

Arab Citizenship Review n.10



Morocco's illiberal regime and fragmented political society

October 2015

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INTRODUCTION

The post-Arab Spring period in Morocco has undergone different stages of changing state-society relations with regard to democracy, citizenship and human rights. The first stage, between February 2011 and the summer of 2013, was characterised by popular protests demanding democracy and freedom. People criticised public policies related to civil, political and social rights (employment, health, education, the status of women, and the issue of Amazigh). This outburst put the state in an awkward, defensive position. If we compare Morocco with the other Arab Spring countries, the Moroccan state's reaction was moderate in its use of violence and repression, and it was positive, in that it resulted in the implicit, yet official acceptance of the demands for democracy, citizenship and battling corruption. In his speech on 9 March 2011, the king pledged to modify the Constitution and democratise the institutions.

SUMMER 2013: GOVERNMENT RESHUFFLE AND GRADUAL DECLINE OF PUBLIC FREEDOMS AND CITIZENSHIP RIGHTS

A number of political analysts focusing on the Arab Spring did not expect the negative developments in several Maghrebi and Arab countries. Examples range from the civil wars in Syria and Yemen, to the military coup in Egypt, the political and security chaos in Libya, and what we may call the "Makhzenised Spring"ⁱ in Morocco. The only exception was Tunisia, which shows so far that the hybrid elite brought about by the social movement and political transition is committed to a democratic agenda, despite a hostile neighbourhood and the violent attacks of extremists.

Morocco has been affected by the regression witnessed in North Africa and the Middle East, especially during the second half of 2013. Despite the activity of new social movements, a new political system failed to emerge. In spite of the relative independence of the "Moroccan Spring's" path, its evolution has been influenced by the regional context, marked by the decline in citizenship gains, and the return of some arbitrary practices, widespread in the pre-2011 era.

Between the summer of 2013 and mid-2015, there were two different stages in the degree in which the state respected the new Constitution, the promises of the ruling elite concerning the rights of citizenship, and the project of governance democratisation.

While the concept of citizenship includes all aspects of living collectively, in Morocco, it is mainly focused on elections and parties. In the official discourse, the right to vote and run for office remains the most important feature of citizenship, whereas political freedoms, social change, equality, dignity and economic justice – the main demands of the people in 2011 – tend to be marginalised.

With a small exception of the period leading to the vote on the revised Constitution and the 2011 parliamentary elections, the concept of citizenship remained limited to the ballot box. After the elections and the appointment of a new government, the right to live in peace and security

("stability" in the official discourse) gradually replaced the discourse on political participation. Moreover, four years after the upheavals, the municipal elections, which were supposed to take place in the months following the adoption of the new Constitution, have been regularly postponed. On the one hand, the elite fears that those elections may cause a new street movement, while on the other hand, the looming threat of an Islamic victory further discourages them from holding elections soon.

On social networks and electronic newspapers like *Lakome*ⁱⁱ, *Badil*ⁱⁱⁱ and *Anwalpress*,^{iv} many young people have expressed their frustration at the extremely slow pace of transformations following the 2011 revolts, despite the promises of the 9 March speech by the king, and the new Constitution.

The expansion of freedoms and citizenship rights in the new Constitution has been a matter of debate due to the ambiguity and the contradiction within the text. There is also disagreement concerning its application, highly dependent on the political will and nature of the political actor; either the head of the government or the head of state. Thus, both the interpretation and the application have swung from one end of the spectrum to the other, along three inter-related dimensions: Modernity-Tradition, Progressivism-Conservatism, and Universal- Cultural Specificity. This last conceptual dimension is epitomised in article 19 of the Constitution, which acknowledges equal rights for men and women, but within the scope of the kingdom's constants,^v or as in the case of the acknowledged legal superiority of international conventions over the national legislations, but within the scope of "the national established identity"^{vi}. An even more draconian reading of personal liberties emerge when looking at freedom of religion and freedom of religious practice: religious minorities are not allowed to spread their beliefs and religious principles, and the draft of the criminal code confirms jail penalties for anyone who would "destabilise the doctrine of Muslims", such as "openly eating during Ramadan", etc.^{vii}

The new constitutional text is cautious in laying the foundations of the contract between political power and the citizenry. However, the question of its interpretation and implementation during the four years that followed the vote remained subject to the balance of power between the street and the political power. The state does not know how to deal with the concepts of citizenship and democracy as comprehensive and integral concepts that integrate the political with the economic, and the social with the cultural, as demanded by the street movement. Some exigencies of the Constitution remained a dead letter and were never implemented, such as article 33, which creates an advisory council for youth and civil society. This council was expected to address the problems of youth and civil society, as these two groups have played a major role in launching the Arab Spring and in taking the initiative to organise the street protests in 2011.

