

FROM AN INSTRUMENT OF POWER POLITICS TO DEMOCRATIC VALUES

DECENTRALISATION IN MOROCCO

Helmut Reifeld

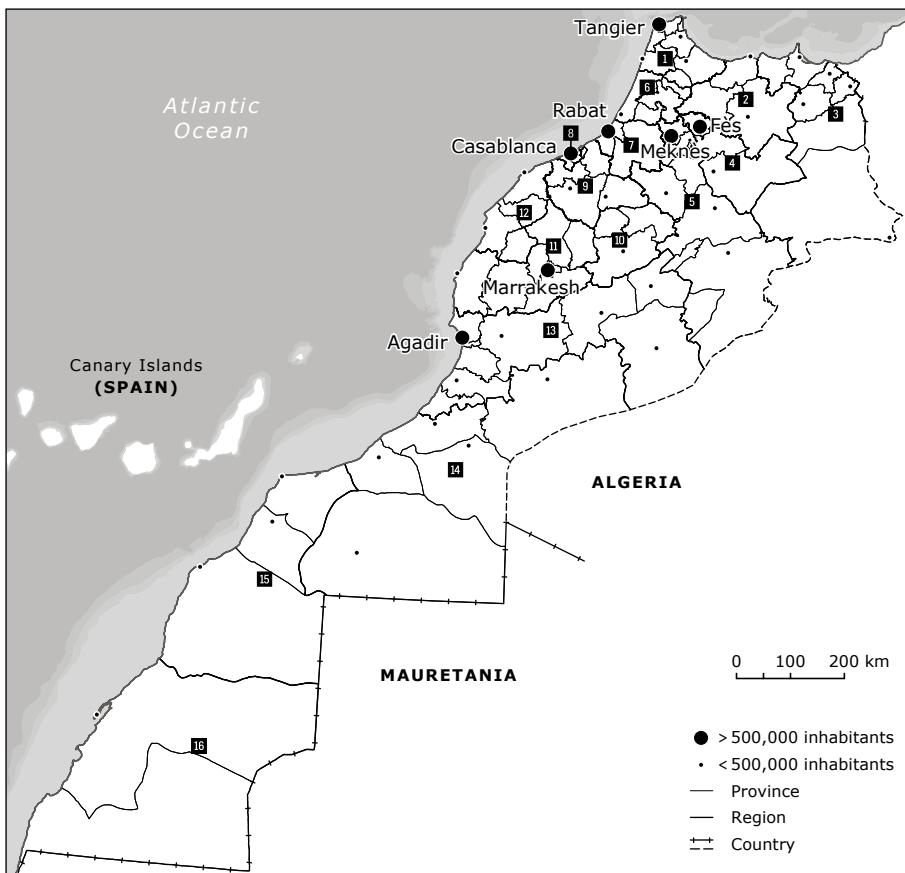
When Morocco's new Constitution took effect with the referendum held on 1 July 2011, a considerable step was taken toward democratisation.¹ More than ever before, this Constitution presents the country's political leadership with the challenge of representing a homogeneous society with pluralistic structures that is democratically involved in the political decision-making process in accordance with the principles of good governance. Along with bolstering human rights, the strengthening of decentralisation forms the most sustainable element of this process. The significance of this is clearly stated in the first Article. After designating Morocco a "constitutional, democratic, parliamentary and social" monarchy, it goes on to say that national communal life was founded upon federal structures, among other things. The Article ends by stating, "The territorial structure of the Kingdom is decentralised. It is based on an advanced regionalisation (*régionalisation avancée*)."



Dr. Helmut Reifeld is Resident Representative of the Konrad-Adenauer-Stiftung in Morocco.

1 | An excellent overview of the current state of the implementation of the new Moroccan Constitution with regard to the articles outlining fundamental rights in particular provides: Ellinor Zeino-Mahmalat, "Constitutional Reform and Constitutional Reality in Morocco: Between Monarchical Stability and Democratic Renewal", *KAS International Reports*, Feb 2014, 113-147, <http://kas.de/wf/en/33.36789> (accessed 4 Aug 2014).

Fig. 1
Regions and provinces of Morocco



Source: Own presentation based on Abdelali Binane. For allocation of regions cf. Table 1.

Under the heading "Regions and Other Territorial Entities", the ninth Section of the Constitution is devoted entirely to the regional authorities under Articles 135 to 146. Along with the regions, this term also includes the middle level of the Provinces (rural) and Prefectures (urban), as well as the lower municipality level. Their representatives must each be directly elected with universal suffrage (Art. 135) and they should exercise their official duties according to the principles of "solidarity" and "participation" (Art. 136). The regional councils (*Conseils régionaux*) determine a region's basic policy guidelines (Art. 137) and their president is responsible for implementing these decisions (Art.

