



The Program on Governance
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The Dynamics of Decentralization in the MENA: Processes, Outcomes, and Obstacles

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**The Dynamics of Decentralization in the MENA:
Processes, Outcomes, and Obstacles**

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Preface

This working paper is part of a two-year project on decentralization in the MENA, focusing on Oman. The broader project aims to make three main contributions. First, it seeks to promote policy-relevant, scholarly research on decentralization, and pave the way for further cross-national studies and analyses on the topic. Second, it will inform stakeholders in the Sultanate of Oman, focusing on how differences in community governance structures – i.e. the extent to which citizens turn to state institutions versus non-state actors for services and participate in decision processes – affect challenges to decentralization. Third, it aims to strengthen and expand networks of scholars and other decentralization-oriented stakeholders from around the world, whilst also engaging local voices.

To achieve these objectives, the study employs a multi-method approach to explore how and when citizens turn to state and non-state institutions. The goal is not only to expand our understanding of decentralization in the context of strong social institutions, but also to establish sustainable scholarly and policy-relevant networks and dialogues around these issues.

In March 2020, we brought together decentralization scholars from around the MENA region at the University of Gothenburg. The discussions focused around the design of decentralization reforms, obstacles, progress and outcomes. It also highlighted the goals and design of upcoming research on decentralization in Oman. Furthermore, participants discussed project design and potential points of comparison with on-going research in other MENA countries. The following compendium is the result of that two-day workshop.

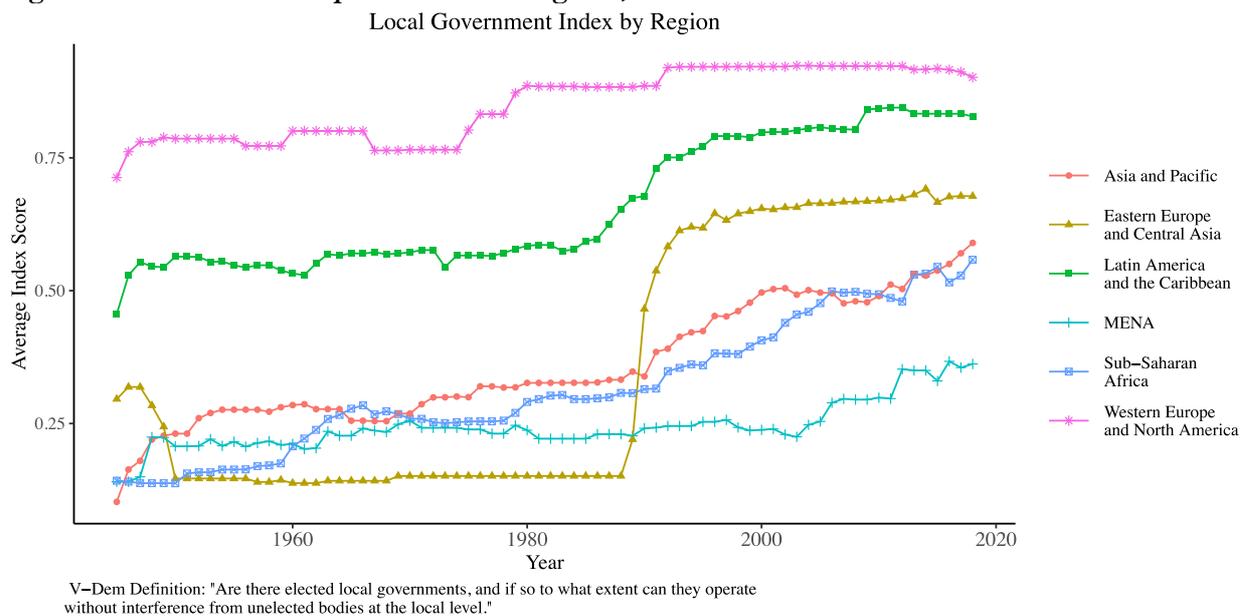
Promises and Problems of Decentralization in the MENA

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1. Introduction

Decentralization, conceptualized as “*the transfer of rule from the central government level to regional and local levels*” (Demmelhuber, Sturm, and Vollmann, 2018), has been on the rise globally since the early 1990s (see Figure 1). The Middle East and North Africa (MENA) region has followed global patterns in turning towards more localized forms of political institutions, although in a slightly delayed and more modest fashion (See Figure 2). This global and regional trend towards localized government calls for a closer examination of the dynamics of decentralization.

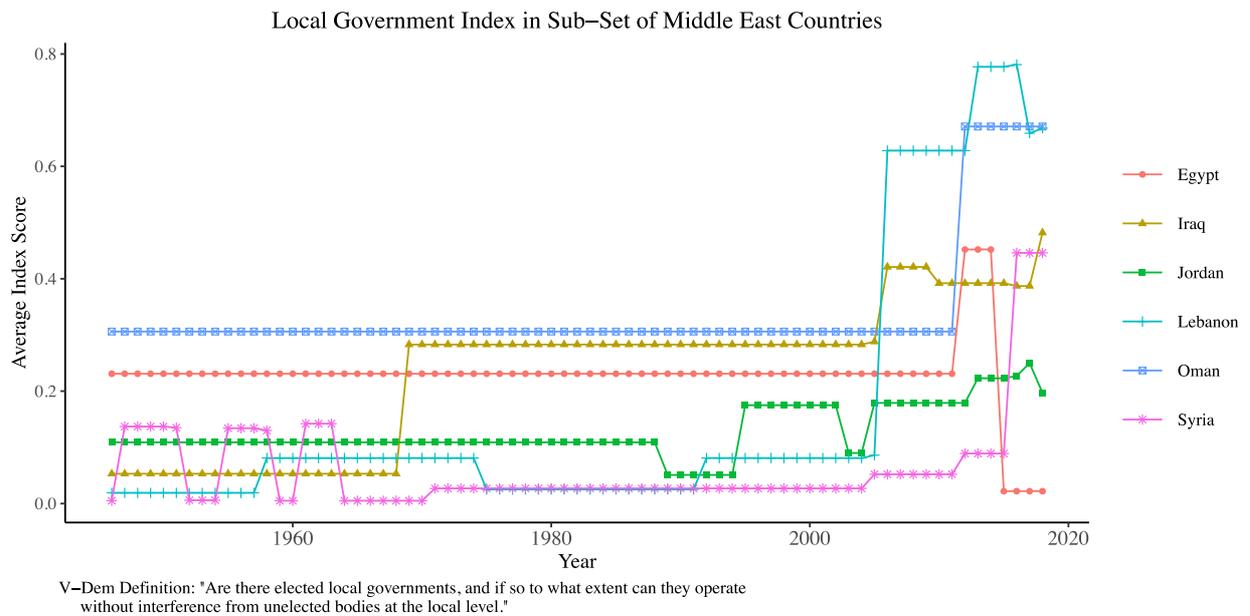
Figure 1: Decentralization patterns across regions, based on V-Dem’s Local Government Index.



