



Moroccan Exceptionalism Examined: Constitutional Insights pre- and post-2011

Mohammed Hashas

Abstract

Compared to Egypt, Tunisia and Libya, Morocco's political development looks like an oasis of tranquillity. "Moroccan exceptionalism" is often drawn on as a positive status, the result of at least one decade of reforms implemented by the monarchy, long before the Arab Spring events. An alternative view is offered by some civil society movements inside the country and by the 20 February Movement, born amidst the waves of the Arab Spring, which are critical of this exceptionalism and call for more reforms. By making reference to the constitutional reforms undertaken by the country since 1908 and by assessing the most recent reform efforts, this paper argues that "Moroccan exceptionalism" is yet to go through the test of the implementation of what is often referred to as a "promising constitution" that should in its intentions pave the way for a genuine constitutional monarchy in Morocco. "Moroccan exceptionalism," as the paper concludes, is not the description of a "final" political situation; rather, it is merely "a phase" in the political life of a country undergoing transition. It is then the outcome of this "phase" that will determine whether "exceptionalism" takes on a positive or a negative meaning and whether the two contrasting narratives about "exceptionalism" can ultimately be reconciled.

Keywords: *Morocco / Domestic policy / Reforms / Arab Spring*

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by Mohammed Hashas*

Introduction

The label “Moroccan exceptionalism” is often used both by government officials in the country and many political analysts and commentators. Digging deeper into its meaning, it appears that interpretations tend to vary. While it denotes what is positive and progressive for government officials, it is most often associated with political malaise and the complex situation in the country by its critics.¹ It is then a controversial label. For a deconstruction of the ambiguity that surrounds it, in the light of the Arab Awakening, I will outline the general characteristics of Moroccan constitutionalism from 1908 to 1 July 2011 and the adoption of the latest constitution. The idea behind this review of constitutional developments in the country is to identify the factors that have

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¹ Among current politicians, for example, Driss Lechguer, former minister and secretary general of the Socialist Union of Popular Forces (USFP), says that Moroccan exceptionalism is very linked to the Moroccan monarch since the independence, and it is not the result of the so-called Arab Spring. Most political parties and government officials argue along the same lines; see “Lechguer: Change has Started with the Independence, and the King has Led Moroccan Exceptionalism” [in Arabic], in *Hespress*, 12 September 2013, <http://hespress.com/permalink/88685.html>. Lahbib Choubani, a leading figure of the Justice and Development Party (PJD) and current minister of Relations between Civil Society and Parliament, says the same: “Choubani: Morocco is an Exception in the Context of the ‘Arab Spring’” [in Arabic], in *Hespress*, 21 October 2012, <http://hespress.com/permalink/64881.html>. Some others see that this “exceptionalism” dates back to more recent time, 1999, when the current king Mohamed VI took power and initiated big projects of change in the country; see for instance, Brahim el Guabli, “On the Moroccan Exception” [in Arabic], in *Jadaliyya*, 4 March 2011, <http://www.jadaliyya.com/pages/index/793>. As to intellectuals, they mostly refer to the history of the country and its old political system and monarchy to say that Moroccan exceptionalism is built not only by the monarchy but also by the will of the Moroccans in embracing the kingdom: Idriss Hanni, “On the Meaning of Moroccan Exceptionalism” [in Arabic], in *Hespress*, 21 March 2011, <http://hespress.com/permalink/29393.html>; Anouar Majid, “Four Reasons Why Morocco is an Exception”, in *Morocco World News*, 1 January 2012, <http://www.morocoworldnews.com/2012/01/21260>; Mohammed Hashas, “The Moroccan Exceptionalism: ‘We Want Corruption to Go, Change to Come, and the King to Stay!’”, in *AljazeeraTalk*, 22 February 2011, <http://www.aljazeeratalk.net/old/en/node/7400>. External followers of Moroccan politics also recognize some aspects that make the country different: J. Peter Pham, “Moroccan Exceptionalism?”, in *World Defense Review*, 10 February 2011, <http://worlddefensereview.com/pham021011.shtml>. Yet, not all see exceptionalism as a positive feature: Fouad Oujani, “Morocco May Not Be an Exception”, in *Fair Observer*, 11 February 2012, <http://www.fairobserver.com/article/morocco-may-not-be-exception>; Mohammed Hashas, “Is Moroccan Exceptionalism Falling Apart?”, in *Reset-Dialogues On Civilizations (Reset-DoC)*, 31 May 2013, <http://www.resetdoc.org/story/0000022251>. I note that Nathan J. Brown uses the term “Moroccan exceptionalism” to speak of the lower debts Morocco had compared to other Arab countries, like Algeria, Tunisia, and Egypt which had huge debts, and which justified the early French and English imposition of protectorates and direct colonialism by the late 19th century: Nathan J. Brown, *Constitutions in a Nonconstitutional World. Arab Basic Laws and the Prospects for Accountable Government*, Albany, State University of New York Press, 2002, p. 33.

distinguished the country from other countries that are also experiencing change. Because of the place the monarch occupies in Moroccan history and political life, this brief constitutional review will focus on his position and role in the drafting and implementation of the texts.

In this paper, I classify the constitutional stages in the country into three: 1) failed constitutionalism (1908-1972) during which the state and the king could be described as one body; 2) limited constitutionalism (1972-1992) during which the king shared powers; and 3) transitory constitutionalism (2011 - present) in which the king shares more of his powers without letting go of all of them, in an arrangement that could be said to constitute a system of “semi-constitutional monarchy.” I focus on this last stage, which has a bearing on the so-called Arab Spring. I will refer to some of the main changes the current King Mohamed VI has initiated since coming into power in 1999, and the challenges he still faces. The latter are behind the development of a Moroccan version of the Arab Spring, led initially by the Movement of 20 February. The Moroccan Spring was met with the royal will to pursue change by drafting a new constitution followed by free and fair legislative elections. This paper sheds light on the place of the monarch in the new constitution, compared with the previous ones, and the significant powers he still exercises. While his policies since coming into power in 1999 are broadly described as reformist and “democratic” in spirit, which makes the monarchy an exception in the positive sense of the term in the Arab world, he is also criticized for the side-effects his super-activism has on the elected executive power (the government) and the rule of law in general. The executive powers of the king challenge and consequently “indirectly” weaken the role of the elected government, especially when his democratic spirit is tainted by the corruption of his entourage (the *makhzen*). It is this aspect of the kingdom that renders the label “Moroccan exceptionalism” pejorative.

Overall, this paper argues that “Moroccan exceptionalism” is not a description of “a final” political situation but a description of “a phase” in the political life of a country that is seeking democratic change. It is the outcome of this “phase” that will ultimately determine whether “exceptionalism” takes a positive or a pejorative meaning. The two major challenges and scenarios presented at the end of the paper will show which tendency is more likely to prevail.