138). Together with the other authoritative bodies, the regional assemblies strive for a participatory dialogue and seek the necessary coordination between all the authorities involved. Citizens and their associations may submit petitions and these petitions must be addressed (Art. 139). The following Articles refer to the fundamental idea of the subsidiarity principle (Art. 140), calling for a kind of financial compensation (Art. 141 and 142), claiming regional self-determination (Art. 143 and 144), but while continuing to coordinate with the governors and the *Wali* as the representatives of the Crown (Art. 145). Finally, Article 146 lists all policy areas that are to remain exempt from laws being implemented by the national Parliament.

In light of Morocco's constitutional development and the establishment of democratic institutions, the measures in the new Constitution regarding decentralisation indicate the consolidation of a constitutional development that has gone on for decades. This applies both institutionally and normatively.

Table 1
Overview of the 16 regions, their provinces, prefectures and urban municipalities respectively rural municipalities

Regions		Provinces and prefectures	Urban municipalities	Rural municipalities
1	Tangier-Tetouan	6	10	87
2	Taza-Al Hoceima-Taounate	3	14	118
3	Oriental	6	22	91
4	Fès-Boulemane	4	12	48
5	Meknès-Taïlalet	5	23	111
6	Gharb-Chrarda-Béni Hssen	2	11	61
7	Rabat-Salé-Zemmour-Zaer	4	10	40
8	Grand Casablanca	12	7	10
9	Chaouia-Ouardigha	3	15	102
10	Tadla-Azilal	2	9	73
11	Marrakesh-Tensift-El Haouz	5	15	198
12	Doukkala-Abda	2	10	77

Regions		Provinces and prefectures	Urban municipalities	Rural municipalities
13	Souss-Massa-Drâa	7	24	212
14	Guelmim-Es Semara	5	11	49
15	Laâyoune-Boujdour-Sakia El Hamra	2	4	10
16	Oued Ed-Dahab-Lagouira	2	2	11
Total		70	199	1,298

Source: Own compilation modified from "Atlas graphique, chiffres clés du Maroc", 2006, 8.

At the institutional level, this is mainly expressed through the direct election of the members of the regional assemblies, which are comparable to the *Landtagen* in Germany, though with much more limited authority. The presence of a freely elected representative from each local authority (province, prefecture, municipality) in the region has anchored this institution in democracy. The two designated social funds (Fonds de mise à niveau sociale and Fonds de solidarité interregionale) serve the same purpose: tackling the social and economic disparities between the regions.

On the normative level, four aspects are brought to bear:

1. In Article 140 of the Constitution, the principle of subsidiarity is explicitly referred to as the basis upon which the local authorities have both their own responsibilities as well as those they exercise together with the central government and those that may be delegated to them by the State.² Not only regionally specific decisions are possible through this; in fact, this significantly weakens the classic polarisation with the central seat of power, which may allow or abolish any local or regional decisions at any time. This emphasises the responsibility of local decision makers. However, it simultaneously holds them accountable for the wider context of their decisions. Therefore, all levels involved are encouraged to align their decisions with the objectives that have been formulated together. And the more each regional or

2 | The French version of Article 140 reads: "Sur la base du principe de subsidiarité, les collectivités territoriales ont des compétences propres, des compétences partagées avec l'Etat et celles qui leurs sont transférables par ce dernier."

municipal level exercises its freedom of choice to form public policy, the more they bring this constitutional right to life.

2. The *principes de libre administration, de coopération et de solidarité* enshrined in Article 136 are there to guarantee the affected public's participation in the configuration of public affairs in their respective territory in order to ensure their integration and stability. This is to ensure that even potential social and economic issues resulting from these decisions are supported by the populace. The notion of a *libre administration* comes from the administrative practices in France, where each lower level is granted a limited amount of leeway in decision-making. The context in which this is used in Morocco extends beyond that and grants local authorities the ability to have a real impact in forming decisions.
3. The principle of cooperation, which is also referred to in Article 136, opens up a wide range of possible advice and consultation between representatives at the various territorial levels. Since this is its first appearance in this form in a Moroccan Constitution, it remains to be seen whether and in what form it will play out.
4. The same applies to the principle of solidarity, which could dismantle the sometimes considerable developmental differences among the regions in the interests of the nation as a whole. It does not require uniformity in the different regions, rather it will probably require their common focus on the State as a whole. Moreover, it should legitimise targeted offers of help from the State.

Thus regionalisation is not just one foundational principle of the new Constitution among many others; it is a central and key objective to which this Constitution is dedicated.

REVIEW

The origins of decentralisation in Morocco date back to well before the colonisation of the Sharifian Empire and included a territory larger than the 16 regions that comprise the

The public's participation in configuration of public affairs in each territory is guaranteed by Constitution to ensure integration and stability.

country today.³ There have repeatedly been regions that have remained subject to the Sultan in religious matters, but in actuality, their political freedoms are based on the absence and weakness of the *makhzen*, the aristocratic apparatus of the Crown. Even if its actions have tended more towards enforcing their rule than their legitimisation, such a review is important because in many cases both the mentality as well as some terminology have been preserved to this day.