Political scientists, sociologists, and economists have expended considerable effort examining the extent and conditions under which decentralization serves as an effective policy tool (Blair, 2000; Faguet, 2004; Falleti, 2005; Montero and Samuels, 2003). Empirically, they have focused on causes, effects, and contextual moderators in a host of countries, including: Jordan (Clark 2018), Lebanon (Harb and Atallah, 2014), Colombia (O’Neil, 2005; Falleti, 2005), Bolivia (Faguet, 2004), Ukraine, Mali, and the Philippines (Blair, 2000). By employing a variety of methodological approaches and analyzing different data sources, scholars have developed frameworks to explain i) why politicians

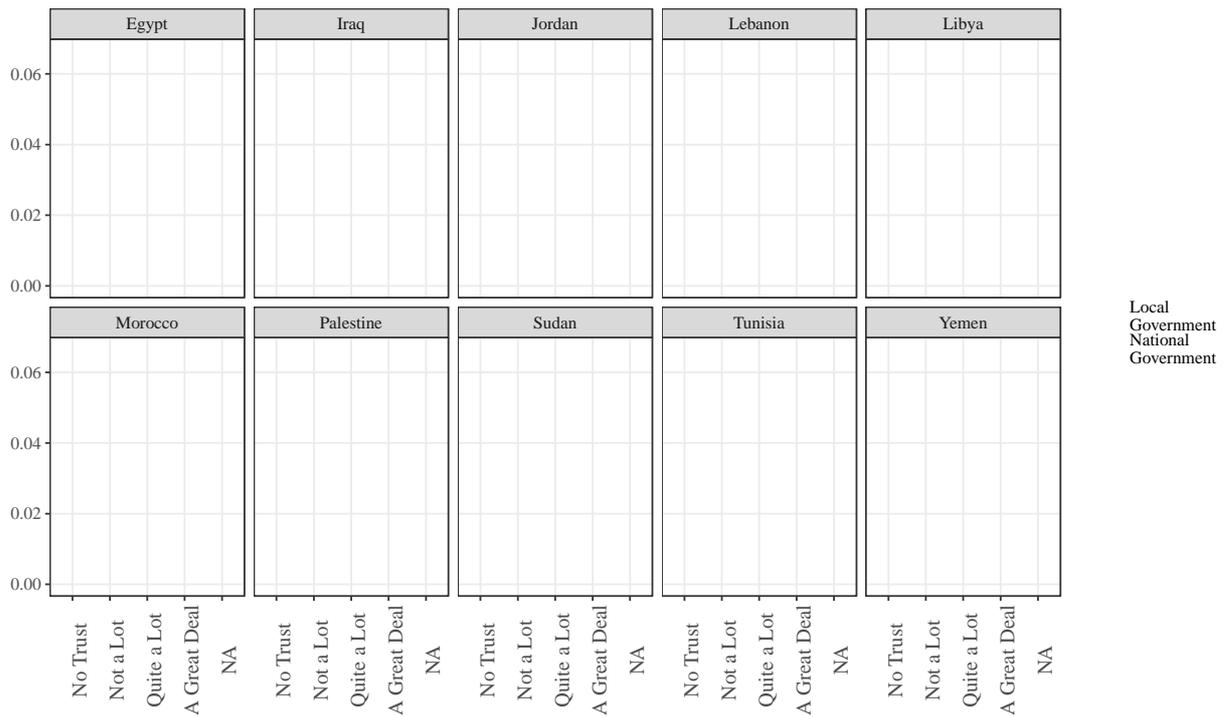
adopt decentralizing reforms, ii) under what conditions such reforms are fruitful, and iii) what enhances the effectiveness of decentralization in promoting favorable outcomes, such as better development and political accountability.

Figure 2: Decentralization patterns across a sub-set of countries in the MENA region, based on V-Dem’s Local Government Index.



In this report, we examine how decentralization has unfolded in the MENA region, focusing primarily on Jordan, Morocco, Tunisia, and Turkey. Contributors explicate the evolution of decentralization processes, and shed light on the variety of local actors, stakeholders, and citizens’ responses. As outlined below, these papers scrutinize the dynamics of decentralization, its challenges, and outcomes. By doing so, they lend insights into the large variation in citizens’ trust of local and national institutions, as shown in Figure 3, and point to the need for further study. Before turning to that, we highlight the theoretical foci in the literature and provide a brief overview of the central findings from the papers in this compendium.

Figure 3: Trust in local and National institutions (Arab Barometer 2018-9).



2. Reconsidering the Determinants of Successful Decentralization

Some scholars consider enhanced participation and representation as a virtue in and of itself (Demmelhuber, Sturm, and Vollmann, 2018), while others suggest that participation and representation serve as mechanisms that link decentralization to favorable economic outcomes (Blair, 2000). Building on this intuition, there is a strong need to evaluate the role of citizen engagement in the decentralization process across the MENA region, as well as the extent to which such engagement ensures favorable outcomes. Moreover, when adapting these theoretical insights to the MENA region, we should consider the extent to which decentralization allows political engagement, and whether this engagement enhances public goods provision across different contexts.

Alternative perspectives focus on institutional and informational mechanisms that link decentralization to improved provision. These perspectives often suggest that local and central institutions differ in the quality and quantity of information they obtain regarding local needs (Faguet, 2004). To better understand the role of information in decentralization processes, we need to ask: How do governments collect information? Whose opinions are solicited when power is devolved to local institutions? What institutional mechanisms might promise that diverse voices are heard?

The insights above, regarding participation and information, focus on *why* decentralization leads to favorable outcomes. Other advances focus on *how* the contexts of decentralization lead to better public goods provision. Recent studies suggest that local leadership, community structures, and social institutions may condition the effect of decentralization on public goods provision (Beall, 2005; Lust, 2018; Lust and Rakner, 2018). Accordingly, the strength of social institutions and the presence of local political leaders and elites enable specific communities to advocate and lobby the central government to provide services as they desire (Demmelhuber, Sturm, and Vollmann, 2018; Harb and Atallah, 2014; Tajima, Samphantharak, and Ostwald, 2018). Building on these insights, it is important to ask whether social institutions have other virtues beyond enabling communities to lobby more effectively for goods. Such virtues may include enhanced social capacity to abide by local rules, or increased capacity to collect information regarding local needs, thereby facilitating more effective processes of public goods provision.

The fiscal capacity and material capabilities of local institutions under decentralization are also important. When lacking adequate resources, local institutions may fail to deliver the promised benefits of decentralization (Bardhan and Mookherjee, 2006). It follows that understanding the effects of decentralization requires paying close attention to local capacities. However, one may wonder whether only material capacities are important in this process. Alternatively, it is reasonable to expect that the social capital of local civil servants, their professional experience, and the general institutional legitimacy of local governments, are also important pre-conditions to promote successful decentralization.

3. A Comparative Perspective of Decentralization in the Middle East and North Africa

In this collection, we present fascinating accounts of the processes of decentralization across the MENA region. Our collection includes analyses of decentralization in Jordan, Morocco, Tunisia, and Turkey, as well as an overview piece focusing on comparative patterns across the region. While the articles that follow focus on different countries with varying histories, institutional frameworks, and societal dynamics, several important patterns emerge.

First, many analyses point to the central role of international actors in pushing for decentralizing reforms. As noted by Kherigi in her analysis of decentralization in Tunisia, encouragement on behalf of the international community often takes the form of conditional financial support, requiring state authorities to implement administrative decentralizing reforms before receiving

benefits from the international community. This then leads to an interesting question: does decentralization have different effects when originating from domestic versus international pressure?

Second, decentralizing reforms can further empower central rulers. Indeed, analyses of Jordan, by Karmel and Bohn, and Morocco, by Bergh, show that, although these countries adopted legislation to bring central institutions closer to the people, in actuality central authorities ceded little power to local institutions. At times, as emphasized by evidence from Jordan, Tunisia, and Morocco, this resulted in local institutions with limited manpower or ability to promote policy change. In addition, a lack of specificity regarding the authority of each institution further limited the ability of local bodies to promote meaningful policy change. It therefore remains crucial to better understand how decentralization – absent genuine political will for devolution and capacity for implementation – affects provision and state-society relations in the long run.

