

Fostering the Accessibility to Morocco's Laws to Encourage Foreign Investments in Post-COVID-19 Pandemic through the Legal Translation of Key Legal Texts into English and Other Languages

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Abstract

COVID-19 has impacted the global economy due to the adoption of quarantine and the shutting of many businesses. Morocco has declared the state of emergency starting from March 16th, 2020. This was followed by the gradual restriction of public transportation, businesses, and working hours. Moreover, Morocco isolated itself from the world by closing the arian, terrestrial, and marine borders. Hence, no entry or exit out of the country is allowed only in accordance with tight measures. This impacted the tourist sector, the Moroccans living abroad, and even international commerce. The period of quarantine depends by and large on the halt of the spread of the virus as what happened in Wuhan after approximately four months of the virus spread. In the long run, a vaccine or an effective cure for the virus is what is going to release the world and put life back to normal. Waiting for this vaccine which is estimated to take one year to be fully developed, Morocco needs to implement measures to cope with the spread of the virus and start taking urgent measures to boost its economy after the period of COVID-19. The world is likely to witness an economic revolution after COVID-19 for which Morocco should be prepared mainly in preparing the ground for investments in Africa, the Mediterranean region, and worldwide. One of the ways of this openness to the world is the translation of legal texts into English which is the lingua franca of the world. It is also the official and the second language of almost 24 African countries, such as Nigeria, Kenya, and South Africa. Hence, we recommend the translation of

Moroccan key legal texts into English to attract investors, tourists, and other actors, especially after COVID-19.

Keywords: Competitiveness, legal texts, Morocco post-COVID 19, openness, translation

Introduction

Official juridical texts like the Civil Code, the Commercial Code, and the Labor Code, among others, have been mainly translated into French alone. This will deprive many investors, businessmen, and law actors of acceding to the key legal texts of the country in the long run. For example, some of the key areas that the legal texts which exist only in Arabic and French cover are real estate, foreigners' residency in Morocco, companies, and much more. Some of the laws about foreigners speak mainly to those who do not speak Arabic. However, it is not available in English. This would violate the rule which states "ignorance of the law shall exempt no one". The situation may be worse in the case of foreigners from countries which adopt different legal systems, like the Common Law. Hence, a lot of investors will be discouraged to invest in Morocco or create their own companies simply because the key legal texts which regulate these texts are not available in English.

1. Background

Currently, key Moroccan legal texts like the Commercial Code and Labor Code are available only in Arabic and French. Moreover, the lack of Moroccan key legal texts in English may create problems in the education and economy of Morocco. At the level of education, it will impede the adoption of the intended bachelor system reform which focuses on foreign languages and the attraction of international students. The materials for law students who intend to study law in English in Morocco or prepare for some Law tests like

LSAT and TOLES are scarce or sometimes unavailable. At other levels, tourism, foreign investments, and cultural openness of Morocco to the world is restricted due to the lack of translations of its key legal texts into English.

Morocco may have a bilingual legal drafting wherein both the Arabic and French versions are legally binding. However, since English is a foreign language in Morocco, the intended translations may not be necessary binding to avoid any kind of mistakes in the language which may have devastating consequences in reality. Hence, it is suggested that the translation into English can be unofficial, and it can be done by volunteer translators, English department teachers and students. The end-product of translation can be for information only at the beginning with a view to making official subsequently. This may help foreign lawyers, comparative law students, and potential investors for information purposes. Moreover, it should be plain and widely disseminated and explained on social media. Legal texts which still need to be translated urgently once these ideas are accepted by the Development Model include the following:

Texts	Available translation	Number of words	Number of articles	Estimated time of translation by one translator (days) *
Civil Procedure	French	76751	528	11
Criminal procedure	Fre.	52938	757	15
Penal Code	Fre.	50274	612	13
Labor Code	Fre.	38560	589	12
Nationality Law	Fre.	524	46	1
Lease law	Fre.	4349	38	1

The Road traffic code	Fre.	49679	318	7
The entry and residency of foreigners	Fre.	5787	54	2
Tourist institutions and other tourist lodgings	Fre.	4242	59	2
The freedom of prices and competition	Fre.	14464	111	3

Table 1: Some key Moroccan legal texts which urgently need translation into English

***: Estimated on the basis of previous translation and editing (average 50 articles per day)**

The table above shows just some key legal texts which are currently not available in English. Some of these legal texts address directly foreigners. Moreover, there are many legal texts, no mentioned in the table above, that need translation. They include the tax code, international trade, and different types of companies or partnerships, amongst others. They can be viewed on the official website of the Moroccan Ministry of Justice as cited in the webliography below. Moreover, these texts keep changing, and they need a continuous translation.

2. The current translations of Moroccan legal texts into English

Although the country may wish to be open to the world in terms of economy and investments, the simple lack of translation of its juridical texts can curb this openness. Hence, the following schedule is suggested for the actual translation of key legal texts into English. This project will not cost Morocco anything apart from some attention paid by the Ministry of Justice and the concerned authorities. The following plan describes the legal texts which

are currently translated or under translation into English, their number of words, estimated time, and translators who have performed the translation.

