An Extension of the Official Moroccan Identity in the Constitution of 2011: Appeasing Requirements of the Arab Spring Demonstrations

Maja Dolinar

Abstract

Protests in Morocco in February 2011, that followed the Arab Spring in Tunisia and Egypt, launched a huge breakthrough in terms of including a wider respect for human rights and putting Morocco at the forefront of the debate over the democratization in the Arab world. Two main issues came to the surface of constitutional debates: whether Morocco should continue to be defined as an Islamic state, and whether Morocco should recognize Berber language as official language.

What is probably the most important change in official Moroccan discourse is the fact that the new constitution redefines Morocco as a culturally and linguistically plural state. The Berber (Amazigh) movement had joined the February 2011 protests and continued demanding the recognition of the Berber language (Tamazight) as an official language of Morocco together with Arabic. In the preamble of the new Constitution of 2011, Morocco is defined as “modern” state of “democratic rights” founded on the “principles of participation, pluralism and good governance” (Constitution 2011). It puts forth an “interdependent (fr. solidaire) society where all people enjoy security, liberty, equality of opportunity, respect, dignity and social justice” (Constitution 2011).

The paper will focus on close examination of the text of the Moroccan Constitution of 2011 in terms of how it expands the notion of what is Moroccan identity and what is Moroccan culture and society and will provide a discussion on how these changes have been implemented so far in practice. The preamble of the previous constitution was basically driven from the language of decolonization and Third world solidarity that specified Morocco as a place in a “great Arab Maghreb” and “African unity,” however the new constitutions builds on a wider globalism that is a mix of a future North African union alongside an Arabo-Islamic ummah, African solidarity and Euro-Mediterranean partnership.

In the previous versions of the constitution only the official status of Arabic was mentioned, whereas the new constitution says that “Arabic remains the official language of the state,” yet further claims that Tamazight “constitutes an official language of the state, as the common heritage of all Moroccans without exception” (Constitution 2011), which is certainly a huge step in acknowledging Berber language. What is important to stress is also that the new constitution does not rest only on the Arab-Berber divide, but acknowledges the country’s huge cultural and geographic plurality. Just as Amazigh culture is declared to be the patrimony of all citizens, so too is its broader ethno-cultural diversity declared to constitute its “national identity, one and indivisible”. The preamble specifies a “convergence” of Arabo-Islamic, Amazigh and Saharan “components” that is “nourished and enriched by its African, Andalusian, Hebrew and Mediterranean influences” (Constitution 2011).

Some notable changes have been made recently in Moroccan foreign relations with its readmission as a member of the African Union, acknowledging its African roots. However, it is still unclear what all this constitutional rhetoric will mean in the future policy development or how this will change the Moroccan society.
Introduction

Each identity is a fragile result of counter processes of appropriation and misappropriation, innovation and assumption of novelty and preservation of tradition (Muršič 2002: 8). The Moroccan political and constitutional context represents an interesting situation in the Middle East: a reigning monarchy that despite having been in power for more than three centuries, has nevertheless evolved in recent years. Since Morocco gained independence from France in 1956, the Moroccan King became the highest political figure. This position was firstly assumed by Mohammed V (1956 – 61), followed by his son Hassan II (1961 – 99) and is currently being occupied by Mohammed VI (from 1999 onwards). Upon Morocco’s independence from France in 1956, the late kings Mohammed V. and Hassan II. had to construct a unified nation-state from a diverse and divisive population, which was accustomed to thinking primarily in terms of family and/or tribal or regional loyalties. In 1962, Hassan II. supervised the development of the first constitution, which enabled the existence of a parliament and an independent judiciary. Only Arabic was constitutionally recognised as an official language of the state, whereas the French kept its high status in administration, education and commerce. Cultural diversity of the country was ignored.