For centuries, it is being differentiated between *bled es-makhzen*, a domain over which the State directly influences, and *bled es-siba* areas beyond this central authority.

This is the case for the two different territorial terms *bled es-makhzen* and *bled es-siba*, which have been valid in Morocco for centuries. *Bled es-makhzen* is a domain over which the State (sultanate or kingdom) can directly wield its influence. *Bled es-siba*, however, are those areas that extend beyond this central authority, which were primarily found in the Sahara, the High Atlas and the Rif mountains. Today, the local representative of the central State power remains the *caiid*, whose function is to ensure public order as far as possible, as well as the stability of the law. This term has also retained much of its original connotation. People in the *bled es-siba* were often grouped under the collective term *amazighs*, which is often used interchangeably with "Berber", but in practice has become synonymous with indigenous, ethnic diversity.

The most famous Arab historian, Ibn Khaldoun, a 14th-century native of Tunis, already compiled long and differentiated lists of ethnic settlements in the Maghreb, divided into small sections. Since the beginning of colonisation, and especially during the protectorate era (1912 to 1956),⁴ the term *bled es-siba* was used in the sense that these areas defied every form of modern rule and thus posed not only an administrative problem, but a political problem in particular. The required lists grew longer with time and formed the basis for all authorities.⁵

3 | Cf. Abdallah Laroui, *Les origines sociales et culturelles du nationalisme marocain (1830-1912)*, Paris, 1977, 126-190.

4 | This period applies to the French and Spanish protectorates in northern Morocco. The Spanish protectorate over the Sahara provinces spanned from 1885 until 1979.

5 | One of the most comprehensive lists of this kind: Alfred le Chantelier, *Notes sur les Villes et tribus du Maroc en 1890*, Angers, 1902.

Before the protectorate, the king reigned over a hierarchically structured political system of more than 600 tribes (the majority of which were non-Arab), which included some 36,000 tribal or village communities.⁶ The most active decision-making body was the *jemâa*, the tribal assemblies whose existence partially continues today and who know how to make their influence felt. Under the conditions of the protectorate, there was no reason to fundamentally revise this perception. There were still "pacified" regions and others requiring a military presence because they were time and again considered to be "rebellious". The regional breakdown of the country remained a means of military control and surveillance during the protectorate era.

According to the notion of divide and conquer (*divide et impera*), the regions served to aid the French and Spanish in distinguishing between the Arab territories and those of the "Berbers", i.e. between the civilian and military regions. Consequently, there were three civilian regions (with their centers at Rabat, Casablanca and Oujda) and four military regions (with their centers at Fès, Meknes, Marrakesh and Agadir). This fragmentation informed both the social and economic development of these regions. It led to the solidification of developmental differences or, in some cases, even strengthened these differences. While Casablanca has since developed into an economic metropolis, other cities were considered "useless". The administrative structures that had been established during the protectorate era were not aimed at levelling the country's ethnic, linguistic and demographic pluralism, rather they accepted this codification.

In the municipalities, provinces and prefectures, it is largely a matter of old, established social and political structures that have not been altered by colonial intervention. Immediately following independence in 1956, King Mohammed V increased both the powers and status of the governors that served as his direct representatives in the provinces by issuing a royal decree (*dahir*). In Article 93 of the 1962 Constitution, the provinces, prefectures and municipalities were first labelled independent local bodies and their status

6 | Cf. Sylvia I. Bergh, "Traditional Village Councils, Modern Associations, and the Emergence of Hybrid Political Orders in Rural Morocco", *Peace Review*, Vol. 21, No. 1, 2009, 45-53.

in relation to each other was equalised. For a long time following independence, the distinction was made between devolution (*déconcentration*), which was mainly related to administrative processes and responsibilities, and decentralisation (*décentralisation*), which was directed toward zoning and the relevant legislative process. However, the first term, which mainly concerned the governor's duty as the representative of the Crown in the provinces and prefectures, gradually faded into the background.

The decree issued in 1971 by Hassan II moved decentralisation forward. It fostered economic growth through the division of Morocco into seven regions and the upgrading of urban centers.

The *dahir* issued in 1971 by Hassan II, King Mohammed's son and successor, was an important step towards decentralisation; it explicitly addressed the importance of the regions for the economic growth of the country as a whole. The aim of this decree was to break up the existing rigid administrative structures in order to enable more dynamic economic growth in the country. To this end, the division of Morocco into seven regions was addressed and their urban centers were enhanced by receiving new coordinating functions in regional financial management.

