

CONFERENCE

POWER SHARING IN THE MIDDLE EAST

IMES-GIGA, DECEMBER 5-6, 2013, HAMBURG

THE MOROCCAN EXPERIENCE

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First of all, I would like to extend my gratitude to Prof. Dr. Henner Fürtig, Director of the Institute of Middle East Studies (IMES) under the "German Institute for Global and Area Studies," for giving me the privilege to take part to this important conference.

Before I begin my communication, I want to emphasize that power sharing is a process that follows a situation of conflict, which is not the case of Morocco. The Moroccan experience that I propose to share with you today fits much more within the ongoing democratic transition, through reference to key reforms undertaken by the Kingdom and to the new prospects opened by the July 2011 Constitution.

The Arab Spring has been the cause of major social and political changes in some countries of the MENA region, except in Morocco. The latter has shown great proactivity through the new Constitution of July 2011, which reinforces the Kingdom' democratic options. The Constitution open up promising prospects for the country, but raises some key challenges especially in terms of operationalization of reforms induced by this important shift.

Morocco's particularity is supported by a rich experience of three decades of reforms in several areas and whose momentum has been accelerated since the accession of His Majesty Mohammed VI to the Throne.

1) Bold reforms which devote the Kingdom's democratic transition

The Equity and Reconciliation Commission (2004)

Morocco has initiated a national reconciliation process, supported by political parties, trade unions and civil society in order to exhume the past to better prepare the future.

Essential element for the establishment of a democratic transition, this process is materialized through the establishment in 2004 of the Equity and Reconciliation Commission, a National Commission for Truth which permits to collect, through public hearings, testimony from Human Rights' victims of abuse and violation since the country's independence, and to proceed to their compensation.

Moudawana's Reform (2004)

The women's status enhancement and the redefinition of marital relations towards greater equality and equity, thanks to Family Code reform in 2004, represented a real breakthrough that helped democratize intra-family relationships. However, this social reform faces difficulties in its implementation, due to the slow change in attitudes.

The National Initiative for Human Development (2005)

The human development challenge is rightly regarded as a project of Reign, with the aim to fight poverty, social exclusion and the security drifts it would generate. In this regard, a report, entitled "Fifty years of human development in Morocco: Perspectives to 2025", to which took part up to hundred researchers from various political background, was achieved within the framework of fifty years of Independence. This report enabled to identify human development trends and the Gordian nodes of human development. In parallel to this work, the authorities launched the National Initiative for Human Development which is part of a global vision of development, with the aim of inserting Man at the heart of public policies.

Towards the recognition of cultural diversity

A major change occurred in terms of policy of identity with the transition from a unitary paradigm to a paradigm of diversity. Ajdir's Royal Speech, on October 2001, announced the policy of identity' shift and consecrated important principles, such as the plural character of the Moroccan identity, cultural and linguistic heritage as foundations of national unity and especially the promotion of Amazigh culture through the creation of the Royal Institute of Amazigh Culture. The 2011 Constitution will consecrate the diversity of the Moroccan identity at the heart of which the Amazigh culture is placed as a common heritage.

The advanced regionalization

This project follows the decentralization process initiated since the country's independence of Morocco, strengthened by the constitutional reform of 1996, which has elevated the status of region to the level of a local authority, with the adoption in 1999 of a new concept of authority and administration and by appointment in 2002 of Governors managers, planners and developers.

The regionalization project aims to establish a regional Moroccan model, based on regions that are "economically and geographically complementary and socially and culturally harmonious." This is a bet on the future and a step further in terms of territorial organization, redistribution of power, competencies and prerogatives between the state and the regions. It is therefore a strategic breakthrough that opens up promising prospects in terms of development and local democracy in democratic and supportive Morocco, open to the world and enhancing its diversity.

The 2011 Constitution has blessed this new approach by envisaging in particular the election of regional councils through direct universal suffrage, the allocation to the presidents of regional councils the power to implement boards decisions, instead of governors, as well as the redesigning of the composition and powers of the House of Councilors in the sense of enhancing its territorial representativeness of the regions.

This reform's implementation raises major challenges in terms of capacity building of local actors, institutional upgrading and appropriate mechanisms' design to ensure an equitable reallocation of resources among regions.

