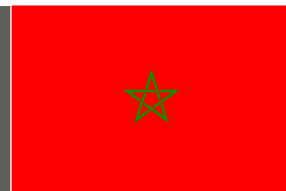


Kingdom of Morocco

(*Al-Mamlaka al-Maghribiyya*)



Capital: Rabat

Inhabitants: 33.757.175 (2007)

Area: 446.550 km²



The Kingdom of Morocco is located at the extreme north-west of Africa. Its population currently stands at 33.757.175 (2007)

Since 1962, the Moroccan political regime has consisted of a multi-party parliamentary constitutional monarchy with separation between the legislative, executive and judicial powers. Nevertheless, in accordance with Article 19 of the Constitution, the King maintains his traditional power in his role as "Commander of the Faithful".

The 1962 Constitution enshrined the principle of *decentralisation* in its Articles 93 and 94, which became Articles 100, 101 and 102 in the current 1996 Constitution. Thus Article 100 states that "the local authorities of the Kingdom are the regions, the prefectures, the provinces and the municipalities. Any other local authority is created by law".

"Local assemblies shall be elected to be responsible for the conduct of their affairs

on the basis of democratic principles and in accordance with provisions defined by law" (Article 101).

The origins of the development of local authorities can be traced to the first years of Moroccan independence with the *Dahir* (Law) of 1 September 1959 regarding the election of town councils, which has today been replaced by the unified electoral code of 2 April 1997, itself modified by Law No. 64-02, promulgated by the *Dahir* of 24 March 2003.

- The *Dahir* of 23 September 1963 on the organisation of prefectures and provinces, replaced and abrogated by the *Dahir* forming the Law of 1976 (Community Charter of 1976), itself abrogated by the current law on communities 78-00 promulgated by the *Dahir* of 3 October 2002.

- The *Dahir* of 23 June 1960 covering community organisation, replaced and abrogated by the *Dahir* forming the Law of 1976 (Community Charter of 1976), itself abrogated by the current Law on communities 78-00 promulgated by the *Dahir* of 3 October 2002.

From these texts we can therefore outline the four key stages in the development of local government in Morocco:



- 1st stage started in 1959–1960 and 1963
- 2nd stage 1976–1977

1976: Municipal Charter

1977: 15 February: *Dahir* forming the law on the role of governor

1977: Decree regarding municipal employees

- 3rd stage: 1997: Law regarding regional Unified electoral code
- 4th stage: 2002: 3 October 2002: new law regarding municipalities

3rd October 2002: new law regarding prefectures and provinces

Since the adoption of the new Municipal Charter of 2002 (Law No. 78-00)¹, Morocco has made enormous progress in terms of decentralisation.

As part of this Law, the legislature also intervened to reorganise municipalities by emphasising extension and precise delineation of the responsibilities and powers of the municipal councils and their presidents.

To this increase in power for local leaders came a corresponding decrease in trusteeship and a gradual elimination of the agent of authority, whose powers had already been significantly reduced by the 1976 Charter.

Furthermore, Law 78-00 introduced measures relating to the status of local councillors into local authority law for the first time. This was a substantial innovation which was also included in Law 79-00 of 3 October 2002 on prefectures and provinces. The status of local councillor

determines not only rights and responsibilities but also the sanctions which can be levied on municipal, provincial and prefectural councillors should they fail to fulfil their duties.

It should also be noted that the 2002 texts proposed new cooperation and partnership mechanisms for towns, prefectures and provinces: according to the General Directorate of Local Authorities (DGCL), urban and rural municipalities signed 82 agreements with public and private partners between 2004 and 2006, covering a large range of socio-economic and cultural areas. Currently, a working group made up of senior civil servants from the Ministry of the Interior and other Moroccan experts is examining the creation of a draft law on inter-municipalism in order to increase cooperation between municipalities.

The revival of decentralisation in Morocco has also affected town management. This is why the new Municipal Charter of 2002 abolished urban communities which had proven to be inefficient at town management. The result of this abolition was a return to seeing the city as a single unit. Hence Law 78-00 of 2002, creating a "metropolitan council", that is to say a single municipal council with districts devoid of legal existence for towns with more than 500,000 inhabitants.

2. Territorial structure

After having been established by the 1962 Constitution, prefectures and provinces are today governed by Law 79-00 of 3 October 2002. The distinction between prefectures and provinces stems from the wish to treat urban areas differently, as they pose specific problems that are quite distinct from those of the rural zones, which are managed by the provinces.