Third, Kherigi's analysis of Tunisia, and Karmel and Bohn's examination of Jordan, emphasize that the success of decentralization varies across regions. Indeed, local success stories may be an artifact of: pre-existing local support for political power; the presence of social institutions; or the ability of particular communities to leverage local government to promote public goods provision. However, as demonstrated by the analysis of decentralization in Turkey, it is important to remember that, even when devolution of power is successful, it may be revoked by political leaders. This insight emphasizes the importance of studying decentralization as a dynamic process, rather than a linear trend towards localized institutions.

Lastly, Kadirbeyoglu describes how different factions within a country might have conflicting preferences over decentralization. Specifically, she argues that, in the Turkish case, Kurdish parties have advocated for political decentralization, whereas most other parties have been reluctant to support such policy reforms. This dynamic motivates an array of interesting questions regarding the devolution of power, stability, and intergroup relations. Indeed, we have reason to believe that the effects of decentralization may vary across, as well as within, countries conditional on the social (i.e. ethnic or religious) composition of different units. As noted by Karmel and Bohn, different decentralizing reforms may shape national unity. It follows that, in order to understand the dynamics of decentralization, researchers ought to pay close attention to the local context in which reforms are implemented.

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Comparative Decentralization in the MENA

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1. Decentralization in the MENA Region¹

The delegation of state tasks and responsibilities from the central government towards regional and local levels, also known as decentralization, is a global phenomenon. Indeed, elected subnational governments seem omnipresent in democracies, and OECD governments consider it worthwhile to spend a good portion (40.4% in 2016) of their government expenditure subnationally (OECD and UCLG, 2019). As decentralization is associated with good governance, development, and democracy, the international community promotes and supports decentralization reforms.

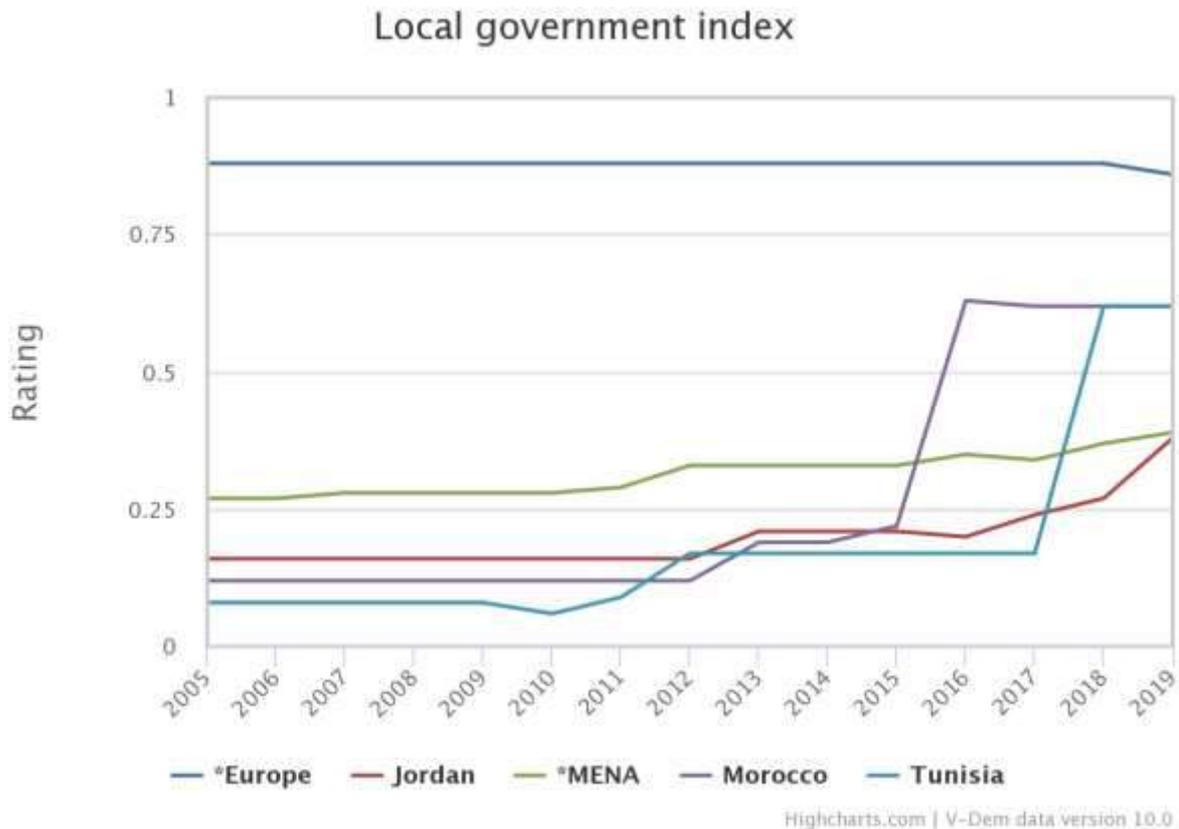
In stark contrast, states in the Middle East and North Africa (MENA) region remain among the most centralized in the world. The effective power and autonomy of elected subnational governments in the MENA lack behind other world regions – though there has been an upward trend in recent years (as shown in the introduction to this series), particularly in the last decade. The Arab uprisings gave testament to the grievous social and economic results of long-standing regional disparities in many MENA countries. This revived the vivid regional and international debate on the significance of local politics, helping to initiate decentralization reforms in several MENA countries. Western donors, including the IMF and the World Bank, further encouraged these reforms.

Decentralization has a number of expected benefits. Yet, I argue that this is not a one-size-fits-all reform; the cases of the MENA region deserve closer scrutiny. Local governance reforms are political in nature, and subject to a series of obstacles and differing political goals. Learning from historical decentralization struggles common to the region, we see similar developments in contemporary reform projects. I place particular emphasis on the cases of Morocco, Tunisia, and Jordan (see also the contributions by Bergh, Kherigi, Karmel, and Bohn), as they started ambitious

¹ I am very grateful to Kristen Kao, Ellen Lust, Marwa Shalaby, Chagai Weiss, and the participants of the Workshop “The Dynamics of Decentralization in the MENA: Comparative Lessons for Oman,” 2-3 March 2020, Gothenburg, Sweden, for their valuable and insightful comments on previous versions of this chapter.

decentralization projects after 2011. The effect of these processes is reflected in their comparative ratings of subnational autonomy, as shown in Figure 1 (V-Dem, 2020).²

Figure 1: Local government index in Morocco, Jordan and Tunisia



This contribution starts with an historical overview of decentralization in the MENA. I then detail the expected benefits of decentralization, reasons for central regimes to control the process, and the importance of regional disparities as an ongoing driver. A brief presentation of the reforms’ proponents and opposing actors leads to an analysis of common obstacles to the success of decentralization reforms in the region. I emphasize fiscal decentralization as a principle precondition for the success of local government reforms. I conclude that real political will and holistic reforms (also at the central level) are the *sine qua non* for the success of decentralization.

