

Morocco's Dance with Democracy
An Evolutionary Approach to Democratic Reform

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ABSTRACT

There two approaches to change, *evolutionary* and *revolutionary*, that can have dramatic effects on how long the changes last or not and can even affect the constructive or destructive nature of the transition. This paper argues that Morocco has been in *evolutionary* change toward structural democratic governance since its independence in 1957, but the rise of the Arab Spring in 2011 gave it significant jolt for implementing the values of a *moral* democracy. However, the transition is incomplete. For example it remains the task of the various political parties to pass the laws necessary to implement the changes articulated in the new 2011 constitution. And, it remains the challenge of the King, to not overreach the powers he has retained. The Arab people have spoken the cries for justice, liberty, freedom and dignity. They have not and will not be silenced. Morocco has demonstrated that, while it may be slow, the evolutionary way of implementing democratic change is a more peaceful transition.

Keywords: Morocco; Democracy; Governance; Evolutionary Change; Revolutionary Change

Introduction

This paper argues that Morocco has been in *evolutionary* change toward structural democratic governance since its independence in 1957, but the rise of the Arab Spring in 2011 gave it significant jolt for implementing the values of a *moral* democracy. This is important because Morocco is often seen as a bellwether for other Arab countries in the Middle East.

As countries attempt the difficult transition into democracy and open markets, numerous reforms in governance are necessary. Public institutions must be reconfigured, systems that are responsive and accountable to citizens must be built, and effective economic investment for support and growth created. Such reform efforts tend to concentrate on formal institutions, rules and procedures. These are important because well-constructed institutions channel people toward equitable and above-board (i.e. non-corrupt) behavior—which is why legal and regulatory reforms often meet hostile responses in societies where they are undertaken. Nonetheless, “formal rules about how political (and administrative) institutions are supposed to work are often poor guides to what actually happens” (O’Donnell, 1996:40). Change is often difficult to implement and even more difficult to sustain.

Schein (1992) gives us a starting point to view change through the understanding of culture. However, a secondary point of equal importance is that through understanding these

dynamics comes a “deeper understanding not only of why various groups of people or organizations can be so different but also why it is so hard to change them.” (Schein, 1992: 5) Change is difficult to manage and will almost certainly be met by political, social and religious opposition in some form or fashion.

There is no clear cut consensus in the literature for a “definition” of how change occurs within a society. However, we can find a practical understanding of the process of change through theory. Although originally applied to organizations, this theory is also appropriate for large sections of societies, precisely because they are made up of multiple and diverse organizations. According to W. Burke, *revolutionary* change is “a major overhaul resulting in a modified or entirely new direction, mission, a change in strategy, leadership, and culture” (Burke, 2008: 1). This theoretical concept of change is the most dramatic change that an entity, organization or culture can encounter during its life cycle. It happens quickly and, almost in an instant, completely turns the organization or culture upside down and seeks to change it dramatically if not wholly. This type of change can be viewed as a *total* transformation, and as a result “nothing will ever be the same again” (Burke, 2008: 68). In most cases this type of change is met with heavy resistance often including violence (Burke, 2008). If revolutionary change is not precisely planned for, then it will most likely be doomed to fail from the outset because of its radical nature and transformation that it imposes on individuals, organizations and societies.

Evolutionary change on the other hand, is not radical in nature. “Most... change consists of improvements, incremental steps to fix a problem or change a part of larger system,” and this is what defines both small and large evolutionary change as a theoretical concept (Burke, 2008: 69). It is a more methodical and slow process. The concept of evolutionary change may lead to an eventual transformation, but due to the length of time that this process takes and lack of a major jolt it is not likely that a fundamental change will occur. While this idea is still in debate amongst scholars, Burke states:

Overcoming inertia and equilibrium, as Pascale, Milleman, and Gioja emphasized, is difficult, if not impossible, without a discontinuous jolt to the system.... change does occur with continuous attention and effort, but it is unlikely that fundamental change in the deep structure of the system would happen. (Burke, 2008: 70)

The first section after this Introduction, reviews Morocco’s struggle for independence. The second section, chronicles the slow but deliberate movement towards a constitutional monarchy during the 38 year rule of King Hassan II. The third section discusses the ascendancy of the young King Mohammed VI. Only in his thirties when he took the throne, he was received by the people as the country’s hope for a bright future and ushered small, incremental structural changes in governance. But, all these evolutionary changes were instrumental for setting up the latest significant evolutionary reform of the 2011 Constitution. The fourth section, presents the new 2011 Moroccan Constitution, and highlights the key changes that addressed the specific demands of the February 20th Movement. The fifth and final section offers some observations for future implementation and some concluding remarks on the Moroccan process of change.