¹ See Official Gazette of the Kingdom.



The prefectural and provincial structures are almost identical: an elected provincial or prefectural council and president, with executive power entrusted to a governor or a *wali* ("super governor"). The council consists of two types of member: a first category of members elected internally by an electoral college made up of members from the local councils of the province or the prefecture; and a second category including representatives from professional chambers (chamber of agriculture, chamber of commerce, chamber of industry and services, of craftsmen, etc.). The council elects a committee composed of a president and a number of vice-presidents with a six-year term of office. The governor is the executive organ of the province or the prefecture. Representing the State, he/she is named by the central authorities, which thus gives him/her organic control over these communities. To this control can be added trusteeship over council members and trusteeship over acts.

The number of administrative districts was set by the Decree of 20 March 2007 which modified and completed the Decree of 7 August 2002, creating constituencies for the election of members of the House of Representatives and setting the number of seats attributed to each of them. This number has been set at 37 (Official

Gazette No. 5514 of 5 April 2007, p. 451).

Regions are local authorities with legal personality and financial autonomy. The region is one of the principal innovations of the Constitution of 9 October 1992 and the revised Constitution of 13 September 1996. This not only recognized the legal existence of the region as a local authority in the same way as a province, a prefecture and a municipality (Art. 100), but it has, in addition, consolidated its constitutional base: from now on, under the 1996 Constitution (Art. 38), the regions will have representatives at the second chamber of parliament.

Furthermore, regional audit offices have been created to ensure accounting control and management of local authorities and their consortia.

The regions also have governors or *walis*, whose authority has been strengthened in line with that of provincial governors and prefectures. According to Article 102 of the constitution "In provinces, prefectures and regions, the governors represent the State and ensure that laws are applied. They are responsible for the application of government decisions and, to this end, for the management of the local services of central administrations".

The *wali* of a region is the real executive

Table 1: Administrative organisation and decentralisation

COUNTRY	Number of levels of decentralisation: 3	Number of levels of devolution	Local authorities: 1,574		
			Level 1	Level 2	Level 3
Morocco	1- Municipalities: 1,497	Regional level	Municipalities: 1,497	Provinces and prefectures: 61	Regions: 16
	- Urban: 199	Prefectural or provincial level			
	- Rural: 1,298				
	2- Prefectures and provinces: 61	Administrative district			
	3- Regions: 16				



official of that region. However, Law No. 47-96 on the regions, promulgated by *Dahir* on 2 April 1997 regarding the application of decisions taken by the regional council, states: "Decisions can only be executed if the acts referring to them have been countersigned by the president of the regional council".

Regarding their missions, the Law states that "the regions have a mission to contribute to the economic, social and cultural development of the regional authority, within the respect of the roles devolved to other local authorities, in collaboration with the State and the aforementioned authorities if necessary".²

The regions can establish systems of cooperation between themselves or with other local authorities.

The regions, like other local authorities, have dedicated bodies to help them carry out their missions, consisting of a regional council (deliberative assembly) made up of representatives elected from local authorities, professional chambers and salaried employees.

In addition, the regional council includes the members of parliament elected from the region as well as the presidents of the prefectural and provincial assemblies relating to the region, who attend the council meetings but only have a consultative role.

The regional council, like other local communities, has its own responsibilities and powers, its own attributions transferred by the State and a consultative role.

As mentioned above, the executive power consists of the president of the regional council and the governor of the regional

capital or the *wali* of a region, who is the true executive official at the regional level.

All local assemblies in Morocco are elected for 6 years.

It should also be noted that there are urban subdivisions in the six cities which are managed by a single urban municipality, the districts being devoid of legal existence (in the same way as the French system in Paris, Lyon and Marseille.) There are 41 urban districts in total: 16 in Casablanca, 6 in Fez, 5 in Marrakesh, 5 in Rabat, 5 in Salé and 4 in Tangier.

On the subject of devolution, Morocco does not yet have a coherent policy which would enable devolution to accompany any decentralisation, thus there is little coherence between the level of decentralisation and the level of devolution.

With regards to the level of devolution, certain ministries have chosen the regional level for the installation of their devolved services, while others have preferred the provincial or prefectural level (but without covering all the provinces and prefectures of the Kingdom).

