

Morocco's Constitutional Referendum: Context, Content, and Impact

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Brief Analysis

Morocco's proposed constitutional changes, while seemingly modest, will forestall further unrest and potentially pave the way for greater reforms.

On July 1, Moroccans will vote on a slate of constitutional reforms that are surprising for their variety and detail. The new measures -- which are almost certain to be adopted, though perhaps with limited legitimacy if turnout is low -- could eventually alter the country's political landscape.

Context of the Referendum

Morocco has been less affected by the region's recent political turbulence than other countries, but it too has experienced pro-democracy protests and the proliferation of reform groups, particularly among youths. One such group, the Facebook-based "Freedom and Democracy Now" movement, helped initiate the February 20 demonstrations that resulted in attacks on public buildings and banks in fifty-two Moroccan cities, leaving five people dead in al-Hoceima. Although such movements have failed to coalesce around a single political platform or leader -- mostly because of disagreements over whether to abolish the monarchy -- they have nevertheless been gaining momentum. The largest bloc, the self-styled "February 20 Movement," has consistently galvanized support for political reform without calling for an end to the monarchy.

On March 9, in direct response to ongoing protests, King Muhammad VI announced that he had appointed a commission to suggest constitutional reforms. Protests widened after state security forces killed unarmed demonstrator Kamal Amari in Safi on June 2. On June 17, the king announced the proposed reforms and the referendum date.

Content of the Reforms

The measures proposed by the king's commission would amend rather than replace the 1996 constitution, adopted by Muhammad's father after the country's 1992 constitutional referendum (a four-year gap that had much to do with the political climate at the time, marked in part by an assassination attempt against King Hassan II). The most-heralded reform mandates that the prime minister be appointed from the party that wins parliamentary elections and be given authority over the cabinet. Other reforms include giving the judiciary a measure of independence; enshrining the right to free speech and gender equality; recognizing Amazigh, a Berber language, as one of Morocco's official languages; and creating a new Supreme Security Council to monitor corruption.

These proposals, as well as the referendum mechanism itself, are promising because they signal the palace's desire to involve Moroccans in matters of governance. They are also consistent with many of the king's initiatives since he came to power in 1999, such as the Equity and Reconciliation Commission established to resolve human rights

abuses and the family law reforms aimed at bolstering women's and children's rights.

At the same time, however, denigrators of the reforms point out that some of the palace's proposals are presented in an ambiguous manner that would allow the king to retain a wide array of powers. For example, despite the amendment regarding prime-ministerial authority over the cabinet, the king would seemingly retain leadership of the "Council of Ministers" (the cabinet's formal name), leaving him as de facto head of the executive branch. He would also retain the power to appoint the prime minister himself -- albeit from a restricted pool of candidates representing the winning party -- and dismiss ministers. (See the next section for further discussion of these apparent contradictions in the draft constitution).

More broadly, all of the new rights and freedoms will be subject to accordance with law -- that is, they could be modified by law. The king will also head the new Supreme Security Council, which is slated to assume control over domestic and international security in addition to its anticorruption role. As one Moroccan reformer recently observed in a *Guardian* op-ed, even if the referendum passes, the king will retain the power to appoint military and civil service personnel, choose ambassadors, ratify international treaties, address the parliament with no right of reply, dissolve the legislature, approve judicial nominations, and declare a state of emergency. He will also maintain his position as "Commander of the Faithful," the kingdom's Islamic spiritual leader.

Accordingly, opponents of the amendments fear that approving the referendum would delay real progress toward democracy. At present, the opposition comprises the Justice and Charity Party, a loose coalition of unaligned Islamists, and the youth groups that recently formed the February 20 Movement.

Stabilization or Real Reform?

As with most constitutions, much depends on the general framework in which the document is implemented and how particular provisions are interpreted. For example, the amendments do not clarify whether the king or the winning party in parliament will choose the new prime minister following elections, stating only that the post will be filled by a member of said party. Demonstrators for and against the reforms take opposing views on the interpretation of these and many other clauses, creating uncertainty about crucial issues such as who will control the cabinet.

Indeed, the proposed amendments are deliberately vague, likely because the king personally appointed every member of the reform commission that penned the document and did not allow party leaders to see the proposals until a day before he announced them. And as protests continued, the king urged speed, leaving the commission barely three months to make its recommendations. Additionally, the Interior Ministry moved the referendum up from September to July 1, giving Moroccans only days to discuss the draft constitution.

The government is also requiring voters to approve or reject the whole referendum rather than allowing them to weigh in on individual provisions, suggesting that the palace wants to fast-track the reform initiative and worry about the specifics of implementation later. In this manner, the king can show some measure of progress while there is still sufficient support for the enterprise of reform, as opposed to dissolving the monarchy entirely.

Because the people overwhelmingly support the king, many have indicated that his endorsement of the document is sufficient to secure their vote. Yet many opponents of the referendum will likely boycott the vote. In the past, opposition groups have boycotted elections or submitted blank ballots to protest their legitimacy, and prominent opposition leaders have already declared their intention to do so this week.

Given its current approach, the palace's overwhelming motive appears to be political stabilization rather than true reform. As such, a liberal interpretation of the newly adopted articles is unlikely.

The Bright Side

Despite the referendum's clear downsides, two provisions suggest that the reforms just might foster greater liberalization in Morocco. First, the former Constitutional Council is slated to be replaced with a Constitutional Court charged with upholding and protecting the amended charter. Requirements for sending a bill to this court for review will be decreased, making it easier for the body to rule fairly on the constitutionality of draft laws -- much like Egypt's Supreme Constitutional Court did when it was functionally independent. If the king -- who would remain the guarantor of judicial independence -- allows the court to exercise its prerogative in interpreting the new constitution, it could take a similarly liberal stance.

Second, the amendments would give local governments more power. Historically, regimes like Morocco's have used decentralization as a tool to both increase and decrease regional autonomy. If Rabat pairs policy decentralization with fiscal decentralization, this too could create a possible avenue for greater liberalization.

Conclusion

Moroccans will almost certainly vote "yes" on Friday's referendum. Although the constitutional amendments fall well short of the hopes and aspirations of Moroccan opposition groups, they are a good first step. In particular, they could build grassroots support for and engagement with the political reform process, paving the way for more ambitious proposals in the future.

For Washington, the referendum is a win-win. King Mohammed, a longtime moderate U.S. ally and regional peace partner, has consented to begin a process of political reform. To be sure, his decision was a calculated concession intended to stave off revolution, and the gambit will likely succeed, ensuring both the regime and kingdom's stability into the near future. But it will also advance -- albeit incrementally -- the long-overdue goal of real political liberalization in Morocco.

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