

# THE 2009 COMMUNAL CHARTER AND LOCAL SERVICE DELIVERY IN MOROCCO

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## *Abstract*

*In 2008, Morocco issued a new Communal Charter (implemented in 2009) and, with it, decentralization formally became the cornerstone of Morocco's economic and political reform. The Charter represents the culmination not only of the regime's regionalization plan – the primary intention of which is to allow the peoples and institutions of the disputed Western Sahara to manage their own affairs while remaining under Moroccan sovereignty – but also of reforms that have been made since the late 1990s to promote the local level as a central component of their implementation. The Charter devolves political power to municipalities, thereby reducing the supervisory powers of the Ministry of Interior over municipal affairs. The Charter thus married democratization with development and was issued with much fanfare. Yet service delivery continues to be highly uneven in Morocco, both between and within regions. The results of this report are based on in-depth research conducted in seven municipalities, representing 50% of the regions in Morocco.*

## About the Author

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In 2009, Morocco issued a new Communal (Municipal) Charter and, with it, decentralization formally became the cornerstone of Morocco's economic and political reform. The Charter represents an important part of the regime's regionalization plan – the primary intention of which is to allow the peoples and institutions of the disputed Western Sahara to manage their own affairs while remaining under Moroccan sovereignty. It is also a significant step in a series of reforms that have been made since the late 1990s to promote local actors as a central component of their implementation. The latter includes the 2005 National Initiative for Human Development (INDH), the King's *chantier de regne* (a reign-long effort that will define his legacy in the long term) that places particular emphasis on promoting the inclusion of the public in the process of decision-making.<sup>i</sup> Just as importantly, the Charter represents long-term efforts to address socio-economic issues by devolving political powers to regional and municipal governments.

The Charter devolves political power to municipalities, reducing, at least theoretically, the supervisory powers of the Ministry of Interior (MoI) over municipal affairs, in several ways. Most importantly, the Charter requires all municipalities, for the first time, to develop a Communal Development Plan (using the French acronym, PCD) based on feedback received from consultative committees comprising members of civil society.



The Charter thus married democratization with development and was issued with much fanfare. Yet service delivery continues to be highly uneven in Morocco, both between and within regions. Many municipalities continue to be severely under-serviced or poorly-serviced. Two main challenges hinder municipalities' ability to take advantage of the new openings or opportunities provided by the Charter, both of which serve to undermine the effectiveness and credibility of local councilors and, consequently, local service delivery. The first is the on-going authority – technical, fiscal and judicial -- that remains in the hands of appointed regional and provincial governors at the expense of municipal councils and, exacerbating this, the personalization and/or politicization of decision-making by these actors. The second is the fragmentation of elected councils both as a result of the electoral system and of the system of distributing competencies among elected council members as laid out by the Charter. The effectiveness of local councils – and ultimately decentralization – are further undermined by the INDH, which overlaps and competes with municipal PCDs, both by strengthening the power of regional governors at the expense of municipal councils and by fostering competition between elected council members and between council members and civil society actors for newly available development funds. The end result is that municipal service delivery is uneven, largely due to the entrenchment of patron-clientelism, and that effective service delivery often is contingent upon highly informal factors – personalities, personal relations and power relations. In the process, both participatory development and the concept of democracy are undermined.

This report examines the limitations of decentralization in Morocco. It is based on in-depth research conducted in eight municipalities<sup>ii</sup> and on secondary sources. The fieldwork for this report included open-ended interviews with all stakeholders, including governors, mayors, council members, and NGO representatives in each of the municipalities. In addition, interviews were conducted with representatives from various ministries, including the MoI, and international and local non-governmental organization (NGO) representatives based in Rabat and Casablanca. The interviews were conducted between 2011 and 2012.

This report is divided into five parts. It begins with an overview of the history of decentralization in Morocco. Part two then examines the extent and nature of the authority of the representatives of the central state. It begins by looking at the territorial and administrative divisions in Morocco, followed by a discussion of state ‘tutelage’ or supervision over municipalities. It concludes with a discussion of the personalization of decision-making by the regional and provincial governors. Part three takes an in-depth look at the elected municipal councils and the dynamics by which the councils are prone to fragmentation and failure. Following this, part four examines the INDH. It argues that the INDH serves to exacerbate municipal council weaknesses and to undermine decentralization. Finally, part five examines the making of the PCD, a process that, despite its prominence in the 2009 Charter, ultimately excludes rather than includes Morocco’s civil society.

## Decentralization in Morocco

Decentralization in Morocco has occurred, thus far, in four phases: 1) from 1960, with the first municipal elections and the first Municipal Charter, to 1976 and the issuing of the second Municipal Charter; 2) from 1976 to 2002, when the third Municipal Charter was issued; 3) from 2002 to 2009 and the issuing of the fourth Municipal Charter; and 4) from 2009 to the present. Tightly controlled by the central state, the process has been driven by security considerations and economic imperatives. Indeed, the need to address political tensions in the Western Sahara, on the one hand, and the fear of security threats caused by economic poverty on the other, have combined with international support for administrative reform to shape the process.

Municipalities were first granted decision-making powers with the 1976 Municipal Charter. The establishment of municipalities and the first municipal elections in 1960 were largely driven by the regime's need to bring the country administratively under its control, specifically under that of the MoI, and by an attempt to break the power of the tribes and establish closer ties between the administration and local elites or notables. Consequently, municipalities were tightly controlled, with little to no authority other than assisting or advising the local representatives of the central government. Although operating with highly limited financial and human resources, the 1976 Charter granted municipal mayors (referred to as *présidents* in Morocco) the responsibility for managing the budget and local administration and for overseeing the civil registry and the local police.<sup>iii</sup> Municipalities

were also given the responsibility, for the first time, for economic, social, and cultural development.

It is no coincidence that the 1976 Charter was issued the same year as Morocco's Green March, which sought to reassert its historical ties and annex the Western Sahara. The 1976 Charter was designed to offer the Western Sahara a degree of self-autonomy in an effort to undermine support for the Polisario Front, the region's independence movement (established in 1973 with the original goal of ending Spanish occupation and financed by Algeria) against the central government in Rabat.

The regime's desire to grant a degree of local autonomy was underlined further by the growing public deficit and, despite some reforms, the growing gap between haves and have-nots in the country at large. Unwilling to remove subsidies, despite the fall of phosphate prices in the 1970s, decentralization was viewed as a means of addressing the growing public deficit by handing over responsibility for rural infrastructure and social services (but without, as noted above, making adequate provisions for financing these services).

By the 1980s, however, Morocco was experiencing acceleration of its rural-urban migration and a significant increase in urban squatters and shantytowns (bidonvilles); these shantytowns were at the core of the riots in 1981, 1984 and 1990. In 1983, Morocco negotiated one of the first programs of structural adjustment in the Middle East and North Africa (MENA) region with the International Monetary Fund (IMF) and the World Bank (WB). It embarked upon reforms of its public finances, monetary policy and external trade

arrangements, and of the state's role in each. The exchange rate policy was liberalized, the dirham depreciated, and foreign imports encouraged. Concomitantly, price controls and subsidies on basic necessities were also reduced. Ten years later, the banking sector and the stock exchange were reorganized.<sup>iv</sup>

Cutbacks in public investment as a result of 1983-1993 IMF/WB reforms, however, severely hurt the lower and middle classes and aggravated the widespread disparities in access to basic social and infrastructure services between and within regions (also partially as a result of the 1976 Charter).<sup>v</sup> In response, the WB and international donors, such as the UNDP, USAID and the French government, increasingly promoted good governance and decentralization as a central component of political reform. The 2002 Charter significantly expanded the municipal council head's sphere of control to cover most local issues, except for those dealing with public security and issues related to public liberties.<sup>vi</sup> Moreover, the 2002 Charter contained new provisions relating to the municipality's role in reducing poverty and exclusion. Furthermore, municipal councils were allowed to enter into partnership agreements with local associations for the first time, although the MoI exercised tutelle (that is, guardianship, tutelage or supervision) on such partnership agreements.<sup>vii</sup>