The 2002 Municipal Charter also awarded special status to the urban area of Rabat (the capital of the Kingdom) and the municipalities of the *méchouars* (areas surrounding the royal palaces).

3. Local democracy

3.1 The local political system

The national political parties (there are no local parties) had a significant influence on the elections of local councils and district councils on 12 September 2003.

Local elections are multi-party, and 27 national parties took part in the elections.

At the municipal level, the local executive

² See *Dahir* forming promulgation of Law No. 47-96 on regional organisation (Official Gazette of 3 April 1997, p. 292).



official is the president of the municipal council. He/she executes the decisions of the municipal council and represents the municipality in the law. He/she is elected by the council, which is itself elected by direct universal suffrage.

However, for prefectures, provinces and regions, the real executive official is the governor or the *wali* of the region, who is appointed by royal decree.

The 2002 elections used proportional representation (as requested by the major political parties: Istiqlal (Independence Party), the Socialist Union of People's Forces (USFP), the National Rally of Independents (RNI), the Justice and Development Party (PJD, the party of the Islamists), the People's Movement (MP), the Party of Progress and Socialism (PPS) and the Constitutional Union (UC).

3.2 Civic participation

The level of participation at the last local elections in 2003 was 54.16%. The voting age had been lowered from 20 to 18. These elections were marked by political stability and by the first steps of the Islamists as candidates for local management. Istiqlal and the Socialist Union of People's Forces (USFP) came out on top with 3,890 and 3,373 seats respectively of the 23,689 available seats for municipal councillors. The Justice and Development (Islamist) Party won a total of 593 seats and finished in 11th place, despite participating in only 18% of the constituencies.

During these elections, for the first time, voters could not only choose the municipal councils of villages and small towns, but also those of important cities including Rabat, Casablanca, Salé, Tangier, Marrakesh and Fez.

4. Relations between central and local authorities

Local authorities benefit from the following constitutional guarantees:

Art. 3: "Political parties, union organisations, *local authorities* and professional chambers contribute to the organisation and representation of the citizens".

In addition to this article, Chapter XI of the Constitution covers local authorities:

Art. 100: "The local authorities of the Kingdom shall consist of regions, prefectures, provinces and municipalities. No other form of local authority may be established except by law".

Art. 101: "[Local authorities] shall elect assemblies responsible for the conduct of their affairs on the basis of democratic principles and in accordance with provisions defined by law".

In addition, Article 46 of the Constitution, which sets the scope of the law, includes "the electoral system of local assemblies and councils" as one of the areas it covers.

Finally, we can add to this the control of the constitutional council regarding conformity of laws to the Constitution and the fact that "no unconstitutional provision shall be promulgated or implemented".

Parliament has the right to legislate over local authorities.

4.1 Control over local authorities

Control over local authorities is exercised through the Ministry of the Interior (via trusteeship over people and acts) and also by the Ministry of Finance, because approval of local assembly budgets can only be given by the Ministry of the Interior or by the *walis* and governors in the case of "devolved trusteeship" when it has been signed off by the Minister of Finance or the



departmental tax collectors in the case of rural municipalities.

In the event of refusal from the Ministry of Finance, the budget is submitted for approval to the Prime Minister.

The dismissal of (or resignation from) a position by councillors and the suspension or the dissolution of entire local assemblies requires an order from the Ministry of the Interior or a decree from the Prime Minister (for the dissolution of local authority councils). A motive must be given for this decision and it must be published in the Official Gazette of the Kingdom.

4.2 The protection of the rights and interests of autonomous local governments

In response to the trustee mechanisms of central authorities, local authority bodies and agents can legally request (through administrative tribunals) the cancellation of decisions from central authorities, as trusteeship decisions are enforceable decisions which can be appealed for abuse of power.

Local authorities also have the right to compensation in the event that acts of trusteeship cause them damage.

Local authorities are represented at the level of the 2nd chamber of parliament (the Chamber of Councillors).

Art. 38 of the Constitution states that: "The Chamber of Councillors includes members from each region elected by an electoral college composed of representatives of local authorities in 3/5 proportion, and members from each region elected by electoral colleges made up of elected members of professional chambers and members elected on a national scale by an electoral college made up of employee representatives in 2/5 proportion".

5. Local responsibilities and powers

The roles of local authorities are detailed in their constituent charters as part of a general clause on responsibilities and powers.