2) The progress brought by the July 2011 Constitution

Based on the sacred values which are subject of a national consensus (Islam, Monarchy, national unity, territorial integrity, democratic choices), the 2011 global institutional reform was based on six fundamental principles, namely:

- The constitutional recognition of the diversity of the Moroccan identity at the heart of which the Amazigh culture is placed as a common heritage
- The consolidation of the rule of law and institutions
- The strengthening of prerogatives of the Head of Government
- The consolidation of the role of political parties as part of an effective pluralism
- The public life moralization
- The constitutionalization of the bodies in charge of good governance, human rights and freedoms protection :

- ✓ The National Human Rights Council
- ✓ The National Authority for Probity and the Fight against Corruption
- ✓ The Competition Council
- ✓ High Authority of Audiovisual Communication
- ✓ The Mediator Institution
- ✓ The Council of the Moroccan Community Abroad
- ✓ The Authority for Equality and the Fight Against all Forms of Discrimination

More specifically, the 2011 constitution provides six major ruptures:

- Strengthening of transparency, through a better clarification of the mechanisms and roles of different institutions in charge of managing public affairs.
- The official recognition of the national identity's diversity and its many confluences (Amazigh as an official language, recognition of the Hebrew component of the Moroccan identity...). This would enable to strengthen national unity and represents a guarantee of stability which permits to contain the risk of identity or regionalist tensions.
- Reinforcement of legislative power. Thus, the constitution's first article associates, for the first time, the "Parliamentary" adjective to the Moroccan Monarchy attributes. Parliament monitors and evaluates public action with a preeminence of the First Chamber in terms of submission of draft laws, Government investiture and vote related to the motion to revoke the executive. The Constitution also provides a greater scope of action to the Parliament which evaluates public policies, as well as expanding the opposition rights.
- A new Executive arrangement through redistribution of powers between the Head of State incarnated by His Majesty the King and the Head of Government, coming from the elections.
 - The King is the supreme arbiter between the institutions, the nation unity symbol and the guarantor of the State perpetuation and continuity. Three areas are still reserved, almost exclusively, to the Monarchy: the religious, military and the international relations field.
 - The Head of Government (Former Prime Minister) is now necessarily appointed from the political party that won the elections. He becomes a real Chief of the Executive and sees his responsibilities expanded. Indeed, he defines the general policy of the State, appoints civil jobs in public administrations and senior positions in public institutions and national companies and can ask the Head of State to terminate the appointment of one or several members of the Government.

- Strengthening the balance between the executive, legislative and judiciary powers as well as the consolidation of the independence of Justice. Indeed, the judges' status will henceforth be under an organic law and the new High Council of Judicial Power will henceforth no longer be chaired by the Minister of Justice.
- The enhancement of civil and political liberties, in particular:
 - ✓ Recognition of the civil society as an important actor who is endorsed with the right to undertake legislative initiative and control through motions and petitions.
 - ✓ The exception of unconstitutionality that allows individuals to challenge legal action that would not comply with fundamental rights and freedoms as guaranteed by the Constitution.

The new Constitution's operationalization would be essential for Morocco to face some challenges, including:

- Close the gap in terms of Organic Laws' conception to accelerate the new Constitution's implementation. Two years since the adoption of the Constitution, only four organic laws among almost twenty were adopted. For this purpose, it is necessary to mobilize all the nation forces, in their great diversity, to contribute to the organic laws' development so they are not the emanation of an exclusive interpretation of the constitution.
- Ensure greater ownership of the Constitution new provisions by public actors, by promoting the development of new reflexes and attitudes. Communication, vulgarization and training of administration personnel and citizens to the principles supported by the new Constitution would be of great value to achieve this strategic reform for Morocco's future.
- Actively pursue the process of strengthening governance and transparency, by crystallizing the culture of assessment and accountability.
- Mitigate the atomization of the political landscape and strengthen, truly, the role of the opposition in Parliament, as stipulated by the Constitution.

Among Key success factors of the Moroccan experience in terms of accelerating the democratic transition of the Kingdom, we should mention the following:

- The will, at the highest level of the State, to promote Morocco towards a true participatory democracy based on human rights and the values of progress and recognized as such by the international community.
- The adoption of an inclusive approach in terms of reform conception which has been prepared within the framework of advisory committees where all political backgrounds are represented, with, in addition, the effective involvement of various stakeholders (administration, private sector, civil society...). This approach has facilitated the implementation of reforms and reduced to some extent resistance to changes induced by the latter.
- The deliberate choice of political normality within which the citizen will, as expressed through elections, represents the sole channel to power accession. This normality is favored today by the fact that all major political parties have both an experience in the government and the opposition. Furthermore, none of these parties has the right to claim itself of religious reference.