Morocco's 2009 Charter was spurred by three factors. First, it was designed to address some of the weaknesses of the 2002 Charter, discussed in more detail below. Second, it came in response to the Casablanca bombing of 2003 which cemented the regime's belief that social injustice and poverty fuelled terrorism. Third, the char-

ter was part of the regime's regionalization plan aimed at resolving the issue of the Western Sahara.<sup>viii</sup> Using terms such as "participatory approach" and "participatory action,"<sup>ix</sup> the stated aim of regionalization is to "enable good local governance that responds more closely to the citizen's needs, and boost integrated development."<sup>x</sup> Announced in a speech marking the 33rd anniversary of the Green March, the plan was developed and promoted as a national plan, with the Saharan provinces among the first regions to experience its benefits. To be sure, upon coming to power in 1999 after his father's "years of lead", King Mohammed VI placed fresh emphasis on economic reform and political liberalization, openly stressing the importance of human rights and freedom of speech and embracing the international development discourse of 'participation', 'decentralization', 'good governance' and 'gender equity' in his public rhetoric.<sup>xi</sup> However, the 2003 bombing, together with the historically evolving regionalization plan, fused the concepts of development, decentralization and democratization together and culminated in the 2009 Charter.

In keeping with the Kingdom's increased focus on participatory development, the 2009 Charter requires all municipalities to establish a consultative committee for "equity and equal opportunities" (Commission de la parité et de l'égalité des chances) comprising civil society representatives, and to create PCDs based on feedback received from the committees. Committees are to include local NGOs, economic actors (e.g., shopkeepers or farmers), and marginalized groups (e.g., unemployed university graduates, the physically challenged, and women).<sup>xiii</sup> The Charter also grants municipalities greater responsibility for various services (services de

proximité) – namely slaughterhouses, bus stations, street lights, roads, landfills, green spaces, sewage and garbage and, most importantly, urban management. Furthermore, municipalities are able to agglomerate and establish joint councils for specific issues, such as transportation, in order to pool their resources and establish services that cross jurisdictional boundaries. In addition, the Charter further reduces the supervisory powers of the MoI over municipal affairs by shifting from a priori to a posteriori control by the MoI. For specific (albeit limited) areas of jurisdiction, municipalities could now implement their decisions without a priori control from the MoI.<sup>xiii</sup>

The 2009 Charter opened new opportunities for municipal governments to play a role in local development. However, as with the 2002 Charter, the 2009 Charter only marginally reduced the importance of the supervision of the MoI of the municipal councils, “as it modifies neither the principle nor the system.”<sup>xiv</sup> Indeed, tutelle and the electoral system continued to hamper local councils’ ability to take advantage of the new opening.

### **The MoI and the Representatives of the Central Authorities**

Municipal governance and development must be understood within the context of two parallel structures, the administrative and the elected, or what are also respectively referred to as the deconcentrated structure of authority derived from the central power (top-down approach) and the decentralized structure of elected au-

thority derived from direct and indirect elections (bottom-up).<sup>xv</sup> While parallel, the two are not equal.

Territorially and administratively, Morocco is divided into 16 regions. Each region (*wilaya*) is headed by a wali, who is also appointed by the Council of Ministers, which is presided over by the King, and is in charge of the region's economic and social development. The 16 regions are sub-divided into 13 prefectures (centered on large cities) and 62 provinces (rural and centered on smaller cities). Executive power at the provinces/prefectures lies with the appointed governors. A regional wali is also the governor of the province or prefecture in which he resides. The term wali is therefore used for the heads of regions and of provinces or prefectures. The provinces and prefectures are further sub-divided into municipalities (*communes*); urban municipalities are headed by pashas while rural municipalities (defined as those with fewer than 35,000 inhabitants) are headed by caids. Below the caids and the pashas are a number of lesser administrators. Morocco currently has 1503 municipalities, 221 of which are urban and 1282 of which are rural.

The Minister of the Interior is responsible for the administration, coordination and supervision of all local collectivities. Walis, governors, pashas, and caids thus represent the central administration of the MoI at the different regional, provincial, and local levels. There is, however, no hierarchical relationship between the three territorial levels of region, province/prefecture and municipality. No local authority exercises authority over another.<sup>xvi</sup> Rather these are three categorizations (*encadrement du territoire*). The MoI is the organe de



tutelle for all three groups, and each reports independently to the MoI in Rabat.<sup>xvii</sup> The territorial collectivities have both powers they share with the state and powers that have been transferred by the state. However, their jurisdictions are rarely defined with any precision, but as representatives of the King (and officials from the Minister of Interior) they concentrate more powers and resources than the elected authorities. Extreme confusion exists among the multiple jurisdictions that plot, share and trace the contours of the urban political and administrative landscape.<sup>xviii</sup>

Municipalities fall under the jurisdiction of the Direction Générale des Collectivités Locales (General Department for Local Communities, DCGL) within the MoI. As noted above, DCGL supervision of councils is budgetary, technical as well as judicial.<sup>xix</sup> Indeed, the MoI's role vis-à-vis municipalities extends to municipalities' staffing. Municipal employees are all employees of the MoI and – other than lowest ranks – are not hired by the mayor. They, too, are part of a line of command that begins in Rabat.

Parallel to this deconcentrated territorial and administrative structure is the decentralized structure of the elected officials and bodies. The elected bodies of the territorial collectivities have the statutory power and state-provided financial resources to perform their duties; however, they do not have legislative powers.<sup>xx</sup> There are two different electoral systems for urban and rural municipalities: a proportional party list-based electoral system in the case of the former and a single-member constituency with the first-past-the-post system in rural municipalities. Each municipality forms a council with a president which has

a six year mandate. There are also elected councils at both the level of the province/prefecture and region. Both the regional and provincial/prefectoral councils are indirectly elected. According to the 2011 Constitution, regional councils are to be elected by direct universal suffrage; however, the organic law putting the Constitutional amendment into practice has not as of yet been passed. The provincial/prefectoral councils are indirectly elected via a variety of intermediary bodies, and a portion of the council seats are voted in by elected municipal council members. At the top of the decentralized structure lies the indirectly-elected Chamber of Councilors, which forms one house of the two-house parliament.<sup>xxi</sup> Thus, as opposed to the deconcentrated system of authority, the elected system is a bottom-up structure.

All elected bodies – the municipal councils, the provincial/prefectoral councils and the regional councils – are subject to the supervision of the pasha/caid, governor, and wali respectively. The representatives of the central authority both represent the executive power of the territorial collectivities and have powers delegated by various ministries, including the MoI.<sup>xxii</sup> Thus the deconcentrated administrative structure takes its orders from above. It is not designed to respond to demands from below, and, as stated above, it is far more powerful than the decentralized elected bodies both in terms of its supervisory authorities and its decision-making powers and of its financial resources.

Financially, municipalities are highly dependent upon state transfers and have little to no margin of autonomy.<sup>xxiii</sup> Together, all local collectivities (regions, province/prefectures and municipalities) incur approxi-

mately 10% of total public expenditures and 2.44% of Gross Domestic Product.<sup>xxiv</sup> In 2006, this amounted to 14,064 million Moroccan Dirhams.<sup>xxv</sup> At the municipal level, public expenditures are overwhelmingly financed by VAT transfers – approximately 43% of municipal operating revenues come from the portion of the VAT that is transferred to municipalities.<sup>xxvi</sup> Other taxes, such as the urban tax, business tax and the supplementary urban tax – all assessed and collected by the central government and transferred to the municipalities – comprise approximately 32% of the operating revenues.<sup>xxvii</sup> The various local taxes and fees that municipalities may collect (on slaughter houses or construction, for example) amount to approximately 25%.<sup>xxviii</sup> Municipalities thus depend upon the central state for 75% of their operating revenues.

