Is there a Conflict between Security and Democracy in Morocco?

ABSTRACT This article explores the relationship between security and democracy in Morocco. It discusses the state’s behavior towards the popular uprisings, how it responds to the social movements demands, and how it manages the security unrests. Throughout, the discussion throws a light on the democratization process of the security sector, in particular, and on the trajectory of democratic transition in the kingdom, in general. KEYWORDS security, securitization, democracy, authoritarianism, political transition, popular uprisings

CONCEPTUAL CONTEXT

There is no doubt that the essential factor for the Arab transition from authoritarian to democratic rule is the establishment of democratic civil–military relations, which should protect and promote democratic processes as well as other aspects of political transition, namely electoral engineering, constitutional reforms, administrative governance, and judicial reforms (Droz Vincent 2013, 713). As an area of study, civil-military relations are generally concerned with the relationship between the military and the civilian authorities, or, in a broader sense, between the military and society as a whole. Most analyses in this field subscribe to the normative assumption that civilian (and democratic) control of the military is preferable to the absence of such control. In other words, the military should be subject and accountable to the (democratically elected) civilian authorities, whereas the latter should be free from interference by the military in exercising political power (Lutterbeck 2011, 10).

The most extensive literature on such a topic is that provided by the American community. Two main schools of thought, represented by Samuel Huntington, on the one hand, and Morris Janowitz, on the other, can be
distinguished in this context. According to Huntington, the development of a distinct form of “military professionalism” is the best way to ensure civilian control of the military. Focusing, in particular, on the officer corps, Huntington has argued that military professionalism implies a specific expertise in the use of force, a primary responsibility within the state for military functions and the existence of a bureaucratic military organization with its own internal hierarchy and rules of advancement. If the officer corps is recognized by the state and society as a distinct body of experts, which is seen as competent and primarily responsible for military tasks, and which is free from direct interference from the civilian world, the military would, according to him, be willing to submit itself to the civilian authorities. In other words, it is through the development of a distinct and relatively independent professional category of soldier and officer, and thus of military professionalism, that the military will become politically neutral (Lutterbeck 2011, 10).

While Huntington views the ideal military as one subordinate to but separate from the state, Janowitz focuses much more on issues such as the representativeness of the army and its internal role in the state. According to him, the best way to make sure the military remains responsive to the demands of the civilian authorities is to encourage mutual exchange and regular interaction between the two domains. This would ensure that the values and expectations of society remain present within the military establishment (Saed and El Kurd 2014, 10). In the same sense, Samuel Finer, who focused on the specific nature of civil-military relations in less developed countries, considers both professionalization and subordination as major criteria of democratic civil–military relations (Saidy 2007, 591).

The models proposed by Huntington, Janowitz, and Finer provided the fundamental principles that most civil–military researches drew from later. Accordingly, Douglas Bland suggested that civil control of the military is managed and maintained through the sharing responsibility for control between civilian leaders and military officers. The theory of shared responsibility suggested by Desch (1999) may be particularly effective in explaining the basis for controlling armed forces by the civil authorities, predicting outcomes, and comparing state systems. It also provides an instrument for organizing civil–military relations in emerging democracies (Bland 1999, 9).

Desh stated further that several problems are faced by civil–military theory: (1) the need for emerging democracies to concentrate on how to manage civil–military relations after the power of the military has been curbed; (2) ensuring that the “armed disciplined body” behaves in ways that safeguard the
state without bringing harm to citizens; and (3) how to protect the military from politicians who would use their authority over it to enhance their power (Bland 1999, 12–13). Desh also builds on Huntington’s original hypotheses concerning external security and its role in the military’s development. He concludes that internal threats, unlike external ones, are political by nature; therefore, the military is compelled to make political decisions about which side to take (Saed and El Kurd 2014, 13).