1. Failed constitutionalism: 1908-1972

What I refer to as the failed constitutionalism phase covers six attempts at constitution-making during the modern history of the country, and three others that succeeded in drafting and adopting constitutions. I call it “failed” even though three constitutions were adopted because they were all “given constitutions,” i.e., the king directly drafted them for his subjects, without consulting their representative bodies. They were not drafted by directly elected commissions or councils. In this period of the history of the country, which was still in the initial stages of crafting modern institutions, the Moroccan monarchy did not exercise absolute power, like that of France under King Louis XIV (reigned 1643 -1715). Rather, the Moroccan monarchs, based on their claim of being descendants of the Prophet of Islam through Ali’s offspring, have used the Islamic

consultancy practice of *bay'ah*, which means bestowing loyalty to the king by the elderly representatives of tribes, lands, and especially religious scholars.²

The first attempt at constitution-making in the country came from a group of governing elite, intellectuals, and religious scholars (*ulemas*) of Fez in 1908.³ Their aim was not only to control the authority of the king and make him seem accountable but also to curb European (in this case French) colonial pressures that were already being felt in nearby Algeria and Tunisia and to limit internal rebellions and fix fiscal crises.⁴ The abovementioned stakeholders presented a list of demands to King Abdel Hafid (reigned 1909-1912). The principal demands were the constitution of two chambers of representatives, the recognition of citizens' basic human rights, and the reduction of the role of the king in ratifying decisions taken by the legislative powers.⁵ However, none of these demands were met as King Abdel Hafid gave in to French pressures and signed the Protectorate treaty in Fez in 1912, faced internal rebellions in some major cities, and subsequently abdicated in favor of his brother Youssef (reigned 1912-1927).⁶ Though this constitutional attempt failed to find its way to political life as early as 1908, it became a reference for the Liberation Movement in its struggles for independence from the French occupation.

The Liberation Movement that took more formal shape in the 1930s prioritized independence over pushing for the establishment of a constitutional monarchy. This was especially the idea of the Independence Party (*hizb al istiqlal*), which saw that constitutionalism might weaken stability in the country. King Mohamed V joined the

² This loyalty practice, or *bay'ah*, does not allow the king absolute rule; it binds him first of all to the guardianship of Islam as the religion of the land, against which he cannot go, thus the name of Commander of Believers that is given to him, following the example of the second Caliph after Prophet Muhammad. This is accompanied by the guardianship of the land, territory of the state, and security of its people from internal divisions and external threats. These three major features then have characterized the history of the Moroccan monarchy: protection of religion, land, and social stability. The role of the *bay'a* and limitations of the power of the monarch could be exemplified by the religious scholars and leaders of tribes' refusal of a number of external pressures on the king during the European colonial expansion. For example, in 1908, they demanded that the king Abdulaziz (reigned 1894-1908) refuses the Algeciras Convention with European powers that aimed, among others, at selling Moroccan lands to Europeans, establishing a tax system, and reforming the army; they also demanded that the loads the king had should be considered personal loads he has to face, and are not to be considered state (Moroccan) loads the masses have to pay for through taxation and ownership of lands by Europeans. The king was de-throned and exiled, and his brother Moulay Hafid took over, with the support of religious scholars and leaders of the tribes through the loyalty practice of *bay'a*. Abderrahim Ben Slama, "Allal al-Fassi Discovers a Constitutional Document: Moroccans Choose their King According to Sharia Teachings" [in Arabic], in *Al Alam*, 12 April 2010, http://www.alalam.ma/def.asp?codelangue=23&id_info=26021. These features are recurrent in all adopted constitutions of the country: Mohamed Darif, *Monarchie marocaine et acteurs religieux*, Casablanca, Afrique Orient, 2010.

³ There is very little material on this issue, but the idea to note here is that these young intellectuals and religious scholars were in touch, and thus also inspired, by both the Arab Renaissance (Nahda) aspirations in the eastern part of the Arab world, the Mashreq, and also by the Turkish Union and Progress, and the Ottoman Constitution of 1873; see: Edmund Burke III, *Prelude to Protectorate in Morocco. Pre-Colonial Protest and Resistance, 1860-1912*, Chicago, University of Chicago Press, 1976, p. 132.

⁴ Nathan J. Brown, *Constitutions in a Nonconstitutional World*, cit., p. 33-34.

⁵ Gerhard Robbers (ed.), *Encyclopedia of World Constitutions*, New York, Facts On File, 2007, p. 622.

⁶ This constitutional document was later found by the Moroccan thinker and politician Allal al-Fassi (d. 1974), which he introduced and commented on. Allal al-Fassi (ed.), *Excavations: On the Constitutional Movement in Morocco before the French Protectorate, from an Unknown Writer to the King Abdel Aziz* [in Arabic], n.d., p. 6.

Liberation Movement in its struggles. The Movement used the liberationist ideas of the draft constitution of 1908 in its demands to the French.⁷ Morocco won its independence in 1956. Constitutional aspirations aside, Nathan Brown notes that during this period in the Arab world in general, constitutionalism was mostly used by rulers, including religious enlightened scholars, to enforce customary and *shari'a* laws. This is to say that constitutional attempts, such as the Moroccan one above, should not be seen as aborted attempts that could have radically changed the political functioning of the country. They were attempts made by the ruling elites and not by representative assemblies, so their effect, had they been embraced, would have been minimal and reforms could have faced immense difficulties in the absence of institutions to implement them.⁸

Having gained independence, the major party of the Liberation Movement, the Independence Party, attempted to dominate the political scene and marginalize other smaller parties by calling for a unitary party system in the country. King Mohamed V (d. 1961), who also played a big role in the liberation of the country with his son, Prince Hassan II (d. 1999), prevented such an attempt through two decrees. First, he issued in May 1958 "The Royal Contract", in which he specified the nature of the political system of the country as being a "constitutional monarchy" based on a multiparty system. Second, in November 1958, he issued the "General Liberties Law", which allowed the establishment of associations and parties. This early postcolonial period was characterized by three major power camps: 1) the monarchy; 2) the liberation movement and the liberation army (*jaysh at-tahrir*); and 3) the Independence party, as Allal al-Fassi, a leader within the Movement and the leader of the Independence party, stated in a speech in Tangier in 1956.⁹ Al-Fassi's critical text *Self-Criticism*, considered a classic in Moroccan contemporary political thought, expresses his political ideas and wish to see a constitutional monarchy like that of Britain take shape in Morocco.¹⁰ In 1960, the king appointed a Constitutional Council, composed of most political parties and movements of the time with the exception of the abolished socialist party and the newly founded party of the Socialist Union (part of the Independence Party), which required that the council be elected and not appointed. The idea was that the council would draft a constitution and present it to the king for ratification by December 1962, but this failed because the leaders of the invited parties did not agree on the appointment of al-Fassi, leader of the Independence Party, as the head of the council. The king unexpectedly died during a small operation on his throat in February 1961, and Prince Hassan II succeeded him.