2. History and Overview of Decentralization in the MENA

Despite a history of strong traditional actors at the local level, the MENA region is nowadays known for its centralism. Decentralized power arrangements among various traditional (e.g., tribal

² There is also an ongoing DFG project at the University of Erlangen-Nürnberg (Germany) to which I contribute with Miriam Bohn, Thomas Demmelhuber, and Roland Sturm (grant number DE 1829/4-1/Stu 122/14-1).

or religious) leaders characterized the MENA region before Western states imposed colonial rule. Colonial powers established a centralized state administration, but also engaged with these strong traditional actors in a form of decentralization (Charrad, 2011; Bouabid and Iraki, 2015; Demmelhuber et al., 2018; Harb and Atallah, 2015a). Building upon centralized colonial administrations, the region's rulers continued to centralize power after gaining independence. They employed a variety of strategies to interact with traditional actors, including strategic co-optation of local notables and traditional elites (e.g. Morocco), marginalization for the sake of central power (e.g. Tunisia), or both (e.g. Jordan, Iraq) (Charrad, 2011).

The centralization of power following independence was often a strategy employed in the name of modernization and nation-building (Charrad, 2011; Harb and Atallah, 2015a). Until now, federalism has been perceived as a threat to the unity of the nation in many Arab countries. Decentralization has joined the discourse in a region primarily comprised by unitary states.³

Initiatives to strengthen subnational governance systems, as well as neoliberal reforms, have been part of the political program in MENA countries since the 1980s, but their implementation is often characterized as a “grand delusion” (Kienle, 2001). While political regimes in the region officially advocated (political) decentralization to satisfy international donors, effective decentralization reforms were not implemented (Bergh, 2012a). Decentralization attempts were a façade, strictly controlled by increasing the center's power through deconcentrated state agents, i.e. unelected representatives of national ministries (Jari, 2010; Harb and Atallah, 2015c). In this sense, compelling evidence for the merits of decentralization has thus far been scarce for most MENA countries.

Though past local government reforms in the_MENA have mostly taken the form of administrative decentralization (known as deconcentration), almost all countries in the region have opted for a form of, at least partly, political decentralization through elected local governments (Kherigi, 2017; Harb and Atallah, 2015a). The discrepancies between the good governance goals of past decentralization reforms and the realities of enduring authoritarian central state dominance, and insufficient local service provision, are blatant. Central regimes redirected or misused international donor contributions meant to aid the decentralization processes to benefit their

³ Though not always counted among the MENA, Sudan's federalized system is an exception among Arab states. The de-facto tribal-based federalism of Yemen before its deteriorating statehood is also an outlier, as are the United Arab Emirates, which are a federation of centralized states not a system of federalism.

clients and allies (Harb and Atallah, 2015c; Harb and Atallah, 2015b; Bergh, 2012a; Kherigi, 2017; Ababsa, 2015), ensuring marginalized groups and regions did not benefit in a significant way.

The local and peripheral origins of the Arab uprisings of 2010/2011 were clear expressions of the discontent with central power and regional socioeconomic imbalances. The protests gave a new dynamic to the discourse of decentralization in many MENA countries and led to new decentralization laws, such as those in: Morocco (new constitution, major decentralization laws in 2015, with regional and local elections in 2015); Jordan (new decentralization law in 2015, with local and regional elections in 2017); and Tunisia (new constitution, extensive decentralization laws and local elections in 2018). All focus on the local and regional subnational governments (although the elected regional councils in Tunisia are yet to be established).

Those new processes still take the form of regime-controlled top-down reforms. While they are connected to and influenced by monarchies in the cases of Morocco and Jordan, the Tunisian decision to include decentralization into its new constitution originated from a transitional direction, and was a clear assault on the heavy centralism of the old regime (Kherigi, 2017). However, crisis periods also show the possibility of bottom-up approaches to decentralization: in Egypt and Syria, informal local councils stepped in to uphold local governance in the absence of state power; in Yemen the tribal-based administration endured, even after the collapse of the central government (Kherigi, 2017; El Meehy, 2017; Egel, 2011; Al-Dawsari, 2012).

International donors still advocate a focus on political decentralization, which is also the direction of new reforms in the region. However, the reforms' shortcomings sparked discussions of administrative decentralization (deconcentration) or even re-centralization, e.g. in Morocco and Jordan (Vollmann et al., 2020). Administrative decentralization would be the delegation of tasks and powers, not to elected subnational governments (political decentralization), but to subnational branches of central state ministries or other appointed officials. The deconcentration of central ministries, as well as the reform of existing deconcentrated ministry services and state agents, is also necessary to aid the institutions in political decentralization.

3. Why Decentralize?

All that you want: desired outcomes of decentralization

There is a worldwide trend to vertically reform the distribution of power to benefit subnational institutions. Its proponents expect decentralization to enhance local autonomy and the overall

socioeconomic situation of a country. Moreover, the reforms are framed as minimally invasive forms of democratization that are believed to: bolster the efficiency of local service provision; increase regime accountability and good governance; and create new opportunities for political participation (Eaton et al., 2010). Bringing government closer to the people should also lead to facilitated service access for marginalized groups and regions. Further potential effects of decentralization are: additional possibilities for participation; increased public administration accountability; a system of checks and balances; and (potential) regional veto powers (vis-à-vis the central government). However, empirical evidence of these outcomes is mixed – most macroeconomic studies do not focus on the MENA region and some benefits of decentralization are not theoretically bound to democratization (De Vries, 2000; Treisman, 2007; see also Demmelhuber et al., 2018).

There is still debate surrounding decentralization and its relationship with other forms of vertical power-sharing arrangements, e.g. federalism. It is imperative to differentiate between political decentralization (devolution) and administrative decentralization (deconcentration). Devolution is preferred by many proponents of decentralization, as it includes an element of democracy. Devolution transfers responsibilities from the central state to elected subnational bodies with their own budgets and the independent authority to decide how to perform the delegated tasks. Some of the proposed benefits of decentralization (e.g. strengthened participation) clearly have devolution in mind. However, for other goals, political decentralization is not strictly necessary. State tasks can be transferred to regional ministerial branches or other nonelected officials without ceding central authority to subnational governments (Demmelhuber et al., 2018; Bergh, forthcoming). Fiscal decentralization is an essential component of political decentralization, as autonomous subnational decisions without adequate and unconditional funding would curb devolution. Fiscal decentralization is, however, often used separately. It is common in large-n studies to check for the effects of (political) decentralization. As reliable (subnational) fiscal data is relatively hard to come by in the region, MENA countries are seldom included in these studies (see Demmelhuber et al., 2018).

Possible negative consequences of decentralization

International institutional proponents of decentralization are aware that there may be differences between officially expressed and underlying reasons to engage in decentralization reforms. As Shanta Devarajan, former World Bank Chief Economist for the MENA and Africa put it:

Decentralization is a political act. It is driven by political considerations, and its outcome will depend on how the political forces that stand to gain stack up against those that may lose. (Davaran, 2010, in Eaton et al., 2010)

Past and present reforms have sought to increase government capacity and control beyond the center. In many cases, the MENA governments in question are authoritarian in nature, and try to use the benefits of local government reforms to increase their stability, deflect protests, or attract external rents (Demmelhuber et al., 2018; Bergh, 2012b; Harb and Atallah, 2015a).

Decentralization can lead to the renewal of political elites through both subnational competition and the recruitment of subnational notables into the political system. After Moroccan independence, local agents of the Ministry of Interior's administrative oversight committee were recruited by tribal suggestion and co-opted into the king's administration (Bouabid and Iraki, 2015; Clark 2018; Vollmann et al., 2020). The recruitment function of local governance reform has the potential to stabilize political regimes, be they democratic or authoritarian. Decentralization reforms offer incentives for different strata of relevant elites (including oppositional) to engage with the political system and regime. Participation offers a way to gain positions of prestige and access to state resources that, in turn, can be redistributed within personal networks. Participation may even provide a chance to influence policies.

