

# BULLETIN

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## The Prospects for Constitutional Change in Morocco

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Morocco's constitutional reforms as proposed by King Mohammed VI are a first step towards a more democratic state system. The King's influence on any aspect of Morocco's political state apparatus, however, will remain dominant. The adoption of the reforms is not in question and are likely to be merely a positive sign given by the Moroccan people during the 1 July referendum. What will matter more will be the degree of democracy in the next Moroccan elections. The open discourse between the protesters and the king offers the Arab Spring a different model for forcing constitutional change.

**Moroccan Spring.** The Moroccan democracy movement was largely nurtured and inspired by the Tunisian and Egyptian revolutions. In terms of the international attention it was given, it has been overshadowed by Tunisia, Egypt and Libya. However, the happenings of the 17th and 19th of June suddenly brought some momentum to Rabat and Cassablanca. After four months of protests, it now seems as if profound constitutional change will happen. The process through which this change was earned is remarkable. It deviates from the scenes in Tunisia, Egypt, Libya, Bahrain, Yemen and Syria, because it was less openly violent and held less potential for escalation. On 20 February, Moroccans took to the street for the first time in a nationwide protest. A youth movement managed to mobilise the masses in 53 Moroccan locations. Although looting and rioting occurred, protesting was mostly peaceful, especially in comparison to other Arabic countries. Widely spoken demands called for an end to corruption, a change in government and constitutional change. Social problems were the driving factors behind these demands. Morocco experienced a stable 4,5% GDP growth rate over the last 10 years. It is a vital trading partner to France and Spain and generally enjoys much better economic and political ties to the EU than do other Arabic states. Still, youth unemployment (nearly 40%), rural poverty, great social inequalities and corruption remain problematic. According to the protesters, the people responsible for this include senior officials within the Moroccan government and, to a limited degree, its leader, King Mohammed VI. In power since 1999 and the latest in a four-centuries old monarchy, the king addressed his people during a televised speech in which he first spoke, in general terms, about a movement towards democracy. Throughout the following weeks, selected groups of protesters continued their presence in the streets while security forces exhibited a mostly passive and tolerant attitude. On 9 March, Mohammed VI announced the creation of a panel, the Commission for Constitutional Reform, which was given the task to explore possibilities for constitutional reforms, and was, therefore, a direct response to the protesters' demands. After several more nation-wide protests, Mohammed VI eventually publicly announced the outcome of the panel's investigations on 17 June. An autocratic monarchy, Morocco will make a clear step towards being a constitutional monarchy. On the first of July, the proposed constitutional amendments will be put to vote in a referendum.

**Proposed reforms.** Under the proposed Moroccan constitution, the king will loosen essential aspects of his mandate and the independence of the executive and legislative branches will be strengthened. Currently, Mohammed VI has the power to appoint all important government officials, including key figures of the legislative branch. The new model will give the prime minister the power to dissolve the government. He in turn, although still appointed by the king, will have a more powerful and more representative function and will be chosen from the winning party in the relevant parliamentary elections. The executive branch will gain more independence from the king, and the same can be said for the legislative branch. Calling this system democratic, though, is premature. Mohammed

VI's role as Morocco's highest religious authority will be reaffirmed. And although the judicial branch will see minor changes, the king will still head the judicial council. The heads of both parliamentary chambers will have a permanent seat in Morocco's highest military council, the king will be the commander of the military. Mohammed VI also emphasised the importance of human rights and the right of a fair trial under the new constitution. It might be the general character of these last claims that spark scepticism amongst North Africa analysts. That scepticism might, however, also be the fact that Morocco's monarchs have a track record of announcing reforms that sound a lot more profound than they eventually turn out to be.

**Perspectives.** In terms of the potential for the materialisation of the proposed reforms, the most immediate concern is the reaction of the protest movement. It is important to realise that King Mohammed VI, who is seen as a reformer and often has called the fight against poverty his "first priority," enjoys fairly broad support in Morocco. The discourse of mass protest and the king's response can, in the Moroccan case, almost be seen as a well-considered dialogue between the sides. The prevention of stagnation in the democratisation process requires a dismissive response from the protest movement towards the proposal. The 19th and 26th of June saw thousands of protesters on the streets of Casablanca and a few other Moroccan cities to denounce the proposed reforms as insufficient. However, the second important point of reference, the referendum, will most probably show an acceptance of the proposed reforms by the Moroccan people. The youthful leaders of the protest movements will vote against the reforms in a symbolic move that keeps the door open for further amendments to Morocco's political system. By keeping the pressure high on Morocco's government, the protesters create room for future, farther-reaching reforms. In general, the reforms are already welcomed internationally and by the Moroccan people. Most interesting will be not the outcome of the referendum but the degree of democracy in the elections that follow. Any type of reform is meaningless if the well-established king is able to manipulate the outcome. If political parties are able to freely participate in elections, Morocco will have shown that relevant, Arabic, constitutional changes can be achieved without the use of excessive and unproportional violence by any of the sides involved. Enough time must pass until the next elections for the youth movement to establish a well-organised political party or to establish cooperation with an existing political voice. Also, the regional, often Islamist parties as well as national Islamists must be able to participate in the election process. Consequently, the ban on certain Islamist parties as well as restrictions put on others, such as The Party of Justice and Development, stand in the way of the "historic transition towards democracy," as King Mohammed VI described his proposed reforms.

**Conclusion.** The drafting of the reforms has had little input from the protest movement. While it is clear that this top-down reform is only a step towards a democratic and constitutional monarchy, it nevertheless is an important one. The dialogue between the protesters and the monarch provides an example of an Arab Spring state in which both sides are aware of their limits. The objective is only a peaceful transition to a more democratic Morocco within a constitutional monarchy. So far, the organisers of the protests cannot and will not be satisfied about the depth of the reforms, so protests will continue. The referendum, however, will most probably be positive. As one of Morocco's vital trading partners, the European Union has significant leverage to influence the outcome of this process. One of Poland's first tasks after taking over the EU's presidency on the same day as the Moroccan referendum will be to consider the French and Spanish positions when reacting to the outcome of the referendum. Paris holds strong bilateral ties with the Moroccan government and has missed chances to push for further reforms. Considering that Morocco is the recipient of the largest amount of funds under the European Neighbourhood Policy and that its "advanced status" in relations with the EU eventually could give Moroccans better access to the EU's labour markets, the Polish presidency will have, within the EU framework, extensive leverage to push for continuing the process of post-referendum constitutional reforms. Respect for human rights and democratic principles, key elements of the EU-Morocco Associate Agreement, should be re-emphasised as a condition for a strong EU-Morocco partnership. In case there would be no further democratic progress in Morocco, the EU should make clear that it may reconsider some aspects of its relations with the country.