### **La Tutelle: State Tutelage**

As argued above, one of the most important obstacles preventing municipalities from effective service delivery is the supervisory nature of the representatives of the central authorities over municipal decision-making. In Morocco, this supervision is referred to as *la tutelle* or state tutelage and is justified by the presumed apolitical and technical knowhow of the representatives of the central authorities. State tutelage, however, more often than not hinders councils in both their decision-making and their ability to implement their decisions. This occurs partly as a result of councils' limited decision-making

authority. It is also due to delays in the execution of their decisions as a consequence of the sheer number of approvals they require and of the confusing and conflicting array of jurisdictional prerogatives. All of these factors negatively affect their ability to respond to the public's needs.<sup>xxix</sup> It is little wonder that municipal councils' most common complaints are regarding the tutelage of the state.

State tutelage manifests itself in a number of ways in the daily workings of the municipal council, the most obvious being that local councils continue to require approvals from the representatives of the central authority on an inordinate number of decisions, particularly in regard to financial matters. Budgets, loans, guarantees, new accounts, franchises, and any act involving money passed by municipal councils all require the approval of the governor or wali.<sup>xxx</sup>

Municipal governments furthermore have relatively little sole (as opposed to shared) jurisdiction, even over affairs that constitute services de proximité. Municipalities are responsible for basic services involving public health and safety, for example, but local clinics are not under the jurisdiction of municipal governments.<sup>xxxi</sup> Consequently, the councils cannot intervene when issues arise. Councilors regularly complain that they have to rely on the province/prefecture to execute many of their decisions – even those involving mundane matters. Thus, as one frustrated councilor complained, council decisions often have little impact, which ultimately has a negative effect on the credibility of the municipal council.<sup>xxxii</sup>

Even in those issues areas where council decisions are implemented, the slowness with which they are implemented undermines the council's credibility. One mayor expressed a common complaint when noting that, at the time of the interview, the municipality had been waiting for two months for the wali's approval for the purchase of one roller for the paving of local roads – a purchase that had already been approved in the budget by the MoI.<sup>xxxiii</sup> At that point, it had been five months since the municipal council voted to purchase the roller.

Administratively, the situation is made more cumbersome when one takes other ministries into account. At the regional and provincial levels, there are various line ministers representing their respective ministers, such as the Minister of Health, in Rabat. The ministerial structures are similarly top-down, with neither ministers nor line ministers accountable to any elected bodies. Municipal presidents have no direct relationship to line ministers and must take any issue or complaint to Rabat; it is then transmitted back down the chain of command. This creates an even greater degree of confusion regarding jurisdictional authority, with municipal councils complaining that the legislation is contradictory and consequently unclear – they often do not know when they must seek approval of a ministry and when they may act alone.<sup>xxxiv</sup> It also further slows down the approval process. In the case of household solid waste management, for example, both a representative from the concerned ministry, the Ministry of Energy, Mining, Water and Environment, and representatives from the concerned directorates within the MoI, the DCGL and the Directorate of Water and Sanitation: Technical and

Financial Support must grant approval for any decisions (such as a contract with a private company).

Municipalities furthermore complain about a lack of coordination between the numerous actors – the lack of horizontal ties – and what often amount to overlapping functions and conflicting interests. The various charters provide for the differentiation of prerogatives. While the region is responsible for economic planning, the provinces/prefectures are charged with matters that relate to rural development, coordination between municipalities and provincial or prefectural property – however, 70% of their roles and prerogatives are very similar.<sup>xxxv</sup> The wali or governor of the prefecture/province also can usurp certain prerogatives from council presidents.<sup>xxxvi</sup> In the case of one municipality where the DCGL, the province, the Ministry of Youth and Sport and the municipality all contributed money towards the building of a sports complex, there were on-going disputes concerning who would run the complex after it was built. The Charter states that municipalities are qualified to run them, but the governor also has the right to withhold approval and, in this case, he did.<sup>xxxvii</sup>

Perhaps most importantly, municipalities complain that as the authorities and the line ministries are accountable to the top, larger plans or projects are not suited to the specificities of the local area. Municipalities have few means of ensuring the quality of administrative decisions and this, municipal council members argue, is one of the reasons for the differential development between provinces – with so much power invested in the representatives of the central authorities, it depends on “who you get.”

Municipal councils thus continue to confront a high degree of tutelle, cumbersome decision-making processes and a confusing array of jurisdictions that impede their ability to provide effective services. This often is exacerbated by the personalization and politicization of the approval processes.<sup>xxxviii</sup>

### **Representatives of the Central Authorities and the Personalization of Decision-Making**

Walis and governors act as crucial kingpins between players – ministerial representatives, representatives of the deconcentrated services of the states, and private actors – and ensure their proper functioning.<sup>xxxix</sup> The walis of the regions and the governors of prefectures and provinces not only enforce laws, implement regulations and government decisions, and exercise administrative control on behalf of the state, but they also coordinate the activities of the dispersed offices of the central government, ensure their proper functioning, and help the mayors of the territorial collectivities implement plans and development programs.<sup>xl</sup> As stated above, walis are responsible for the economic and social development of their respective regions and are empowered to take "all necessary measures" with respect to matters such as professional development; they are responsible for the Regional Investment Councils to promote and coordinate private (foreign and domestic) investment and to encourage the establishment of industrial zones and business parks.<sup>xli</sup> Prefectural and provincial councils play a similar role. They are required to promote investment by participating in planning and promoting business parks

and the like. Prefectures or provinces may sign agreements among themselves or with other local entities for the development of projects of common interest. They may also, on their own or in partnership with the state, region or with one or more rural municipalities, take all actions likely to promote development and support development programs in rural areas.<sup>xlii</sup>

Given the preponderance of (discretionary) decision-making authority resting in the representatives of the central authorities, it is unsurprising that decision-making can be both personalized and politicized vis-à-vis municipal councils. Indeed, the maneuverability of a municipal president and council can vary quite dramatically from municipality to municipality, depending on who the wali or governor is, who the president is and how willing and well the two are able to work together.<sup>xliii</sup> As one elected council member explained, in terms of everything the elected council does, the governor can step in and reject a decision either for technical reasons or simply his personal opinion.<sup>xliv</sup> Conversely, if the governor is a friend of the president, “obstacles melt away from the commune.”<sup>xlv</sup>

Based on a political bias or personality clash, the central authorities may needlessly frustrate the work of a council by, for example, issuing a rejection to a proposal without any explanation given and on the last day of the three month period during which the decisions must be issued by law.<sup>xlvi</sup> Thus, in one municipality where public support for a new transit company spanned across the entire political spectrum, councilors were originally thwarted in their attempts to contract a new bus company because the pasha sent a report to the wali stating that the mu-



nicipality did not need a second transportation company. Moreover, the municipality's request to introduce a second company sat on the pasha's desk for three months before he sent the report to the wali.<sup>xlvii</sup> Councilors attribute the delay and the rejection to political bias against the party of the president.

Paraphrasing a leading member of the Islamist Party of Justice and Development (PJD), it is very important that there is a good relationship between the wali and the president; the wali looks to see which political parties are in power and who is in the opposition and, based on this, can obstruct a party. When the president of the commune has good relations with the wali, the municipality works; otherwise it doesn't. Personal relations and political affiliations are fundamental.<sup>xlviii</sup>

Thus, in one municipality which has had tremendous success in obtaining various infrastructural projects from the King via *mise à niveau* projects (equalization projects), when the president was asked about his relationship with the governor, he answered that they are both "sons of the province" and then added "we understand each other."<sup>xlix</sup> When further asked about the reasons for the municipality's success in terms of getting so many projects, the council president and vice-president stated, after crediting the King, that it was because the pasha and the president understand each other perfectly – that there is an *entente parfaite*.