Turning to the Middle East and North Africa (MENA) more specifically, it can be noted that the 1960s and 1970s witnessed the emergence of a significant body of literature on the political influence of the military in Middle Eastern states. Given the frequency of military coups and other forms of military intervention into politics in the countries of the region, academic interest in the topic is, of course, hardly surprising. Key themes in this earlier literature were the nature and patterns of military coups, the social background and outlook of the military officers who took power in these states, and the nature of the military-dominated regimes which resulted from military interventions into politics. When it comes to the characteristics of military-based regimes in the MENA, a commonly referred to distinction has been that between military “ruler” and “arbiter” regimes, as developed by Amos Perlmutter (Lutterbeck 2011, 11). In the contemporary period, most countries in the region can be described as military “arbiter” regimes where most areas of policymaking are left to governments which are nowadays largely civilianized (even if they are often headed by former military leaders). Nevertheless, the armed forces remain key actors in overseeing the political process from behind the scenes. Moreover, in times of crisis or when core interests are threatened, the military is likely to grab the reins of power and take direct control of political decision-making. Indeed, in relative terms it can be argued that the MENA remains the region where armed forces continue to play the most important role in domestic politics (12).

Overall, however, civil–military relations theory remains undeveloped. The empirical literature is vast and informative, but it has advanced primarily along theoretical lines of analysis laid out by Huntington and Janowitz thirty or forty years ago. Theoretical debates, such as they are, largely recapitulate Huntington’s claims about professionalism or Janowitz’s early critique of Huntington. Despite their prominence, however, neither Huntington nor Janowitz adequately explain the problem of civilian control, and so both became uncertain guides for future study and policymaking (Feaver 1996, 150). In this context, security sector reform (SSR), as a political and technical
process, came to improve state and human security by applying the principles of good governance to the security sector.

The effectiveness and accountability of SSR are strengthened within a framework of democratic civilian control, rule of law, and respect for human rights. Democratic civilian control means that processes for the direction, management, and oversight of security sector institutions are set out by elected or duly appointed civilian authorities within legitimate democratic institutions. Ultimate responsibility for a country’s security decision-making should be in the hands of civilian political leaders, rather than the military, intelligence services, or police. Rule of law is the principle to which all persons and institutions, including the state, are subject—laws that are known publicly, enforced impartially, and consistent with international and national human rights norms and standards. Respect for human rights refers to the universal, inalienable rights inherent to all human beings, often expressed and guaranteed by national law, as well as in international treaties, customary international law, general principles, and other sources of international law. As state agents, security sector institutions are obliged to take positive action to facilitate the enjoyment of basic human rights, protect individuals and groups against human rights abuses, and refrain from interfering with or curtailing the enjoyment of human rights (The Geneva Centre for the Democratic Control of Armed Forces (DCAF) 2017, 5). Yet, the SSR faces many obstacles and challenges, especially in the emerging democracies: police and intelligence organizations may be required to play a key role in protecting the new political dispensation and the rights of citizens, but they can also subvert those rights and undermine or destroy the democratic project (McCartney 2004, 29).

PROCESS OF DEMOCRATIZATION IN MOROCCO

It has been argued that, unlike other Arab countries, the democratization process in Morocco has its own trajectory that dates much further back than the beginning of the Arab Spring. Since the second half of the 1970s, the monarchy has usually kept an open window to accommodate the claims of its opposition, which in turn made significant efforts to engage in a progressive reform process. Undoubtedly, this process of cohabitation, learning, trust-building, and mutual concessions does not seem to be enough to bring about genuine democracy. However, it was largely sufficient to push the country out of the category of authoritarian regimes (El Hachimi 2015, 764).
Throughout its contemporary political history, the kingdom has known many constitutional and institutional reforms. However, these have not led to the establishment of a genuine democracy in the country. Indeed, there have been some positive signals in the political scene, but the road is still too long and difficult to meet the long-awaited hopes of Moroccans and too far to fit the universally recognized standards in the political transitions. Additional to the lack of political will, there has been a longstanding conflict between two opposing strategies of reform: the top-down strategy initiated by the head of state and the bottom-up one led by the opposition forces to broader changes, since the very beginning of the independence.