The Dance Begins

The strategic and geographical location of Morocco shaped much of its history. For example, during the 17th and early 18th centuries it was one of the Barbary States and the home of many pirate groups that harried Mediterranean traders. Its location and resources led to early competition among European colonial powers in Africa. Beginning in the 1840s, there were frequent territorial clashes between France and Spain, which culminated in 1904 with a secret agreement to divide Morocco into two zones of French and Spanish influence. France controlled most of the territory with Spain controlling only a small southwest portion which became known as the Spanish Sahara. Morocco became an even greater object of rivalry in 1905 when Germany tried to gain a foothold in the mineral-rich country. Under the terms of the Algeiras Conference in 1906, the Sultan of Morocco maintained control of his lands and France's privileges were limited. This conference was an omen of things to come in World War I with Germany and Austria-Hungary jockeying for position on one side of this territorial dispute and France, Britain and the United States on the other.

In 1912, the Sultan of Morocco, Moulay Abd al-Hafid, permitted the establishment of a French protectorate status over Morocco. In 1953 the then ruling Sultan Muhammad V was deposed by the French and replaced with his uncle Mohammed Ben Aarafa. But, Moroccan nationalism had grown strong during World War II and nationalist agitation forced Muhammad V's return in 1955. Finally on April 7, 1956, France and Spain formally recognized the independence and sovereignty of Morocco when it won its independence after more than four decades of French rule.

In August 1957, the Sultan Mohamed V assumed the title of King and continued to rule as the first monarch of the independent nation until his death in 1961. In spite of the obvious lack of democracy, Mohammad V none-the-less proceeded to build a modern governmental structure in which the King exercised an active political role. Under his rule, Morocco made great strides toward economic and political liberalization.

Early in his reign, King Mohamed V proclaimed his intention of turning the country into a "*constitutional* monarchy." This was a huge undertaking. The new Moroccan government also undertook a number of economic, social, and political reforms to modernize the country. Independence, economic and social reform and announcing movement toward a *constitutional* monarchy were indeed monumental changes. However, they were only implemented gradually over decades allowing the country to digest them in small quantities.

The Dance Continues: One Step forward, Two Steps Back

Upon the death of Mohammad V, his son, Hassan II assumed the throne on March 3, 1961. He was not the cautious, forward thinker that his father was. His rule of 38 years was marked by political unrest and ruthless government crackdowns. The new Moroccan government launched a number of economic, social, and political reforms. At the time, Morocco faced the problems typical of all developing countries – the need to restrain government spending, reduce

constraints on private financial activity and foreign trade, and achieve sustainable economic growth.

Hassan II did however; continue the steady evolutionary change of his father's constitutional work. The constitution of 1962 was modeled after the French constitution of 1958 but granted even greater powers to the King.

Morocco's independence from France and Spain in 1956 started off in a tug-of-war between a strong monarch and a diverse group of nationalists (Leveau, 2000). From 1956 onward, the once-united nationalists began to voice divergent views regarding the expected nature of the independent Moroccan polity. The returning King Muhammad V worked hard to consolidate the monarchy, which reduced the hopes for parliamentary democracy. However, in 1960 Mohammed V appointed a constituent council to draft the first Moroccan constitution. However, upon his death a year later, his son, King Hassan II bypassed the council and simply copied France's constitution. In 1962 a national referendum adopted the first real Moroccan constitution with a majority of 97.86 percent.

The enigmatic and unilateral origins of this document still represent a difficult issue in Moroccan politics. The core of the 1962 constitution remained unchanged for decades. The constitutions of 1970, 1972, 1992, and 1996 all carried over provisions concerning the monarchical nature of the regime and the basic prerogatives of the King. Not surprisingly, legal analysts refer to these dates interchangeably as either the promulgation of new constitutions or mere constitutional revisions (Maghraoui, 2001; White, 2007).