Carrying on with the project his father started, Hassan II continued on the path of drafting a constitution without consulting either the failed Constitutional Council or the

⁷ Mohamed Lemrabti, "The Historical Dynamic of the Constitutional Movement in Morocco and the Weakness of the Liberation Movement" [in Arabic], in *Portal of Taza-Al Hoceima-Taouinate*, 25 September 2013, <http://www.region-tat.ma/index.php?news=523>.

⁸ Nathan J. Brown, *Constitutions in a Nonconstitutional World*, cit., p. 32

⁹ Mohamed Darif, *Moroccan Political Parties. From Confrontation to Deliberation* [in Arabic], Casablanca, Dar Al i'tissam, 2001. See Part I: Confrontation.

¹⁰ "We have to consider ourselves working towards Constitutional monarchy, which requires of us to look at the English model that has preceded us in this. [...] Moroccan democracy has to be based on a parliamentary system" [Author's translation]. Cf. Allal al-Fassi, *Self-Criticism* [in Arabic], Cairo, Al-Matba'a Al-'Alamiya, 1952, p. 141; 142.

opposition or any other political party. A referendum took place and the parties that were part of the Council voted in favor of the text, apart from the ones that were already in the opposition, i.e., the banned communists and the Socialist Union. The constitution was adopted by more than 80 per cent of the voting population. It is this “given constitution” model that has shaped the political scene in Morocco from the 1960s until now. The role of the king is strong in the executive and judiciary, besides enjoying religious authority and powers on military matters and the preservation of security and stability of the country (Article 19, Const. 1962). The Prime Minister, who is appointed by the king and not according to the electoral results, has no executive powers; he is considered a public servant who co-ordinates the work of the ministries (Art. 24, Const. 1962).¹¹ The system of two chambers is in force (Art. 36, Const. 1962); the Parliament is directly elected, but the winning party has no direct chance of heading the government, as the latter is mostly appointed according to the will of the king, and its legislative agenda stems from the will of the latter and not from the legislative body. The Parliament is then symbolic; it represents the electorate but is not accountable, since its program of governance is dictated by the monarch. Multipartyism is encouraged with a view to making the political system look pluralistic and democratic.¹²

In March 1965, a number of Moroccan cities experienced protests led especially by students and teachers who refused an agenda proposed by the ministry of education. A few months later, the government and Parliament were dissolved; the king used Art. 35 of the constitution to announce the Emergency Law that left the Parliament dissolved for five years. Negotiations with the Socialist Union and its leader Mehdi Ben Berka did not end in a solution. This also coincided with a foiled *coup d'état* attempt in 1963. During the same period of time, Morocco entered a war (the Sand War, *harb ar-rimal*) with Algeria over the frontiers in 1963.¹³ The monarchy in Morocco had to negotiate the internal conflicts, for fear of more internal instability. The king agreed to make constitutional changes in July 1970.

The constitution of 24 July 1970¹⁴ came with further clauses that strengthened the role of the king, thus failing again to meet the expectations of the political bodies in the country. For example, not only does Art. 19 state that the king holds executive, army and religious authority, but also names him the “supreme representative of the nation,” which can be read as exercising supremacy over all institutions, especially if the Parliament is dissolved. This is clarified in Arts. 69 and 70, which state that the king takes control of the country when the Parliament is dissolved, until a new legislative chamber is elected. Most importantly, the king has the right to dissolve the Parliament

¹¹ The French version of the Constitution of 7 December 1962 is available at: <http://mjp.univ-perp.fr/constit/ma1962.htm>.

¹² The Front of the Defence of Constitutional Institutions (FDIC) is an example; it was created in the early 1960s to take charge of the main ministries, as a way of weakening the representation and work of the elected parties.

¹³ Few years later, a *coup d'état* in support of socialist reforms against the National Front took place in Algeria, and succeeded; and the Moroccan government was accused of supporting it when it entered the war to recover what it claims to be its historical territories of the Big Maghreb (*al maghrib al kabir*). Ben Berka, who was by then a renowned Third Worldist Socialist, demanded that socialist reforms be initiated in the monarchy, too, seeing that they found ways in Algeria. He was kidnapped and disappeared ever since (known now as unresolved “Ben Berka affair”). The Socialist party would gain more weight in opposition and demand constitutional reforms.

¹⁴ French version of the Constitution of 24 July 1970: <http://mjp.univ-perp.fr/constit/ma1970.htm>.

after consulting the “constitutional chamber” and giving a speech to the nation (Art. 70). Another example of the new restrictions provided for by the new constitution of 1970 is that a member of parliament could lose his immunity or could be imprisoned, if he questions the monarchy or religion, or shows disrespect to the king. Moreover, the bicameral system is suspended, and only 90 MPs are to be elected directly by the electorate, while 150 others are to be chosen indirectly through the regional chambers which themselves are mostly not directly elected but appointed by royal decrees (or *dahirs*, to be explained later).

As a reaction against the royal monopoly in the drafting of the constitution, a “National Block” was formed in July 1971 by the largest parties in the country- the Independence Party and the Socialist Union of Popular Forces. The Block called for boycotting the legislative elections that were planned for August. The same year (1971) saw another attempted coup d’état, which hastened a return to negotiations between the king and the political parties of the Block. The idea was to agree on a form of power sharing between the king and the parties. Again, however, the king monopolized the drafting of the constitution, and on 10 March 1972 submitted it to a referendum, which was unsurprisingly boycotted by the Block. The constitution of 1972¹⁵ did not bring back the aspirations of the early postcolonial times: the number of MPs directly elected was raised to two thirds, while the second chamber remained dissolved, and the government cabinet tasks were very limited in areas such as designing the major pillars of the state’s policy, establishing a relationship of confidence between the Parliament and the government, and declaring war (Art. 65). The king appointed a Prime Minister, Karim al-Amrani, and asked the Block to take part in the government, which it refused to do.¹⁶

Until now, three constitutions had been tried - one was welcomed (Const. 1962), and two were boycotted by leading political actors in the country since they were considered “given constitutions” in which the king still held substantial powers (Consts. 1970 and 1972). The aspirations of the 1950s seem to have been restrained by various factors the consequences of which became visible in the 60s and 70s, hence my description of this period as a failure constitutionally.¹⁷

¹⁵ French version of the Constitution of 15 March 1972: <http://mjp.univ-perp.fr/constit/ma1972.htm>.

¹⁶ In this delicate period of negotiation between the king and the opposition of the Bloc, another *coup d’état* took place in 1972. Moreover, the king called for national unity for the proclamation of the sovereignty of the state by liberating the southern parts of the country from the Spanish. This is known as the Green March of 6 November 1975. This big event obliged the opposition to ally with the king in defending and further liberating the country. Disagreements were left aside for a while. So, the constitution of 1972 went through, despite the opposition. These internal and external events postponed the conflict over the content of the constitution till the early 1990s.