In the first constitution adopted on 14 December 1962, there were powerful political forces that did not hesitate to oppose the constitution because they believed that the monarchy’s control of the political system was not acceptable. What was known as the National Union of Popular Forces (UNFP) rejected the 1962 constitution based on the democratic principle that it was not the outcome of a constituent assembly but was from the palace. In a similar vein, the Moroccan Communist Party (PCM) and the Democratic Constitutional Party (PCD) opposed the constitution and called for the principle of direct election of a constituent assembly. On the other hand, the conservative nationalist Istiqlal Party, under the leadership of Allal al-Fassi, decided to vote “yes” for the constitution. The Istiqlal Party was joined by the Independent Liberal Party (PLI) and the Popular Movement (MP) to support the referendum. Working closely under the orbit of the monarchical institution, they even declared that Hassan II had the right to draft his own constitution, which was ultimately approved. Regardless of the fraud that may have led to the approval, what we have in this first experience of drafting the constitution is at least the presence of different political positions and different agendas and not a normative political culture in the public sphere (Maghraoui 2011, 684). Similarly, the opposition parties, especially the UNFP, had actively resisted the attempt of the king to extend his centrally controlled rule further and weaken the power of parliament, during the referendum for the adoption of either the 1970 constitution or the 1972 one.

During the 1990s, the country approved two new constitutions in 1992 and 1996. The adoption of the latter came to constitute something of a watershed in Moroccan political history, as it led to a significant step forward in the democratization process (Storm 2007, 55). However, the 1992 constitution did not introduce any changes affecting the tenure of parliament or the nature of parliamentary elections in the country, meaning
that the democratic principle of reasonably competitive elections, devoid of massive fraud, with broad suffrage was still not guaranteed (56). Seeking to secure a smooth monarchical transition, Hassan II proceeded to push for the adoption of a new constitution, but, like the period leading up to the adoption of the previous one, the process of formulating the 1996 constitution did not take the form of a formal dialogue between the king and the political parties. Rather, Hassan II announced in a royal discourse in which they gave their response to the king’s proposition (72). Regardless of the negatives of such a top-down approach, the 1996 constitution introduced significant changes affecting the character of parliamentary elections in the country. With the creation of a two-house parliament, Moroccan governments would once again be formed based on the strength of the political parties in the House of Representatives, a house which was elected via direct elections. In the period between 1970 and the adoption of the 1996 constitution, this had not been the case, as governments were formed based on the strength of the political parties in parliament, which was composed of both directly and indirectly elected members (74). Note that it was the first time the UNFP voted in favor of this amended constitution pending the formation of the Alternance Government, headed by Abdu Rahman al-Yousfi in March 1998, given that the party had won one-third of the parliamentary seats in the 1997 elections (Belkeziz 2012, 29), through which the mission was the conception, creation, and implementation of the conditions for a representative democracy.

In addition to the constitutional amendments, reforms enacted by Hassan II fell into four broad categories: improved respect for human rights; a limited increase in the power of parliament; enhanced opportunities for political participation by parties and civil society; and some attempts to curb corruption. Most of Hassan’s initiatives were aimed at improving Morocco’s record on human rights. They included the formation of a human rights council, the Conseil Consultatif des Droits de l’Homme (CCDH), and later of the Ministry for Human Rights; the release of some political prisoners; the reform of laws on preventive detention and public demonstrations; the ratification of major international human rights conventions; and the formation of a special committee to investigate forced disappearances. Although important as signals of a new openness on the part of the government, these steps were limited in scope (Ottaway and Riley 2006, 51).

Since his rise to the throne, Mohammed VI made several tentative moves towards the establishment of democracy in the kingdom. He launched important national initiatives and sent powerful political signals that have
extended into various political, human rights, social, economic, and other spheres. This was done with a new concept of authority, one which strengthens the exercise of authority in accordance with the rule of law, guarantees of oversight and responsibility for accountability.

In August 1999, he set up the Independent Arbitration Commission to address and compensate victims of enforced disappearance and arbitrary detention. Its action was a major step in the process of transitional justice in the country, pursued in 2004 by the Equity and Reconciliation Commission (ERC). The establishment of a Justice and Reconciliation Commission is a national commission entrusted with embedding the Moroccan experience of transitional justice. This issue was specifically connected to revealing the truth about the enormous human rights violations against political and rights defenders and activists since the start of independence in 1956 until the summer of 1999. These violations comprised the particular focus of the commission: forced disappearances and arbitrary arrests which were types of civil and political rights violations characterized by their intense and systematic nature. The commission provided reparations, according to the principles of transitional justice, whether the matter related to compensation for harm to an individual or a group. With regard to this important area of work on rights, it is worth mentioning that the United Nations (UN) Secretary-General cited Morocco as one of the five primary examples from over thirty in the world in his August 2004 report to the Security Council on the rule of law and transitional justice in conflict and post-conflict societies (Al-Akhssassi 2017, 488). The ERC submitted its final report in November 2005 and recommended a series of reforms proposed by numerous civic actors in consultation with the commission. To prevent repeated abuses, the report recommends:

- the habilitation, clarification and publication of the regulations and laws related to the prerogatives, the organization, and decision-making process in the sectors of security, and means of intervention during operations and supervision and assessment of all parties having the power to resort to public force.