The alliance between the Islamic Justice and Development Party (PJD) and the three parties close to the palace raised the problem of heterogeneity in the government coalition, which almost blocked the government's work. The Istiqlal Party circulated a document criticising the government's performance and the way in which the PJD ran public affairs^{viii}. All this led to the

obstruction of the implementation of the government's programme and a shift of focus to solving the government crisis. This ended in the defection of the parliamentary majority after the Independence Party's decision to withdraw from the government.

The government crisis lasted most of 2013 and disrupted the implementation of the reform programmes developed by the government at the beginning of its mandate. The government crisis became a general political crisis, making premature elections a real possibility, as acknowledged by Abdelali Hamieddine, a member of the secretariat-general of the PJD^{ix}. This crisis contributed to the return of the palace as a strong actor, while the PJD continued to look for a new ally to refurbish the coalition for months. This showed that "the relationship between the monarchy and the government is like a relationship between a root and a branch, not a relationship between two rival forces in politics."^x

The performance of the head of cabinet during the crisis was strongly affected by the logic of "the King's governance" (arbitrage) as a caretaker and as an authority above all others to resolve the government crisis. Abdelilah Benkirane faced a great difficulty in finding parties that could strengthen his government, when many parties like Authenticity and Modernity Party and the Socialist Party (Usfp) refused to participate in a government led by an Islamic party^{xi}. This demonstrated that the cabinet's head suffers from major political weakness as long as he is at the mercy of the head of state, who could, at any time, put an end to the unity of the parliamentary majority. Thus, an important government reshuffle, which took place during the summer of 2013, saw both the Ministry of the Interior and the Ministry of Foreign Affairs reverting back under the direct control of the palace. This reflected negatively on the implementation of the Constitution, which states that the head of the government is the official head of the executive branch, and it represents a violation of one of the main demands of the 20 February Movement, which is to link responsibility with accountability; at the moment, the king cannot be held accountable for any of his decisions or actions.

This long crisis pushed the discussion of meeting the demands of the people aside, neglecting the arrangement of a political atmosphere in which citizens could exercise their rights and focusing on maintaining stability instead. A number of sensitive subjects were left untreated, even though they were at the top of the government's list of concerns, and despite political actors' hyperbolic rhetoric. These subjects included, specifically, the pension system, the strike bill, regulatory laws, institutions of good governance, and the participatory democracy set out recently in the new Constitution.^{xii}

All this resulted in a general feeling of disappointment. Thus, the 20 February Movement returned to demonstrating in the streets under the slogan "For a new start, due to the regime's refusal to meet the fair demands."^{xiii} Morocco faced the real challenge of implementing the new Constitution, which promised greater freedoms, equal opportunities, associating responsibility with accountability and full citizenship. However, the exacerbation of the financial crisis has led to unexpected governmental decisions; such as raising prices, ceasing the direct recruitment of higher education graduates and the jobless, adopting the indexation system in the pricing of fuel,

and reforming the Compensation Fund. These^{xiv} governmental decisions provoked the wrath of many trade unions and political organisations, and led to an increasing tide of strikes and social protests, some of which were led by the 20 February 20 Movement.

The Constitution of 1 July 2011 put the freedom of speech, press, assembly, and association on a par with the fundamental freedoms and rights of citizenship, but starting from the government reshuffle in the summer of 2013, the government seemed unable to protect those freedoms.