In November 1975, the peaceful and well-organised "Green March" took place in the "Spanish Sahara", which at that time still fell under the protectorate, with approximately 350,000 unarmed Moroccan citizens participating. Madrid acquiesced to the protest, with Spanish troops refusing to fire on civilians; all the while, General Franco lay dying and there was significant international pressure on Spain to end this protectorate. Shortly thereafter, Hassan II issued a corresponding municipal charter (*Charte Communale*) enabling the first municipal elections that same year – though this did not yet extend to the area now referred to as the "Moroccan Sahara". Although this expanded municipal law was primarily characterised as a power-political tool for enforcing national unity and voter turnout was very low, a significant step was nonetheless taken in the country's decentralisation process.⁷

7 | Mohammed Amine Benabdallah, now a member of the *Conseil Constitutionnel*, called the 1976 *Charte Communale* "le point de départ de la véritable décentralisation au Maroc". Mohammed Amine Benabdallah, "Propos sur la décentralisation territoriale au Maroc", Rabat, 2002, 8, http://aminebenabdallah.hautetfort.com/list/droit_administratif/d_decentralisation_territoriale_.pdf (accessed 31 Jul 2014).

At the same time, however, the structural differences between the regions became more readily apparent. This is true of the Casablanca region, for example, which was always able to develop into an economic powerhouse more rapidly while the remaining regions consistently fell short of this economically. In addition, it was becoming increasingly clear that the original division into seven regions reflected a French schematic, which was not appropriate for the country's particular historical, cultural and political conditions. Serious regional disparities were consolidated, for example with regard to trade opportunities, and structural disadvantages, including water supply, the provision of electricity, education and health facilities, were neglected.



Morocco's rural areas are still structurally neglected, a legacy of the French colonial times. Therefore, educational institutions like this school in Ijjoukak, 200 kilometers south of Marrakesh, are highly significant. | Source: Geert van den Boogaard, flickr
©①②③.

The constitutional reforms of 1992 brought sustained improvement when the regions were given the status of political entities. A further step was the re-division of the regions in 1996/1997, which not only took into account structural conditions, but rather primarily established new democratic forms of individual responsibility. The regional assemblies were established, whose members are indirectly elected by the municipal representatives who are themselves directly elected in general elections. Furthermore, representatives from both the prefectures and provinces, as well as all professional organisations (industry, trade, artisanry, agriculture and fishing, where

The total number of Moroccan regions is raised to 16, which may be seen as Hassan II wants to draw parallels with 16 federal states in Germany.

applicable) and trade unions are included in the regional assemblies. A new layout has raised the total number of regions to 16, which may be seen as Hassan II wanting to draw parallels with the 16 federal states (*Bundesländer*) in Germany, according to some experts. He had already declared multiple times that German federalism would be used as the definitive model for Morocco to follow.⁸

For King Mohammed VI, who succeeded his father to the throne in 1999, questions of decentralisation were not the first priority; nevertheless, by 2002 he had issued an expanded and clarified municipal constitution. From the moment he ascended to the throne, he has mainly been concerned with strengthening the country's democratic development on different levels, codifying the rule of law and ensuring the application of human rights. In practice, this has meant a political shift so that at each communal, provincial and regional level, a representative of the people elected through free elections could be tasked with their own duties and financial resources simultaneously and in parallel with the official representative of the Crown. Although this dual power structure was not universally and immediately adopted, a tendency toward early cooperation and coordination between these two representatives is evident.

Announced in 2008, the *makhzen* initiative "Plan Horizon 2015" promised to place citizens at the center of all planning and guarantees them good quality management on a statutory basis. At the very least, voter turnout rose to 52 per cent during the municipal elections in 2009 compared with the 37 per cent in 2007. A completely new kind of latitude has been granted to the local entities for making financial decisions and the newly elected representatives have been promised a State that will facilitate and support them (*un état accompagnateur et facilitateur*). The extent to which these new policy options were implemented has so far differed in each region. However, no evidence exists that they have been boycotted or undermined. In addition, in his speech from the throne on 3 January 2010, Mohammed VI established a Consultative Commission on Regionalisation (Commission Consultative de la Régionalisation,

8 | Cf. ibid., 8 et sqq.

CCR) as a consultative body whose attention would primarily be focused on the economic impact of globalisation and increasing the efficiency of municipal autonomy. Since then, this has been referred to as a *régionalisation avancée* in Morocco.

RÉGIONALISATION AVANCÉE AS THE DRIVING FORCE FOR DEMOCRATISATION

Among the 16 regions Morocco has been divided into since 1997, the three southern regions (Oued Ed-Dahab-Lagouira, Laâyoune-Boujdour-Sakia El Hamra and Guelmim-Es Semara) deserve special attention with regard to the discussion of decentralisation. They comprise the territory of Western Sahara, whose political status remains unclear under international law. From a Moroccan perspective, however, the inclusion of this area in the process of decentralisation promises the three so-called Southern Provinces the opportunity to establish their autonomy; the country is hoping for the long-term approval of the international community on this. It is from this perspective that the *makhzen* and every Moroccan government since 2008 along with him have pursued the Moroccan Autonomy Plan (Projet Marocain d'Autonomie, PMA). This plan has received international support from the U.S. in particular, but France as well.⁹ Based on the content of the plan, the PMA is focused on the example of the autonomy of provinces in Spain, particularly that of Catalonia.¹⁰ From the perspective of French experts, this constitutes a heightened form of decentralisation so much so that it borders on federalism.¹¹

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9 | To date, the Federal Government of Germany has issued no formal position on this. Their stance suggests they welcome a joint agreement that addresses the concerns of all parties involved under the existing UN agreements and human rights are respected.