¹⁷ We may outline three main factors behind this failed early constitutionalism. The first reason is the traditionalism that characterizes conservative societies and executive monarchies. This had to do with the general political thought that had not developed yet. Arab Islamic thought in the 1960s was still consumerist and/or deconstructivist of Western thought, and was not yet sure of what path to take, so conservatism remained the safest path to adhere to till a clear vision develops, and the ruling system certainly was not immune from this political immaturity. The Royal Contract of 1956 and Basic Liberties and Freedoms Bill of 1958 can be an example of this mode of political thought; while they guaranteed basic individual and associational rights, they remained under the tutelage of the monarch as head of the state and commander of the believers. The second reason is the inability of the political elite to have a pluralist socio-political vision that defends difference even when it opposes its own political program and ideological line. For example, the leading Independence Party tried to be the only legitimate party, though

2. Limited constitutionalism: 1992-2010

In this second phase I refer to two further main constitutional attempts under the reign of King Hassan II (reigned 1961-1999). Changes in world politics - notably the end of the Soviet Block - stimulated internal change in the country. The National Block proposed two constitutional reform agendas in 1991 and 1992, asking for division of powers, adoption of universal human rights conventions, restoration of the two chambers of representatives, lowering of the voting age, and the freeing of political and freedom of expression prisoners. The king responded in his own way. In September 1992, a referendum took place, after the king had proposed his constitutional draft. It did not take the agendas of the Block into account, and was thus boycotted, but still went through and was adopted.

In 1995, the International Monetary Fund gave a gloomy assessment of the economic situation in the country.¹⁸ The king, in opening a parliamentary session the same year, called on the political parties in opposition to save the country from a “heart attack”. The leader of the socialist party Abderrahmane El-Youssefi chose to return from self-imposed exile the following year, 1996. That year a new constitution was drafted leading to some political changes, without touching the basic structure of the system, the role of the king or that of the prime minister. It was accepted by the opposition Socialist Party, which for the first time in the Arab world became part of a government of *Alternance (hukumatu at-tanawub)*.

Later, in 2003, after having shared powers with the monarch, the prime minister of the coalition government, El-Youssefi, confessed in a famous lecture on “the democratic experience in Morocco” in Brussels that the coalition failed to achieve its democratic aspirations.¹⁹ The Socialist Party, traditionally strong when in opposition, was recruited during difficult socio-economic times, and lost many of its supporters in later elections for not having delivered its promises to the electorate in spite of the limited powers it had in government.

It was in this context of opening up the system to more diversity that the moderate Islamist party, the Party of Justice and Development (PJD), was allowed official existence, though its roots go back to the liberation movement. Its leader, Abdulkarim al-Khatib (d. 2008), was a leading figure in the liberation movement and early

it was the holder of the banner of liberation while fighting colonialism, to which the king replied by decreeing the multiparty system in the country. This is illustrated in the 1962 constitution where the multiparty system was allowed, and even encouraged, but under the monarch's extensive powers, which weakened the role of parties. The third factor to be mentioned is incomplete territorial sovereignty: the war with Algeria in 1963, the need to recover parts of the South from Spain (1969, 1975), and to protect the monarchy from a military regime (*coup d'états* of 1963, 1971, and 1972) led to the monarch's reaction in what is commonly termed in Moroccan modern political history as the “years of lead” (*sanawat ar-rasass*). This illustrates the mistrust of the monarch in his entourage and the political elite that intensified its opposition to the system. His mistrust can be seen in his drafting of two constitutions (1970 and 1972) which were both boycotted by the leading political parties.

¹⁸ For more on this, see Saleh M. Nsouli et al., “Resilience and Growth Through Sustained Adjustment: The Moroccan Experience”, in *IMF Occasional Papers*, No. 117 (January 1995).

¹⁹ Abderrahmane El Youssefi, Lecture, Brussels, 24-26 February 2003, <http://usfp-grandcasa.net/fr/index.php/l-usfp/documents/item/31-discours-de-si-abderrahmane-al-youssefi-a-bruxelles-en-2003>.

postcolonial fight for the “constitutionalization” and institutionalization of the country. The moderate Islamist party had for years been banned from registering as a political party; the PJD had to transform itself through a number of movements, and was allowed to become a party only in 1997. Through their becoming visible, the Islamists in Morocco started to win more seats in parliament from 2002; in the 2007 elections they came second, though they alleged that had the elections been fair, they would have come first, as later happened in 2011.²⁰

After the PJD became through the government of *Alternance* the main voice of the opposition in the Parliament, thus replacing the legacy of the socialists that had been “co-opted” by the “system” (called in Morocco the “*makhzen*”), a new “movement of democrats” - as it first called itself - started to develop into a political party between 2007 and 2009, and become a major rival to the Islamists. It was the Party of Authenticity and Modernity (PAM), founded by Fouad Ali al-Himma, a close friend of the king and a delegate to the ministry of interior.²¹ In 2009, the PAM ran for the municipal elections only a few months after its formation, and surprisingly won large numbers of seats all over the country. It recruited small parties and united them as one force to face mainly the Islamists. The other major parties, the Independence Party and the Socialists alike, looked at this with suspicion and criticism. These parties, particularly the Islamists, protested that the PAM was using the name of al-Himma and his friendship with the king as its source of power.²² This movement would become the subject of immense public attention and debate before the Arab Spring.

The PAM was seen by many political parties and commentators as a new move by the “system” to block the Islamists from leading legislative elections and government. What this shows is that the political scene in the country is not yet allowed to develop party systems and coalitions in a natural context of fair competition, away from the system’s interference. The multiparty system appears infiltrated from within.²³

3. A reformist king and the Moroccan Spring

King Mohamed VI has inherited a state in difficulty on all levels. What he has been trying to do since 1999 is to inaugurate a “new era” (*al’ahd al jadid*) without taking the initiative to make constitutional changes. His reformist projects²⁴ have remained

²⁰ Rachid Muqtadar, “Reflections on the Justice and Development Party’s Experience of Political Rule in Morocco”, in *ACRPS Research Papers*, No. 3 (September 2013), <http://english.dohainstitute.org/release/6b3d0470-7ae5-44c0-a420-b311b0fd2e09>.

²¹ Few weeks after the elections of 2011, al-Himma was appointed Consultant of the King, to the surprise of many.

²² “The king’s friend”, in *The Economist*, 2 July 2009, <http://www.economist.com/node/13964243>.

²³ For more on the fragmentation of the party system in the country, see Mohammed Hashas, “Fragility of the Party System in Morocco and the Way Ahead post-2011 New Constitution and Elections”, in *Reset-Dialogues On Civilizations (Reset-DoC)*, 18 April 2012, <http://www.resetdoc.org/story/00000021937>.