(Linn 2011, 10)

The views about this commission were quite controversial. Its supporters took account of three points:

- They considered that the Moroccan judicial system’s lack of independence precluded the holding of fair trials in the short term.
They bet that a process of transitional justice would shed light on the crimes of the past and further the process of democratization. From their point of view, the commission had to help leverage the democratic transformation of Moroccan society.

They believed that a process of transitional justice would result in time in the mobilization of civil society, a new balance between the country’s political forces, and the introduction of sweeping institutional reform conferring true independence on the judiciary and paving the way for penal prosecutions. They wagered that a truth commission would stir civil society to act and reconfigure the political environment, suddenly making previously unimaginable activities possible. Their arguments were based, in particular, on the Argentine precedent, where the laws of amnesty had been recently abrogated and judicial proceedings undertaken. What counted most for them was not punishment of the guilty, but the transition from an authoritarian regime to a constitutional monarchy (Hazan 2008, 404).

On the other hand, many commentators consider the ERC as just a continuation of the Moroccan regime’s management in the field of human rights (Vairel 2008, 233). The commission’s opponents raised the following:

- They deemed it unacceptable that transitional justice should serve as a pretext, with the blessing of some of the former victims, if not to exonerate, at least to spare from all punishment, those who had run the apparatus of repression. They saw the commission as a veiled attempt to rehabilitate, to confer impunity on the repression’s leaders and their underlings.

- They denounced the operation as a political whitewash by the palace at a time when those responsible for years of repression still held key positions in the army and police forces.

- They also denounced the fact that human rights continued to be violated, in particular within the context of the “anti-terrorist struggle” which was launched after the Casablanca attacks in 2003 and that led to the arrest of three thousand Islamists under a law adopted in the heat of the moment (Hazan 2008, 405). Because of the absence of sanctions and punishment, human rights and freedoms continued to be severely restricted and repeatedly violated in the country, particularly when it came to the freedom of peaceful assembly and the right to protest against the government in public
places. Such obvious shortcomings would not pave the way to establishing the rule of law, preventing repeated abuses, fostering a human rights culture, and, above all, promoting the reconciliation and the democratization process in the kingdom, in general.

The last amended Constitution met with a high level of popular support in the referendum of 1 July 2011 and enjoyed the approval of the most prominent and largest political parties in the country. Generally, there are two opposing readings of the new constitutional text. The first is a political–partisan reading with a radical approach to the problems of public affairs, at the forefront of which is the constitutional issue. This political–partisan reading is based on several of the new constitutional requirements. Of course, these come under the series of democratic changes of which the new constitutional reform is one of the decisive points and accumulative links. The negative assessment of the requirements is based on the fact that the new constitutional structure has cemented the hegemony of the royal institution over other constitutional institutions. That is due to the formational, legislative, and institutional powers as well as religious with which it has been granted. Moreover, the country’s entry into the comprehensive global system of human rights was bound by the principle of harmonization with the national legal system. The initiative for constitutional amendment was restricted through the monopoly of the “formational authority,” and it was this monopoly that paved the way for “powers to act freely” in the texts of the constitution. This hypothesis suggests that the method and content of the constitutional reform had not been liberated from the logic of “authoritarian continuity”, nor did they depart from its autocratic fixtures (Al-Akhssassi 2017, 488). Yet, an objective assessment of this pattern of radical rejection of a constitution that impairs the country’s social and political balances demands correlation of this rejection with the legacy of the Moroccan democratic struggle on the consideration that it represents an early precursor to a new upcoming phase of constitutional reform, or, one might say, the completion of a phase that will ultimately arrive at a parliamentary monarchy (Belkeziz 2012, 32).