As previously stated, the constitution of 1962 was modeled after the French constitution of 1958 with greater powers given to the King. This document instituted hereditary monarchy (Article 20) and specified that the nature of the state could not be subject to constitutional revision (Article 108). The king was acknowledged as "commander of the faithful" and his person considered as sacred and unchallengeable (Article 23). In addition, the monarch's powers were expanded to include the power to appoint and dismiss the prime minister and other ministers. The king also had the right to declare a state of emergency through the famous Article 35, which he used in 1965 to dismiss representative institutions, after the riots in Casablanca and profound political instability (White, 2007). The suspension of the parliament led the King to assume all governmental powers.

The King enforced a state of emergency for five years. With mounting unrest in the streets and repeated student strikes and protests Hassan II attempted to solve the crisis by reviving the constitutional legitimacy of the kingdom (Brehier, 1996). In 1970 a second constitution was promulgated. The resulting constitution was a rigid compromise. The bicameral system was abandoned and replaced with a single chamber of representatives with an unstipulated composition (Article 43). In reality, only one-third of this new chamber was directly elected by universal suffrage. Because the new constitution no longer specified a time for when the chamber would be constituted, the elections could be postponed indefinitely. This situation resulted in a very weak parliament. Hassan II no longer needed to obtain the consent of the chamber before issuing royal legislative decrees (White, 2007). Through Article 97 of this constitution, the King was the sole person and authority to initiate constitutional revisions - a privilege previously shared with the prime minister and the parliament.

An attempted coup in 1971 prompted the King to revise the constitution. The survival of his regime seemed to depend on a change in direction toward greater democracy (Maghraoui, 2001). The inconsistency and seeming hypocrisy of the regime basing its legitimacy on constitutional monarchism while significantly stymieing the role of the government and the legislature was too much for the people to endure (Maghraoui, 2001). However, the few concessions that the King offered were not enough to appease the people and continued unrest and agitation of the people prompted the submission of yet a third constitution in 1972.

This constitution was less authoritarian than the second one, though less generous than the first one. It granted more legislative powers to the legislature and the prime minister in the economic, social, and cultural realms. Also, the council of ministers was to be consulted on key issues such as a declaration of war, a declaration of the state of emergency or constitutional revision (Article 65). In principle, the new constitution was an incremental step towards a more participatory democracy. Two-thirds of the legislative chamber was elected by universal suffrage (Article 43), as it was in 1962. However, the expected elections for 1972 were delayed until 1976!

With the exception of two amendments in 1980 concerning the regency council and the postponement of the elections, there were no other major constitutional changes until the early 1990s. In the 1990s, King Hassan II's health began to decline. There is some debate in the literature as to whether his health issues sped up political reforms or if they would have evolved at his moment anyway. From 1992 until his death, Hassan II embarked on a series of political reforms that gave opposition parties, including the Islamists, more participation in the government. After the legislative elections of 1997, the King invited the leader of the Socialist Union of Popular Forces (USFP), Abderrahmane Youssoufi, to become prime minister. Although, multiple parties, one of the structural requirements for democratic governance, existed, the King still controlled the appointment of the political leadership for the country.

The fourth constitution adopted by referendum in 1996 (Middle East Encyclopedia, 2004) introduced compromises that were intended to convince opposition parties (mainly the USFP and the Istiqlal) to participate in government. Thus, the 1996 constitution reinstated the bicameral system of 1962 but changed the system of representation. All of the members of the chamber of representatives were now be elected by direct universal suffrage. The constitution's revived Chamber of Councilors was modeled after the German system of *länder*s; its members, who were still indirectly elected, were supposed to represent the various regions of Morocco and the most important socioeconomic groups. Even though the King did not give up his key prerogatives for example, he could still dissolve both chambers separately, some new constitutional clauses were meant to reinvigorate parliamentary democracy. For example, a key provision stated, for the first time sovereignty belongs to the nation (Article 2).

The autocratic Hassan II ruled the country with an iron fist until 1999. Thousands of his political opponents were arrested, tortured and killed, while many simply disappeared. This repression was particularly acute in the years following two failed military coups. Through the force of his strong personality, the legacy of the monarchy, and the application of political repression, the King succeeded in asserting his authority and was able to control all the forces that threatened the existing social order. However, globalization, improving world economies

and media connectivity pressured gradual, evolutionary changes to advance the democratic process. The political reforms in the 1990s resulted in a major constitutional reform in 1996 that moved Morocco significantly toward democratic governance. This reform created a new bicameral legislature with an expanded, though still limited, list of powers. Elections were held in 1997.