²⁴ Some of his main early reformist changes can be named here: the creation of the Royal Institute of Berber Culture in 2002 to recognize the culture and language of the “natives” in Morocco and North Africa in general; the establishment of the Equity and Reconciliation Commission (between January 2004-November 2005) against human rights violations committed by the state prior to 1999; the reformation of the Family Code (*al-Moudawana*) in 2004; the creation of the Moroccan Royal Advisory Council for Saharan Affairs (CORCAS) in 2006; advancing the proposal of Autonomy of Western Sahara, and the

entangled in the same old constitutional framework where most powers are in his hand. Abdellah Saaf, former Minister of Education and political sociologist speaks of the “democratic spirit” of the king.²⁵ His initiatives in various fields to push for change in the country can speak to his “democratic spirit” although the constitution under which he worked (until 2011) bracketed it for a while.²⁶ But the question that is posed is as follows: how far can the “democratic spirit” of the king safeguard the rule of law in the country? The system of checks and balances is at risk when reform in the country depends on the good will of the ruler alone. What a commentator on the Moroccan political scene can say about the role and place of the king now is that he is himself enmeshed in a circle in which the only way to initiate reform is to do it slowly and gradually. This is not always acceptable to some political parties and bodies of civil society that want to see more radical changes taking place. While the king was working on his various reform projects, the “Moroccan Spring” took off, calling for more reforms.

The Movement of 20 February (20FM for short) was the fruit of the social network message that called for going into the streets to demand substantial reforms in all sectors of life in the country. It was - and to an extent still is - composed of civil society activists, human rights associations, leftists and “banned” Islamists (The United Socialist Party and the Justice and Spirituality Movement respectively; the latter distanced itself from 20FM afterwards). It has no structural hierarchy; it works through deliberations. Its main demands can be categorized into four sectors: political, social, cultural, and economic.

Politically, the movement demanded: dismissing the government that was led by Abbass al-Fassi; eliminating corruption and despotism (and not monarchy), particularly in the close circle of people around the king²⁷; and establishing a “parliamentary monarchy” (i.e. constitutional monarchy)²⁸, whereby the king reigns but does not rule. The movement also rejected the new constitution of July 2011 (to be discussed later),

initiation of Human Development National Initiative (INDH) for socio-economic development in 2005. On these initiatives and the major institutional/constitutional obstacles facing them, see: Silvia Colombo, “Morocco at the Crossroads: Seizing the Window of Opportunity for Sustainable Development”, in *MEDPRO Technical Reports*, No. 2 (April 2011), p. 9-13, <http://www.ceps.be/node/5490>.

²⁵ Abdellah Saaf, “Debating the Monarch’s Democracy” [in Arabic], in *Hespress*, 12 January 2013, <http://hespress.com/permalink/70155.html>.

²⁶ The Moroccan magazine *Tel Quel* and the French daily *Le Monde* conducted an unprecedented poll on the popularity of King Mohammed VI; it coincided with his 10th anniversary of ascension to power. The survey found that 91% of Moroccans hold a favorable view of the monarch. However, the issue was confiscated by the Moroccan authorities because the person of the king is beyond debate. Florence Beaugé, “Maroc: Le sondage interdit”, in *Le Monde*, 3 August 2009, http://www.lemonde.fr/afrique/article/2009/08/03/maroc-le-sondage-interdit_1225217_3212.html.

²⁷ Ahmed Benchemsi, “La grande corruption règne en maître au Maroc”, in *Le Monde*, 25 June 2012, http://www.lemonde.fr/idees/article/2012/06/25/la-grande-corruption-regne-en-maitre-au-maroc_1724410_3232.html.

²⁸ The current debate in Morocco is to tailor the monarchy to be not only constitutional in paper but truly in institutions by bringing the parliamentary system into play. That is why the Moroccan political diction now prefers “parliamentary monarchy” to mean “constitutional monarchy” as it is known for example in the UK, the Netherlands, and Belgium. The fact that “constitutional monarchy” has already been emphasized in the constitutions since 1962 but has not been developed as such on the ground has emptied the term from its meaning; that is why clarity entails the use of “parliamentary monarchy” to show that the aspirations are clearly to have a monarch who reigns but does not rule, a frozen monarchy of no executive powers, but only of symbolic ones. Because of this fact, we use the term “parliamentary monarchy” to mean “constitutional monarchy.”

which it considered a “given” one, and subsequently boycotted the referendum and the legislative elections. The 20FM called for a more deliberative and representative council to draft a new constitution, instead of the current commission whose members were selected by the monarch (the al-Mannouni Commission).

Socially, the movement’s goals were “freedom, dignity, and social justice” besides demanding more freedom of the press, improvement of social welfare services (education, health and housing), and a resolution to the issue of high unemployment. Culturally, the recognition in the constitution of Amazigh (a native language) was the main objective. In the area of economics, 20FM raised the issue of the high cost of both water and electricity, and demanded: lowering the prices of basic goods (like flour, oil, and sugar); establishing a minimum wage; reforming the pension system; nationalizing the royal holding company ONI-SNI (Omnium Nord-Africain, later merged in March 2010 with *Société Nationale d'Investissement*); combatting corruption; and saving the public wealth from being smuggled abroad.²⁹ These demands triggered what I refer to as the third phase in Moroccan constitutional history.

4. Transitory constitution: 2011-present

The fall of the presidents of Tunisia and Egypt and the spread nationwide of 20FM protests constitute the reasons that pushed the monarchy to react. On 9 March 2011, the king gave what secretaries general of the leading political parties have called an “unprecedented speech” that announced the drafting of the sixth constitution in the modern history of the country. On 1 July, a referendum was held and the constitution was adopted with a majority vote - out of a turnout of 72%, 98% consented to it. On 25 November, the first legislative elections following the new constitution were held, in which the moderate Islamist party of the PJD won.³⁰ This section focuses on the place the monarch still holds in the constitution, and refers to the predicament the elected government has faced in implementing it due to some structural and institutional issues, among which are the substantial powers still enjoyed by the monarch.

Three major features can summarize the royal authority in Morocco: 1) the monarch’s power which is considered to be separate from the executive, but is actually part of it; 2) his *dahirs* (royal decrees that are enacted as laws); and 3) his speeches.³¹ Some examples illustrate the extent to which the monarch’s executive powers are supposed to be followed by the government, and in the history of the constitution in the country, no government has gone against them. In exercising his powers, the monarch is not

²⁹ Critique of the monarchy’s influence on the Moroccan market escalated when the royal holdings sold parts of its shares in companies of alimentary productions, after the Arab revolts started; this was read by some as a way to avoid the consumers’ protests, for the prices of some basic alimentary products and oil have been in constant increase. For more on this, see: “Morocco’s SNI sells stakes in dairy, biscuit companies”, in *Reuters*, 22 February 2013, <http://www.reuters.com/article/2013/02/22/sni-danone-idUSL6N0BM9XS20130222>. For a sharp critique of the royal extravagant spending and influence, see the book (which is banned in the country): Catherine Graciet and Eric Laurent, *Le Roi prédateur. Main basse sur le Maroc*, Paris, Editions du Seuil, 2012.

³⁰ Moroccan Legislative Elections, 25 November 2011, <http://www.elections2011.gov.ma/fr>.