In fact, the most important gains and rights included in this constitution are those pertaining to public freedoms, human, and democratic rights that are, unfortunately, almost insignificant when it comes to the discussion of democracy, the rule of law, and institutional arrangements at the forefront of which are the rights of the opposition. Chapter II of this amended
constitutional text is dedicated to fundamental freedoms and rights, formerly mentioned in the previous constitution, or which are spelled out with clarity for the first time—including rights of the opposition, freedom of assembly, mass meetings, peaceful demonstration, as well as the prohibition of the practice of torture, arbitrary or secret arrest, forced disappearance, etc. The amended constitution specified that the state “is committed to subscribe to the principles, rights and obligations enunciated in international charters and conventions, and affirms its commitment to abide by human rights such as they are universally recognized.” However, the respect for and commitment to abide by international law is conditional on its being in conformity with the articles of the constitution, the laws of the country, and its deep-rooted national identity (Belkeziz 2012, 45).

All things considered, the course of democratic change in Morocco has not reached its complete potential or full extent. This is despite the gains achieved on political, constitutional, institutional, and rights issues. Morocco has not yet obtained its full membership of the global democratic club. Rather, it requires further action on reform and democratic implementation before it is entitled to join this club. Perhaps it is the difficult and lengthy birth of democracy in an emerging country such as Morocco that has prompted some social observers to describe the current political–institutional situation in Morocco as being “in between democracy and autocracy.” There is no doubt that the ongoing process of democratic change has unraveled immense and intensifying challenges, thus calling into question the country’s future (Al-Akhssassi 2017, 500).

IS THERE A CONFLICT BETWEEN SECURITY AND DEMOCRACY IN MOROCCO?

Morocco is currently witnessing a transition from the former authoritarian era which was characterized by the conflict between security and freedom to the era of the new concept of authority. The latter is described by reconciling and balancing relations between state and society, normalizing the relationship between the citizen and the police, and rebuilding trust between the people and the security services. This current policy comes in the context of democratizing the security sector in the country, aiming to correct all kinds of state-sponsored violence committed by the judicial police and the intelligence agents during the so-called “Years of Lead” in Morocco. Nowadays, security governance revolves around the idea of security as a human right, as expressed
in the 2011 Constitution, and as the foundation of development (Camps-Febrer 2019, 115).

In this regard, the 2011 Constitution constitutes a decisive turning point toward the constitutionalization of the security governance and its principals. Not only does the new constitution submit the security policies and practices to parliamentary oversight but also it obliges security agents to respect human rights in tune with Morocco’s international obligations in this area (Saidy 2012, 167–68).

For the sake of democratizing the security sector, a Superior Council of Security is created as the instance of coordination concerning the strategies of internal and external security of the country, and of management of crisis situations. This body is also charged with the responsibility of institutionalizing the norms of good security governance. It is presided by the king who can delegate the presidency of a meeting of the council to the head of government based on a specific agenda. In addition to head of government, the Superior Council of Security is composed of: the President of the Chamber of Representatives; the President of the Chamber of Councillors; the President-Delegate of the Superior Council of the Judicial Power; the ministers responsible for the Interior, Foreign Affairs, Justice, and the administration of National Defence, as well as those responsible for administrations competent in security matters; the superior officers of the Royal Armed Forces; and any other prominent person whose presence is useful to the work of the said council.1 Being so, for the first time in the history of Morocco, the constitution has given civilians the opportunity to contribute to the country’s security policymaking, especially since this constitutional body is open to civil and military figures whose presence is useful to the council’s work, such as experts and other specialists, by providing reports or advice on a particular matter that is under consideration by the council (Choucair 2016, 178).

Undoubtedly, this council will contribute to informing the deputies on the course of security matters and control its conduct via the following: the President of the House of Representatives participates in the Security Council meetings as a representative of the nation; the membership of the President of the Council of Advisers will allow her/him to be informed about different security issues that will be presented to the council; and the parliamentary committees can discuss the budget of the General Directorate of

1. See Article No. 54 of the 2011 Moroccan Constitution.
National Security as well as question security officials or their representatives in the executive branch, headed by the president of the government (Choucair 2016, 203–04).