Simultaneously, controlled spaces for political competition can appease and contain both the opposition and other elites without seriously endangering the status quo. Decentralization reforms offer additional incentives for political participation and contestation. However, the newly established competition may also be part of the regime's strategy to balance power relations between elites at all levels of government, as new struggles for influence and resource distribution emerge (e.g., co-optation, competitive clientelism) (Lust, 2009; Gandhi and Przeworski, 2006; Sika, 2018; Vollmann et al., 2020). Historically, Moroccan decentralization directly following independence was a means for the monarchy to counterbalance the urban and Arab Istiqlal (independence party) by encouraging rural Amazigh elites to form parties. Today, the influence of the urban moderate Islamist Party PJD (Party for Justice and Development) is also held in check subnationally by rural elites who stand with the palace-adjacent Authenticity and Modernity Party (PAM) and in opposition to the PJD's Arabization policy. Following the last local and regional elections, the PJD led in votes and seats but the so-called administration parties managed in many cases to block the moderate Islamist party from winning presidency positions in the subnational councils. Institutional power is concentrated in the positions of the council presidents; the

councilors elect them from their midst. Since 2015, the majority of regional presidencies have been held by elites with former experience in the administration or business connections to the palace (Vollmann et al., 2020). In Morocco and Jordan, we witness conflicts between elected bodies on different levels of polity, as they fear losing influence through the latest decentralization reforms (Vollmann et al., 2020; Houdret and Harnisch, 2018). Conflict between Tunisian mayors and governors is also widespread, with the latter fearing for their influence under the new decentralization laws.

Elite capture also is a major issue that can enrich subnational elites. Local notables are well connected and often seem necessary to project implementation. They are thus most likely to attract international aid money. If such influential elites exist outside of the formal institutions of decentralization, they can try to circumvent processes of formal decentralization, or force subnational elected bodies to cooperate (Platteau, 2004; Rajasekhar et al., 2018; Demmelhuber et al., 2018).

Regional disparities at the heart of decentralization in the MENA

Decentralization reform processes are also a reaction to widespread protests and problems stemming from long-standing regional disparities and neglected peripheral territories. Wealth, political power, and infrastructure are mostly concentrated in the center (or some well-connected regions). Intraregional disparities are another widespread problem. Investment and infrastructure are concentrated in regional centers while surrounding areas – especially if they are rural – lack adequate public services. In the case of Tunisia, the regional disparities between Tunis and Sahel and the neglected interior regions sparked the transnational Arab uprisings, when Mohamed Bouazizi's suicide in the poor city of Sidi Bouzid caused massive unrest in the country. Regional disparities also apply to the Moroccan case, where decentralization is a strategy to resolve the Western Sahara crisis and where socio-economic neglect continue to fuel unrest in the Rif. Regional divides between Transjordanian and Palestinian tribes also led to disparate regional developments and negligence of the latter in Jordan (Vollmann et al., 2020; Kherigi, 2017; Bergh, forthcoming; Bouabid and Iraki, 2015; Clark, 2018; Kherigi, 2020).

4. Major Challenges to Decentralization

International donors, most notably the IMF and the World Bank, and western national development agencies continue to push decentralization reforms in the MENA. Since calls for

democratization in parts of the MENA have deteriorated into civil war (e.g. Syria) or failed statehood (e.g. Libya, Yemen), Western donors have increased their focus on decentralization, believing it to be less invasive than prior forms of democracy promotion (Demmelhuber et al., 2018; see above). MENA regimes promote decentralization, but tend to oppose developments that could endanger their dominance. Central-state administrations have also shown reservations regarding sharing power with elected subnational governments – or even with their own regional branches (Kherigi, 2017; Harb and Atallah, 2015a).

The success of local governance reforms in the MENA does not lie with subnational governments alone. It relies on major changes in the political system that must be prepared for decentralization. Central-state problems and shortcomings in funding, training, and recruitment of qualified personnel also affect subnational levels. A major obstacle to successful decentralization in MENA countries lies in the unwillingness of state administration to part with power, even to their own deconcentrated branches. Another problem lies with reform legislation that is partially implemented, ambiguous in competence distribution, and in need of clarifying legislation to function. This results in a diffusion of responsibilities, conflict, and concurrence between different subnational governance levels and institutions. Past grievances may have eroded the population's trust in elected subnational governments, jeopardizing their legitimation. The newly reformed subnational councils in Morocco, Tunisia, and Jordan hint at the problems with inexperienced and badly trained representatives, who are not always prepared to face key local administrators or administrative overseers (Vollmann et al., 2020; Kherigi, 2020).

Though often treated as a separate form of decentralization, fiscal decentralization is a necessity for effective political decentralization; legislative goodwill and vast competencies on paper are of little use to subnational actors. However, many MENA decentralization processes are characterized by massive underfunding problems (high consumptive cost margins reduce local governments' options to act). This predicament is further augmented by problems of understaffing (both regarding the number and skill level of functionaries), leading to an inability of local governments to effectively spend their sparse funds (Vollmann et al., 2020; Yerkes and Muasher, 2018).

Moreover, most decentralized actors in the MENA still depend on central government transfers for most of their funding. Local tax collection does not yet adequately contribute to subnational funding (UCLG, 2019). While local governments in some countries have the right to raise and

collect taxes, most face problems with tax collection, be it through insufficient enforcement power or decisions to not tax (parts of the) constituencies due to political reasons (Harb and Atallah, 2015a; Kherigi, 2017; Kherigi, 2020). Lebanese communities, for example, collect a wide array of fees, but the collection costs surpass the revenue (UCLG, 2019). In Jordan, Morocco, and Yemen local governments often decide not to collect taxes to please their political bases (Harb and Atallah, 2015a; Vollmann et al., 2020). The new decentralization process in Tunisia still suffers from citizens' refusal to pay local taxes, and there is little interest to incentivize their collection (Yerkes and Muasher, 2018).

In 2008, public spending on local governance averaged 5% in the MENA region, in contrast to 35% in OECD countries (Harb and Atallah, 2015b; Kherigi, 2017; UCLG, 2009). Morocco, Jordan, and Tunisia are among those that established decentralization laws following the Arab protests of 2010/2011. While they show some individual progress, there are no sufficient efforts towards fiscal decentralization (data based on OECD and UCLG, 2019). Tunisia has taken massive steps towards turning from a highly centralized autocratic system towards a decentralized democracy, but only spent 7.8% of total government spending (2.1% of its GDP) and 3.4% of public staff expenditure on its local governments in 2016. This is still a considerable increase from an average of 4.3% of government expenditure between 2008 and 2012 (Bohn et al., 2018; UCLG, 2009).

Morocco, as one of the “forerunners” of decentralization in the region, spent 3.4% of its GDP, or 11.8% of total government expenditure, on its different subnational governments in 2016. Morocco's subnational spending increased during the new reform phase, but only moderately (8.5% of government expenditure in 2002). Subnational governments accounted for only 9.7% of public staff expenditure. This percentage is comparable to the pre-reform expenditure of 9.4% in 2002. This is surprising, considering that in 2002 about a quarter of all state employees worked locally (Bohn et al., 2018; UCLG 2009).

Jordan also accelerated its decentralization process after the Arab uprisings, spending 2.3% of its GDP (8.0% of its total public expenditure) on local governments. This is a slight increase compared to 2013 (6.7% of public spending), but a decrease from 10% in 2008 (Bohn et al., 2018). The share of staffing costs in the Jordanian case is surprisingly high, with local governments accounting for 22.6% of public staff expenditure (above the unitary average for OECD countries).