³¹ Mohamed Madani, Driss Maghraoui, Saloua Zerhouni, *The 2011 Moroccan Constitution: A Critical Analysis*, Stockholm, International IDEA, 2012, p. 24-27, http://www.idea.int/publications/the_2011_moroccan_constitution.

accountable to any body or institution but only to his own “democratic spirit” - to borrow the phrase of Abdellah Saaf.

Article 1 of the new constitution stipulates that the state is a Constitutional, democratic, parliamentary, and socialist monarchy.³² “Sovereignty is to the people”, which exercises it through directly or indirectly elected representatives (Art. 2). The status of the king has changed from being “sacrosanct” in previous constitutions to being “duly respected” in the new one (Art 46). However, his powers have hardly been streamlined. The king is the “Commander of the Believers” (Art. 41) as well as “head of the State, symbol of the unity of the nation, guarantor of its existence and continuity, and the highest judge (referee) among its institutions” (Art. 42).

The king presides over the Higher Council of the Judicial Branch (Art. 56) and appoints five of its members (Art. 115). He appoints half of the Constitutional Court Committee, the other half is now elected by both Houses of Representatives. The Supreme Council for Judicial Power, which controls the independence of judges, is guaranteed by the mediation and chairmanship of the king - described as “the guardian of the rule of law.” He has the authority to dismiss government officials after consulting with the Head of the Government (Arts. 41-52). He can also dismiss any of the two Houses of Representatives after informing the Head of Government (i.e. the Prime Minister), the Constitutional Court, and Head of the Parliament (Art. 96). The king has lessened his monopoly on appointing public servants in influential public administrations and national companies. From about 1,200 state positions, he now appoints officials to no more than 250 positions.

The second major feature of the monarch’s executive power is the royal decrees, or *dahirs*. This is a historical political practice that is not challenged by any of the three powers: the elected executive body, the judiciary or the legislature. On the contrary, *dahirs* run in parallel with executive power, and most times they provide it with the guidelines of action. *Dahirs*, once issued, become laws. They derive their legitimacy especially from the monarch’s religious authority,³³ besides his authority as head of state, guarantor of the rule of law, security and sovereignty. As an illustration, a number of councils that are now institutionalized in the constitution of 2011 were established by a *dahir* a few months or years before, which means that they came into existence as the will of the monarch, and are now part of the state’s institutions constitutionally. For instance, the Council of the Moroccan Community Abroad (CCME) was created by a *dahir* in December 2007, and constitutionalized in July 2011 (Art. 163);³⁴ the Council of Higher Education was set up through a *dahir* in September 2006, and constitutionalized in July 2011 (Art. 179), and formalized with the appointment of its president on 20 August 2013;³⁵ and the Economic and Social Council was first established through a *dahir* in March 2010, formalized in February 2011, and constitutionalized in July 2011.³⁶ Another major example that illustrates the active role of the king in taking initiatives that governments (have to) follow up with is the series of strategic plans that aim at

³² “Socialist” here means being oriented towards social welfare policies.

³³ Mohamed Madani, Driss Maghraoui, Saloua Zerhouni, *The 2011 Moroccan Constitution: A Critical Analysis*, cit., p. 25.

³⁴ Conseil de la communauté marocaine à l’étranger (CCME): <http://www.ccme.org.ma>.

³⁵ Conseil supérieur de l’enseignement (CSE): <http://www.cse.ma>.

³⁶ Conseil économique, social et environnemental (CES): <http://www.ces.ma>.

reforming the infrastructure of vital sectors of the socio-economic and cultural life: the Green Morocco Plan, the Blue Plan, the e-Government Plan, the National Chart for Industrial Development, the Moroccan Plan for Solar Energy, the National Initiative for Human Development (INDH), etc.

The third major feature of the king's executive authority is his speeches to the nation and Parliament on national holidays and political events (like the opening of the Parliamentary Fall and Spring sessions), or any other special occasions.³⁷ The constitution demands that his speeches "not be the subject of debate" (Art. 52). In Moroccan politics, they have become a main reference that is often quoted by political parties and a large sector of civil society organizations in light of the reformist tone they carry. More importantly, and as is the case with the *dahirs* above, once articulated they become the guidelines for the government and are binding. The councils and plans cited above had often been mentioned first in speeches as a necessity and part of the royal strategic vision in "the new era" (*al 'ahd al jadid*) of the current monarch. In conclusion, and from the analysis above, the king has not relinquished any of his prerogatives, and will continue to have veto power over all major decisions.³⁸

5. Fall of the first coalition government: failure of the Moroccan Spring?

The first government formed as the result of the first wave of the Moroccan Spring protests failed, and a new one was formed on 10 October 2013. Two major factors can be cited as the source of this failure. The first is that there is a deep confusion and fragmentation in the party system of the country, a legacy of about six decades of the *makhzen's* infiltration into political parties' competition. This has manifested itself clearly in the history of the major parties in the country and in the formation of others that were created by the monarchy, i.e. the *makhzen*, to weaken the opposition. This fact has been institutionalized through the electoral system that does not allow the formation of strong coalitions based on ideological orientation.³⁹ As to the second factor, it is the *makhzan's* invisible but remarkable influence and the monarch's visible hand in ruling the country as well as his super-activism as head of state and engineer of projects to reform it.

³⁷ The king may also convey a message to the nation when he wants to apply provisions related to a state of emergency (Art. 59), dissolve Parliament or either house (Art. 96) or declare war after Parliament is informed. As part of the legislative procedure, the king may send a message to both houses in order to carry out a new reading of any bill or proposed law (Art. 95).

³⁸ Mohamed Madani, Driss Maghraoui, Saloua Zerhouni, *The 2011 Moroccan Constitution: A Critical Analysis*, cit., p. 24.

³⁹ This issue and political party system fragmentation in the country, see Mohammed Hashas, "Fragility of the Party System in Morocco and the Way Ahead post-2011 New Constitution and Elections", cit., and "Is Moroccan Exceptionalism Falling Apart?", cit. As to the new government, formed on 10 October with a new coalition, it is considered the end of the Moroccan Spring, and a huge failure of the PJD since it has found itself obliged to ally with the RNI (The Independent National Assembly), a party it had strong opposition to, and which it accused of corruption during the campaign for the elections of November 2011. The PJD, on its official website, states that it is stability in the country and its economic difficult situation that it most cares about, considering the violent directions the Arab Spring has fallen in the affected countries. See: "Formation of the New Government... Morocco Won" [in Arabic], in *PJD website*, 10 October 2013, <http://www.pjd.ma/actualites-pjd/page-11880>.