On 17 September of the same year, the journalist Ali Anouzla, director of the electronic newspaper *Lakome.com*, was arrested and officially prosecuted under the law of terrorism for posting a link to a video of Al-Qaeda in the Islamic Maghreb (AQIM), which was already published before by some Western media, YouTube and many Moroccan citizens on social networks. It was obvious that the arrest of the director of *Lakome* was because of his strong criticism of some of the king's policies and was not linked in any way to the AQIM posting.^{xv}

What gave some hope to journalists and social networks' activists was that the Ministry of Communication announced, more than once in 2013, it was preparing a new law that would free the press from jail sanctions^{xvi}. The jail sanctions in the previous press laws were one of the reasons that Morocco was at the bottom of the international rankings in the Freedom of Press Index.^{xvii}

"Therefore, deleting them from the current bill is moving in the right direction, if not toward expanding the field of media's work, then at least to rid the media from a hanging sword"^{xviii}, Yahya Yahyaoui, a media expert, said. However, the bill foresees an exception for publications that contain any "abuse of the Islamic religion or abuse of the person of the king or the princes and princesses, and any incitement against territorial integrity in accordance with the provisions of the Constitution."^{xix}

Concerning the violation of some of the rights guaranteed by the 2011 Constitution, human rights organisations have recorded "revenge arrests"^{xx} against the youth movement and students; the arrest of the singer Mouad Alhaqed (for the third time); the arrest of the journalist Mustafa Al-Hasnawi; the death of a prisoner of conscience who was a student in Fez; the non-recognition of Freedom Now – a human rights organisation that defends the freedom of press and expression – ; the storming of the Moroccan Association of Human Rights; and the arrest of 11 young people from the 20 February Movement at a peaceful march in Casablanca on 6 April 2014.

In 2013, a report of Human Rights Watch confirmed that the Moroccans practiced their right to peacefully protest in the streets, but that the police also continued to try and disperse them violently several times. The report added that the laws that criminalise abuse of the king, the monarchy, Islam, or territorial integrity, limit the right to peaceful expression, assembly, and association.

Morocco continued to receive much criticism from international organisations on the state of human rights in the country, the use of torture, and the decline in the freedom of expression and

economic freedom. Major Western newspapers also continued to criticise the country's governance practices^{xxi}. Morocco occupied the last positions in many of the world rankings in areas such as corruption, poor education, and health. The decline of democracy in the region was a decisive factor in the deviation of the Moroccan movement's path and the regression in terms of human rights. The year 2014 was a political turning point marked by a general decline, which many observers considered to be even worse than the pre-20 February demonstrations period, because the political weight of the security forces had increased and their participation in the decision-making process was effectively strengthened^{xxii}.

"Morocco was once abuzz with independent human rights activities, but authorities have lately been blocking activities right and left that some of the most critical groups have tried to organise"^{xxiii}, said Sarah Leah Whitson, the executive director of the Middle East and North Africa division of Human Rights Watch.

SUMMER 2014 AND THE CLOSING OF PUBLIC SPACES

The Minister of Interior, Mohammed Hassad, released a statement on 15 July 2014, wherein he accused human rights associations of serving foreign agendas in exchange for foreign aid. This represented the beginning of the attack on freedoms and the restriction of the manoeuvring room of the opposition.

The Minister of Interior, in his statement, also accused civil society organisations of obstructing the state's work against terrorism.^{xxiv} This statement was considered by civil society and the youths of the 20 February Movements as a formal announcement of the decrease in basic freedoms and the restrictions on citizens who disagree with official opinion. It symbolised the end of the truce that was the Moroccan Spring, the source of many important citizenship gains. Between the statement on 15 July and the end of the year, the authorities prevented sixty public activities of the Moroccan Association of Human Rights alone. They also blocked the activities of Amnesty International, Ibn Rochd Center, Friedrich Naumann Foundation, the Moroccan Association for Investigative Journalism, Freedom Now, and many others. Moreover, hundreds of people were deprived of their right to organise and assemble; the authorities refused to give them the formal registration receipt of their associations, or hindered them in holding their meetings or gatherings.

The reaction of human rights associations was the creation of the 'Coalition of 18 July', which included over twenty associations. Their goal was to put pressure on the Minister of Interior and force him to apologise for the offensive comments against civil society. Moreover, they aimed to convince him to abandon the existing repressive policies.

