

MOROCCO'S UNCERTAIN TRANSITION

*Silvia Colombo**

The parliamentary elections that took place in Morocco on 25th November 2011 could mark the beginning of a new phase in the transition of the country towards greater democracy. In a less eventful and advertised political climate than elsewhere in North Africa, Moroccans were asked to cast their vote choosing their representatives in the 395-seat House of Representatives. Thus, these elections did not attract the same international attention that was given to the Tunisian elections of last October and the first round of the Egyptian consultations. Nevertheless, they are significant in pointing at where the country is heading after nine months from the eruption of popular protests in the kingdom.

The protesters were confronted from the very beginning with the activism of the monarchy that quickly pledged and led the process of reform in a top-down manner, thus effectively undermining their influence. Now with the emergence of a sort of revolutionary fatigue throughout the Mediterranean region and with the first Islamist victories triggering alarmist comments among both the Arab and the western publics, the electoral process in Morocco has been first and foremost a test of whether the population continues to have faith in the monarchy and its approach to gradual reforms. The net result is rather confused and uncertain, with certain elements that can be produced as evidence of the exceptionalism of the country in the region. These elements pertain both to the institutional framework that characterises the political arena in Morocco and to the actors that play a role in it. In order to understand where the country is heading and possibly to foresee the next steps in the transition, it is important to analyse these endogenous elements. This does not mean that other factors or exogenous dynamics, such as the anchoring effect of the European Union's conditionality, could not become significant or even prevail in the medium-to-long term.

The Institutional Framework

The elections in Morocco could be regarded as the intermediate point of arrival of the accelerated process of reform sponsored by King Mohammed VI in the determined attempt to quell protests. It is important to remember that popular dissent has never targeted the monarchy, which still enjoys substantial legitimacy among the Moroccan population. From its privileged position the monarchy has launched a programme of reforms that has culminated in the amended constitution voted in

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the popular referendum of 1st July 2011. The referendum itself could be regarded as the first test for the monarchy in a moment of turmoil and change. The overwhelming approval of the new constitution by 98 percent of the voters seems to have encouraged the king to move on with the reform package aimed at introducing gradual reforms with a view to avoiding shocks in Moroccan society.

In this light, it is understandable why the amended constitution, while marginally increasing the power of the Parliament and the Prime Minister, still entrusts broad governing powers in the hands of the king. At the moment of writing it is still too early to assess whether this situation could be effectively reversed in the future as a result of the strengthening of the counter-balancing role of the elected institution in the face of the king. The extent to which the political parties are going to take the opportunity to increase their power given the new institutional constraints and opportunities is also still not clear.

What is clear is that another feature of the institutional set-up of the Moroccan political system has undergone only minimal transformation in the last few months. Initially drafted by the Ministry of the Interior and then deliberated in closed-door consultations only involving party leaders and not civil society representatives, the electoral law issued in October 2011 has failed to redress the main weaknesses enshrined in the previous electoral rules. In particular, disproportionate districting and proportional representation have remained in place, thus continuing to preclude any single party from getting a sizable majority and encouraging the fragmentation of the Parliamentary Assembly. Only through the radical change of the electoral law in the direction of a majority system could one expect a certain degree of rationalisation of the party system that today is still constituted by over 30 political parties, some of which have never really succeeded in playing a meaningful political role.

Focusing on strictly institutional aspects should not obliterate the fact that one of the main problems hindering the functioning of the political system in Morocco and negatively impacting on the lives of thousands, if not millions, of citizens is represented by the high levels of corruption, the absence of rule of law and the shortcomings of the judiciary system. On these aspects, the new constitution does not show much progress despite the emphasis on the need to increase the independence of the judiciary at the declaratory level. In fact, it is not simply the lack of independence that tarnishes the exercise of justice in Morocco, but also, more profoundly, the absence of intermediate organisations and of clear boundaries defining what is allowed and what is not. The greatest challenge from now on will be one that any political system that defines itself as democratic has continuously had to face: to create the necessary mechanisms to protect individual and collective rights and to effectively punish offenders.

The Actors

While the monarchy has depended on the elections to garner the support it needs to carry on with its reform programme, more than the election results, in itself full of meaning in light of the landslide victory of the moderate Islamist Justice and Development Party, it is the voter turnout that represents the real indicator of whether people have chosen to give the king the benefit of the doubt. With 45 percent voter turnout, it appears that despite the lack of credibility of the political parties in a system where patronage and co-optation have always been the main features within the government coalition as well as the opposition, people have only mildly responded to the monarchy's pledge to introduce real change and not just cosmetic brushes. However, this might not be enough and certainly cannot be regarded as a victory for what is still the main arbiter of politics in the country. This appears even more vividly if one considers that the percentage of registered voters has actually decreased from 15.5 million in 2007 – the elections in which the lowest voter turnout ever was registered – to 13.5 million. Furthermore, another disturbing factor is the high number of spoiled ballots – in some polling stations up to 30 percent of the total number of ballots cast, another sign of distrust towards the present situation.

The victory of the Islamist Party may have come as a surprise, and a concern, to many who had not predicted it.¹ The extent to which it represents a departure from the past can only be assessed in the coming weeks and months. There is evidence to doubt that this would mark a radical change in the consolidated habit of having docile and co-opted parties both in the government and the opposition. In many respects this could also be regarded as a victory for the monarchy that has subtly bred this moderate party as the lesser evil against more radical political groups both in the Islamist and the secular camps. The palace has indeed often played the various parties and movements against one another to consolidate its position and weaken any form of opposition. This is not meant to gloss over the fact that the Moroccan Justice and Development Party – representing a different kind of Islamism compared to Ennahda in Tunisia or the Freedom and Justice Party in Egypt – now has the chance to carve out a more independent role and to try and deliver on some of the concrete policy proposals that it has advanced during the electoral campaign. The fact that on various occasions it has insisted on the need to tackle corruption is a positive sign.

What emerges from these elements is a picture of uncertainty surrounding Morocco's transition towards a more democratic polity. A large share of the population is convinced that meaningful

1. According to a recent survey carried out by the Hudson Institute and published one month ahead of the elections, the Justice and Development Party would only come forth with 9 percent of the vote. See <http://www.hudson-ny.org/2536/moroccan-exceptionalism>

change will not come from the king. At the same time, Moroccans are not prepared to go down the path of revolution, risking further uncertainty and instability. Thus, it is not clear whether Morocco will be “the Arab Spring great success or great failure.”² The next few months will be decisive to consolidate the Moroccan transition: it is now each and every one’s responsibility – not just the monarchy’s – to advance proposals and to embrace the change.

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2. See <http://www.theatlantic.com/international/archive/2011/07/will-morocco-be-the-arab-springs-great-success-or-great-failure/241286/>