The problem of shadow employees – public servants that are paid but do not work – is also common in MENA countries. The phenomenon is an important mechanism for patrons to distribute public funding to their clients in Morocco. At Jordan’s municipal level, the importance of this form of patronage is also significant (Vollmann et al., 2020).

Despite some progress, even the newly accelerated reforms have not (yet) caused these countries to gain on the OECD average (in 2016: 40.4% of public expenditure was spent on subnational governments, and 16.2% of GDP; if only considering OECD unitary countries: 28.7% of public expenditure and 9.2% of GDP). Insufficient funding makes it impossible for elected subnational governments to fulfill their tasks to a satisfactory degree. Since subnational budgets are dependent on government transfers, the incentives to seek ministerial favors are substantial, further endangering subnational autonomy (Vollmann et al., 2020; Kherigi, 2020). In 2016, 61.3% of the Moroccan local budgets consisted of central state transfers (OECD and UCLG, 2019), with the regional level receiving over 90% of its funding from transfers (91.3% in 2018) (Vollmann et al., 2020). In Jordan, only 32% (2016) of local revenues are self-generated. Local and regional councils remain dependent on central state transfers, although they are not officially listed as grants or subsidies (OECD and UCLG, 2019, p. 522). In 2016, 69% of the Tunisian subnational governments’ budgets came from government grants (OECD and UCLG, 2019).

5. Conclusion

Decentralization reforms in the MENA gained new momentum after 2011. But can they be more than the nominal reforms and lip service we have seen in the past? The political will of regimes often seems ambivalent at best. Subnational governments provide additional arenas for competition and the formation of new political elites – but often also for their co-optation. The powers of subnational governments remain limited, and central state oversight persists (Kherigi, 2020; Vollmann et al., 2020; Harb and Atallah, 2015a).

New reforms must undergo “test phases,” but the regimes have not equipped their test drivers well. The formerly neglected and rural regions are especially unable to catch up. The renewed commitment of both governments and legislation towards decentralization does, however, provide international observers, civil society, and subnational representatives with new ammunition to try and enforce implementation.

To conclude, the challenges of meaningful subnational governance require strong political and financial commitment from the center. Unfortunately, financial commitment is highly problematic, as the MENA countries that are most likely to increase their commitment to decentralization are those that cannot rely on their rent economies alone; the oil-rich Gulf states are still as center-heavy as they can be. This means that public expenditure in general is problematic, since national funds are tight and the potential to increase spending in any sector is limited in low to middle income countries. Structural reforms and re-allocations of resources from top-heavy ministries to subnational governments might be necessary to provide the necessary funds and staff under the condition of budgetary restraints. Political commitment is also critical, as the region has a history of regimes paying lip service to decentralization reforms before manipulating them to fit their own needs (Vollmann et al., 2020; Bergh, forthcoming). Setting democratically elected local governments up to fail without capacities and support might therefore be part of the strategy. However, the potential to increase state capacity, efficiency, and development also suffers from such approaches. And new or ongoing protest movements throughout the region suggest that the temporal pacification of popular demands may not hold unless real political will is put into meaningful implementation of political decentralization.

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Morocco's Decentralization Experience

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1. Introduction

This paper will review the primary drivers and phases of the decentralization process at the municipal level in Morocco, outline the challenges encountered, and present some potential solutions. The paper argues that, throughout its history, the main driver of decentralization reform is the monarchy, due to the perceived political advantages in shoring up its legitimacy and power base. This also means that the “challenges” pointed out by scholars and policy makers could be considered “design features” of the reforms, allowing the monarchy to calibrate reforms according to current political expediencies. Consequently, what could be viewed as “strategies” to address the challenges in fact constitute cosmetic changes, rather than genuine attempts at reform.⁴

2. Why Decentralization?

Lamia Zaki (2019, p. 2-3) helpfully distinguishes three different analytical perspectives to explain why decentralization reforms were pursued in Morocco. The first is the “regime perspective,” which argues that decentralization reforms were promoted by the monarchy in order to reinforce their alliance with the rural elites and counter the influence of urban and partisan elites. Using sophisticated tools including: postponing elections; successively reorganizing electoral maps; and increasing the role of deconcentrated authorities, they successfully co-opted local elites (Zaki, 2019, p. 2. See also Leveau, 1976; Waterbury, 1970). Indeed, I would argue that this “regime perspective” represents the main driver of decentralization reforms in Morocco (Bergh, 2017, p. 60).

A second analytical perspective highlights how decentralization has been used by the Moroccan government since the 1990s as a tool to implement limited “democratization reforms.” The relative opening up of the political field in the late 1990s and early 2000s led to the emergence of new business, political, and civil society elites, who used their local bases to claim rights and/or political roles at the local or national levels (Zaki, 2019, p. 2).

The third analytical perspective links decentralization to the “good” governance reforms, which prioritize the efficient use and management of resources and effective investments (Zaki, 2019, p.

⁴ For a more elaborate version of this argument based on a review of recent scholarly literature, see Bergh, forthcoming.

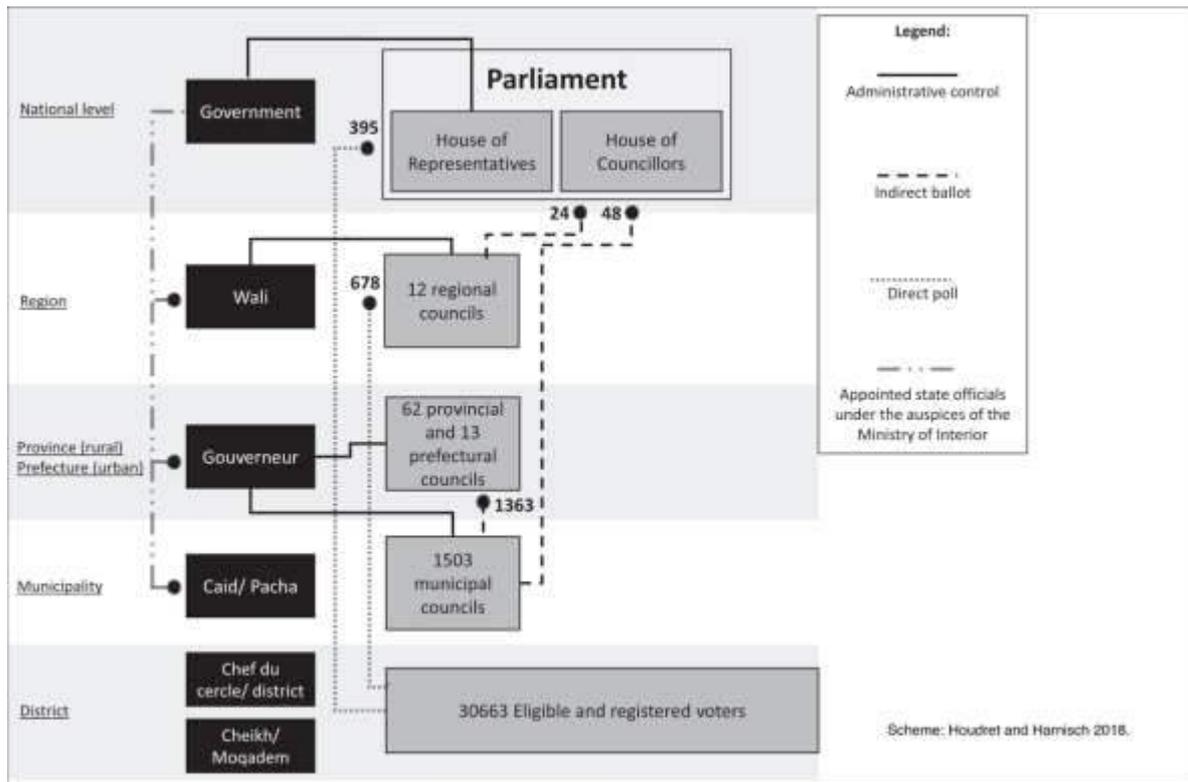
3). This view is substantiated by the fact that international donors, such as the World Bank, began to implement numerous programs aimed at accompanying or deepening the decentralization process in the 1990s (Bergh, 2017, p. 60).