In response to the recommendations of the ERC, the Directorate-General for National Security prepared a Code of Conduct for security officers as a guiding reference for promoting and strengthening the culture of human rights in the police function, and as a practical guide for good practices in law enforcement. The General Directorate aims, through this code, to build an active community policing, or what is called “community-oriented policing,” based on creating different interactions and partnerships with other governmental and non-governmental agencies in the community. Such a strategy of policing is in contrast to reactive policing strategies predominant in the past, but is inspired by the Code of Conduct for International Law Enforcement Officials adopted by the UN General Assembly in 1979. According to the first article, the purpose of this code is to ensure the effectiveness of security as a public service, consolidate the new concept of power, and strengthen the principles of good governance in the country. Note that the text of this code adopted specific terms such as “prohibit,” “must,” and “shall not” that refer to certain fundamental overriding principles of law, that security agents have to respect so as to prevent bad practices when performing their duties. The fourth section of the code is devoted to control mechanisms and professional ethics that should be governed when restoring public order. Thus, the administrative authorities are authorized to assess the extent to which security personnel, who work under their command, respect the standards of social and ethical conduct and all other disciplinary actions. The General Inspectorate for National Security is also authorized to exercise administrative control, internal inspection, and verify the extent to which the staff complies with the established rules of conduct. Judicial control can also be exercised, according to Article 28, over judicial police officers when performing their functions related to the judicial investigations (Chami 2014, 31–32).

In the same regard, the Royal Police Institute provides 123 hours of human rights education, and organizes various study days and training courses. This program includes the principles of International Human Rights and the UN organizations, the UN special procedures, the constitutional

2. The second article of the Code of Conduct for Law Enforcement Officials (CCLEO) adopted by the General Assembly of the United Nations in its resolution rights of all persons 34/169 of December 17, 1979, stipulated that “In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.”
framework of freedoms and rights in Morocco, as well as the cooperation of the security services with civil society organizations. The second item of this training program concerns human rights-based policing, such as freedom restricting measures and the preventive mechanisms against torture and other cruel, inhuman or degrading treatment or punishment, and so on (14).

Since effective communication with community actors is a key factor for the exercise of democratic control over the security sector, the General-Directorate created, in 2008, a central communications unit that would ensure communication with the national and international press, film production companies, public and private radio stations, as well as alternative media. Subsequently, it created, in 2014, regional and provincial units of communication for the sake of institutionalizing and enhancing mutual trust between the police, the media, and society. The General Directorate carried out—in a partnership between the national security, the Ministry of National Education, and civil society organizations—awareness campaigns, mainly based on important community issues that aim to strengthen awareness among students in public schools. The third aspect of this institutional communication is devoted to the social actors in different sectors, especially the professional and environmental ones, in order to identify their safety and security needs (18).

Given the importance of professional ethics in the policing function, the General Directorate of National Security has strengthened the role of the General Inspectorate so as to prevent personal abuses of authority that may prejudice the rights and freedoms of citizens. In this regard, the management note, issued in May 2014, emphasizes the fact that security personnel have to perform their job functions according to sound and consistent ethical principles, and to refrain from committing all kinds of incorrect behavior, such as bribery and corruption. To this end, the note strengthens the mechanisms of internal control of the administrative heads as well as those of the heads of decentralized intelligence services (14).

On the other hand, the ERC, in its conclusion, recommends security governance through various measures, most notably: government responsibility in the area of security; parliamentary oversight; national control on security policies and practices; and providing human rights courses for security officers. The government is corporately responsible for security operations, the maintenance of public order, and the protection of democracy and human rights. Moreover, the ERC obliges this latter to inform the public and parliament of any incidents requiring the intervention of public force and
to give a detailed account of the course of events, of security operations and their results, responsibilities, and any corrective measures to be taken (National Committee on Truth, Equity and Reconciliation (NCTER) 2009b, 84).

With respect to parliamentary oversight through the ERC, it recommends: improving the performance of parliamentary fact-finding committees through the provision of security and legal experts to help them prepare objective and significant reports devoid of political considerations; strengthening the mechanism of questions and direct hearings by parliament as regards responsibility for the maintenance of security and public order; and broadening the parliamentary practice of accountability and hearings to include, in addition to ministers responsible for security and justice, all those directly responsible for security apparatuses and operations of deterrence on the national, regional, and local levels. In order to ensure transparency and accountability in the operations of the security services, the commission called for the creation of a legal framework and relevant regulatory texts relating to the prerogatives and regulation of the process of taking security decisions, as well as the means of intervention during operations (84).