10 | For more on Catalonia as a model, see Abdelhamid El Ouali, *Autonomie au Sahara. Prélude au Maghreb des régions*, London and Paris, 2008, 146-155. El Ouali is an expert in constitutional law at the University of Casablanca and served as Morocco's representative to the United Nations.

11 | According to François-Paul Blanc, "La régionalisation et la Constitution de 2011: genèse et prospective", in: *La Constitution marocaine 2011. Analyses et Commentaires, sous la direction du Centre d'Études Internationales*, Paris, 2012, 307-343, here: 326. More extensive literature can also be found there.

Content-wise, the PMA is inspired by the concept of a Europe made up of regions as was formulated in the Maastricht Treaty in 1992. Mohammed VI has repeatedly taken up this idea of regional units. The example of the European Union demonstrates that this approach promotes regional autonomy in order to strengthen regional expertise and grass-roots solutions based on the principle of subsidiarity.¹² In terms of the Southern Provinces, El Ouali interprets this concept as a Moroccan commitment to the effect that the paradigm of political self-determination depends less on national independence than it does on democratic governance.¹³



Based on the principle of federalism and subsidiarity the "Projet Marocain d'Autonomie" aims to strengthen regional autonomy without weakening democratic achievements. Laâyoune-Boujdour-Sakia El Hamra, as shown here, belongs to the regions affected by the PMA. | Source: Guillaume Galdrat, flickr ©①①.

It is consistent with Articles 135 to 146 of the new Constitution mentioned at the beginning of this report and – from a Moroccan perspective – is primarily based on three principles: first, the centuries-long unity experienced under the Sharifian dynasty; second, the regional unity as an autonomous region with its own legislative, executive and judicial powers under the principle of subsidiarity; and third, the free election (referendum) on its affiliation to the Moroccan State.

12 | Cf. his speeches from the throne on 3 Jan 2010, on 9 Mar 2011 and especially on 6 Nov 2012.

13 | Cf. El Ouali, n. 9, 11.

In addition, Point 26 of the PMA provides for the establishment of an institution with constitutional status dedicated to regionalisation in general and the status of Western Sahara in particular.¹⁴ This is the Economic, Social and Environmental Council (Conseil Economique, Social et Environnemental, CESE), whose political duties are enshrined in Articles 151 to 153 of the new Constitution, along with the duties of the Cour Constitutionnelle (Art. 129 to 134) and those of the Cour de Compte (Art. 147 to 150). In October 2013, the CESE submitted a comprehensive development plan entitled "Nouveau modèle de développement pour les provinces du Sud", which discusses the integration of the provinces in question in a highly differentiated and systematic manner, laid out over 473 points.

In terms of decentralisation, from a Moroccan perspective it is plain that these special provisions better represent these Southern Provinces in terms of domestic policy if they also account for the rest of the country's provinces, at least in principle. Under the Constitution, subsidiarity, solidarity and balance apply equally for all regions. The claim that accompanies the plan of *autonomie élargie* itself would have been a sufficient reason for Constitutional reform. By integrating the overall concept of *régionalisation avancée* as provided in the new Constitution, however, this may provide a basis for the discussion of the Sahara issue on an international level. Against this backdrop, there is a high likelihood that the enacting legislation announced for 2015 will also be adopted. It is up to the CCR to make the arrangements for the desired implementation. This could be accompanied by a further reassessment by the upper house of the Parliament of Morocco, the House of Councillors (*Chambre des Conseillers*). There is very little expectation of controversy regarding this in the lower house because it is not an issue that divides the political parties.

14 | Mohammed VI strongly emphasised the importance of this task in his 6 Nov 2012 speech from the throne.

THE BALANCING ACT BETWEEN MONARCHY AND DEMOCRACY

The extent to which this can be considered a unified regional and municipal sense of responsibility in Morocco is debatable. Is the decision-making process really democratic and decentralised? Can this even perhaps be referred to as a development towards regional “autonomy” and federalisation? Or is it just a functional shift of administrative tasks under new central control?