In this context of a decline of human rights, in November 2014, Morocco held the second edition of the International Forum for Human Rights with more than 5,000 participants from 94 countries. "They all gathered to discuss the most important developments witnessed by the

world in the field of human rights and the constraints that hinder their activation today"^{xxv}. However, this human rights gathering, organised while the human rights associations and the opposition were being harassed, was boycotted by Moroccan human rights associations, as a protest against the continuation of political arrests. Khadija Ryadi, the leading human rights activist and winner of the United Nations Human Rights Award for 2013, declared: " We want the state to take effective and concrete steps toward freedoms and the human rights situation. The recommendations of the Equity and Reconciliation Commission have not been implemented, freedoms are not respected, and the death penalty is still in place." After the statement of the Minister of Interior, the human rights groups suffered from systematic attacks.^{xxvi}

The continued practice of torture in Morocco, although not as severe as it used to be in the "Years of lead" (1960s-1990s)^{xxvii}, led to a diplomatic crisis in Moroccan-French relations in 2014. A Moroccan intelligence official was called for questioning regarding the assumed torture carried out by the intelligence services on Adil Almatalsi, Enneama Alasfari and the Moroccan international boxer Zakaria Mounni. Professor of political science, Mohamed Sassi, said while discussing the outcome of the official work concerning the democratisation and citizenship rights: "Morocco is witnessing both a dynamic of reform and a dynamic of regression, but the latter devours the gains of the first."^{xxviii}

The political debates of the 20 February Movement have been taking place on the social media networks, and they are focused on the state's violation of a number of citizenship rights, particularly the freedom of expression. Those discussions were solely taking place on Facebook and Twitter, especially since the arrest of Anouzla and the closure of his electronic newspaper, which constituted one of the most important reasons for debate. It is also noteworthy that after the closure of *Lakome.com* in October 2013, most electronic newspapers imposed censorship on citizens' comments on published articles and news. However, the large virtual activity of the 20 February youths and civil society forced the state to employ some of the concepts and slogans used by its critics in its discourse. Thus, the official media started to use concepts like "Citizen Monarchy" and "King Citizen". Moreover, the latter (the Moroccan king) used a sharp, critical tone in several official speeches throughout 2013 and 2014, similar to the one used by activists when criticising public policies. In the Feast of the Throne on 30 July 2014, the king used unprecedented political language in his speech, criticising the current conditions. Furthermore, he even used a slogan widely shared on Twitter and Facebook: "Where is the wealth?" which is usually used by citizens complaining about corruption and the abuse of taxes and national revenues. "I surprisingly wonder with the Moroccans, where is this wealth?! Did all Moroccans benefit from it, or just some particular categories?"^{xxix} A group of dozen public intellectuals took advantage of the royal discourse to launch a debate on the distribution of wealth.^{xxx} They focused on how powerful political leaders use their power to increase their wealth by breaching the competition laws.

The Moroccan monarchy remained a key actor that received considerable criticism on some forums of citizenship discussions. The latter usually share some articles of European^{xxxii} and American^{xxxiii} newspapers translated into French or Arabic, as the Moroccan press do not dare to criticise the king directly. At the level of the social movements, many demonstrations were organised on Facebook. Among those decisions, was to continue the annual ceremony of pledging allegiance to the king, an old and humiliating ceremony in which thousands of citizens' representatives, party leaders, scientists, the modern elite, and the government bow and prostrate before the king while he is riding his horse.

Moreover, the king was held responsible for a major case which shook the country's public opinion at the beginning of August 2013. He – mistakenly – granted amnesty to paedophile Daniel Galvan, who was sentenced to 30 years in jail for raping eleven young children in Kenitra. Angry demonstrations took place in Rabat, which were suppressed by the police. However, in several cities, thousands of people returned to the street to protest again. This led the Minister of Interior to say that he did not give any orders to the police to intervene. The palace, for the first time in its history, withdrew the king's amnesty, admitting that it was a mistake. The citizens considered that to be an implicit apology, and so, the street calmed down. This was interpreted by the bulk of the population as the king being a "good democrat", sensitive to popular demands.