Since 25 November 2011, when it won the elections, and until its major ally the Independence Party and its new leader Hamid Chabat withdrew from the government coalition on 11 May 2013, the government, led by the PJD, had constantly expressed the fact that it had been working in difficult circumstances inherited from past governments and from the structure of the political hierarchy of the state. It referred to immense handicaps resulting from strong “undefined” lobbies that opposed it. In a TV program with Aljazeera channel, the Head of Government, Abdelilah Benkirane, literally said that there are “crocodiles and ghosts” in the political system of the country; they block democratic progress.⁴⁰

The monarch’s entourage - the monarch *himself* aside - is very much seen to be the stuff of “crocodiles and ghosts” the current Head of Government, Benkirane, speaks about. This issue of political power affects all sectors of life, which the protesters want to see improving, starting with the economic sector in which the royal holding ONA-SNI plays a significant role. While the national economy, in light of the international financial crisis, seems in deep difficulties, the royal holding has made immense gains in the last few years - at a time when the prices of oil and some daily products have increased gradually but steadily. This fact has been read as another example of the failure to introduce fiscal and monetary reforms that hold the major stakeholders accountable.⁴¹

Critical constitutionalists and political analysts support the claim that the monarch’s super-activism and his visibility in the Moroccan socio-political and economic reforms which he initiates, and which are constantly in the public media, make the government appear inactive and unable to take initiatives to implement the democratic spirit of the new constitution. For example, recently, when the first government fell apart, and took about six months to form a new coalition, the king was immensely active, inside and outside the country. For political commentators, this is an image that gives the impression that without the monarchical institution, political life in the country would be paralyzed.⁴²

According to a number of views, the king does not respect the limited boundaries imposed on his powers by the new constitutional framework. As an example, only few days before the appointment of the first elected government in 2011, the king ignored a constitutional decree by directly appointing ambassadors without waiting for a list of proposals from the Head of Government as Art. 49 stipulates. On 20 August 2013, the king gave a speech in which he shed light on the difficulties faced by the sector of education, and in which he considered this sector a “strategic” one, while the constitution considers such a sector a “public” one. Moving it from a “public” to a “strategic” sector means, according to Omar Bendoro, that the monarchy is trying to

⁴⁰ Abdelilah Benkirane interviewed by Abdessamad Nasser, “Change in Morocco” [in Arabic], in *Aljazeera TV*, 8 December 2011, <http://www.aljazeera.net/programs/pages/f5d1281d-3c3c-4b13-b392-d3e4f9ea4b4c>; Mohamed Belkacem, “Benkirane: We Respect the King, But We Do Not Agree on Anything” [in Arabic], in *Hespress*, 26 August 2013, <http://hespress.com/permalink/87391.html>.

⁴¹ Yahya el Yahyaoui, “Authority and the Market in Morocco” [in Arabic], in *Aljazeera*, 4 January 2013, <http://www.aljazeera.net/opinions/pages/6F0AEE69-028A-4B56-B527-B19A8EE895E4>; Ali Anouzla, “The Cost of the Moroccan Monarchy” [originally published in Arabic], in *Lakoma*, 28 October 2012, <http://freeanouzla.com/en/the-cost-of-the-moroccan-monarchy-freeanouzla>.

⁴² Mohammed Manar, “On the Second Government Coalition” [video in Arabic], in *Hespress*, 13 October 2013, <http://hespress.com/permalink/91249.html>.

recover parts of the powers and vital sectors it handed over to the Head of Government.⁴³ Furthermore, when civil society organizations, for the first time, went out to the streets to protest against a royal pardon to a Spanish pedophile, Daniel Galvan Viña, who had served less than two years of imprisonment out of thirty for rape committed against eleven children of poor families, the royal cabinet “regretted” - but did not apologize for - the pardon decree, saying that it lacked information on the gravity of the charges against the convict; it finally withdrew its pardon decree, under national and international civil society pressures.⁴⁴ This is considered an example of abusive intervention in judiciary affairs, even though the constitution grants space for royal pardons (Art. 58).

Concluding remarks: Two major challenges, two scenarios

The constitution of July 2011, the sixth in the modern history of the country, can be considered a “transitory constitution” since it still cannot, in its current form, give birth to what Moroccans prefer to call a “parliamentary monarchy” (i.e. “constitutional monarchy”). This constitution is but a step towards that aim. That is why Moroccan exceptionalism cannot always be understood as positive. On the one hand, Morocco has a tradition of a multiparty system, higher levels of personal, associational and trade union-related freedoms compared to other countries in the region. Moreover, the current king seems to have pushed for various reforms in many sectors. That is one face of “Moroccan exceptionalism.” On the other hand, this “transitory constitution” does not make a clear break with the past “failed” and “limited” constitutional attempts; facts from political life corroborate this.

Two main challenges appear unavoidable in Morocco’s political future. The first challenge is for the monarchy to consider, and the second is for the current government led by the moderate Islamist PJD to consider. First, if the monarchy upholds the constitution it has weightily participated in drafting, it will pass the power to the people through their representatives. For the people to feel this *transfer* of power, they have to see actual reforms taking place in this transitory period, otherwise change may take a more radical form. The institutions the new constitution upholds should be allowed to exercise their roles democratically and transparently, without royal or (especially) *makhzen* interference. The rule of law requires accountability, and unaccountable stakeholders endanger a peaceful democratic transition in the country. Moreover, the constitution binds the king, in various articles, as the protector and guarantor of the nation’s stability, sovereignty, rule of law and welfare.

Until now, the king has acted in accordance with his “democratic spirit” by undertaking a number of reform projects. The new constitution continues to allow the king to be active in the sense of initiating projects and holding influential powers, but in the long run - if the constitution were correctly implemented - his activism would be accredited

⁴³ Omar Bendoro, “The Appointment of Head of Government is Unconstitutional” [in Arabic], in *Hespress*, 21 September 2013, <http://hespress.com/permalink/89380.html>.

⁴⁴ Fiona Govan, “King of Morocco to launch investigation into release of Spanish paedophile ‘spy’”, in *The Telegraph*, 4 August 2013, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/morocco/10221443/King-of-Morocco-to-launch-investigation-into-release-of-Spanish-paedophile-spy.html>.

to the constitutional spirit, and not to the king's mere willingness, though the two can coincide. Only then - if they coincide - could one speak of Moroccan exceptionalism in a positive light. Seeing that this is not always easy to realize, a new constitution that clearly freezes the substantial powers of the king is not a far impossibility, especially now that the first coalition government has failed to deliver what the electorate expected from it, and the new coalition of 10 October⁴⁵ does not appear to promise great change either. It indeed seems to have betrayed the "democratic spirit" of the new constitution as it increased the number of ministers who are not accountable to any political parties. Its members are considered as having been appointed by the *makhzen*.⁴⁶ The collapse of the first coalition was anticipated, for the new constitution was considered by many analysts as a superficial aspect of change, a smart move to pacify the protests in the country; authentic change that separates powers and supports the rule of law was absent.⁴⁷ Calls for a new constitution are not new,⁴⁸ and they may increase, particularly now that some critics of the *makhzen* have not hesitated to speak of a "revolution" against corruption, socio-economic injustices and inapplicability of the rule of law.⁴⁹