Regular democratic elections have been held on all three levels (municipal, provincial and regional) since 1992; the next elections are scheduled for 2015. The 16 regions into which Morocco has been divided since 1997 face dual leadership – monarchical and democratic. On the one hand, the King still appoints (based upon the recommendation of the Cabinet) a *wali* as his representative in each region; on the other hand, the *Conseil Régional*, similar to the German *Landtagen*, are democratically elected and their presidents are formally equivalent to German minister-presidents (*Ministerpräsidenten*). One hierarchical level below, i.e. the provinces and prefectures, the Ministry of Interior appoints a governor on behalf of the King, essentially serving under the *wali*. Its equivalent on the parliamentary side is each president of the *Conseil Provincial* or the *Conseil Préfectoral*. An equivalent polarisation ultimately exists at the lowest level as well, the municipal level: again, *pascha* and *caïd* are appointed by the governor in provincial towns and rural municipalities, respectively, whose counterparts in the town and community councils are the presidents of the municipalities (*Président de la commune*).

In fact, two different hierarchical structures coexist on all political levels: a monarchist-statist structure and a democratic parliamentary structure. While the first is deployed by the Ministry of Interior under the guidance of the *makhzen* and is ultimately accountable to the Crown, the second is elected by the people in each case and must answer to them.¹⁵ The distribution of powers between

15 | The current government, which has been in power since 2012, is the first to have also nominated the Minister of Interior as recommended by the head of government and not exclusively by the Crown.

these two hierarchical structures is theoretically separate; in practice, however, their political options are primarily determined in advance through informal arrangements. When viewed from a constitutional theory perspective, this relationship remains largely unclear.¹⁶

Although the dynamics of *régionalisation avancée* have gained much momentum since the new Constitution entered into force, much of the necessary enacting legislation (competency requirements and divisions of responsibility among the decision-making bodies, financing laws, election law, etc.) has not yet been updated. Lacking above all are the regulations according to which the social funds provided for in Article 142 of the Constitution (Fonds de mise à niveau sociale and Fonds de solidarité interrégionale) are to be administered.¹⁷ Highly visible, however, is the tendency to claim that the autonomy enjoyed by the Southern Provinces will inevitably benefit the decentralisation interests of all regions and thus the democratisation of the country as a whole.

Against this backdrop, it is understandable that European observers in particular often portray Moroccan decentralisation in a critical and largely negative light. The *makhzen*'s control of all regional executive decision-making areas remains great to this day. This is especially true for taxes, financial planning and budgetary matters. Though the development plans drawn up by the regions themselves are addressed, they currently still remain in draft form. On the one hand, the Commission de la parité et de l'égalité des chances is considered very active, has submitted countless recommendations and administers its role in shaping policy to the fullest extent; on the other hand, however, their approach to a functional system of citizen's participation is quite scattered. The current process of formulating and adopting the necessary enacting legislation remains insufficient. Critics argue civil society has been exploited and that there is only partial support from the political parties.

A functional system of citizen's participation is quite scattered. Critics argue civil society has been exploited.

16 | This assessment is based on discussions the author led with both elected and appointed representatives of these bodies.

17 | Cf. Henri-Louis Vedie, "Réforme constitutionnelle et gouvernance économique: L'exemple du Maroc", in: *La Constitution marocaine de 2011*, n. 11, 297-305, here: 304 et seq.

As yet, the realisation that decentralisation not only affects regional authorities, municipal political institutions and state institutions, but the private sector and civil society as well has barely penetrated the public consciousness. Since the last *Charte Communale*, the regions, provinces and municipalities have been entitled to their own tax revenues, even if this right has not yet been implemented. Although good governance is often spoken of, this is directed more at the highest levels of government than everyday political life.

According to analysts, the current process of implementing decentralisation has replaced the old system of patronage with a new one.

This is especially true of the current state of municipal self-government. Sylvia I. Bergh rightly questions how local governmental representatives administer their duties. Do they see themselves as representatives of the citizens or do they regard them as clients? In her estimation, the current process of implementing decentralisation has replaced the old system of patronage with a new one. It has not led the population to engage in lobbying and real participation, rather it has only created additional institutions without establishing new structures for political action. Although public life has been partially re-ignited, there has been no development in terms of new and lasting engagement of the citizenry. Her prevailing impression gained from her assessments is that central government policies continue to dominate in a top-down manner, and the royal family's position of control is secure.¹⁸ Compared with Tunisia, Egypt, Jordan and Lebanon, however, Bergh regards Morocco as the "best practice case". She rightly emphasises that the strengthening of democratic parties represents one of the surest means of further strengthening municipal self-governance in practice.

Anja Hoffmann offers an even more critical assessment of the practice of decentralisation in Morocco than Bergh does. She hypothesises that any decentralisation has yet to occur.¹⁹ Her findings are based on interviews in a

18 | Cf. Sylvia I. Bergh, "Introduction: Researching the effects of neoliberal reforms on local governance in the Southern Mediterranean", *Mediterranean Politics*, Vol. 17, No. 3/2012, 303-321.