Texts	Available translation	Number of words	Number of articles	Estimated time of translation By one translator (in months) *	Translated by
Civil Code	French, English	76751	1250	2	Mohamed Benhima
Commercial Code	Fre, Eng. (in progress)	52938	798	1/5	Mohamed Benhima
Penal Code	Fre., Eng.	50274	612	1/5	Mohamed Benhima
Constitution	Fre. Eng	4602	180	**	Jefri J. Ruchti & William S. Hein
Family Code	Fre. Eng.	18213	400	**	Human Rights Education Associates (HREA)

Table 2: Some key Moroccan legal texts currently and their translation into English

***: This is what took on a translator to translate, **: unknown,**

There are some sections and articles in these codes which talk about the status of foreigners in Morocco. However, these articles have not been translated into English or other

languages until a doctoral researcher in the laboratory of Discourse, Creativity, and Society took the initiative to translate some of the codes as shown in the table above. Up till writing these lines, the researcher has not published the translated versions of the Moroccan Penal, Civil and Commercial Codes as they are under proofreading in order to avoid any confusion or errors that will be detrimental in their interpretation. Moreover, we need collaboration with the concerned authorities to publish these codes, which may be of a long and tedious process. Without translation and availability of these texts in English for foreigners, the rule that states “ignorance of the law shall exempt no one” will be unfairly applicable. This may cause serious problems for foreigners in Morocco who may come with different cultural and legal backgrounds. In the Moroccan penal code, for example, abortion is criminalized. There are some severe penalties for the perpetrators and accomplices in abortion, while it is legal in several countries. Hence, foreigners who come to Morocco and commit abortion may be pursued by articles of the Penal Code under the doctrine of the territoriality of the application of the law. This will cause them a fine and prison sentence. In commercial transactions, some types of sales are forbidden amongst Moroccans and Muslims in general like interest in loans and selling unpossessed goods. However, they are permitted amongst non-muslims in Morocco. Hence, the Moroccan legislature directly addresses foreigners, yet the key legal texts are available merely in Arabic and French. Only the constitution and some chapters of the Family Code and the Penal Code are available in English in an unofficial translation. That is why we took the initiative to translate the Moroccan key legal texts into English voluntarily. Up till now, the Moroccan Penal Code and the Civil Code or Code of Obligations and Contracts have been translated into English. Currently, we are working on the translation of the Moroccan Commercial Code. However, these translations are not yet published. They are in the process of editing. Based on these experiences and research in the field, we have several suggestions and ideas which will help Morocco in the short, medium, and long term.

3. The suggested procedures for translation

To assure the quality translation of the Moroccan legal texts into English, we suggest some feasible procedures. These procedures are followed by some famous websites, namely Wikipedia, TEDx, and Coursera, among others, to localize their content in many languages. The suggestion is as follows: the Moroccan authorities should launch a website for providing translation and editing of its legal texts from volunteers online just like they have launched this initiative of ideas. The content of the legal texts can be formatted in a parallel and aligned way on an article by article basis. Long texts can be divided into sections. Each language pair can have an independent labeled page to allow for translation into other languages. Technical support and other possibilities are strongly recommended, especially at the beginning. To encourage volunteers to provide the best they can, the Moroccan authorities may grant a certificate of recognition upon the completion of each translation project which states the name, affiliation, and the number of words translated by each volunteer. This mere certificate is worth a lot, and volunteers will be motivated to carry out translation tasks, especially if they know that they will be recognized by Moroccan authorities. Furthermore, there should be peer-editing and evaluation of the translation of each section of the Moroccan legal texts. Hence, there should be comment sections on the website just like the ones in online newspapers to allow people to evaluate using stars and provide their suggestions and remarks on the translation, which will ensure the quality of the translation in the future. Moreover, the volunteers who have done many translations and received positive feedback will be promoted on the website into professional translators or credited translators. They will have access to more features on the website, and they may even be celebrated in some events conducted by the Moroccan authorities. These simple acts of recognition and certification of volunteers will encourage many translators to translate all Moroccan legal texts into English and other languages. Moreover, they do not cost a lot compared to traditional translation projects.

Conclusion

We recommend that the Ministry of Justice takes this issue of legal translation into account. Translators are indispensable legal aid providers. Translating the Moroccan legal texts into English and other languages will surely attract more investors, tourists, and students, among others, to Morocco. If Morocco's key legal texts are still unavailable to the world in many languages, Morocco's key sectors of investment, tourists and education will suffer in silence. The countries which have high foreign investments like Thailand have their legal texts, especially those of setting up companies and partnerships, labor code, and tax laws translated into English and other languages. Hence, it is highly recommended for Morocco to translate its legal texts in a participatory and integrative approach according to the procedures suggested above, which are very cost-effective and quick solutions. This will certainly help Morocco to be more open to the world. Once the Moroccan legal system is accessible, many opportunities will be seized by the country, especially after the COVID-19 pandemic.

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