

Ewa Popławska

PRINCIPLE OF THE SEPARATION AND BALANCE OF POWERS IN MOROCCO IN LIGHT OF THE CONSTITUTION OF 29 JULY 2011

Unlike the Maghreb countries stricken by the fever of the „Arab Spring”, the Constitution of the Kingdom of Morocco of 29 July 2011 was adopted on the initiative of the monarch, but also influenced by social pressure. Its Art. 1 p. 2 states that „The constitutional regime of the Kingdom is founded on the separation, the balance and the collaboration of the powers [la séparation, l'équilibre et la collaboration des pouvoirs], as well as on participatory democracy of the citizens, and the principles of good governance and on the correlation between the responsibility for and the rendering of accounts”. The way of the implementation of this principle is primarily affected by defining Morocco as a democratic, parliamentary and social constitutional monarchy, and by assigning the monarch - in addition to other fundamental political tasks - the role of the „supreme arbiter between the institutions”, who is watching over the observance of the Constitution and the proper functioning of constitutional institutions (Art. 42 p. 1).

The new political system of the Kingdom of Morocco combines the inspiration of the constitutional arrangements of the French Fifth Republic with local conditions, including a strong position of the monarch, who is the guardian of Islam, and the aspirations to modernize and socialize the state. Paraphrasing the words of Professor Andrzej Pułło, the Author states that in Morocco, as in many other countries, the separation of powers is one of those ideas that have little to do with reality, but is needed in the ideology of a new state as a constitutional determinant of its democratic character.