

THE SECURITY SECTOR IN MOROCCO AND THE BROADER REFORM AGENDA

Working Group Report

Rabat, March 14-15, 2009

This third meeting on the security sectors of Arab countries was held in Rabat, Morocco after Cairo and Beirut. It was convened by ARI's member institute, the **Centre d'études et de recherches en sciences sociales** and focused in large part on the Moroccan case

A large number of senior representatives from the Moroccan security sector attended and engaged with Moroccan civil society organizations, participated in discussions and exchanged views with experts from other Arab countries. Non-Moroccan experts were in turn very involved in discussing and seeking to understand in detail and learn from the Moroccan case which they found particularly inspiring.

MOROCCO

The discussions were primarily focused on the political and institutional conditions for implementing an SSR scheme that would be effective. We hardly mentioned the technical aspects of SSR. The strong presence of civil society and human rights organizations, the media and scholars engaging with the representatives from the sector itself allowed for a thorough discussion of what are the key obstacles to reform, what has been achieved so far and the reasons behind the progress in some areas, the key players and processes who were successful in pushing the agenda forward, the shortcomings of the process, the question of what reforms can be implemented in the sector alone as opposed to those dependent on broader reforms in the overall political system.

Morocco underwent major tensions in the past which affected the practices of its security sector. Security institutions resisted and overcame those challenges; they continued to symbolize the strength of the state when instability prevailed. The official vision today in Morocco is that the country did not witness religious terrorism due to some objective reasons such as its power structure and the existence of moderate religious movements.

The point of departure for security sector reform (SSR) was different in Morocco from other Arab countries. Morocco is not in the category of countries in a situation of instability/conflict or post conflict. The opening up of the sector happened gradually with a few decisive

markers: 9/11 was one, the Equity and Reconciliation Commission (E&R) was another, and a general climate of openness was reflected on the security sector (SS). Both 9/11 and the Equity and Reconciliation Commission, but particularly the latter - the process itself and the recommendations it produced - played the most decisive role in launching a home-grown process of SSR.

In Morocco, the opaque shell that surrounds the security sector was cracked at the initiative of the ruler and the elite. Little could have been achieved if the leadership was unwilling. Civil society could not go very far in pressuring the state. If it weren't for the opening of archives of the various security agencies, civil society had few means to move ahead.

1/ The ailments of the security sector (SS)

There are common features of the security sector that apply across the Arab world:

The understanding of the place and role of the security sector in the overall governance system is a question that needs serious debate and clarification.

Structure of the sector: Military intelligence's is limited to foreign threats and natural disasters.

There are two different decision-making sources emanating from two main agencies. But there is no public information or map of the structure of SS. It remains the "royal quarter", protected from the eyes of public opinion and government institutions. Usually, the last to know about changes within security agencies is the ministry of Interior. Traditional structures of leadership (under kings, Bashas...) and modern institution created on French model continue to coexist.

Civil society notes that in Morocco as elsewhere in the region, the security sector is "sanctified" or sacralized and kept out of the public eye and the formal political system. The issue of what should be secret and what should be public is not codified. There are no boundaries and without boundaries, there is no possibility of introducing standards of transparency or submitting it to legal pursuit. Texts that codify the practices of the civil and military intelligence are all summed up in only six clauses, thus indicating the weak level of regulation of such a powerful sector.

Representatives from the sector admit that internal conflicts and the ambitions of some are practical realities of security institutions and play a role in hampering the good functioning of the agencies.

Morocco has a monarchical conception of security, i.e. the primary *raison d'être* of the SS is the protection of the monarchical institution. The sector remains a sovereign field in the hands of the King.

Like in most Arab countries, it protects the regime, the leaders, their properties and their privileges. Politics follows security rather than the other way round. The security sector defines itself as "protector of the nation" but the concept is very vague. Need to distinguish

between security as a public good and the security sector as an institution. The two are amalgamated.

The reform of the security sector is part of the struggle for introducing the rule of law as the organizing mechanism of relations between the state and citizens and to instill the notion that the role of security sector is to protect citizens' rights and to protect the rule of law.

There is a heated debate on relations between SS and the judiciary and frequent clashes between security agencies, the press and the judiciary. Surveys show that impunity is the main reason behind continued violations of human rights and other abuses. A plan exists for preventing flights from sanction.

Finally, the budget for the security sector is not considered by the government as a subject for debate or scrutiny in Parliament; it is voted unanimously without any questions.

The major reason behind the politicization of the SS's work is the absence of serious political responses to society's concerns and demands, leading to a securitization of civil life. The less there is political management of problems, the heavier the burden on the SS to address them, which increases in turn the abuses from the sector. The government is used to lie about major incidents of insecurity, a syndrome that will not disappear as long as the government feels that there are good reasons for it to be the target of domestic violence.