The speech of the PJD during the election campaign in the summer of 2014 supported the political and economic reforms, by adopting slogans that called for true citizenship, social justice, and for the independence of the judiciary branch and media, while its motto – "the fight against tyranny and corruption" – was similar to the main demands of social movements in Morocco. Yet, Benkirane, head of the government, collided with the monarchy. Therefore, he could not exercise all the powers granted to him by the new Constitution. This non-equal distribution of the powers between the king and the head of the government affected the performance of the PJD, and when Benkirane said: let bygones be bygones, the party was reassuring the elite, and implicitly abandoned its basic slogan "To fight corruption and tyranny."^{xxxiii} The PJD justified this to its electorate by saying that a pacific and gradual option was the only viable way to avoid violence and a clash with the *Makhzen* – that is, the 'deep state'.

As a result of the financial crisis and because the regime was not eager to support decisions that would increase the popularity of PJD, the government failed to fulfil its most important social promises. The Islamic party struggled to have a direct monthly support of MAD 1000 (about EUR 85) for widows with minor children and a MAD 200 (EUR 17) increase in the students' grants approved. Bigger social challenges, such as youth unemployment and inflation were not tackled. Moreover, the public debt reached EUR 68 billion in 2014 (81% of GDP), compared to EUR 62 billion at the end of 2013.^{xxxiv}

This overall decline happened at the time of the military coup in Egypt, the civil war in Libya, and the rapid expansion of ISIS in Syria and Iraq. Therefore, the common major concern of both the regime and the PJD has been to maintain internal stability. The conservative bodies within the regime took advantage of the new political situation to further curb the freedom of expression

under the pretext of fighting terrorism. Also, it seems that the great majority of the people, who had no interest in politics, preferred to keep the *status quo* in Morocco, which is safer and more stable than in most other Arab countries. Therefore, the activists who have been struggling for more citizenship rights and freedoms found themselves isolated and did not get the necessary support from the population. “Yes, there is injustice in our country, but at least we are not being killed” Said Naima, a forty-year-old veiled woman and mother of three children to an activist in the 20 February, who was trying to convince her to stand up for her rights and protest.^{xxxv}

Indeed, there is a feeling that the political space is becoming smaller and that there is less and less room for advocating change and the respect for, let alone the expansion of human rights. This is accompanied by a fear that calling for reform might pave the way for violence and terrorism on national soil. For the majority of the population, the overall situation in Morocco is still far better than in most other Arab countries: in that context, the cost of protesting and calling for political change appears to outweigh potential marginal improvements.

ⁱ An adjective derived from the Moroccan concept of ‘Makhzen’ in Arabic, which basically means the traditional and authoritarian state and its local representatives.

ⁱⁱ <https://www.Lakome.com>

ⁱⁱⁱ <https://www.Badil.Info>

^{iv} <https://www.Anwalpress.com>

^v Article 19 of the 2011 Constitution reads: “The man and the woman enjoy, in equality, the rights and freedoms of civil, political, economic, social, cultural and environmental character, enounced in this Title and in the other provisions of the Constitution, as well as in the international conventions and pacts duly ratified by Morocco and this, with respect for the provisions of the Constitution, of the constants and of the laws of the Kingdom.” See Hassan Tariq, “Identity and Citizenship in the Constitutions of the Arab Spring”, analytical essay, *the New Arab* (in Arabic), 4 July 2014, available at: <http://www.alaraby.co.uk/opinion/2014/7/4>

^{vi} See the Moroccan Constitution preamble in: http://www.sgg.gov.ma/Portals/0/constitution/constitution_2011_Fr.pdf.

^{vii} See the draft of the Criminal Code 2015, published on the website of the Moroccan Ministry of Justice at: <http://www.justice.gov.ma/lg-1/documents/doccat-4.aspx>.

^{viii} <https://anneemaghreb.revues.org/2321?lang=en>

^{ix} A statement by Abdelali Hamieddine to the Swiss news site *SwissInfo.ch*, available at: <http://www.swissinfo.ch/ara>.

Mhammed Malki, “Morocco: The shifts of the components of the parties’ political scene”, *Al Jazeera's Centre for Studies*, available at: <http://studies.aljazeera.net/reports/2014/06/201461981253956621.htm>.

