In response to these demands by the opposition, one can argue that it is in the realm of possibility for Morocco to implement a true parliamentary

¹⁵ Harter, Pascale. “Divorce Divides Morocco and W Sahara.” BBC News. 4 Aug. 2004
<<http://news.bbc.co.uk/2/hi/africa/3532612.stm>>

¹⁶ Hamid, Shadi and Jeb Koogler. *The Myth of Moroccan Democracy*. Foreign Policy Watch. 22 Sept. 2007 <<http://fpwatch.blogspot.com/2007/09/hamidkoogler-in-tap.html>>

¹⁷ England, Andrew. “Moroccan King holds strings of Power in Poll.” *Financial Times*. 6 Sept. 2007
<http://us.ft.com/ftgateway/superpage.ft?news_id=fto090720070012252096>

¹⁸ Hamzawy. Op. cit.

monarchy, modeled on the Kingdom of Spain. In the case of Spain, the transition to a parliamentary monarchy at the end of Francisco Franco's decades-long dictatorship permitted an orderly transfer of power to an established royal line, the house of Borbon. Spain's constitution possesses many attributes that would serve well in Morocco, a nation where the monarchy is already in place and widely accepted.

To begin with, it is important to look at the parallels between the constitutions of Morocco and Spain. In both, the king is the head of state based on right of succession, and his person is considered "inviolable."¹⁹ The king also convokes the parliament, calls for constitutional referendums and accredits ambassadors and foreign ministers. He appoints cabinet members, and is commander in chief of the armed forces (Spain's document provides for checks and balances for these powers that will be addressed in the next paragraph). Both guarantee fundamental rights, such as freedom of movement and the protection of other religions.²⁰ At a basic level, these similarities allow the establishment of reforms in Morocco without threatening the existence of the monarchy.

The more democratic aspects of the Spanish document that could be adopted in Morocco would signify reform while also making the government more responsive to its society. The Spanish constitution recognizes in its preamble the existence of multitude of ethnicities, traditions and languages. In the Moroccan constitution, this simple recognition would help integrate the Berber-speaking people of Morocco as well as inhabitants of the Western Sahara region. Currently, the constitution speaks of "African unity" but does not address the Berbers or Western Saharans by name.²¹

Second and more importantly, the Spanish king maintains his powers in the areas of legislative approval and the appointment of cabinet members, foreign ministers, military officers and command of the armed forces. However, all these powers are subjected to countersignature "by the President of the Government and, when appropriate, by the competent ministers."²² For Morocco, this clause will make the government's actions more representative of the will of the people. It is also imperative that the president or prime minister be elected by the people, and not just appointed by the king from his retinue of advisors.

Third, the Spanish constitution gives wider responsibilities to the parliament as a representative of the people. The parliament "exercises the legislative power of the State, approves its budgets, controls the action of the Government, and has the other competences assigned by the Constitution," and like the king is considered "inviolable."²³ The Spanish king acts an arbiter and

¹⁹ Constitutions of Spain and Morocco < <http://www.servat.unibe.ch/law/icl>>

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

²³ Ibid.

overseer of these institutions.²⁴ As for the Moroccan document, although it delineates many areas over which the parliament has responsibility, these are all subject to the king's oversight. The fact that the king can dissolve both houses of parliament via royal decree ensures that legislators are beholden to the king and not the people who elected them.

Finally, constitutional reform in Morocco will have to proceed through the Constitutional Council, which is also nominated by the king. This makes any reform that does not have the king's approval impossible to move forward. In contrast, members of the Spanish Constitutional Council are nominated by parliament. As an official gesture, the king must still approve the nominees; nevertheless, they are still nominated by elected officials.

Islam and the Parliamentary Monarchy

One cannot look at reform in a Muslim country without touching on radical Islam and the popular rise of Islamist parties. In the same manner as economic and development problems, this phenomenon would have two opposite effects on political reform in Morocco. On the one hand, fear of radicalism, in the wider context of the "war on terror," could drive Muhammad VI to stall or even reverse some of his reforms, with tacit approval of the U.S. and possibly the EU. This is exactly what took place after the Casablanca bombing of 2004, which led to 4,000 arrests under a 2003 Antiterrorism Law. This was followed by calls for the abolition of parties based on religion.²⁵ The other option is for Muhammad VI to maintain and possibly increase political freedoms in order to destroy support for radical Islam. According to North African analyst Haizem Amirah, this "would check the radical sectors, because they would start to feel that they had less popular support, less a sense of a mission."²⁶ This is a sensible approach because the threat to the monarchy itself is very limited, and by offering a greater political voice to everyone, radical Islamists lose their major rallying cry.

Another Way Forward?

How can the international community, especially the EU, encourage Morocco to undertake the reform yearned for by its citizens? One option relates to Morocco's aspirations to become a closer EU partner. This can be leveraged to encourage slow reform with an eye toward eventual parliamentary monarchy nearer to the Spanish model. Morocco's exports to Europe have already doubled to 35% from 2005 to 2006.²⁷ This comes ahead of an expected free trade agreement that will include "not only goods...but also agriculture and services, giving the country almost the same deal with Europe as member states have with

²⁴ Ibid, Title II, Article 56.

²⁵ Pingree, Geoff and Lisa Abend. "Morocco's Rising Islamist Challenge." The Christian Science Monitor. 23 Nov. 2005 <<http://www.csmonitor.com/2005/1123/p06s02-wome.html>>

²⁶ Ibid.

²⁷ Vencat, Emily Flynn. "Sunny, Modern, Morocco." Newsweek, 9 Oct 2006 <<http://www.newsweek.com/id/44787?tid=relatedcl>>

each other.”²⁸ In the same manner as nations have undertaken improvements in the areas of political responsibility, corruption and human rights in efforts to become closer to, or even a part of, the EU, Morocco too can be invited to reform for sake of closer, more profitable ties. This “carrot” approach to encourage regimes to increase democratic reforms works in a way that the “stick” approach of sanctions or even “regime change” can never touch. Voluntary changes coming from within allow full participation by society in the timing and content of these reforms. The people “own” the force of change and the way it takes shape.

In sum, economic problems and security concerns will place pressure on both the existing government to retain or increase its powers, as well as on the opposition to gain power in order to effect change. The solution to this challenge is for the monarchy to continue implementing reforms, using the example of the EU parliamentary democracies. Increased political freedoms, transparency and representation will undercut support for radical Islamists, while strengthening ties with the EU will result in a rise in investment, tourism revenue, knowledge acquisition and trade. This will address the country’s economic problems as well. As to whether the current king is inclined to do this, only he knows. Muhammad VI has shown himself to be a caring, reform-minded king who enjoys popular support across all sections of society. It is incumbent on him to take these reforms as far as he can to help Morocco’s transition into the new millennium.

²⁸ Ibid.

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