The security itself sectors has its own internal dynamics and is a player in its own right within the system, it is not only the coercive arm of the authoritarian regime.

One problem is weakness of the analytical capacity within security agencies. Categories of "dangerous groups" are defined in a gross manner. There is weak understanding of which groups are dangerous and their exact identity, thus maintaining grey areas in the minds of security people. The culture of secrecy continues to prevail in an era where nothing remains secret. There is lack of coordination in the activities, information and management of resources and last but not least, there is an issue of credibility in the relations between the SS and society as result of questionable links and practices. One example is that of the drug lord who financed the renovation of the police station of Tangiers.

Although the public debate is lively, the issue of **women** is not discussed. There are women cadres who entered the security sector in large numbers since the early nineties. One organization in Morocco has all the data on violence against women as victims. As actors, the experience of introducing police women did not work in Morocco. Women are present in the administration.

Impact of 9/11

The attacks of 9/11 had two different types of consequences on the security sector in Morocco:

- On one hand, the war on terror led to a sharp increase in abuses from the SS which represented a regression in the process of reform of the sector which was slowly underway. The rationale within the agencies was that torture was the shortest and surest way of preventing terrorist attacks.

- But 9/11 also generated new perceptions and a new approach based more on international rules, especially the European Union's. Morocco signed several bilateral and international agreements including: a/ the free trade agreement with the US in 2002 which led it to willingly integrate the global war on terror with the hope of receiving dividends on the Western Sahara; and b/ the government started pressing the European Union to grant Morocco an advanced status. The commitment to engage fully in the preventive war on terror became a part of the government's approach to extract benefits from its western partners.

The "Global War on Terror" fostered an intensified debate about the need to monitor practices of members of the SS, the expansion of its budget, the corruption of its members, etc. Some progress was achieved but it remained vulnerable and reversible because it is not protected by law and by the judiciary.

Around the world, there new thinking that was taking shape regarding the security system, and exceptional laws on public space were imposed.

Civil society needed to respond to that but HR organizations were not equipped to deal with the security challenges and the new rules.

Moroccans faced protest in Parliament from groups who blamed the increase in security problems on the few freedoms that had been recently granted.

All in all, 9/11 opened the way for progress in engaging reforms.

2/ Strategies for reform

SSR is not only about reforming the institution. It requires a more comprehensive approach to define what the threats are and what is required from the SS. All Moroccans, civil society as well as members of the SS, agree that SSR cannot be debated and implemented in isolation from other reforms.

Morocco, need to restructure the sector and define a framework to regulate it in the same way as it is restructuring the religious, economic, social or investments sectors involving both the executive and the society. So far, no political platform in electoral campaign contains anything about SSR, though SSR is present in the programs of political parties.

Security sector representatives are not a player in the same way as political parties, the media or NGOs are players. They remain outside, don't communicate or establish relations with society.

First, the question of who is targeted by reforms needs to be raised and some agreement reached on the objective, namely that reforms seek to restructure agencies, programs, practices and planning of SS work with view to redefine its role in responding to society's expectations. There is a tendency to discuss the sector with old concepts. We should acknowledge changes in the attitude of SS institutions and the existence of different trends and opinions within them.

Many participants agree that there are major differences between the different security institutions. It is therefore important to make the distinction between **high and low SS**, namely between the police on one hand and other agencies on the other. The police is the force that confronts the people. It is a body with limited resources; its members receive small salaries while the other agencies are well endowed, they enjoy important privileges and are not required to confront the people.

The Equity and Reconciliation Commission

This is a unique experience because it is the only case in the world where such a commission was established without overthrow of the regime (as was the case in South Africa, Chile, and Argentina)

And in many countries where change occurred, as in Easter European countries, there was no such process.

Created at the initiative of the King to investigate the cases of thousands of victims of repression (dead and disappeared), the Commission is the one experience that produced a sea change in making of SSR a public issue (see Arab Reform Brief*****). It contributed to putting citizens at the centre of the system of action of the security sector. Although it had numerous shortcomings, not least in the half measures and half truths it revealed, it deliberately refrained from formulating harsh conclusions to make sure its recommendations for SSR would be heard.

Human Rights organizations pushed to develop a coherent value system, by connecting democracy, human rights, governance of the security sector and rule of law. This was necessary because the achievements accomplished so far in each of these areas remain scattered.

Among the challenges to address are the link between individual HR and national security in order to impose rules on detention for example.