^{xi} Mohamed Maarouf, “The withdrawal of the ‘independence’ party from the government and its decision to temporarily retreat raises controversy among Moroccans”, *Al Quds Al Arabi*; available at: <http://www.alquds.co.uk/?p=43782>.

^{xii} M. Malki, *Ibid*.

^{xiii} Statement of the 20 February Movement, Rabat, February 2013 (personal archives).

^{xiv} The ‘Compensation Fund’ or ‘Caisse de Compensation’ is a public fund that guarantees subsidies for food and energy products in order to make prices low for the consumer. Since the PJD has decreased these subsidies, prices have increased.

^{xv} In Morocco, to be arrested for one’s opinion is too costly an act for the regime on a political and diplomatic level. Thus, the government prefers to resort to other pretexts to pass off a political case as criminal one.

^{xvi} The draft of the Bill of the Press and Publication of 2014.

xvii In the 2014 Report of Reporters without Borders, Morocco ranked 136 in the international ranking of freedom of press. See: <http://alifpost.com>.

xviii Yahya Yahyaoui, "A media study", *Al Jazeera Centre for Studies*, February 2015, available at: <http://studies.aljazeera.net/mediastudies/2015/02/201522693528961516.htm>.

xix The draft of the Bill of the Press and Publication of 2014

xx See the Moroccan Association for Human Rights' Report 2014, published by AMDH, Rabat, 2015.

xxi See for example *The New York Times*, 11 June 11 2014.

xxii Freedom Now said in its annual report in 2014 that the status of the press in Morocco has become worse than it was three years ago. See its report: "La Situation de la liberté de presse et d'expression au Maroc: une liberté sous surveillance", published by Freedom Now, Rabat, 2015.

xxiii A report of Human Rights Watch, 7 November 2014, available at: <https://www.hrw.org/ar/news/2014/11/07>.

xxiv See the declaration of the Minister of Interior in the parliament in which he said: "these entities receive foreign money and enjoy the financial support of many foreign countries," saying that what they receive is "more than 60 per cent of the support given to the Moroccan political parties. All that is in order to serve foreign agendas".

xxv An introductory paper for the Global Forum, the website of the National Council for Human Rights, available at: <http://www.cndh.ma/ar/blgt-shfy/lmntd-llmy-lhqwq-lnsn-mrksh-tstqbl-llm-lmgrb-yhtfy-bhqwq-lnsn>.

xxvi Khadija Ryadi interviewed by the electronic newspaper *Elaph*, available at: <http://elaph.com/Web/News/2014/11/959983.html>.

xxvii The term "years of lead" refers to the dark era (1960s-1980s), which was known for the violations of human rights, torture, oppression, etc.

xxviii A statement by Mohamed Sassi in a political debate in Casablanca 23 May 2015.

xxix See excerpts of the royal throne's speech on 30 July 30th 2014, available at: <http://www.medias24.com/NATION/POLITIQUE/13442-Discours-du-Trone-le-Maroc-avance-mais-la-richeesse-ne-profite-pas-a-tous.html>.

xxx <https://fr-fr.facebook.com/telquelofficiel/posts/832103973495917>

xxxi See for example "A free press in Morocco? Up to a point, Lord Copper" in *Middle East Eye*, available at: <http://www.middleeasteye.net/in-depth/features/free-press-morocco-point-lord-copper-1977701565> and translated by Salah El Ayoubi and republished at: <http://www.yabiladi.com/articles/details/29519/maroc-liberte-presse-mais-trop.html>.

xxxii "Morocco's Royal Crackdown", *The Washington Post*, 2 October, 2013, available at: <http://www.highbeam.com/doc/1P2-35193298.html>.

xxxiii Abdelilah Benkirane's interview with Ahmed Mansour, *Al Jazeera*, available at: <https://www.youtube.com/watch?v=FPhv8PVakd8>.

xxxiv See report by the president of the Moroccan Court of Accounts, available at: <http://www.lematin.ma/express/2015/dette-publique--le-cour-des-comptes-met-en-garde-contre-le-trend-haussier/223416.html>.

xxxv This happened during a 20 February Movement protest in Rabat on 20 February 2015.