19 | Cf. Anja Hoffmann, "Morocco between Decentralization and Recentralization: Encountering the State in the 'Useless Morocco'", in: Malika Bouziane and Anja Hoffmann (eds.), ▶

provincial town on the edge of the Atlas region focusing on the everyday experiences of the local population. In her assessment, she suggests that it is the overwhelming opinion of the respondents that only one state power exists and that it has the sole power to make decisions, which are then handed down to a powerless society. The overall picture Hoffmann outlines is one of paternalism, corruption, patronage and a lack of accountability. In the process, she describes a perception of the decentralisation process that may perhaps be typical but, taken in isolation, is scarcely representative.

For large parts of the population, the central authority of the Crown continues unbroken. The conflicts that occur at the local and regional levels reflect the same conflict of interest that exists between the Crown and the people, as has dominated public life for centuries. However, Hoffmann's position that Morocco is already transitioning from decentralisation to "recentralisation" is excessive. So many legal and political facts are already in place that this process cannot readily be undone. Furthermore, she does not specify who would want this and at what price.

Hoffmann falls short by not mentioning the many cases in which municipal self-government is already well under way, where decision-making is working at the municipal level and proposals that have been formulated through participation have become a reality. This may not be the rule but is an increasing trend in and of itself. In fact, development proposals from the municipalities or the provinces that are presented to the regional assemblies must be coordinated with the *wali* and sent up by him. Yet there is no known case in which such a proposal would have been denied.²⁰ There is no doubt that the parallel structures described are relevant, but in practice they should coordinate with each other without interfering with one another.

Development proposals from the municipalities or the provinces that are presented to the regional assemblies must be coordinated with the *wali* and sent up by him.

Local Politics and Contemporary Transformation in the Arab World. Governance Beyond the Center, Basingstoke, 2013, 158-177, here: 158-163.

20 | The author engaged in numerous discussions on this topic with members of the regional assembly for the Marrakesh-Tensift-El Haouz region (including its president) in the second half of 2013.

Table 2
Institutional authorities and their overlap

Authority	Municipalities	Prefectures / Provinces	Regions
Responsibilities	<ul style="list-style-type: none"> ▪ Local public administration ▪ Administration of collective facilities 	<ul style="list-style-type: none"> ▪ Public administration for the province or prefecture 	<ul style="list-style-type: none"> ▪ Vocational training
Comparable authority at different levels	<ul style="list-style-type: none"> ▪ Economic and social development ▪ Promoting employment ▪ Promoting investment activities and commercial areas ▪ Conservation ▪ Promotion of sport in society ▪ Promoting culture ▪ Social services 		
Comparable authorities with defined responsibilities	<ul style="list-style-type: none"> ▪ Municipal roads and road networks ▪ Investments in companies with various local, inter-municipal, prefectural, provincial or regional interests ▪ Municipal water works 	<ul style="list-style-type: none"> ▪ Road works and maintenance ▪ Management of inter-municipal transportation ▪ Investments in companies with various prefectural or provincial interests ▪ Rural development programme ▪ Contribution to housing programs 	<ul style="list-style-type: none"> ▪ Regional land-use planning scheme ▪ Investments in companies with various regional or inter-regional interests ▪ Management of water resources

Source: Own research program.

From the perspective of the elected bodies, the *wali* functions as an authorising *ordonnateur*. At the same time, there have been persistent reports of paternalism (*tutelle*) whereby the elected representatives formulate their proposals in preparation for and in the course of mutual compromises in order to avoid conflicts. In the meantime, special appreciation has been given to the equality of opportunity (*équité*) put into effect by the new Constitution among the provinces. Current decision-makers actually refer to this as a “revolution” that highlights elected officials’ responsibilities and thus their planning and decision-making authority.²¹

21 | According to Dr. Hassan Amillat, Secretary-General of the Maison de l’Elu in Marrakesh, 14 Feb 2014.



Urban-rural contrast: Cities are the economy's engines and one of Morocco's driving forces is Casablanca. The decentralisation policy of Mohammed VI. seeks to provide equal chances for urban and rural areas alike. | Source: Fr Maxim Massalitin, flickr ©①②.

WHAT REMAINS?

It is obvious that a wide gap often exists between the perception of decentralisation among the population on the one hand and their assessment of decision-makers on the other. Historical influences and current political interests easily converge here. On the basis of the two municipal elections in 2002 and 2009, Ali Jafry has collected many examples of the extent to which traditional habits, political ignorance and deference to authority on the part of the voters and ill-conceived party profiles, lack of awareness of the rules of procedure and coalitions that follow no inherent logic on the part of the candidates have led to hopeless confusion.²²

On a somewhat more abstract level, both Bergh and Hoffmann describe a fairly sluggish conservatism that many consider to be a basic approach to public life in Morocco. They point to the structural problem that administrative and socio-political jurisdiction in Morocco have at best been "granted" to the provinces by the State for centuries. They have never served as the primary source from which

22 | Cf. Ali Jafry, *La Commune contre l'élu. Action et contraintes*, Casablanca, 2012.