Similarly, when the president of a municipality is simultaneously a member of parliament (MP), he is much stronger vis-à-vis the wali, governor and pasha as op-

posed to a president who is not also an MP. As an MP, the president has a direct relationship to the MoI and, as a result, has more leverage vis-à-vis the representatives of the central authorities. As the abovementioned leading PJD member stated:

If the president is powerful, he is better able to demand the decision-making rights of the municipality and can act as a counterpoint to the wali. But there still are frictions as the wali represents the law. He is the executive power.

Studies conducted prior to the 2009 Charter observe similar dynamics. Due to the lack of budgetary autonomy, one study notes, most councils did not try any show of force but preferred to plead the case for their proposals to the minister or his local representatives. This was only possible, however, “whenever the council had the jurisdiction, political will and logistical ability to do so.”<sup>1</sup> The study also shows that geographic proximity to Rabat and political support were often an advantage; this task was clearly more arduous for the more modest and remote councils.

Consequently, in most cases, paraphrasing one international democracy-building organization, successful presidents “play the game of being partners to the Ministry of Interior; they cede authority to the Ministry of Interior; most presidents try to implement the system as it is.”<sup>ii</sup> Certainly, municipal councils with little to no leverage have strategies for better ensuring that they receive the approvals they request. When one municipality observed that it would encounter opposition from the governor to its proposal to bring in a private company

for the provision of water (part of a larger World Bank project), it sent its proposal directly to the MoI in Rabat. Only after it received approval in Rabat did it send the proposal to the governor for approval. Paraphrasing one councilor from the municipality: “when you have a political problem, the only solution is to put pressure on Rabat in order to solve it.”<sup>lii</sup> Rabat’s approval can give a municipality leverage over the governor.

### **The Personalization and Politicization of Decision-Making: Découpage Administratif**

The personalization and politicization of decision-making is particularly evident in the process of *découpage administratif*, the drawing of administrative boundaries, including municipal boundaries. In a supposed effort to bring municipal governments closer to the people and to increase effectiveness, many municipalities in Morocco were divided into smaller municipalities or amalgamated in neighboring municipalities as part of a series of reforms to the electoral law in 2008 (in preparation for the 2009 elections). The reforms, as stated above, created a party list for candidates in cities with populations over 35,000 and maintained the candidate-centric system in areas with smaller populations (rural municipalities). The 2008 reforms resulted in 85% of municipalities being re-designated as rural municipalities and, consequently, as scholars have noted, “buttressing the local pro-monarchy notables that often lead parties within these regions”<sup>liii</sup> However, as is discussed below, councilors complain that the division (*découpage*) also inhibits their ability to provide services; in some cases

dooming the council to a predictable failure. They furthermore complain that the decisions to do so are intentional, motivated by political and personal considerations.

Découpage is decreed by the MoI upon approval by the Prime Minister and typically occurs at the request of the governor. The changes can be quite significant. In just one of many examples from 2009, at the request of the governor, a rural municipality in central Morocco was amalgamated into its neighboring urban municipality, overnight increasing the number of eligible voters by one-third in the 2009 elections.<sup>liv</sup>

Yet the criteria upon which découpage was (and is) based is not transparent and certainly not publicly available. As one scholar notes:

It is difficult to obtain precise and up-to-date maps reflecting recent changes, and maps of the various administrative perimeters are often lacking. ... This reflects a tradition of censorship and the withholding of information, especially when it's a matter of seeing, in images, the relationship between territory and politics – and even more so on an urban scale.<sup>lv</sup>

Découpage thus allows representatives of the central authorities to gerrymander the electoral districts – thus hindering or helping the work and the credibility of specific parties. In one municipality in which the PJD came to power in the 2009 municipal elections, a town which had been part of a neighboring rural municipality was added to the municipality (2009). The town, however, was originally built illegally by its inhabitants and, as a

result of its illegal status, had no public services. The official reasons for the transfer of the town were logistical – that the town is closer to the main city of the current municipality as opposed to that of the previous municipal center and that the current municipality is better equipped to provide the necessary infrastructure and services to the (no longer illegal) town. However, councilors made it clear that there were also political and ideological issues at stake.<sup>lvi</sup> In order to receive electrical and water services, home-owners require property certificates demonstrating ownership of the land. The lands upon which the town is built are part of what are known in Morocco as collective lands, lands belonging to ethnic groups. In this case, the group refuses to sell its land to the landowners. The municipality's hands thus are essentially tied; it cannot legally supply the 400 families of the town with water and electricity. Paraphrasing one councilor, the town is a bomb in their hands given to the PJD by the governor.<sup>lvii</sup> Regardless of municipal resources, the problem cannot be solved.

### **The Elected Council**

The second process by which municipal service delivery is undermined is through the fragmentation of the elected councils. More specifically, the electoral system creates a dynamic by which elected councils are prone to fragmentation and failure by pitting executive bureaus against the rest of their councils and by the concentration of executive power in the hands of the president.

All municipal councils in Morocco comprise an executive bureau and what is referred to as the opposition. The party or coalition that holds the majority of seats determines the president and makes up the executive bureau within the council. In the case of urban municipalities, which use the proportional list system, the vast majority are governed by coalitions of parties. A coalition can form from parties that does not include the party that won the majority of seats, taking the presidency and the bureau. In this (not uncommon) situation, the majority party is relegated to the opposition. According to the Charter, the council is only required to meet in its entirety four times per year. There thus are only four obligatory sessions (February, April, July, and October/November) when the opposition may voice its opinion. Furthermore, the sessions follow an agenda (*ordre de jour*) set by the president; no items may be added to the agenda during the sessions without the support of one-third of the council. As one councilor complained, the four sessions are insufficient for the opposition to play any meaningful role: “If there is a majority, all you can do is survive.”<sup>lviii</sup>

There are several important consequences of the electoral system for decision-making within the council. The first, as numerous councilors noted, is that it is extremely difficult for the bureau to arrive at an agreed-upon PCD or budget if the bureau is governed by a coalition that is not relatively homogeneous. As a second consequence, the system pits the bureau against the rest of the council, the opposition. Indeed, the term opposition is a misnomer, as it is not based on whether or not “the opposition” opposes the bureau’s decision; it is simply not in the bureau. As many councilors complain, this under-

mines representation as the “so-called opposition are not opposition. They too represent the people but they are on the outside.”<sup>lix</sup> Moreover, it sets the stage for the frustrated opposition to vote down the budget when proposed at one of the sessions and further hinders the bureau’s ability to accomplish anything. Should a budget be voted down, the expenses required for the administration of the municipality as allotted in the previous budget carry over for one more year; however, no additional expenditures, such as on services and development projects, may be made.<sup>lx</sup>

The tension between the bureau and the opposition often creates a dynamic by which the opposition engages in mudslinging in order to bring the governing coalition down. There are two official systems of auditing municipalities. The first is the MoI’s general inspection unit, which regularly goes to the municipalities and inspects them for irregularities. The second is the administrative court which reviews any concerns vis-à-vis a president or councilor based on an official complaint. If an irregularity is found, the president can be suspended or his/her position revoked upon approval of the Prime Minister. In municipalities throughout the country, the opposition commonly makes use of this avenue to remove presidents and bureau members.<sup>lxi</sup> This is partially due to the fact, in the words of a DCGL director, that it is essentially the responsibility of the opposition to report problems as “only the opposition knows about them.”<sup>lxii</sup> However, the administrative court is also a strategy regularly used by the opposition with or without legitimate claims against members of the bureau. Indeed, the vast number of complaints do not result in revocations.<sup>lxiii</sup>

Certainly, the 2002 Charter included provisions to help ensure greater stability within municipal councils. Prior to 2002, a president could be removed with two-thirds of the votes from council, leading not only to a high degree of turnover between elections but also increased corruption as presidents used financial incentives to ensure votes in their favor.<sup>lxiv</sup> With the 2002 Charter, the cessation of the president's function automatically results in the cessation of the entire council.<sup>lxv</sup> The 2009 Charter reinforces the "obligation of stability."<sup>lxvi</sup> This encourages councils to negotiate and helps ensure greater stability; it does not necessarily foster better development or governance.