⁴⁵ The new coalition government has faced many criticisms. For example, the government, led by the PJD, found itself obliged to ally with the National Rally of Independents (*Rassemblement National des Indépendents*, RNI) with which the PJD had strong polemics during the electoral campaign, after the Independence Party withdrew from the first coalition because its new leader Hamid Chabat disagreed especially on the socio-economic politics of the PJD. The RNI's secretary general and former minister of Economy and Finance, Salah Eddine Mezouar, was pictured by the PJD as corrupt, undemocratic, dependent on the monarchy's historical support of the party, and unwilling to promote change in the country. Now the fact that the PJD finds itself obliged to ally with this party to secure a majority in the parliament makes the electorate suspicious of the success of the new coalition. For many, the PJD has already failed since it found itself obliged to work with a party it has always considered as part of the corruption system in the country. Another example of the criticisms voiced at the new coalition government has to do with the number of ministries, which was raised from 30 to 39 at a time when the PJD was calling for reducing ministries and merging them. Finally, the new coalition has welcomed technocrats after the first coalition had tried to politicise the government cabinet by having only politicised ministers and not technocrats who at the end of their mandate may not be accountable for their achievements. This has been considered by many commentators as a big step backward compared to the first coalition, also taking the seemingly promising 2011 Constitution into account. Some have hinted again at the "deep state" (the *makhzen*) and its role in orchestrating the second coalition in which the PJD has lost some important ministries, such as the foreign ministry which is now led by the RNI. On top of that, the two rival parties have different political and economic programs and now that the government has only two years and few months to go before the end of its mandate, it is unlikely that the main coalition parties will manage to find a common platform to deliver in terms of concrete policies.

⁴⁶ Ahmed Dgharni, "The Government of 10 October between Security Agents and Parties" [in Arabic], in *Hespress*, 12 October 2013, <http://hespress.com/permalink/91190.html>.

⁴⁷ Abdelilah Belkeziz, "Morocco and Democratic Transition: A Reading in the Moroccan New Constitution, Its Circumstances and Consequences" [in Arabic], in *Al-Mustaqbal Al-Arabi*, No. 392 (October 2011), p. 34-59, http://www.caus.org.lb/PDF/EmagazineArticles/mustaqbal_392_abed%20ilah%20blkaziz%2034-59.pdf; Driss Jindari, "Constitutional Reform in Morocco and the Question of the Civil State" [in Arabic], in *Al-Hiwar al-Mutamaddin*, No. 3378 (27 May 2011), <http://www.ahewar.org/debat/show.art.asp?aid=260767>; Arab Center for Research and Policy Studies, "Morocco after the Legislative Elections" in *ACRPS Assessment Reports*, 26 December 2011, <http://english.dohainstitute.org/release/e43961a0-dc20-41ac-8899-bce7236fd996>.

⁴⁸ Mohamed Raji, "The Moroccan Association for Human Rights Calls for a New Constitution" [in Arabic], in *Hespress*, 19 January 2013, <http://hespress.com/permalink/70693.html>.

⁴⁹ Anouzla says "The revolution is the solution, and it is doubtlessly on its way". Cf. Ali Anouzla, "The Cost of the Moroccan Monarchy", cit.

The second challenge is one the government faces. The first government coalition, led by the Islamists, failed. While the first experience in ruling the country was haunted by “crocodiles and ghosts”, as Benkirane put it, and was aborted, the Islamists leading the second coalition government have immense challenges to tackle. They have to stabilize the country socio-economically and push for laws that translate the constitutional promises into implemented policies, especially to combat corruption and revise fiscal policies to encourage investment and create jobs to tackle the high unemployment rates. Standing up to the monopoly of the economy held by influential holdings, with the monarchy in the lead, can be a test for the work of the councils against corruption called for by the constitution. The government can also test its freedom from the control of the *makhzen* by stepping down if its powers are overruled. If that happens, the citizens will see that there is a will for change, despite the difficulties. If these attempts from the government - especially the PJD - fail, it is not unlikely that the “coming revolution” Ali Anouzla speaks of could take place at any moment.

These two main challenges correspond to two possible scenarios: either a serious implementation of the current constitutional content, even though the powers are mostly shared between an elected government and the monarch; or a radical move towards a constitutional monarchy, which means a new constitution that clearly curbs the powers of the monarch and makes of him a symbolic figure, even though the current king enjoys high popularity for his seemingly democratic and reformist spirit. For now, I think that the first scenario is the most likely, despite its inability to speed up reforms, for the various internal reasons described above, and also for external reasons that should be born in mind. Regionally, the Arab Spring in general is facing a deadlock; the situation in Tunisia, Egypt, Libya and Syria amply demonstrates its current predicament. The Islamists are not fully trusted even in the region by various political stakeholders, and thus the Moroccan moderate Islamists may be affected by this regional trend of suspicion and fear. So, the king’s leadership seems a safe card that can be, and is already being, used as a force for unity and the protection of peace and territorial sovereignty. Internationally, the unresolved question of Western Sahara and the threat of terrorist movements in parts of the Maghreb and Sub-Saharan Africa make stability in Morocco a strategic priority for the country itself and also for its allies, the US and especially the EU. That is why reforms in Morocco under the leadership of the king are often praised by the EU, especially France and Spain, its major partners.⁵⁰ Trust in Moroccan stability is further supported by recent loans offered by the World Bank to the current government.⁵¹ At the same time, Morocco was offered large loans also from the Gulf monarchies and Emirates, which was read by some as a sign that the monarchies club would support only slow changes; quick change in Morocco might also influence change in the Gulf monarchies that are not directly affected by the Arab

⁵⁰ European Commission, *EU Announces Further Support for Economic Development and Elimination of Social Inequality in Morocco*, 29 August 2013, http://europa.eu/rapid/press-release_IP-13-795_en.htm; US State Department, *Transition and Reform in Morocco*, 19 May 2011, <http://www.state.gov/r/pa/prs/ps/2011/05/163827.htm>; “Hillary Clinton’ Supports Morocco’s Democratic Reforms”, in *Rue20*, 26 February 2012, <http://rue20.com/english/?p=1664>.

⁵¹ World Bank, *World Bank Approves US\$200 million to Promote Transparency and Accountability reforms in Morocco*, 29 October 2013, <http://www.worldbank.org/en/news/press-release/2013/10/29/world-bank-approves-us200-million-to-promote-transparency-and-accountability-reforms-in-morocco>.

Spring.⁵² This adds to the delicateness of Moroccan exceptionalism. If peaceful but remarkably gradual change fails, the second scenario is likely to prevail in the short-to-medium-term. Hence, while Moroccan exceptionalism boasts of stability, a promising constitution and reform projects that aim at democratizing the state political system, the degrading status of the rule of law and the high discrepancy in welfare distribution in the country are major challenges that weaken such exceptionalism in the region. Exceptionalism is only a phase in the political life of a changing country; it has yet to face big challenges to consolidate its positive side.

Updated: 10 December 2013

⁵² Samia Errazzouki, "A Monarchical Affair: From Morocco to the Arabian Peninsula", in *Jadaliyya*, 10 April 2012, http://www.jadaliyya.com/pages/index/4980/a-monarchical-affair_from-morocco-to-the-arabian-p.



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