The diagnosis of violation of human rights by the authorities is now officially recognized and established by the Equity and Reconciliation Commission.

Some groups within civil society were frustrated with the results of the E&R Commission and formed an association called Truth and Equity (Mohammad al Sabar) to pursue the pressure on government to go further.

Governance issues were among the most important recommendations of the E&R Commission as well as the more radical Truth and Equity Commission.

Strengthening Accountability implies the duty to produce reports, provide information, and explain practices and present tools to allow control.

They included :

- Strengthening government control on practices of the sector
- Strengthening the Parliament's oversight over the Security sector
- Documenting each intervention of Security sector
- Introducing oversight by the judiciary

- Establishing a committee that can be informed of secret information and make judgments on what should remain secret and what should be disclosed.
- Constitutional reform for separation of powers
- Revising appraisal process and promotion

Moroccans do not expect quick changes. They recognize that there are a deeply ingrained culture and practices within the sector, and that there will be pockets of strong resistance, but that starting now is essential.

Progress

We witnessed the formation of the security institutions in the fifties, then the modernization of their means under Hassan II. Now we are in the phase of revisiting the concepts to modernize them.

Mohamed 6 is giving clear signs that he wants change of practices within the sector.

The government of Abdel Rahman Yousoufi put an end to what was known as “sovereignty ministries” and started to legislate to protect public liberties: important laws were voted on civil liberties and on associations. There was an effort to search for a difficult balance between liberties and security. With widening liberties, public space became more vibrant with students’ protests in particular and rising pressure from civil society. Rights and liberties needed to be codified.

A decade of political liberalization opened the way for a public debate on the security sector. Parliamentary committees’ reports indicate a real change in their interest and intrusion into the work of the security sector. Gradually, issues are being raised through written or verbal questions and questions on budget.

Discussions among members of the SS on the social and institutional questions seem to indicate that we are heading towards a more comprehensive understanding of security among the security institutions and that repressive means are not the only ones considered. A healthy process of “de-securitization” of major areas has occurred. We are in process of moving from comprehensive all-encompassing security to a more restricted domain of action. **The question of the relationship between security and liberties is reversed, i.e. that increased liberties bring more security.**

Resources allocated to the sector are more reasonable; the media is more involved and the concept of human security has emerged.

Professionalization

There are increasing signs of stronger professionalism within the sector. Members of the sector say proudly that there can be a big demonstration of one million people without any injuries, indicating that **new skills have been acquired in managing public space.**

In prisons, the administration is increasingly adopting a preventive approach and changing its management to avoid tensions and clashes. Human rights education has increased for the personnel and new rules have led to a change in the role of prisons from a place of detention

towards a place of re-education and rehabilitation. Improvements have been made in medical care, protection. Solitary confinements are very restricted and subject to medical approval. Decisions to take sanctions against prisoners (for use of violence, drugs, theft, etc.) are made by a commission with specific rules that codify them.

The security sector has entered the public debate. **The birth of a civil nation as distinct from the military** has made important progress.

3/ Civil society and SSR

The role of Human rights organizations

HR organizations use the recommendations of the E&R Commission on one hand and international conventions on the other as key tools to advance their goals. The Conseil Consultatif des Droits de l'Homme (CCDH) has developed awareness raising and education programs, publications and dialogue forums to promote the culture of Human Rights. They use international standards to which they know that the government is very sensitive, to propose the modernization and homogenization of criminal laws with international standards; use international conventions and treaties to pressure the government to restrain torture. They are very active in developing a charter of citizens, strengthening the independence of the judiciary, pressing for the reform of the Constitutional Court and training of judiciary personnel. All their programs are intended to help implement the recommendations of the Equity and Reconciliation commission and to develop trust among citizens.

HR organizations emphasize the need for addressing the governance of SS in order to set the ground for participatory processes to include CS in promoting transparency, accountability, oversight and control of the security sector.

Civil society is calling for a **national dialogue** on security issues and the functioning of the security institutions. Human Rights organizations are occupying public space; the media criticizes security institutions while representatives from security sector remain silent. Issues not discussed in Parliament. What is needed a sustained in-depth dialogue.

We still lack a consensual international common framework to measure governance of SS. We only have some indicators as a result of the war on terror and the Abu-Ghraib-Guantanamo scandals but that didn't produce an agreed framework.

Several participants criticized the violations of human rights as a routine practice of the security sector. For a long time, HR activists had no influence on the security sector.

Thanks largely to the work of the Truth and Equity Commission, public debate has only recently become rooted in the Human Rights framework.

Changing relations between the media and the security sector

Under the socialist government of Yousoufi, very liberal press and NGO laws were passed. Over the last 10 years, relation between the security sector, the citizens and the media have changed.