Once the state enthroned Arabic as the single national language and the Arab civilization as its cultural source, the Berbers (Amazigh) began demanding equal consideration, as a large percentage of the population still spoke only Tamazight. The state refused acknowledgement until the 1990s, and the result was a country with a variety of linguistic and subcultural groups whose needs were not met by national media and politics. In years 1992, 1996 and 2001 there were revisions of the constitution, which in turn enabled more power to the parliament, the inclusion of a wider respect for human rights and finally in 2011 also an official acknowledgement of the Amazigh minority and the Amazigh languages.

This paper reviews and analyses some of the main changes that have come about as the result of the 2011 Moroccan constitution and considers some of the potential and long-lasting implications for the Moroccan political system and foreign relations. Firstly, I will describe the general political context in which the last constitutional change took place. Secondly, I will discuss the basic values of the new constitution and how it expands the notion of what a Moroccan identity, a Moroccan culture and a Moroccan society are. Lastly, I will briefly look at the current developments in the field of foreign relations that show these new orientations, inscribed in the new constitution, being implemented.
Political and Social Context of the Constitutional Change

In the context of highly discredited and politically weak Moroccan political parties and labour unions, popular protests emerged on 20 February 2011, calling for a greater democracy and change. Inspired by the happenings in Tunisia and Egypt and aided by the Internet, thousands of young Moroccans joined the protests. This movement was joined by a range of political groups, comprising a mishmash of different ideological positions united only by their opposition to the authoritarian rule in all its manifestations. Two main issues came to the surface of the debates: firstly, whether Morocco should continue to be defined as an Islamic state, and secondly, whether Morocco should recognize the Amazigh language as an official language.

While the King Mohammed VI. acknowledged the need for a new social charter, and later accepted also the notion of constitutional reforms, the entire constitutional reform process was driven by the king’s agenda. The royal commission for the constitutional reforms met representatives from different political parties and civil society organizations, but most of political parties failed to engage generally in any significant debates about the key articles of the new constitutional text. In the end, the constitution was »validated« by the royal cabinet before the referendum, and most political parties, despite their lack of substantive input, supported the text when it was put to the referendum and called on their members to vote »yes«. Under such political conditions, the referendum on 1 July 2011 was akin to a renewal of the traditional act of allegiance between the ruler and its subjects. The new constitution was enacted on 29 July 2011.

Constitution of 2011

Looking at the text of the new constitution, we can see that the demands from civic associations were in many cases taken into consideration, as overall the new constitution corresponds to the slogans of the protesters. It contains a preamble, which is an integral part of the text, and has 180 articles (in opposition to the previous version of only 108 articles). Many articles are written very vaguely and the title is devoted to the generalities of »good governance« (Title 12). The content incorporates the claims of key social groups such as the Amazigh activists (recognition of Tamazight language as an official language in Article 5), women’s organization (establishment of an institution of gender parity in Article 19), Moroccans living abroad (giving them the right to full citizenship in Article 17), labour unions, young elites, electorally dominant parties etc.

On the issue of governance, the king remains at the centre of political and constitutional life under the new constitution. He alone can revise the constitution, and the powers of the head of the government and the parliament are in this regard only formal. Significantly, the king appoints the head of the government and other cabinet members on a proposal by the head of the government.
The new preamble defines Morocco as a »modern« state of »democratic rights«, founded on the »principles of participation, pluralism and good governance«. It puts forward interdependent (solidare) society, where all people enjoy security, liberty, equality of opportunity, respect, dignity and social justice.

The compromise, which was the basis of the constitutional text, has generated many ambiguities and uncertainties. The French version of the constitution differs slightly from the Arabic text, and the original text is open to several interpretations, depending on whether one looks at it from the perspective of a liberal democracy or from the prism of an »unchallengeable national identity«. For example, Article 2 of the Constitution refers in French or English version to the fact that »sovereignty« belongs to the »nation«, the equivalent word in Arabic becomes ummah, which has a religious connotation, being a community of believers, community of Muslims. Another interesting aspect of the new constitution is that it totally ignores the notion of »the people« as sovereign, which is generally referred to as »popular sovereignty«. Instead it insists on the notion of »national sovereignty«. We can say that the 2011 Constitution refers on the one hand to human rights, as they are universally recognized, and to identity, Islam and »the permanent character of the Kingdom« on the other. This dual reference makes it difficult to understand and interpret a text that aspires to appeal to both the principles of a liberal democracy and to those that claim to rely on a specific interpretation of »tradition«.