3. General background

Morocco has three levels of local government: regions, provinces (in rural areas) and prefectures (in urban areas), and municipalities (*communes* in French). As can be seen in Figure 1 (Houdret and Harnisch, 2019, p. 944) below, all local authorities are equipped with an elected body (i.e. regional council, prefectural or provincial council, and municipal council) and subject to the supervision of an officer of the Ministry of the Interior who represents state authority and ultimately reports to the King (the *wali* for regions, the governor for provinces or prefectures, the *pasha* for urban municipalities and the *caïd* for rural municipalities; Bergh, 2017, p. 42). For most of their existence, both the regional and provincial levels have served as extensions of the central administration and as a means of territorial control over the population, with little autonomy or power (Madani et al., 2012, p. 34). The remainder of this paper will therefore focus on the history and features of the decentralization process at the municipal level.⁵

⁵ Morocco has 1 503 municipalities (221 urban and 1 282 rural; Cours des Comptes, 2012, cited in Mhammedi, 2019, p. 12). Morocco suffers from marked spatial inequality: According to the OECD (2018a, pp. 5, 22), 60% of its 34 million inhabitants live in urban areas that generate 75% of the national GDP. The city of Casablanca alone, with 5 million inhabitants, contributes up to 29% to the national GDP. Rural areas, in contrast, tend to suffer from higher poverty levels, weak education and health indicators, lack of basic infrastructure, and are have agriculturally-based economies, often the sole job-providing sector in many rural regions (80% of rural employment). Under- and unemployment explain the significant rural exodus and growth of slums in urban areas (Bergh, forthcoming).

Figure 1. Morocco's double-headed political-administrative system



Four main phases of municipal decentralization

At the municipal level, decentralization in Morocco progressed in four main phases.⁶ Each phase represented a deepening of the decentralization process, gradually giving more power to the municipalities. Table 1 (Bergh, 2017, p. 43) below gives an overview of the key stages in the decentralization process.

⁶ This section draws mainly on Bergh, 2017, pp. 40-60. See also Bouabid and Iraki, 2015; Clark, 2018; Goehrs, 2015; and Houdret and Harnisch, 2019.

Table 1: A chronology of the (municipal) decentralization process in Morocco

Phase	Date	Event
	1956	Independence from France
I	1960	First Municipal Charter and first communal elections
	1962	First constitution: local authorities receive constitutional status (provinces, prefectures and municipalities)
	1965-1973	Period of political crisis and hiatus in the decentralization process
	1975	“Green March” the mass march of 350,000 unarmed Moroccan civilians into the Western Sahara on 6 November 1975
II	1976	Second Municipal Charter
	1992	New constitution: the region becomes a decentralized local authority; the number of municipalities increases by 80 percent.
III	2002	Third Municipal Charters
	2009	Reform of the Municipal Charter
IV	2011	New constitution, based on “advanced regionalization”
	2015	Three organic laws passed in parliament (on the regions, prefectures and provinces, and municipalities, respectively)

The first phase lasted from 1960 to 1976 (from the first to the second Municipal Charter). This phase was mostly symbolic, given the dominant position of the local representative of the Ministry of the Interior (the *caïd*) in municipal affairs, and the municipalities’ limited fiscal resources. The municipality, as a new administrative unit, was intended to replace the tribe as the focus of local loyalty and to consolidate monarchic power at the local level. In addition, the municipalities were designed to stimulate acceptance of governmental decisions and manipulate rural opinion to combat the influence of the political parties. The council had limited deliberative powers, and primarily assisted the *caïd* in preparing the budget and supervising general management. Indeed, the issue of *tutelle* (i.e. tutelage, guardianship, or supervision) by representatives from the Ministry of the Interior over local authorities is a fundamental feature in Morocco’s history of decentralization. From the viewpoint of the *makhzen* (the monarchy and its surrounding elites), this high degree of *tutelle* was necessary to preserve the fragile unity of the country, and to compensate for the lack of competent civil servants in the local administration.

The second phase lasted from 1976 to 2002 (the second to the third Municipal Charter). This phase saw a gradual increase in administrative and fiscal autonomy. The Saharan Conflict arguably hastened the implementation of decentralization, due to the need to demonstrate to Western Saharans that some measure of local autonomy was being offered. In addition, the dramatic increase in phosphate export revenues in the mid-1970s provided the government with extra resources to spend at the local level to address rising regional inequalities. Indeed, the *makhzen* recognized that such regional inequities of income and service distribution could become a major cause of political discontent. The government therefore decided that increasing participation and democratization through decentralization could mitigate political risks associated with regional disequilibria.

These pressures led to the promulgation of the Second Municipal Charter of 1976, which repealed and replaced the one of 1960. Its primary innovation was to strengthen the position of the council president by making him the executive organ of the municipality, a function previously held by the *caïd*. Most importantly, for the first time, municipalities were legally considered to be a framework for economic and social development (Article 30). Although the charter provisions constituted a considerable advance in the decentralization process, they still limited administrative autonomy. The *tutelle* procedures led to long delays in approving the council budgets, which in turn resulted in the flawed implementation of projects. The charter's provisions also allowed the governors and officials at the Ministry of the Interior to take back control whenever they deemed necessary. By the 1980s, municipalities only served as carefully controlled providers of mundane services: waste disposal, street cleaning, garbage collection, public transportation, markets, and slaughterhouses.

The lack of education and experience of the elected councillors, especially in the rural municipalities, is considered to have been one of three key problems with the decentralization process, and was used to justify the continuation of the *tutelle*. The other two problems were the absence of competent local support staff, and inadequate financial resources. The latter was addressed somewhat by the tax reform of 1989; this entitled municipalities to at least 30% of national value-added tax (VAT) receipts, and resulted in infrastructure improvements and general investment by local authorities during the period 1976 to 1991.

The third phase started in 2002 and was given a boost with the revised Municipal Charter of 2009. This phase gave the municipalities more political and economic development objectives and roles. The death of King Hassan II in July 1999 and the ascension of Mohamed VI presaged a

revival of the decentralization process. In one of his first speeches as king, Mohamed VI outlined a “new concept of authority” for the Moroccan state that would decentralize power to the regional and territorial administrations (Darif, 2012). The new king’s outlook accounts for much of the shift in discourse and policy, culminating in the promulgation of the Third Municipal Charter in 2002, and its amended version that became effective in 2009.

The 2009 Municipal Charter expanded the responsibilities of the councils, established a legal status for councillors, and gave a special status to the large urban areas. It also, for the first time, clarified the municipality’s role in reducing poverty and exclusion, and included the possibility of entering into partnerships with local associations. However, the Ministry of the Interior still exercised a *tutelle* on such partnership agreements, though they did place much more emphasis on training councillors and municipal staff. The 2009 Charter also established a new consultative Commission of Parity and Equal Opportunities, which included members of local associations and civil society. However, given that the members of this new committee were appointed by the mayor, they were unlikely to be critical.