Concerning the national control on security policies and practices, the commission called for the description and classification of security crisis scenarios, the conditions and technologies for appropriate intervention for each, as well as the methods of supervision and the drawing up of reports for security interventions. In the same context, the political supervision of security operations and the maintenance of public order should be made immediate and transparent by publishing reports about security operations, the losses that resulted, the causes for these losses, and the corrective procedures that may be taken (85).

On the other hand, the National Action Plan for Democracy and Human Rights (2018–2021) recently adopted by the government reaffirms its policy to set up permanent mechanisms to democratize the security sector. The approach of security governance is focused on improving security services by maintaining public order and protecting human rights. In order to ensure this objective, this approach proposed several legal and institutional measures, including the reviewing of the procedure of preliminary research and all disciplinary ones, and harmonizing it with relevant international standards. The plan strengthens the role of parliamentary oversight over the security services so as to serve and protect human rights. The approach insisted also on the proportionality principle in the use of force during public gatherings and peaceful demonstrations.
On the whole, Morocco has made important legal reforms and taken major institutional measures for democratizing its security sector. However, daily reality indicates that there are still many challenges to overcome and numerous gaps to be filled. In this respect, the Code of Conduct adopted by the General Directorate of National Security is really an important step on the road to democratization. Nevertheless, this code still remains just general guidelines and is insufficient to guarantee lawful and non-arbitrary law enforcement practices, especially since the decree laying down the special regime for this directorate stipulates that it does not impose any obligations on security officials in their relations with citizens (NCTER 2009a, 115).

In reality, balancing the maintenance of order with the protection of human rights is not an easy endeavor. It is a particularly difficult task to undertake, especially when the country experiences internal security troubles in which the law-enforcement authorities find themselves obliged to defend the interests of the state without according enough attention to the integrity of the protesters and their safety. The recent popular demonstrations the country experienced provide a variety of examples. The state’s behavior towards the 20 February was quite different from its response to the social protests that occurred later. In fact, the state justified its use of repressive power to stop demonstrations by force as some protests generated into violence. However, while using the stick, the state also waived the carrot to appease the demonstrators, since it only had a limited ability to use repression because of the fear of a backlash and the reaction of the international community, which had made it clear that it would not approve of excessive repression. Furthermore, in addition to its limited ability to use repression, division within the state’s elite began to occur. The king, therefore, decided that the main tool that could be used to contain the demands it faced would be to increase access to the political system in order to institutionalize them (Abdel-Samad 2014, 806). In his speech, he summarized the key points of the comprehensive constitutional review:

- To lay the foundations for a state based on the rule of law and institutions; to broaden the scope of individual and collective freedoms and guarantee their practice; and to strengthen the system of all kinds of human, political, economic, social, and cultural rights, especially by constitutionalizing the recommendations of the Justice and Reconciliation Commission and Morocco’s international obligations in this area.
• To promote the judiciary to an independent power and strengthen the powers of the Constitutional Council to reinforce the precedence of the constitution, the rule of law, and equality before the law.

• To consolidate the principle of the separation of powers and their balances and deepen the democratization, modernization, and rationalization of institutions through: a parliament that originates from free and fair elections and in which the House of Representatives is prominent; and to expand the scope of the law and grant (parliament) new powers, thereby allowing it to undertake its representative, legislative, and regulatory functions.

• To use an elected government that reflects the will of the people through the ballot box and enjoys the confidence of the majority of the House of Representatives.

• To confirm the appointment of the prime minister (the head of the government, as in the constitutional text) from the political party that comes first in the parliamentary elections, based on the election results.

• To strengthen the status of the prime minister (the head of the government) as being responsible for the civil service, leadership of the government, and execution of the government’s program, in addition to constitutionalizing the Governing Council and clarifying its new powers.

• To strengthen the constitutional mechanisms for providing guidance to citizens by promoting the role of political parties within a true pluralistic system and reinforcing the positions of the parliamentary opposition and civil society.

• To constitutionalize the institutions responsible for good governance, human rights, and the protection of liberties (Al-Akhssassi 2017, 485–86).