Each decentralised authority then has its own responsibilities and powers, responsibilities and powers that the State can transfer to them and consultative responsibilities and powers.

Over time, the responsibilities and powers of local executives (particularly at the level of the municipalities) and deliberative assemblies have been clarified, specified and strengthened.

The most important areas of responsibility and power include: voting the budget, the examination and approval of the administrative accounts, the examination and the vote of the economic and social development plan for the local authority, the creation of local public services and deciding how they are to be managed, urban transport, cooperation, associations and partnerships.

In addition to these responsibilities and powers, the executive official (the president of the council) is responsible for law enforcement at the municipal level (peace, health and safety of public passageways).

In terms of access to basic services and facilities, an evaluation made for the National Report on Human Development in the first fifty years of Moroccan independence, made public in 2006³ showed, firstly, that it took a long time for the importance of basic services to be

³ See *Le Maroc possible, une offre de débat pour une ambiance collective*, 50th anniversary report, Casablanca, Ed. Maghrébines, 2006, pp. 50 and 100.



realised, as they were relegated behind major projects for a long time, which were believed to be generators of positive externalities and diffuse development. It then shows a fluctuating idea of basic services, mainly determined by the different ways in which the State can intervene in their production. Performance in providing access to these services illustrates the central problem of equity and spatial and gender disparities, as well as that of the coordination of the corresponding public policies. The content of basic services and facilities can be nothing other than conventional. They cover, in this case, education and health, access to water and electricity, mobility and housing. But other areas could also be included: places of worship, communications services, credit and financial services, cultural and sporting facilities, etc.

It is clear that the progress made by Morocco in terms of providing access to basic services for its population during the post-independence period is undeniable. Nevertheless, the real progress made in this area has occurred in the last decade.

It is undeniable that the new provisions of the Municipal Charter of 2002 made it possible to strengthen the decentralisation process and local human development. But it has to be said that despite the efforts made by the Moroccan authorities in terms of development and decentralisation, inadequacies remain at this level: deviances which tarnish the electoral process, the cyclical and unstable character of local partisan alliances, the unequal training of elected representatives, poor management, the sometimes unfortunate division of the territory, the difficulties in transferring the State's responsibilities and powers to the local authorities due to a lack of available resources and the overlap of responsibilities and powers on a local scale between the State, the local and regional authorities and some public

bodies, notably in areas such as professional training and town planning, are all factors which penalise the human development of many rural and urban municipalities and, of course, decentralisation as a whole.

To these problems can be added the resonance of a culture that resists change, that tends towards centralisation and that is little inclined towards trust and delegation. Thus, with the exception of certain pioneering departments, administrative devolution, the essential corollary of decentralisation, can not be said to be accompanying and supporting it in a diligent and consistent manner.

Faced with these problems, the Ministry of the Interior and more specifically, the General Directorate of Local Authorities (DGCL), which supervises steering and application of the government's decentralisation policy, has undertaken reforms which will complete those already underway since 1976. These reforms currently cover:

- revision of the Municipal Charter of 2002
- local taxation and local finances as a whole
- town management
- inter-municipal cooperation
- territorial division

Local elected representatives and civil society associations are often consulted for the launch of reforms, either by the Ministry of the Interior (DGCL) or by think tanks (academics, researchers, experts, the *Institut supérieur d'administration* – ISA), which are mandated to carry out studies on behalf of the General Directorate of Local Authorities (DGCL).

Amongst the partners that accompany the General Directorate of Local Authorities in its programme of reform and local



development, we can mention the Programme of Support for the Moroccan Decentralisation Process (PAD MAROC).

In conclusion we can say that, as the aforementioned report for the 50th anniversary of Human Development in Morocco specifies, local democracy is being asked to provide a new source of vitality in Moroccan democracy. The decentralisation option should go beyond the discussion stage, take on real content and find a fresh impetus as an area for spreading democratic practice, for broadening the base of the elite, for organising proximity and participation for the population and for decongesting the decision-making process³.

6. Financing for local authorities

Local authorities in Morocco are allowed by law to raise charges and taxes (such as the urban infrastructure tax), but do not have real fiscal power whether in terms of

setting taxes or deciding on a taxable base or rate.

Since 1986, the State has transferred 30% of value added tax (VAT) to local authorities, but truly local taxes do not represent more than 30% of local authority budgets.

Local authorities only very rarely receive revenue from international organisations or donors.