Despite the glaring absence of many democratic principles under the rule of Hassan II, Morocco was nevertheless perceived as one of the most liberal and progressive of the Middle East and North Africa region (MENA). Thus, it remained a promising target for democracy. Politically, Morocco has always been a constitutional monarchy in democratic transition, all-be it a slow and evolutionary one. The reforms implemented in the four constitutional revisions over the three decades 1966 – 1996 included the introduction of a directly elected lower house, the prohibition of torture, the emergence of participation of opposition parties in government that had previously been prohibited, the institution of a commission to investigate previous repression, and the revamping of the personal status code to strengthen the position of women. Together they offered the brightest beacon of light for the hope of democracy in Morocco (Brinkerhoff and Goldsmith et al, 2002)

When King Mohammed VI succeeded his father, Hassan II in July 1999, he instantly became a symbol of hope for an even more democratic Morocco. Unlike his father, whose 38-year rule was tarnished by human rights violations, corruption and a discredited political system, Mohammed VI, lauded in the Moroccan and foreign media as the "King of the poor", personified modesty, social justice and moderation (Campbell, 2012). The accession of Muhammad VI occurred peacefully with his promise to “turn the page” on the worst abuses of the past.

Unfortunately, he continued to enforce the centrality and the inviolability of his royal power, and declined to expand political freedom much further in the first years of his reign, which was apparently intended to check the increased influence of Islamist political parties. He did, however, remove several of his father's leaders from office, including the longtime interior minister, Driss Basri, who led much of the repression under King Hassan II. In addition, exiled dissidents were permitted to return homeland many political prisoners were freed. He was seen as the parent for global investment, welcoming to the wealthy Diaspora and securing the country for international tourism. But, there were few signs of him ceding power to elected officials or seeking to preserve civil liberties and rule of law. Until recently, the young King owed his popularity largely to his distance from the spoils and arbitrariness of Hassan II's rule, not to any coherent program of reforms (Maghraoui, 2011). Despite multiple gestures indicating departure from his father's autocratic style, King Mohammed VI remained a prisoner of an authoritarian system that he seemed unable to change, as was evidenced is December's (2011) abrupt rollbacks of the greater press and civil society freedoms that characterized the new King's early rule.

Save the Last Dance for Me

Average Moroccans wondered if rampant injustice and corruption could ever be eliminated as long as the "steel masks"-the old guard of advisors, dignitaries and generals who became so powerful under Hassan II still sat at the young King's side. Long before the

September 11th terrorist attacks in the United States, experts focused their attention on the Moroccan reform process because of its possible implications for democratization elsewhere in the MENA region. Over the past decade, Morocco has embarked upon a limited political liberalization process that has included a moderate, non-revolutionary Islamist Party, the *Parti de Justice et Développement* (Islamist Justice and Development Party or PJD). It gained seats in successive parliamentary elections in 1997 and 2002. With a history of stable monarchical rule in which the King, as “Commander of the Faithful,” derives his religious authority from his dynasty’s claimed descent from the prophet Muhammad.

The public sector was systematically sold off to private interests, with more and more of the nation’s wealth in the hands of the royal family and other elites. The King’s personal holdings are estimated at \$2.5 billion. Indeed, Moroccans regularly accuse parliamentary deputies and senior civil servants of being *makhzenisés*, men and women who act in the interest of the state, or themselves, rather than the people they are supposed to represent and serve. It came as scant surprise that the 2007 legislative elections garnered the participation of only 37 percent of eligible voters. In the most recent Democracy Index released by the Economist Intelligence Unit (2010), Morocco placed 116th out of 167 countries judged for the fairness of the electoral process, civil liberties, government functioning, political participation and political culture.

Everything changed after the 2010 Arab Spring and the collapse of different authoritarian regimes such as Tunisia and Egypt. In 2011, in an immediate response to the February 20th Movement (Morocco's version of Arab Spring), the young King Muhammad VI called for the constitution to be revised again. The actions and demonstrations of The Movement was the needed “jolt” to prompt a shift away from “inertia and equilibrium” and toward a more democratic system.