It is evident that the state believed that by giving some concessions and making it more costly to participate in protests, the opposition would not escalate its demands and that reasonable concessions by the monarchy would be accepted. The repressiveness of the state then decreased because of the backlash and because the state knew that excessive force would not be an acceptable response against civilians, especially because the West was still in the process of rejecting the use of force in Tunisia, Egypt, Yemen, and Libya. In this context, the King’s Speech opened an opportunity for access to both
political institutions and the process of political change (Abdel-Samad 2014, 805).

However, influenced by the regional political environment, including the anti-democratic developments in the Middle East, the election of President Donald Trump in the United States (Masbah 2018, 202), among many other security and political factors, since late 2013, the 2011 political opening has gradually closed again. Unlike the demonstrations of the Arab Spring in 2011, the protests in the country’s northern region/Hirak Rif have received another response from the government. The authorities tended to securitize the peaceful social protests by using different tools, including: majority parties, state media, and mosque preachers; and accusing the demonstrators of serving a separatist agenda, receiving foreign funds, and threatening social stability in order to mobilize public opinion against the protesters. Ultimately, the security authorities took exceptional measures, particularly the abusive arrests and restricting freedoms under the pretext of protecting public order (Hammoudi 2019). Security operations appear to have been disproportionate, where the excessive use of force led to the death of one protester, Imad El-attabi, in addition to conducting raids without warrants, arresting more than 450 persons, 53 of whom were transferred to Casablanca where they were accused of disobedience, violence against the police, and receiving funds from abroad. Such a practice has been largely condemned by national public opinion and the human rights community (Hammoudi 2019).

Public opinion argues that such practices dismissed the spirit of the new constitution and separated with the plan for national reconciliation that has already pretended to end such human rights abuses. Moroccans wonder whether the measures that have been undertaken in the security sector during the last two decades were really designed to strengthen compliance with human rights and the rule of law or were just intended to improve the reputation of the security bodies. In other words, are these reforms definitely targeted at the interest of the people or just intended to assist the reproduction of a new type of authoritarianism characterized by strong central power and limited freedoms and rights? Some scholars argue that no structural changes to the political system in Morocco in the medium term are to be expected, and no security sector reforms according to the UN guidelines, based on a coherent program with normative scope designed to accomplish security sector governance, with its five attributes of transparency, responsibility, accountability, participation, and responsiveness, can be put into
practice. Nevertheless, they anticipate that it is likely there will be further measures to increase the effectiveness and efficiency of security organizations and to improve public officials’ behavior and the relationship between the state and citizens (Born and Schnabel 2009, 160).

CONCLUSIONS

Even if everything is not perfect, the change can be still seen. Many studies of democratic transition see it as a process that cannot be judged after only a few years, and that it would be a grave mistake, both theoretically and systematically, to fall into the “cultural prism trap” that tries to fill the explanation gap with generalizations. The historic transition of Western democracies has occurred over many centuries, and democratic transitions in the newly democratic countries have encountered many obstacles, required several decades to mature, and witnessed years of ebb and flow (Abdelali 2013, 200). That said, Morocco has experienced a long political change undertaken by the head of state; nevertheless, democracy is still in a struggle to be settled in the country. The period from 2000 until present has proved to be one of the most significant in the history of the kingdom in terms of democratization: the king has made a wide range of structural and institutional reforms, trying hard to turn the page on years of the dark period characterized by authoritarian rule in the country. This reform process has produced significant changes in some specific areas, but it does not stimulate a sustained process of democratic transformation. During the last decades, Morocco has been used to bring about change in the human rights situation, but not to open the way to genuine democracy. The reforms enacted by both Hassan II and Mohamed VI are not real political reforms that might change the distribution of power and the nature of the political system. Without a change in the balance of power, many scholars see that Morocco might become a somewhat more modern and efficient country, but not a more democratic one.

More specifically, the head of state has acknowledged the government’s responsibility for the forced disappearances and other abuses of human rights. Moreover, he has taken further and unprecedented steps to bring Moroccan laws in line with international conventions, such as the Convention of the Prevention of Genocide, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, etc. However, the effects of such efforts towards democracy are limited and depend on how successfully law enforcement officials respect and protect human dignity and maintain public
safety and the rights of all persons, especially while managing the popular uprising and any other security threats of social unrest. Such respect will undoubtedly support the democratizing of the security sector, in particular, and consolidate the long steps made by the country toward improving its record of human rights and democracy, in general.

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