However, tensions within a council do not just occur between the bureau and the opposition; there are also often crippling tensions within the bureau that are a result of the Charter. Both the 2002 and 2009 charters reinforce the power of the president. As the president is the executive authority,<sup>lxvii</sup> he may delegate authority but is not required to do so. Consequently, the division of competencies is inconsistent from bureau to bureau. Councilors complain of the highly politicized nature by which competencies are delegated and that "municipal work is rarely team work."<sup>lxviii</sup> Others complain of their marginalization despite being in the bureau. Conversely, in some municipalities, the president de facto delegates all his authority to one other member of the bureau and is merely a figurehead. It is not uncommon for there to be frictions (leading to walk-outs and the refusal to attend meetings) within a bureau, particularly when there is a fragile coalition. Both representation and decision-making are negatively affected in the process.



## **The National Initiative for Human Development (INDH)**

As stated above, following the Casablanca bombings of May 2003, the issue of human development moved to center stage in Moroccan politics, largely based on the assumption that poverty was leading to radicalization and violence. Consequently, in 2005, the King launched the INDH, his *chantier de regne*. The INDH “is the only public policy in Morocco that has its own anniversary, a slogan, and a logo, which are displayed and repeated at every occasion celebrating the national cause.”<sup>lxix</sup> The King has been personally involved from the start, inaugurating projects on almost a daily basis;<sup>lxx</sup> indeed, many projects delay their opening until the King can come and inaugurate them. While the 2009 Charter and the PCD in particular share the same underlying approach as the INDH, with a focus on bottom-up decision-making beginning with the inclusion of the public, the INDH arguably further undermines municipal councils both by strengthening the state at the expense of the councils and by fostering competition both between council members and between council members and civil society actors.

Based on citizen participation and joint partnerships between the state, private companies, and civil society associations, the INDH focuses on social services, employment creation, and programs to combat the poverty of the most vulnerable groups within society.<sup>lxxi</sup> The INDH was launched in 2005 and has been implemented in two phases (2006-2010 and 2011-2015), with the second

phase essentially doubling the budget, raising it to 17 billion Moroccan Dirhams (approximately 1.5 Billion EUROS).<sup>lxxii</sup> The INDH comprises four programs: 1) the program combatting social exclusion in urban areas; 2) the program combatting poverty in rural areas; 3) the program combatting vulnerability (such as that of the homeless and the physically challenged); and 4) a cross-cutting program intended to focus on human development in all non-targeted rural and urban areas. Unlike the first three programs, the Cross-Cutting Program is based on a call for proposals from civil society at the provincial level and is funded by a Provincial Competitive Fund. Approximately half of all projects are carried out under the Cross-Cutting Program. The projects of the four programs fall into three categories: 1) public works (ranging from schools to cultural centers and health clinics); 2) economic development projects (including income-generating activities and professional training); and 3) infrastructure projects.

The INDH has a pyramidal structure of decision-making that, technically, begins at the bottom level with local NGO leaders representing the interests of the population.<sup>lxxiii</sup> Local NGOs design projects – usually with the help of the municipality or province – and propose them to the Local Committee for Human Development (CLDH) in their municipality, headed by the president and comprising councilors, civil society representatives, and ministerial representatives or civil servants employed by the MoI at the provincial level.<sup>lxxiv</sup> The CLDH forwards the Local Initiatives for Human Development (LIHDs, the development plans and projects designed by the LHDCs based on the proposals) to the provincial level where the Provincial Committee for Human Devel-

opment (CPDH), the head of which is chosen by the governor and which also includes civil society representatives,<sup>lxxv</sup> grants final approval for the LIHDs.<sup>lxxvi</sup> The Division de l'Action Sociale (DAS) in the MoI at the provincial level oversees all the LHCDs beneath it and reports directly to the governor.<sup>lxxvii</sup> The National Coordination Unit, located within the MoI, is responsible for the daily management of all the programs.<sup>lxxviii</sup> A strategic committee, headed by the Prime Minister, is situated at the top of the pyramid. It is in charge of budget allocations, training, communication, convergence strategies, and the monitoring of evaluations.<sup>lxxix</sup>

In practice, however, the process is top-down and entirely under the representatives of the central government, namely the DAS and the governor.<sup>lxxx</sup> As one study states:

The fact that the governors are not elected but directly appointed by the king proves a direct bypassing of local elected bodies in favour of a top-down approach in which the king and his 'agents of authority' call the shots.<sup>lxxxi</sup>

Another study concurs and states: "It is rather unclear how the local and prefectural committees actually function and to what degree they effectively encourage the active participation of NGO leaders that are taking part in them."<sup>lxxxii</sup> The study adds that the councils are largely "spaces in which participation is merely staged and where decisions are effectively taken by the Prefecture under the supervision of the governor."<sup>lxxxiii</sup> Moreover, governors have a significant degree of discretionary power in determining funding. Commenting on the

Cross-Cutting Program, one study reveals that the selection criteria for the call for proposals leave a large margin of maneuver to the CHDH; in addition, the CHDH can amend ineligibility criteria “according to local specificities”. This, the study continues, is provided that the proposal even makes it this far, as the DAS staff can reject a project proposal on grounds of non-adherence with the vaguely defined program objectives.<sup>lxxxiv</sup> That the governor also is designated as *ordonnateur du budget* (official with power to authorize expenditures) – as opposed to the Ministry of Finance – grants him even greater powers.<sup>lxxxv</sup>

The INDH thus “creates a link to civil society and surpasses elected bodies, creating new dynamics of funding to civil society without local bodies.”<sup>lxxxvi</sup> NGO representatives who bypass the elected president and go directly to the governor have a far greater chance of getting funded. Indeed, the majority of NGOs take their proposals directly to the CPDH and not to the CLDH. The INDH thus undermines the elected councils, strengthens the representatives of the central state, and legitimizes the King by providing a new role for the monarchy as an agency that delivers social services.<sup>lxxxvii</sup>

One of the consequences of the INDH, in the words of one political analyst, is that the 2009 Communal Charter has no real impact – it is the INDH that has a real impact upon the population. This is not only due to the fact, as he stated, that the Charter is only an opening while the INDH is under the control of the central authorities, the governor, and has far more power than any municipal council.<sup>lxxxviii</sup> Rather, it is also due to the fact that the INDH and the PCD (see below) are parallel re-

forms at the municipal level that overlap and compete with each other. As one study states, the relationship between the two is unclear – the DCGL within the MoI believes that the PCDs should include the ILDHs, while the INDH National Coordination Unit [also within the MoI] does not want to have anything to do with the PCDs as it would mean that the INDH would lose visibility on the ground.<sup>lxxxix</sup>

With large sums of funding at stake, the INDH further sets into motion a process by which associations not only compete against each other for funding, thus dividing and weakening their efforts, but also compete against councilors for funding. As a result of the INDH, a plethora of new associations have been established, many of which specifically for the purposes of submitting a project proposal. One study reports that in the province of El Hajeb, the number of associations jumped from 450 to over 830 between 2004 and 2010, as a result of the INDH.<sup>xc</sup> Moreover, this competition for funds has undermined associations' willingness and ability to work together and coordinate efforts.<sup>xci</sup>