Media itself evolved from a bipolar situation with governmental versus partisan media, towards the emergence of independent media. Prior to that, there was a divorce between SS and partisan media because SS considered this press as part of an illegitimate opposition. With the beginning of the era of consensus, new rules were introduced and the human rights culture worked its way gradually through the state institutions.

The security agencies have changed their strategy: instead of suppressing, silencing or arresting a journalist, they now send a statement about real version to the press.

It is clear in Morocco as in several other countries, that the SS is keen to defend its image. Some abuses are punished (though only some) . Sanctions against members of the security sector are light but they still represent progress in terms of accountability.

In the past, SS had the long –established practice of giving money to journalists so that they do not publish information. Now, some newspapers pay the SS members to get information.

Members of Parliament now often refer to information in the press to question the Minister of Interior, e.g. after a demonstration that the press says was suppressed with disproportionate means, a commission was formed to investigate the issue. Its report gave a critical account of abuses and violence. The government stopped short from transferring it to the judiciary. The Ministry of Interior exerted pressure on the Commission saying if it goes to the judiciary, the ministry won't be able in the future to take internal measures against the practices of its security forces.

4/ SSR and the broader agenda of reform

Civil society is calling for a debate to agree on the nature of the threats in order to build a consensus before developing a comprehensive vision and a strategy.

The problem is what does society want to protect? It is easier in democracies than in authoritarian systems where the distinction between protecting national security and protecting the authoritarian regime is blurred and national security does not coincide with societal security (the security of its members, human security). Even if there is a consensus on national security, many argue that it may weaken if national security implies maintaining the authoritarian system for which citizens are required to pay the price.

The approach to SSR so far has been focused on individual members who violate human rights but it does not go further in questioning the mode of operation of the different institutions (including Justice and Parliament). There is an important distinction to make between the process of structural, deep, cumulative change over the medium and long term (this is not reversible) and conjunctural changes.

From the perspective of civil society organizations, reforms are insufficient because they remain an internal process without serious consultation with society, and the linkage between reform of the security sector and the broader political issues is absent. Citizens continue to lack a clear understanding of what distinguishes the security from the military field.

In most countries of the region, it is hard to imagine that the security sector will let go

peacefully of its power and accept a full transformation of its role. In a process of gradual change through consensus, the question is whether one hits a wall at a certain point or if society can trust the process to continue towards full reforms and democracy.

Today the strongest resistance might come from the economic and financial interests and the corruption of SS officials. Transparency International indicates that justice and local government are the two most corrupt sectors. Therefore, how can the rule of law be applied in the security sector without progress in fighting corruption within the judiciary? To fight corruption, only a change in the general climate can allow corruption within the SS to be addressed.

Society is not equipped to deal with these issues as it was when raising the issue of human rights violations. It controls some media and relies on human rights organizations. Society will need to develop the appropriate instruments to monitor and pressure but these instruments also need to exist elsewhere. Thus on the question of timing or sequence issue, it appears that it is possible to achieve some progress in SSR on issues related to human rights but that reforms in other areas are needed in order to achieve further steps.

5/ The foreign factor

Progress in SSR is primarily linked to the desire of the monarchy to be part of the international consensus on human rights, as well as to pressure from civil society.

Foreign insistence on the SSR agenda equipped society with tools to start addressing the issue and opening the debate.

Among these are programs in human rights training and the spreading of the culture of HR and accountability which targeted different sectors, not only SS. (judges, public servants...). They have clearly penetrated the discourse of representatives of the sector who understand that they need to refer to them as standards to meet.

For civil society organizations, the challenge was how to convince SS people and others to join a general momentum towards reform and persuade them that we live in an open world.

The challenges of migrations, trafficking played role in raising awareness within the security sector about the international environment.

Civil society organizations acknowledge that Morocco is engaging in a process of SSR in a context where there is **strong interpenetration of the foreign and local agendas**. Their challenge is to be able to develop their own national agenda, otherwise the foreign agenda are being imposed de facto, without debating it within the society.

The debate is not easy because it takes place between foreign players who know their objectives and local players who have little knowledge and no power to make their voice heard.

From the sector's perspective, the message is first that **"The number one mission of the security sector is to ensure security against threats, not to please HR activists"** and that **"change in Morocco is dependent on the King's will"**;

that in order to **"engage in SSR, the conditions required are 1/the full control of the sector on domestic stability; and 2/a good organization of state institutions so that the process happens in an organized way.**

Finally, they stated that Morocco is in a dynamic and promising relationship with the European Union. **“We are showing the EU that we are gradually complying with its standards”.**