Compared to the earlier versions of the constitutional text of the Kingdom, which promoted a selective identity – solely Arabic and Islamic – the new constitution is clearly more open. The preamble states that national unity was forged by the convergence of Arab-Islamic, Amazigh and Saharan-Hasanni components and enriched by »African, Andalusian, Mediterranean and Hebrew heritage«. The Arabic language is no longer the sole official language of the state, since the Amazigh languages have also become officially recognized and part of a common heritage for all Moroccans, without exception (Article 5).

The state also intends to work to preserve the Hasanni culture as part of Moroccan cultural identity, trying to assure that Western Sahara indeed is justifiably a part of the Moroccan territory. A national council is responsible for the protection and development of languages and diverse cultural expressions. However, within the provisions relating to the plural identity of Morocco, Islam occupies a prominent place, as the Kingdom is described in the preamble as a sovereign Muslim state (al-dawla al-islamiyya). Morocco is conceived as a Muslim state in the sense that most of its nationals are Muslim, and the Article 3 states that »Islam is the religion of the state which guarantees all the free exercise of beliefs« - this differs from previous constitutional texts, where Islam was defined as a source of legislation (even a sole source) and the only state's religion.
Current developments in Morocco’s foreign policy

We can say that previous versions of the constitution were basically driven from the language of decolonization and Third World solidarity that specified Morocco as a place in a »great Arab Maghreb« and »African Unity«, however the new constitution builds on a wider globalism that is a mix of future North African Union alongside an Arab-Islamic ummah, African solidarity and Euro-Mediterranean partnership.

These shifts are clearly shown in recent economic and diplomatic efforts of Morocco to boost ties with the African continent by being re-admitted to the African Union in January 2017 after a 33-year long absence in the organization and its acceptance into the ECOWAS - Economic Community of West African States in June 2017. As said by the Moroccan King Mohammed VI., responding to criticism of such recent political actions of Morocco: »Our African policy has had a direct, positive impact on the question of our territorial integrity (meaning the Western Sahara issue), be it with regard to state’s positions or the resolutions adopted by the African Union«. Morocco’s commitment to Africa is the result of »profound, realistic reflection«, explained the King, and »those who spread unfounded allegation« that Morocco is wasting its money on Africa instead of devoting those resources to Moroccans »care little about the country's interests«. King pointed to the importance of Moroccan official return to its African roots and its efforts to help develop the continent by scoring the Kingdom a plethora of economic agreements with multiple African countries, as well as launching numerous development projects.

The new foreign policy positioning of Morocco was not unnoticed by the international community: the US Acting Deputy Assistant Secretary for Egypt and the Maghreb confirmed in July 2017 that Morocco had officially taken its new position as an »African« country in the eyes of US foreign policy. The new direction of the US foreign policy is seeing the Maghreb and Egypt as part of Africa and not the Islamic world.

In April 2017, the European Union also expressed its support for the »crucial« role that Morocco plays in Africa and the Mediterranean. It expressed the idea that the EU wants to revive Morocco’s role in the EU-Morocco-African Union triad.

Conclusion

All this stipulates that the Moroccan national identity is not unified or better said not only exclusively Arab, but it is a product of diverse influences, components, and manifestations, which promote multiculturalism, multilingualism and tolerance towards other cultures. All this is reflected in the new constitutional text, however if and how these textual changes will be implemented in practice, either
nationally or internationally, is yet to be seen. Nonetheless, based on the new constitutional text, the hopes are promising.

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