The process and criteria by which the INDH projects are selected are non-transparent and, as several studies have shown, systematically exclude certain actors from participating in the selection process and/or from receiving funding. Actors who “are already known to local authorities and who fit into the promoted profile of civil society actors are favored” and projects that present themselves as having no political agenda are those that are successful.<sup>xcii</sup> In this regard, the INDH offers the state the opportunity to infiltrate NGOs and co-opt them.<sup>xciii</sup>

Civil society is furthermore being weakened by the fact that many of the “INDH-inspired” associations have been established by elected councilors. In the competition between elected officials and civil society for INDH funding, elected officials usually win. It is not uncommon for elected officials to wear numerous hats. In one typical example, a councilor was the president of two associations, one for children and one for seniors – both of which received INDH funding – and was a member on the CPDH. These different hats not only undermine civil society, but open the door to possible conflicts of interest and to patron-clientelism. In municipalities where civil society is weak, elected councilors dominate the quota of the INDH councils designated for civil society. They do so as presidents or members of associations “eager to influence the allocation of INDH resources to their associations which they then use in political competition.”<sup>xciv</sup> While patron-clientelism has long been a feature of municipal politics in Morocco<sup>xcv</sup> well before the INDH, the INDH has done little to prevent it and indeed provides additional opportunities for it.

These dynamics, and the legitimization of the central authorities at the expense of political society in particular, can be seen in the example of an association for the protection of children that received funding from the INDH to establish a center for abandoned children.<sup>xcvi</sup> The association applied directly to the governor and received INDH funding covering 75% of the total costs for the building of the center. The association was to be responsible for the costs of the center’s equipment (25%). According to the founder of the association, the elected municipal council began creating problems for the association shortly before the inauguration. The municipali-

ty approached the governor about building a center for the elderly and one for youth on the same land as the center for abandoned children. The governor agreed and decided that the children's center would now be one part of a larger project including three centers.

A new association was created in order to manage the new enlarged project, including the responsibility for all three centers. The governing board of the new association was decided at a meeting with – as the founder of the original association stated – the governor, the NGOs, elected councilors, and also the rich people of the city. The founder of the original association was elected VP of the new association and the president of one of the municipalities involved (8 in total) was elected as treasurer of the new association. As a result of the creation the new association (or “super association” as one councilor called it)<sup>xcvii</sup>, the original founder lost control over the children's center – including the additional INDH funding that was to be directed to the center for food. Similarly, all donations to the center now went to the newly created association under leadership of the municipal president. Just as importantly, the original founder now lost direct control over the hiring process. She immediately witnessed changes that she felt were to the detriment of the center and ultimately the children. While she was successful in preventing the replacement of her trained staff by unqualified people associated with the councilors, her staff suffered a theoretical reduction in pay – “theoretical” because the new association also froze their reduced salaries. At the time of the interview, the staff had not been paid for one year despite the fact, according to her, that the new association had a healthy budget of 100,000 Euros.

Frustrated with the municipality's handling of the association and the corruption, the original founder of the children's center approached the Ministry of Social Development from which she successfully received 30,000 Euros to cover the costs of the center. As the founder exclaimed, "the municipality is filling up their personal pockets!" In her words, "the administration is not against civil society but the elected officials are!" When asked why the elected officials have created so many problems for her, her original association and the center, her answer was multifold, including that "all political parties have NGOs that work for them and this is how they receive votes." The founder's final conclusion was simple: "Those who do politics destroy social work" ("Ceux qui font la politique cassent le travail sociale").<sup>xcviii</sup>

This attitude is not uncommon.<sup>xcix</sup> The INDH arguably serves to reinforce the public perception of the incompetence and/or corruption of elected officials and to strengthen the role of the state. Indeed, it is the state, representing the King, who comes to the rescue. In doing so, the INDH contributes towards undermining the credibility of elected municipal councils and the decentralization process itself.<sup>c</sup>

### **Implementing the 2009 Charter: The Making of PCDs**

The making of the PCD lies at the heart of the reforms made to the 2009 Charter and is not only a required but a necessary tool by which municipalities lay out their development objectives and secure ministerial funding



for their desired projects, should they be approved.<sup>ci</sup> Much like the INDH, the PCD is, theoretically at least, a bottom-up process by which, according to the 2009 Charter, the PCD is developed based on feedback received from consultative committees comprising members of civil society. Yet, what happens in practice is very much the opposite, CSOs – often weakened, as discussed above, by elected councilors – are commonly excluded from the process. At best, the process is dominated by the municipal council claiming to speak on behalf of civil society; more commonly, it is determined from above by the representatives of the central authority. While the final PCD may bring some development to the municipality, it does so again at the expense of representativeness and civil society.

The making of the PCD theoretically begins at the municipal level where the municipal council, in consultation with civil society, prepares a list of projects it would like to undertake. The proposed PCD is then sent to the relevant ministers and the MoI for authorization. Once approved, a Bureau d'Etudes (consultancy firm), responding to a call for tenders (commonly launched by the governor and on behalf of all the municipalities in the province), does a diagnostic study of the proposed projects and the final PCD is completed.

In practice, the making of a PCD can vary significantly. Despite the stated pivotal role of civil society in the making of the PCD, the 2009 Charter does not lay out any guidelines on how to establish the committees for equity and equal opportunities – i.e. on how to integrate civil society in decision-making.<sup>cii</sup> How and the degree to which civil society must be integrated is thus not speci-

fied. While there are examples of municipalities that have monthly meetings with civil society via their committees for equity and equal opportunities, most municipalities have not established a committee or, if they have, only meet with it perhaps once per year. The integration of civil society thus varies dramatically from municipality to municipality.<sup>ciii</sup> Given that many councilors also are heads of CSOs, many municipalities appear to regard these councilors' opinions as sufficing to represent the voice of civil society.

Moreover, particularly in the rural municipalities, neither civil society nor the council may be involved in the making of the PCD. As most municipalities do not have the resources or knowledge to undertake a PCD, in some provinces, governors have asked a university, such as Al Akhawayn University in the province of Ifrane, to do the PCDs for all of the municipalities. Al Akhawayn therefore would consult with civil society and procure all necessary logistical and diagnostic data to complete the PCD.

In other cases, however, the general picture ... is one of a 'souk' (market) of PCDs where the main winners are ... consultants, contracted either by the Ministry of the Interior on behalf of the poorer communes, or by the (wealthier) communes themselves. ... many consultants ... simply deliver the final product to the communes ....<sup>civ</sup>

In many cases, the consultants do not involve civil society at all.

Regardless of the process, the governor plays a crucial role. Indeed, when a council prepares its original list of proposed projects, the province must vet the projects. Before the proposals are sent any further, the governor visits the municipality in order to determine the municipality's level of need vis-à-vis the specific project. Only after this stage do the proposed projects receive ministerial consideration. Here too, the governor plays a pivotal role as an intermediary in pressuring for greater investment. His approval and support are crucial; a municipality has a far more difficult time in getting large-scale projects promoted and approved if there are personal or political clashes with the governor or if the mayor does not have a form of leverage as discussed above.<sup>cv</sup>

## **Conclusions**

While many, if not the vast majority of councilors will argue that the 2009 Charter is an improvement over the 2002 Charter and allows them to better work on behalf of their municipalities, effective service delivery in Morocco is highly dependent upon the political know-how and political will of elected councilors and their ability to forge workable relations with the representatives of the state. Service delivery depends on informal relations and informal negotiating skills. Municipal presidents remain dependent upon the state representatives who possess wide margins of discretionary powers. Thus informal relations and informal politics often determine who gets what.