Despite the decline in the enthusiasm and trust in King Mohammed VI's early rule and the arguments raised by democracy advocates about few prospects for serious political reform without radical systemic changes, the King moved quickly to call for yet another constitutional reform to move the country even closer toward embracing democratic principles and values. The 1996 constitution, highlighted in the previous section, is an important model to map changes contained in the *new* constitution, which was accepted by popular vote of the people in July 2011.

The King in one of his speeches conveyed his philosophy and commitment toward constitutional monarchy, multiparty system, economic liberalism, regionalization, and decentralization, all of which are part of a democratic system. Furthermore, the King highlighted his commitment to building the rule of law, and promoting and preserving human rights in their universal dimension.

Morocco is perceived as a model for Arab monarchies. The results of the research conducted in reforming the constitution this time provide insights into the functioning of a key political component of the Arab world. This process permits the study of different potential methods of interaction with the political and economic entities within Morocco by the US or other foreign entities and assesses their likely effects on the Moroccan march toward more democratic governance.

Today, throughout the Arab political scene (Opinion, 2011), the Moroccan experience remains characterized by an evolutionary democratization evidenced in the series of evolutionary reforms already launched over the past ten years. As mentioned in the Introduction, *evolutionary* change can be so slow at times that it is imperceptible, but it lays the necessary strong foundation on which to build in the future. Compared to the violent unrest in Tunisia, Egypt, Libya, Syria and Yemen, Morocco's *evolutionary* changes quietly, but steadily moved the country towards sustainable democratic governance. Ennaji (2011) argues that the Moroccan experience is ultimately different from other Arab countries where the voluntary change of the entire political regime is an irrevocable requirement. This slow reform process and democratic environment meant that popular demands never exceed the ability of the government to deliver. The national consensus of the constitutional referendum of July 1, 2011 *is tangible proof* of the people's belief in the King's intention to promote democratic reform (Opinion, 2011).

The new Constitution of the Kingdom consolidated decades of democratic achievements. It contains a real charter of fundamental rights, which builds on the achievements of the past and provides a democratic future. This constitutional reform is also a direct result of social pressures that inspired the democratic transition in Morocco.

This constitutional reform is the result of a continuous process that opened the door to more sophisticated democratic reform. They were essential steps, common to most democratic countries. Democracy is rarely built in a day (Ennaji, 2011). The question is, whether the Moroccan experience can be a model for other countries to use as a path forward for carrying out constitutional reforms (Silverstein, 2011). Without a country's leadership showing a real commitment to relinquishing some power and implementing slow and steady change and development, it is difficult to expect the same peaceful results. Finally, constitutional evolution is a catalyst for support, and implementation that depends on the regime in power, various other political actors and the civil society.

Strictly speaking, even before the adoption of the new Constitution, the Kingdom was already in the eyes of the international community, a regional model for democratization. Expanding democratic participation and building a democratic culture where one did not exist is a long-term process. Despite many encouraging trends, most citizens still consider their political systems to be distant and unresponsive to their daily needs. This is to be expected, even in regions such as Latin America where democratization has progressed more rapidly. In emerging democracies, many citizens feel disenchanting and isolated by their governments because they lack meaningful access to justice systems or to governmental decision-making processes. Additionally, endemic corruption in emerging democracies has a corrosive effect on people's confidence in both their public and private institutions.

A New Dance

With the adoption of the Family Code and the establishment of the Equity and Reconciliation Commission (1999), a process was set in motion that resulted in a participatory approach to governance that was unprecedented in the history of Morocco. The social and

political reforms reflected in the new 2011 Constitution represent an important large step toward democracy that builds on those reforms. The changes in the structure of government are largely responsive to the aspirations and expectations of the Moroccan people. The new constitution calls for changes in both the legislative and executive branches as well as an emphasis on the separation of the judiciary from the other branches. The new Constitution establishes the foundations of the Moroccan identity that is pluralistic and open. It states that the Kingdom is a sovereign Muslim state, but guarantees to *everyone* the right to freely exercise their own religion. Minority rights are protected by formalizing the status of the Amazigh (the indigenous people of the region) including their language, culture and history, while also consolidating the status of Arabic, by providing for the creation of a National Language and Moroccan Culture.

