

## State versus society: strategies for controlling adversary civil society actors

by Francesco Colin

Last 26<sup>th</sup> December, Casablanca civil court has decided to dissolve the association Racines. The decision was taken after the Casablanca-based organisation hosted an episode of the web-series “*1 dîner, 2 cons*” (One dinner, Two Fools), which was aired the 24<sup>th</sup> of August 2018 and reached more than 300 thousand views. In this episode, the participants (including Aadel Essadani, Moroccan civil society actor and former general director of Racines, Ahmed Benchemsi, spokesperson of Human Right Watch for the MENA region, Joudad Hamindi, coordinator of the Moroccan Association for Religious Rights and Freedoms) discussed various current themes and, among those, offered a critical viewpoint some topics of the King’s speech of 29<sup>th</sup> July 2018. The decision to dissolve Racines has been ratified by Casablanca’s Court of Appeal on the 16<sup>th</sup> of April 2019.

The Association Racines has been founded in 2010 and has played an increasing role in the landscape of Moroccan civil society actors. In 2018 only, they organised and managed numerous projects and events, including but not limited to civic education projects (in collaboration with the European Union), regional meetings to assess cultural policies at the local levels (in collaboration with the Norwegian Embassy in Morocco and the Open Society Foundation), a cycle of meetings to promote the culture of freedom of expression (in collaboration with the British Embassy in Morocco) and a campaign against gender-based violence (in collaboration with Oxfam Intermón). Notably, the latter initiative mobilised more than 2000 spectators to the show and the 3<sup>rd</sup> edition of their Estates General of Culture in Morocco mobilised roughly 400 participants and 7000 spectators. Plus, Racines’ work is grounded in a dense network of local associations that are at the base of their work at the in decentralised urban and rural areas.

Supposedly, the decision of the civil court of Casablanca is based on the fact that the association was doing something which does not belong to the association’s mission – which is to foster the integration of culture in state’s policies of human, social and economic development. Bearing in mind that the association neither organised nor aired the show, but merely offered its office as a location, and that in its statute it includes the promotion of dialogue, some fundamental question on the status of freedom of speech, on the role of civil society organisations in Morocco and especially on authorities’ stance towards them are rising.

Civil society is a category which gained in popularity in recent years, in both shores of the Mediterranean, and its role in the changes that occurred during the Arab springs made it a privileged analytical lens in the study of politics of the Arab world. In Morocco, the monarchy-

driven constitutional reform of 2011 drastically changed the role of civil society in Moroccan legislative framework. Its renewed role is defined in article 12 of the reformed constitutional text. It is stated that civil society and non-governmental organisations exercise their activities freely, and that they contribute in “the enactment, the implementation and the evaluation of the decisions and the initiatives of elected institutions and public powers” within the framework of participatory democracy. It is also stated that association cannot be dissolved by public powers – *except if there is a court order*. Indeed, civil society is reconstituted as a concrete partner in the implementation of the Constitution.

In recent years, civil society has sprung in Morocco. The number of registered associations has grown from 116.000 in 2014 to 130.000 in 2016, also thanks to the launch of the comprehensive National Human Development Initiative (INDH, in French). Most of these association are reported to have a strictly local scope, but the aims of their action greatly vary (from social work, to sustainable development and environment, from education to sport).

The distance between what is written in the constitution and public powers’ actual stance towards civil society organisations is alarming. Indeed, the case of Racines is not the first case in which there is a limitation of the role of civil society organisation in Morocco.

Professor Maâti Monjib was already referring to the “return of authoritarism” in 2015, after the association Freedom Now was banned from Morocco (in May 2014, state authorities refused to process the application and thus deprived the association of its legal status) and former Interior Minister Mohamed Hassad accused civil society organisations of receiving foreign money to serve a non-Moroccan agenda. Following this event, Professor Monjib was also personally targeted by Moroccan authorities who imposed a travel ban on him – which was lifted only after a 23-days hunger strike.

As a matter of fact, the refusal of providing the legal documents for the legal constitution of the association is a common tactic used by the Moroccan state to keep civil society actors under control. For instance, a similar situation happened for the Moroccan Digital Rights Association (AND) and the Moroccan Association of Investigative Journalists (AMJI). Personal attacks have been directed also directed to the staff of AMJI after a training for young journalists on online reportages: Hicham Mansouri (project manager of AMJI) was sentenced to a 10 months prison.

Another common strategy is the interdiction of public events or assemblies. Following Moroccan law, if you want to organise a public event you should notify local authorities in written form within the due delay. In the best-case scenario, authorities are simply going to issue a receipt acknowledging the reception of the documents and the activity will take place (without any authorisation); in practice, authorities retain the right to block any initiative until the very last minute. The Moroccan Association for Human Rights (AMDH) is used to this practice: in a report on the access to public space, the association denounces that they have been denied the access to public space 127 times between July 2014 and March 2017 only. Albeit many civil society actors condemned these abuses of power, the repression continued and in the first half of 2018 only, AMDH has experienced almost 50 bans.

In November 2018, the festival *Migrant'scène*, organised by Antiracist Group for the Support and Defence of Foreign Migrants (GADEM), has been “interdicted by the authorities”. The cultural event,

which takes place every year since 2010, was halted by the *caïd* (the “agent of the authorities”) of Tanger because he did not tolerate the activities of “a leftist association that comes from Rabat and attacks the government”. It has to be noted that the interdiction was communicated to GADEM’s partners, and that no written or verbal information was directly given to them. Earlier, Racines experienced the same kind of oppression when street theatre plays against racism (called *b7al b7al*, “all equal” in English) were obstructed the access to public space. During the second half of 2015, Racines and its partners were supposed to start a tour in different Moroccan cities, but their plays have been systematically forbidden in all the cities in which they were supposed to play. Even if they presented all the necessary documents to access the public space, local authorities in Tanger and Fès halted all the representation the same day that it was supposed to be. Ten days before the next show, in Nador, the authorities informed Racines that the play was forbidden nationally.

If civil society’s role in Morocco has evolved in the last constitutional reform, important questions have to be asked on the implementation of such evolution. As long as it is complying with the Constitution, civil society should be free to act to its will. However, if its activities are perceived as troublesome by state authorities, the reaction will be prompt. The experiences of those civil society actors that publicly took a critical stance toward either the state authorities or their policies shows us that Moroccan public powers want to keep civil society on a short leash. The grey areas in the legislative frameworks are often exploited in order to maintain a strict control over civil society’s activities. Plus, the leverage exerted on judicial powers provides further means to control those actors or initiatives that test the boundaries of the red lines imposed by the state.

It appears evident that Moroccan public powers will not allow civil society actors to step beyond the state’s political agenda. The partnership between civil society and public authorities will be functional only if civil society’s agenda is coherent with the one of the state. The antagonistic position towards those actors openly in opposition with the official political agenda and those initiatives offering an alternative viewpoint of the situation seriously interrogates the apparent will to enact the disposition of Morocco’s fundamental law.