This dynamic is exacerbated by the INDH which further concentrates political power in the hands of the representatives of the central state at the expense of municipal councilors, on the one hand, and by an electoral system that fragments and weakens elected councils on the other. In the vast number of municipalities, so-called decentralization has proven to further undermine the credibility of elected councils and of democracy itself as it is the appointed representatives of the King, or indeed the King himself, who ultimately come to the rescue through INDH or an equalization project and provide what councilors seem unable or unwilling to do. Ultimately, decentralization may have redistributed state power, but it has not lessened it; until this occurs, service delivery will continue to be weak and uneven.

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<sup>i</sup> Bergh, Sylvia, “‘Inclusive’ Neoliberalism, Local Governance Reforms and the Redeployment of State Power” *Mediterranean Politics* 17, 3 (2012): 410-426.

<sup>ii</sup> The eight municipalities are located in the following provinces: Chefchaouen; Errachidia; El Jadida; Ifrane; Kenitra; Khemisset; Khenifra; and Tiznit.

<sup>iii</sup> Khattabi, Mustapha. “Traits caractéristiques de la politique de décentralization et de régionalization au Maroc” *Revue Franco-Maghrebine de Droit* 4 (1996): 9-27.

<sup>iv</sup> Catusse, Myriam, “Morocco’s Political Economy: Ambiguous Privatization and the Emerging Social Question” in Laura Guazzone and Daniela Pioppi, eds., *The Arab State and Neo-Liberal Globalization*, (Ithaca: Ithaca Press, 2009), pp. 185-216.

<sup>v</sup> Harrigan, Jane and Hamed El-Said. *Economic Liberalization, Social Capital and Islamic Welfare Provision* (London: Palgrave MacMillan, 2009), pp. 113-114.

<sup>vi</sup> Bergh, Sylvia, “Assessing Local Governance Innovations in Morocco in Light of the Participatory Budgeting Experience in Brazil” *Journal of Economic and Social Research* 12, 1 (2010): 113-138. The 2002 Charter also stipulated that all elected officials must have successfully completed primary school. As Catusse et al note, this provision was “a response to the criticisms that the locally elected have been subject to for a decade, accused of incompetence, corruption, or poor public finance administration” (Catusse, Myriam with Raffaele Cattedra and M’Hammed Idrissi-Janati, “Decentralisation and Its Paradoxes in Morocco” in Barbara Direksens, Franck Mermier and Heiko Wimmen, eds., *Cities of the South* (Lebanon: Saqi Books 2007), pp.113-135).

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vii Bergh 2010: 114-115. The Charter also fixed the time period during which the MoI approved the disbursement of municipal funds following a council decision (Catusse with Cattedra and Idrissi-Janati 2007: 123). In addition, the Charter restructured the administrative divisions of municipalities by amalgamating them. In cities of over 500,000 people, elected ‘arrondissement’ councils were introduced. Casablanca thus was restructured from 29 urban municipalities to one municipality with one president and sixteen arrondissement councils with limited jurisdiction; from 1 147 councilors down to 131. In towns of more than 25,000 people, the Charter replaced the previous ‘first-past-the-post’ system with proportional representation (Catusse with Cattedra and Idrissi-Janati 2007: 118). In 2009, this number was raised to 35,000. In municipalities with fewer inhabitants, the first-past-the-post system was maintained

viii el Amrani, Issandr, “Security Policy and Democratic Reform in Morocco: Between Public Discourse and Reality “ in Laura Guazzone and Daniela Pioppi, eds., *The Arab State and Neo-Liberal Globalization*, (Ithaca: Ithaca Press, 2009), pp.299-324. The 2009 Charter must also be understood within the context of the broader strategy for decentralization entitled *Commune l'Horizon 2015* (April 2009), which was designed to support municipalities in implementing the 2009 Charter and in fulfilling their socio-economic goals See <http://www.pncl.gov.ma/fr/Decentralisation/Pages/Commune-l'Horizon-2015.aspx>

ix Ben-Meir, Yossef, "Morocco's regionalization Roadmap and the Western Sahara" *International Journal of Sociology and Social Policy* 31, ½ (2011): 75-90.

x Economic imperatives also underlie the proposal. A resolution of the Western Saharan conflict would remove the greatest obstacle that prevents productive economic collaboration among the Maghreb Union (Ben Meir 2011: 77).

xi Berriane, Yasmine, “The Complexities of Inclusive Participatory Governance: The Case of Moroccan Associational Life in the Context of the INDH” *Journal of Economic and Social Research* 12, 1 (2010): 89-111, 90; Harrigan and El-Said 2009: 128.

xii Previously, municipalities “were supposed to have their own plans as part of the National 2000-2004 Five-Year Plans, but these in practice did not amount to much more than a few separate project files, many of which were not implemented” (Bergh 2012: 421).

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<sup>xiii</sup> For a fuller discussion see: [http://cerss-ma.org/newfcdm/index.php?option=com\\_content&view=article&id=76:elections-communales-au-maroc-du-12-juin-2009-rapport-de-lobservervation-electorale&catid=43:debat&Itemid=63](http://cerss-ma.org/newfcdm/index.php?option=com_content&view=article&id=76:elections-communales-au-maroc-du-12-juin-2009-rapport-de-lobservervation-electorale&catid=43:debat&Itemid=63), accessed 27 January 2014.

<sup>xiv</sup> Catusse with Cattedra and Idrissi-Janati 2007: 123.

<sup>xv</sup> Decentralization refers here to the transfer of competencies and resources to local elected authorities, while *deconcentration* is the term used to refer to administrative decentralization (Catusse with Cattedra and Idrissi-Janati 2007: 114).

<sup>xvi</sup> Madani, Mohamed, Driss Maghraoui and Saloua Zerhouni, “The 2011 Moroccan Constitution: A Critical Analysis” (Stockholm: IDEA, 2012). Accessed 15 January 2014.

<sup>xvii</sup> Interview, DCGL, Rabat, 24 February 2011.

<sup>xviii</sup> Catusse with Cattedra and Idrissi-Janati 2007: 117.

<sup>xix</sup> Catusse with Cattedra and Idrissi-Janati 2007: 120.

<sup>xx</sup> Madani, Maghroui and Zerhouni 2012: 34-35.

<sup>xxi</sup> The second house is the Chamber of Representatives, elected by direct universal suffrage.

<sup>xxii</sup> Madani, Maghroui and Zerhouni 2012: 34.

<sup>xxiii</sup> Catusse with Cattedra and Idrissi-Janati 2007: 120.

<sup>xxiv</sup> MoI 2009: 169

<sup>xxv</sup> MoI 2009: 169

<sup>xxvi</sup> MoI 2009: 170

<sup>xxvii</sup> MoI 2009: 170.

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xxviii MoI 2009: 170.

xxix A number of functions and powers granted to local institutions are not heavily used by local officials; officials are unaware of the relevant charters and legislation and do not know what their powers are (Filali-Ansary, Houda. « Walis, présidents de communes, régions, préfectures, qui fait quoi? » *La Vie Economique* 28 September 2009).

xxx Filali-Ansary 2009. The power of *walis* to approve municipal budgets, in place of the MoI in Rabat, was granted in the 2009 Charter.

xxxi They are under the Ministry of Health.

xxxii Interview, Chefchaouen, 17 January 2012.

xxxiii Interview, Ouled Ghanem, 13 January 2012.

xxxiv Interview, Kenitra, 3 March 2011.

xxxv Filali-Ansary 2009.

xxxvi Filali-Ansary 2009.

xxxvii Interview, Chefchaouen, 17 January 2012.

xxxviii Bergh notes a similar personalization of the INDH's decision-making process (Bergh 2012: 419).

xxxix Some *walis* are even more powerful based on their relationship to the King.

xl Madani, Maghroui and Zerhouni 2012: 36.

xli Filali-Ansary 2009. A January 2002 royal letter ordained the creation of RICs under the supervision of *walis*. RICs were created in order to centralize services for economic investors (Catusse with Cattedra and Idrissi-Janati 2007: 126). For a discussion of the growth of *walis'* power, see Catusse with Cattedra and Idrissi-Janati 2007: 125-127.



