

Justitiële verkenningen

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Morocco

Summaries

The democratic transition in Morocco

H. Obdeijn

When King Hassan II died in July 1999 his eldest son Mohammed succeeded him. In the first two years of his reign he created a new atmosphere in the country. The removal of the dreaded minister of the Interior was felt as a big relief. Human rights were re-established and the new king acquired the honorary title of 'King of the poor' as a result of his simplicity and unofficial way of contacting people. But there are still many clouds over Morocco. The new king reigns, as did his father, without consulting his ministers or parliament. The economic situation of the country is disastrous and the islamist movement is biding its time. Only with a drastic amelioration of the economic situation can the foundations for a really democratic Morocco be laid.

Waiting for the King; recent debates on Islam, family law and politics in Morocco

L. Buskens

Since the summer of 1998 discussions have been going on in Morocco about the reform of Islamic family law as codified in the Mudawwana. In March 1999 the government presented a plan for the improvement of the position of women in society which included audacious proposals for law reform. These proposals evoked strong reactions in society, especially after the death of King Hassan II and the ascension to the throne of his son Mohammed VI. Modernists and liberals were enthusiastic, whereas orthodox and islamist groups showed fierce opposition to these dangerous and foreign ideas. Much larger issues seem to be at stake than just the contents of family law. It is a debate about the place of islam in society, about who is entitled to interpret islam in an authoritative way, as well as about the question who has the right to participate in politics. A new public sphere is emerging, in which the king as 'Commander of the faithful' still plays a decisive role.

Moroccan and Dutch family law; conflicting concepts and practical solutions

F.J.A. van der Velden

250.000 Moroccans live in the Netherlands. Some years ago, the Moroccan ministry of Justice proposed to its Dutch counterpart to work out a bilateral convention on conflict law in family cases. Starting point of the deliberations should be, in their view, the application of national law and reciprocity in the recognition of decisions. The Dutch ministry's reply was reluctant. It explained that the Netherlands have ratified many international conventions on conflict of laws amongst which conventions on family conflict law. As its result, the Netherlands was only able to accept agreements based at least on the principles laid down in these conventions, since public international law forbids to convene bilateral rules discriminating Dutch residents of a given foreign nationality compared to other foreign residents by restricting their rights to have other laws than that of their nationality applied in family matters, while those

conventions and Dutch domestic conflict law offer several choices. Therefore, it invited Morocco to accede to at least the most important ones of these conventions and to discuss ways to expedite and simplify their application. Nevertheless, the Dutch ministry of Justice accepted to start consultations on a regular basis, in which the parties should try to find practical solutions for legal problems in this field, identified by both. Main problems in their view are the recognition of Dutch marriages, in which at least one person with Moroccan nationality is involved, and the recognition of Dutch divorces between such parties. This article discusses the practical arrangements convened and used until today to solve these problems and the improvements which could possibly be the result of new initiatives to modify the Moroccan family law, as laid down in the Moroccan 1999 action plan for the integration of women.

Human rights abuse in Morocco

I. van der Valk

After 40 years of systematic political repression since its independence, Morocco has slowly engaged in a process of democratisation, in particular since King Hassan II was succeeded by his son, Mohamed VI. The human rights situation has markedly improved since the early 1990's. Hundreds of political prisoners and disappeared persons have been released and exiled persons allowed to return to the country. However, the human rights situation still does not match international standards in particular concerning the Western Sahara. Sixty or so political prisoners continue to be detained and the fate of some 450 disappeared persons has not been clarified yet. Families of disappeared persons who died in secret detention camps have not been informed where the bodies of their relatives are buried, victims have not received (satisfactory) compensation and perpetrators of human rights violations are not brought to justice. Instead, leaders and members of human rights organisations who claim their prosecution in peaceful demonstrations are themselves condemned to prison. Many other cases of suppression of demonstrations, unfair trials, torture, ill treatment and violations of the right of expression and association continue to be reported. Daily practices concerning human rights in Morocco lag far behind the official discourse of the authorities.

Moroccan government policy on migrants and its consequences

S. Bouddouft

More than two million Moroccans live outside Morocco. Annually, these migrants contribute four to five billion guilders to the Moroccan economy. For this reason, the Moroccan government wants to exercise supervision over these migrants. To exercise this control, intimidating measures have been taken in the past in order to isolate migrants. Moroccan migrants were not allowed to take part in political and trade union activities. In the nineties, however, such measures were no longer suitable to the Moroccan government. Since the nineties the Moroccan government is trying to tie Moroccan migrants to their native country through increasing public relations activities. Furthermore, successful Moroccans who live in Europe are now being brought into the Moroccan institutions and their participation in political decision-making, social intercourse and economic transactions in Europe is no longer seen as a danger to the Moroccan nation; it is rather considered an advantage. After all, Morocco's interests are better served by 'subjects' who occupy key positions. The way in which the Moroccan government dealt with Moroccan migrants has caused a lot of conflicts amongst the migrants and has counteracted their integration in

European countries.

Morocco's Mediterranean coast; migration, marijuana and smuggling

P. de Mas

Nearly three quarter of the immigrant community of approximately 300.000 Moroccans in the Netherlands originates from the Northern, Mediterranean part of Morocco, especially from the mountainous provinces of Al Hoceima and Nador and the province of Oujda bordering on Algeria. This marginal part of Morocco served for centuries as a buffer zone, preventing colonial penetration from Europe and the Ottoman empire, and was only for a rather short period (1912-1956) a Spanish protectorate. In 1960, as the massive labour migration towards The Netherlands, Belgium and Germany started, this mainly berber speaking region was one of the poorest and marginal areas of Morocco. Fourty years later, large amounts of money circulate in the region due to the remittances of migrants in Europe, large scale smuggling, human trafficking and the increased production of marijuana (kif) and its export to Europe. This article describes the profound and irreversable socio-economic and political impacts of this major income generating activities on the region.

'Contemporary evil' revisited; remarks about Moroccan criminality in the Netherlands

S. Harchaoui

This article describes the individualistic tendency within the Moroccan society. This tendency is accompanied by a great diversity within that society as such, but there are also differences between Moroccans who commit juvenile delinquency. This aspect drives to the conclusion that attention must be paid to the own responsibility of these youngsters. It is important for the (effectiveness of the) penal system and for further research and theory on Moroccan crime. From this line of approach there are remarks placed about criminal involvement of Moroccans, about the manners in which that criminality occurs and about given explanations for the high rate of criminality among Moroccan youth which lie at the bottom of that criminality. This article concludes that Moroccan juveniles use images in the Dutch society about the Moroccan society as a (useful) strategy in the presentation of their identity which justifies a critical approach of the presented cultural explanations of their deeds.