The budget of the decentralised municipality is different from the general State budget. In addition to the urban infrastructure tax, whose rate is set at 10% of the rentable value, Moroccan municipalities can levy other taxes including: a tax on shows, on construction operations, on the building of housing estates, a tax on street vendors, a tax on the deterioration of the roads, on non-constructed urban land, on motorbikes, on licences for taxis and public coaches, on signature notarisation duties, on tickets to sporting events and privately-owned public

Table 2: Key indicators for local finances

Category	Year			
	2002	2003	2004	2005
Total national public spending		98,497		112,301
Total local public spending	13,834	11,682		13,450,467
(% of GDP)		(2.83 %)		
Local public spending/ National public spending		10,75%		11%
Local public investment		800,742		1,279,881
Local income				
Local taxes	6,231	6,274	6,779 (40.8 %)	7,267,417
State subsidies	7,050	6,954	6,746 (40.6 %)	7,187
Borrowing	1,199	742	998 (6%)	
Total income	14,480	13,970	14,523	

³ See *Le Maroc possible, une offre de débat pour une ambiance collective*, 50th anniversary report,



swimming pools, on mineral and table waters, an additional tax for a sea fishing licence, a tax on the hunting permits, a surcharge for authenticating carpets, slaughter rights, taxes on markets and public sales areas, car pound taxes, parking taxes for public transport vehicles, civil status rights, fees for sales in wholesale markets and fish markets, fees over municipal public domains, additional taxes to the tax on insurance contracts and a tax on the extraction of quarry products.

All of these taxes are set by Law No. 30-89 promulgated by the *Dahir* of 21 November 1989 on taxation by local authorities and their groups (Official Gazette of 6 December 1989, p. 364).

These taxes represent around 40% of local authority income. But it all depends on the financial situation of each local authority. Here we may speak of rich municipalities and poor municipalities.

7. Local staff management

In Morocco, local authority staff is governed by a particular status (Decree of 27 September 1977, giving particular status to local authority staff).

The number of local authority staff stands at 145,736 (official figures from 2002).

Table 3: Comparison of the staffing levels of the State and local authorities

Year	2001	2002
Local authorities	144,439	145,736
State	448,554	455,023
(civilian staff)		
Local staff/	24.36%	24.26%
State staff		

One of the problems that exists is the status of local staff and the fact that they are still governed by the 1977 Decree on local authority staff. We can therefore consider that there is still no real local civil service structure in Morocco (as there is in France, for example) given that there are so many problems with the national civil service structure. The advice in this area is to try and avoid transposing the problems which exist on a central level to a local civil service structure (for example, excessive bureaucracy, the remuneration system, questions of recruitment, etc.).

Table 4: Evolution of local authority posts by category

Category of employment	1992	2001	2002	Growth rate from 1992 to 2002
Senior management	6,199	11,121	12,109	95.3%
Middle management	16,471	24,324	25,020	51.9%
Support staff	24,573	31,110	31,382	27.7%
Workers	62,418	77,641	76,982	23.3%
Other	419	243	223	-42.0%
Total	110,080	144,439	145,736	32.4%

Sources: *Collectivités locales en chiffres*, published by the Ministry of the Interior's Documentation Centre for Local Authorities – General Directorate for Local Authorities, Rabat, 2004, p.27.



The problem behind the Decree of 1977 is that municipalities can not recruit beyond grade 10. Yet we know that it is grade 11 (the highest in the Moroccan civil service system) which interests senior managers (those with 5 years of university education, a doctorate or the grade of State Engineer). As the prefectures, provinces and regions generally have their headquarters in the offices of the governor or the *wali* of the region, they benefit from the senior managers employed there.

Indeed, the Law of 1997 on regions allows the latter to only employ policy officers which they can recruit contractually.

Over time, we have seen an increase in the number of local authority staff from 142,708 in 2003 to 148,867 in 2005 (according to the estimates from the General Directorate for Local Authorities – Ministry of the Interior).

In terms of the evolution of local authorities in Morocco in recent years, we can observe that for the 30th anniversary of the Municipal Charter in 2006, the General Directorate of Local Authorities attempted to evaluate local authorities using the second Municipal Charter of 1976, which gave execution of deliberative authority to the president of the municipal council (which has since become the unique municipal executive), while strengthening the responsibilities of the municipal councils. It also decided to launch the drafting of a new Municipal Charter, work on which is underway.