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xlii Filali-Ansary 2009.

xliii Interview, Political Consultant, Rabat, 21 February 2011.

xliv Interview, Chefchaouen, 23 March 2011

xlv Interview, Chefchaouen, 22 March 2011.

xlvi Interview. Chefchaouen, 22 March 2011.

xlvii Clark and Dalmasso, *forthcoming*.

xlviii Interview, Rabat, 23 February 2011.

xlix Interview, Khenifra, 24 March 2011.

<sup>1</sup> Catusse with Cattedra and Idrissi-Janati 2007: 120.

<sup>li</sup> Interview, Rabat, 10 February 2011.

<sup>lii</sup> Interview, Chefchaouen, 23 March 2011.

<sup>liii</sup> Buehler, Matt, “Safety-Valve Elections and the Arab Spring: The Weakening (and Resurgence) of Morocco’s Islamist Opposition Party” *Terrorism and Political Violence*, 25 (2013):137–156. Some municipalities find themselves in the position, after *découpage*, that their population now exceeds 35,000 yet they remain designated as a rural municipality.

<sup>liv</sup> Interview, Khenifra, 25 March 2011.

<sup>lv</sup> Catusse with Cattedra and Idrissi-Janati 2007: 117.

<sup>lvi</sup> Interview, 28 March 2011.

<sup>lvii</sup> Interview, 28 March 2011

<sup>lviii</sup> Interview, Khenifra, 25 March 2011

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<sup>lix</sup> Interview, Khenifra, 25 March 2011.

<sup>lx</sup> Interviews, DCGL, Rabat 28 February 2011; 1 March 2011.

<sup>lxi</sup> The majority revocations were due to: urban management issues such as sub-standard buildings or building in unapproved locations or granting contracts to bids that do not meet the conditions of the tenders; and educational issues, specifically that the president does not have the required primary school certificate. Interview, DCGL, 28 February 2011.

<sup>lxii</sup> Interview, DCGL, 28 February 2011.

<sup>lxiii</sup> Interview, DCGL, 28 February 2011.

<sup>lxiv</sup> Catusse with Cattedra and Idrissi-Janati 2007: 124; Interview, Kenitra, 3 March 2011.

<sup>lxv</sup> Interview, DCGL, 28 February 2011.

<sup>lxvi</sup> [http://cerss-ma.org/newfcdm/index.php?option=com\\_content&view=article&id=76:elections-communales-au-maroc-du-12-juin-2009-rapport-de-lob-servation-electorale&catid=43:debat&Itemid=63](http://cerss-ma.org/newfcdm/index.php?option=com_content&view=article&id=76:elections-communales-au-maroc-du-12-juin-2009-rapport-de-lob-servation-electorale&catid=43:debat&Itemid=63), accessed 27 January 2014.

<sup>lxvii</sup> Catusse with Cattedra and Idrissi-Janati 2007: 123-124.

<sup>lxviii</sup> Interview, Chefchaouen, 17 January 2012.

<sup>lxix</sup> Bergh 2012 citing Bono: 413.

<sup>lxx</sup> Bergh 2012: 413.

<sup>lxxi</sup> INDH requires co-financing from civil society and the private sector for delivery of public services (Bergh 2012: 411).

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<sup>lxxii</sup> The overview of INDH's structure is based on Bergh 2012: 413-414. Phase One, for which there is complete data, funded over 20,000 projects targeting 5.2 million people (Ibid: 413). Not all municipalities in Morocco have INDH projects as they may not fall into any of the above mentioned categories; the cross-cutting program may also be inactive. INDH donors include the Moroccan state, the WB, and the EU, as well as private donors including the King of Saudi Arabia (Berriane 2010: 94).

<sup>lxxiii</sup> Berriane 2010: 93-94; Bergh 2012: 416-420.

<sup>lxxiv</sup> The CLDHs also are responsible for the implementation and follow-up of the projects. There are also approximately 700 "communal and neighbourhood social mobilization teams" (*les équipes d'animation communale et de quartier*) designed to organize civil society (Bergh 2012: 416).

<sup>lxxv</sup> The CPDL comprises municipal councilors, civil society representatives, and representatives of the ministries. Each is granted one-third of the seats on the committee.

<sup>lxxvi</sup> There are the 12 Regional Human Development Committees.

<sup>lxxvii</sup> Bergh 2012: 417.

<sup>lxxviii</sup> Bergh 2012: 416.

<sup>lxxix</sup> Bergh 2012: 416.

<sup>lxxx</sup> Berriane 2010: 104-107.

<sup>lxxxi</sup> Zemni, Sami and Koenraad Bogaert, "Urban Renewal and Social Development in Morocco in an Age of Neoliberal Government" *Review of African Political Economy* 38, 129 (2011): 403-417, 412.

<sup>lxxxii</sup> Berriane 2010: 104.

<sup>lxxxiii</sup> Berriane 2010: 104.

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<sup>lxxxiv</sup> Bergh 2012: 422.

<sup>lxxxv</sup> Given their powers, Bergh notes the risk of personalization of the INDH by the governor or DAS staff, giving way to clientelism in the allocation of projects or procurement contracts (Bergh 2012: 419). Berriane (2010: 104) concurs, noting that the INDH committees have opened the door for more informal and indirect negotiations between NGO leaders, political actors, and representatives of the state.

<sup>lxxxvi</sup> Interview, Political Scientist, Rabat, 21 February 2011.

<sup>lxxxvii</sup> Interview, Political Scientist, Rabat, 21 February 2011.

<sup>lxxxviii</sup> Interview, Political Scientist, Rabat, 7 February 2012.

<sup>lxxxix</sup> Bergh 2012: 421.

<sup>xc</sup> Bergh 2012 citing Bono: 414.

<sup>xci</sup> Berriane 2010: 101, 102.

<sup>xcii</sup> Berriane 2010: 101; Bergh 2012: 415-416, 417

<sup>xciii</sup> Interview, Political Scientist, Rabat, 7 February 2012. See also Bergh 2012: 415.

<sup>xciv</sup> Bergh 2012: 417.

<sup>xcv</sup> Bergh 2010: 130; Bergh, Sylvia, "Traditional Village Councils, Modern Associations, and the Emergence of Hybrid Political Orders in Rural Morocco" *Peace Review: A Journal of Social Justice* 21, 1 (2009): 45-53, 52.

<sup>xcvi</sup> Interview, 23 March 2011. All of the details of these events could not be verified by council members as they were hostile to most questions. Their defensive attitudes seemed to lend credence to the founder's recounting of events. Interview, 22 February 2012.

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<sup>xcvii</sup> Interview, 22 February 2012.

<sup>xcviii</sup> Ironically, one member of the council, while refusing to give any details of the events, yelled at the mention of the topic that, “It is the politics that is against this center!” Interview, 22 February 2012.

<sup>xcix</sup> Berriane 2010: 106-107.

<sup>c</sup> Bergh 2012: 420-423.

<sup>ci</sup> Municipal expenditures on the basic administration (especially wages) and running of the municipality consume most of their budgets, leaving little with which councils can invest in development projects. The creation of a PCD is thus central to a municipality’s ability to address economic and social issues.

<sup>cii</sup> Interview, Chefchaouen, 21 March 2011.

<sup>ciii</sup> Interview, Chefchaouen, 21 March 2011.

<sup>civ</sup> Bergh 2012: 421.

<sup>cv</sup> Interview, Chefchaouen, 22 March 2011.

Yale