The preamble of the new Constitution presents Morocco as “modern” state, of “democratic rights” founded on the principle of participation, pluralism, and good governance. It specifies a “convergence” of Arabo-Islamic, Amazigh and Saharan “components” that is “nourished and enriched by its African, Andalusian, Hebrew and Mediterranean influences.” The first two lines of the previous constitutions’ preambles drew from the language of decolonization and Third World solidarity to specify Morocco’s place in a “great Arab Maghreb” and “African unity.” The new Constitution’s introductory stanza invokes a broader globalism that juxtaposes a future North African union alongside an Arabo-Islamic umma (*nation*), African solidarity and Euro-Mediterranean partnership.

Much of the enthusiasm for this constitutional reform centers on the progressive and inclusive language of the document. For example, it includes a new article (Article 22) on “Liberties and Fundamentals Rights” in which freedom of information (Article 27) and of the press (Article 28) are added. It also addresses the right to housing, health care, welfare, water, a clean environment and durable development (Article 31), as well as the rights of women, children and the disabled (Articles 32, 34). By way of reinforcement, these protections appear alongside prohibitions of sexism (Article 21), torture (Article 22), racism (Article 23) and corruption (Article 36). These “Liberties and Fundamental Rights” remain sacrosanct even if the King declares a state of emergency (Article 59) and *cannot* be retracted by future constitutional revisions (Article 175).

While the fully independent judiciary which was demanded by demonstrators, is not precisely articulated as a guarantee (the King continues to control the appointment of judges), the new constitution adds 17 new articles to the relevant section that safeguard the presumption of innocence, *habeas corpus* and the rights to fair, public and speedy trial, due process, and state-provided counsel and appeal. These clauses similarly put explicit checks on judges’ partiality, excess or the outside influence on the judicial process.

Finally, a new, 18-article section on “good governance” offers further guarantees against the corruption or non-compliance of civil servants; establishes a National Council on Human Rights; and provides for a National Ombudsman to represent the complaints of citizens regarding mistreatment or abuses by public administrators. While some of these provisions require laws yet to be written, they are undeniably substantial and perfectly consonant with the February 20th Movement’s, and its various allies,’ call for an accessible, democratic regime of dignity, respect

and social justice. The provisions targeting Moroccan youth are particularly striking. Of Morocco's 33 million citizens, 65 percent are estimated to be less than 30 years of age.

The new constitution importantly redefines Morocco as a culturally and linguistically plural state. Moreover, it does not limit Morocco's diversity to an Arab-Berber divide, but rather it portrays the country as a veritable cultural and geographic crossroad. Just as Amazigh culture is declared to be the patrimony of all citizens, so too is its broader ethno-cultural diversity declared to constitute its "national identity, one and indivisible." Sheila Jackson Lee (2011) argues that the current reforms are "to make Morocco into the community of democracies in the world." Morocco's reform efforts "deserve the support of the United States so that this transition may have place in a constructive alliance further solidifies the importance between Rabat and Washington and bring greater stability to the region." (Ennaji, 2011).

Conclusion

Morocco has been in a peaceful *evolutionary* change toward structural democratic governance for decades, but to many it was hardly noticeable. The rise of the Arab Spring in 2011 jolted the monarchy awake. The move from inertia and equilibrium was swift and the change toward the values of a *moral* democracy quite apparent. Morocco now meets the established criteria for a structural democracy; since it has 1) free, fair and regular elections, 2) multiple political parties to choose from, 3) popular representation of the people, 4) separations of powers (an independent judiciary), and 5) individual rights, liberties and freedoms (World Movement for Democracy, 2008; Janda et al, 2008). This is truly an example of *evolutionary* change working to transform a country peacefully. Nevertheless, the transition is incomplete. For example, it remains the task of the various political parties to pass the laws necessary to implement the changes articulated in the new constitution. And, it remains the challenge of the King, to not overreach the powers he has retained.

The Arab people have demanded justice, liberty, freedom and dignity. They will not be silenced. The alternative style of *revolutionary* democratic change as demonstrated in many other countries in the region, may seem to be the shorter route in the short-term, but may ultimately take just as long to really implement and is likely to be much more brutal. Still, *revolutionary* democratic change always remains a possibility if the will of the people is ignored. Morocco's path toward democracy is clearly the "road less traveled," in the region and we believe it is a good one.

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