Even if the door to regional or municipal self-determination seems more open today than ever before, it is open no further than benefits the monarchy.

the centralised state could have emerged. The long path from independence to Mohammed VI's reforms was primarily dictated by pragmatic considerations,

at least for issues related to decentralisation.

Even if the door to regional or municipal self-determination seems more open today than ever before, it is open no further than benefits the monarchy rather than undermining it. Nevertheless, many are working on opportunities to open this door even wider.

Is decentralisation a genuinely Moroccan project on the whole? What serves as a benchmark for the country? No obvious archetypes exist in the Arab world. Casting a view to Europe thus seems likely. It seems unlikely that the current political and legal developments have actually granted the regions this degree of autonomy as is the case in some regions of Spain. However, today's actors in Morocco are eagerly seeking a greater degree of decentralisation than France has. From a statist-nationalist perspective, which was still influenced by the "Gaullism" of the 1950s in the years following independence, there was no reason to further decentralise the existing domestic and administrative structures. For particularly traditionally-minded royalists, however, decentralisation retained its "Jacobin" image, one of a direct democracy that was still associated with the idea of "regicide" well into the eighties.

Even in Morocco, regional management responsibilities always retained a centralised control function, though this does not necessarily imply systematic paternalism by the State. *Régionalisation avancée* has launched a modernisation of State structures that has the ability to significantly contribute to an integrated development of the country. It is a testament to a progressive democratisation process, which the monarchy considers an important feature of Morocco's international profile. With regard to decentralisation, the extent to which universal suffrage is applied is unique in the Arab world, especially in electing the *conseils régionaux*.

The same applies to the broad spectrum of opportunities for organisation and compromise between the claims made by the regions in favour of self-determination and the State's

claim to power. However, the lack of regulations in place to balance ethnic, gender and regional differences in education must still be regarded as unsatisfactory. The tools in place to combat corruption are not managed rigorously enough and the calls for *bonne gouvernance* are all too often met with non-committal answers. Though valuable institutions have been created for human rights to be fully applied, they continually lack consistent State support.

The tools in place to combat corruption are not managed rigorously enough and the calls for good governance are all too often met with non-committal answers.

To this day, the two-faced character of decentralisation in Morocco oscillates between a real balance of power and a chimaera. Ultimately, however, decentralisation significantly contributes to the fact that the central royal authority's key policies are being implemented without State bodies needlessly compromising on the details of municipal self-government or even being forced to intervene directly. The previously established form of decentralisation has already created a reality with democracy at its core. The right to municipal self-determination and regional freedoms is already guaranteed to the extent that it has already "entered" the political perception of the population.

Morocco is gaining increasingly greater recognition for the fact that the constant developments and political changes associated with this number among the *raisons d'être* for municipal self-government. The knowledge that local problems can be solved at the local level is not only historically rooted, but has now adopted a democratic parliamentary character as well. For centuries, the *jemâa* held an institutionalised assembly in which all social classes are represented and which formulates decisions to be taken and proposes solutions in a semi-parliamentary advisory capacity. Consequently, the idea of parliamentary representation and consensual decision-making as a democratic element was introduced into the civil consciousness.

The political consciousness in Morocco is not centralised even in terms of dealing with issues of participatory democracy. By no means are either EU integration (*statut avancé*) or participation in the process of globalisation administered earlier in the Moroccan capital than they are in the regional metropolises. It is often the regional centers that have to face international challenges much more

directly. The following are examples of this: Casablanca and Tangiers (for the economy, industry and international trade), Marrakesh, Fès and Agadir (for scientific exchanges and tourism) and Ouarzazate (for climate and energy). To some extent it is these cities that are the ones currently generating the best adaptation efforts.



Rural regions in Morocco, such as the small town of Moulay Idris, take part in the policy-shaping process due to stronger popular responsiveness and participatory opportunities. | Source: Anja Disseldorp, flickr ©.

In order for decentralisation to contribute to the sustainable stabilisation of the country, it must not be borne by the principles of power and control, rather it should stem from the knowledge of man's dignity and his right to self-determination. Decentralisation can therefore also be considered a legitimate component of State power in Morocco. It is an expression of the inalienable democratisation the country has achieved thus far because it guarantees fundamental liberties at the local level. Ultimately, it strengthens the State's authority more than it weakens it as it guarantees the right to further develop democratic administrative structures at the local and regional levels.²³

23 | Cf. Karim Cheggari, *Les apports de la nouvelle constitution marocaine en matière de décentralisation territoriale*, Marrakesh, 2012.

To put it succinctly, Morocco is a "flawless" monarchy that provides a great degree of democracy. King Mohammed VI has already achieved a great deal since ascending to the throne: particularly in the area of women's rights, but also all human rights, with a view to liberalising the economy and his country's rapprochement with the EU. Just as is the case with these developments, the process of decentralisation has a long way to go. Given the country's sometimes considerable shortfall in many areas of social and educational policy, this deserves to be given high priority. It is sure to become an enduring project of political reform and a benchmark for democracy in Morocco.