Concerning local planning, the 2009 Charter included a clause that made it mandatory for every municipality to develop a 6-year Municipal Development Plan (PCD), covering the period from June 2010 to June 2016, with a focus on participation and gender-responsiveness. In reality, the process was dominated by the municipal council or representatives of the central authority, and outsourced to consultants (Clark, 2015). The period after 2009 also saw the enforcement of a host of new laws on local taxation, local finance, public procurement, and municipal assets. These laws aimed to increase the municipalities’ fiscal autonomy and local revenues, as well as improving the legal framework and performance standards for contracting local service provision to the private sector.

The fourth phase started in 2011 with the adoption of the new Constitution. Indeed, the first article of the new Constitution stated that “the territorial organization of the Kingdom is decentralized” and introduced the principle of “advanced regionalization” to make regions, in addition to municipalities, key levels of local government. While this proposed a solution to the longstanding conflict over the Western Sahara territories (Houdret and Harnisch, 2019, p. 938), it was also a response by the *makhẓen* to the local and national protests, which had demanded local and regional development. Social protests for better service delivery in marginalized areas have been occurring for decades, but reached the major cities in February 2011 when young graduates,

middle-class activists, and Islamists added political demands to the socioeconomic ones (see Bergh and Rossi-Doria, 2015). In 2015, three Organic Laws (OLs) were issued to specify and operationalize the spirit of the 2011 Constitution at the municipal, regional, and provincial/prefectural levels (Zaki, 2019, p. 2). Interestingly, the region has no authority over the provinces/prefectures and municipalities – the three separate OLs are (deliberately?) ambiguous. This allows the King to arbitrate between various power centres and interests, significantly reducing the accountability between levels and towards the citizen (Bergh, 2016, p. 10. See also Lust-Okar and Jamal, 2002).

Limited innovation under the 2015 Organic Law

Under the 2015 Organic Law (OL) 113-14, the municipality's competences include the development, implementation, and evaluation of its 6-year Development Plan. It details the municipal interventions (and financial contributions to sectoral programs) in the areas of: urban public transport, public lighting, sewerages and solid waste management, municipal markets, and drinking water and electricity provisions (OECD, 2017, p. 26; for more details on municipal responsibilities, see appendix). The OL also calls for the creation of an Institutional body of Equity, Equal Opportunities, and the Gender Approach (*Instance de l'équité, de l'égalité des chances et de l'approche genre*, IEECAG) in every municipality to ensure civil society representation, replacing the previous Commission of Parity and Equal Opportunities (which had only been established in one third of all councils by 2015; World Bank, 2019, p. 27). However, the operating rules and composition of this Institutional body are to be defined within the procedural rules of each municipal council (Article 120). Historically, this process has not allowed for coherent and harmonized practices across municipalities (Zaki, 2019, p.4-5). Compared to the 2009 Municipal Charter, the powers of the municipal council have barely been modified by the new law.

Nevertheless, there are three areas of improvement in the quality of local governance. First, Article 38 of the OL provides citizens and local associations with the possibility to submit petitions to the municipalities. The municipal council is legally required to put forward the petition in the following council session, provided the petition is considered eligible (according to Article 125; OECD, 2017, p. 30). At the end of September 2019, the online media outlet *Medias24* reported that the number of petitions presented to local governments had grown to 200 (El Hourri, 2019), but there has been no official communication regarding the concrete effect of petitions on local policy-making processes (Bergh and Colin, 2019).

Second, the 113-14 OL provides for a series of original provisions to increase transparency of municipal affairs.⁷ For example, Articles 273 and 275 demand, respectively, that the mayor makes the deliberations of the municipal council and the budgetary and accounting documents public. Similarly, the final accounts and financial statements of the municipality need to be published in the *Official Gazette* (Article 277). These provisions have seen limited implementation; municipalities do not publish their financial information, and the *Official Gazette* (established in 1997) is currently being updated for the first time since 2009 (Zaki, 2019, p. 5).⁸ It remains to be seen how the new law governing information access will change this situation.⁹

Third, the OL has enforced some changes to local democratic procedure. For example, all municipal council decisions are taken by public vote (Article 6), including the elections of the President and Vice-Presidents, previously elected through secret ballot. The role of political parties has been strengthened; to run for mayor, one needs to have been head of his/her electoral list and endorsed by the party (Article 11; Zaki, 2019, p. 4).¹⁰ However, the political party landscape was still fragmented, with 29 parties competing in the local elections held on 4 September 2015 (compared to 33 in 2009), in addition to independent candidates (OECD, 2017, p. 18). The turnout was 54%, but a quarter of the eligible population did not register to vote. Thanks to a legally binding women's quota, women won more than double the number of seats (6673) than in 2009, representing 21% of all councillors (OECD, 2017, p. 19). However, this does not necessarily equate to influence over council decisions (OECD, 2017, p. 70).

4. Challenges to Decentralization

There are three main challenges to the decentralization process: legal ambiguities, human resources, and financial resources. First, the lack of a clear framework and implementation provisions mean that the 2015 OL remains largely on paper. Although the Directorate General for Local Governments (DGCL) at the Ministry of the Interior has issued about 40 decrees and circulars to allow for the effective enforcement of constitutional and OL reforms, important uncertainties remain (Zaki, 2019, p. 3). Most importantly, whilst the principle of “administrative

⁷ The principle of accountability is mentioned several times in the 2011 Constitution: 1) as a basis for the Moroccan constitutional system of government (first article), 2) as a pillar for territorial governance (Article 146) and 3) for the governance of public services (Article 154), as well as 4) a strategic mission assigned to the National and Regional Court of Audit (Article 147; Mhammedi 2019, p. 26).

⁸ For an account of the city of Salé's experience with the OECD's “Open Government” Initiative, see OECD (2019).

⁹ The text of the law can be found at <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/107094/131706/F-985611108/MAR-107094.pdf>.

¹⁰ Conditional upon the party ranking among the first five positions in terms of the total number of seats obtained in the municipal council (Zaki, 2019, p. 4).

freedom,” set out in Article 136, implies that the *tutelle* has disappeared (World Bank, 2019, p. 14), this is not the case. As Zaki (2019, pp. 5-6) states, the key (budget) deliberations of the municipal council, which previously had to be “approved” either by the governor or the DGCL, now only need a visa; most of them are considered enforceable after a 20-day deadline (Article 118 of the 113-14 OL). However, in practice, governors can refuse to issue visas (or provide a late visa) and municipalities remain very reluctant to enact key decisions without formal approval (see also Goehrs, 2015, pp. 44-50). Additionally, according to Article 33 of the OL, a representative of the Ministry of the Interior (governor or *caïd*) attends all council sessions (OECD, 2017, p. 31). Finally, while the Administrative Court has been empowered to examine any dispute raised by both parties (Article 115 of the 113-14 OL), this does not mean that it will intervene frequently; potential issues are still most often resolved through the governor, not the Court (Zaki, 2019, p. 6).

The second major challenge lies in the lack of competent human resources. Although municipal staff account for roughly 25% of public sector employees and many municipalities are overstaffed, others, especially rural ones, are understaffed. The dominance of unskilled staff is especially striking, as only 10% of all staff are *cadres supérieurs* (senior staff). Staff with relevant skills, such as strategic planning, ITC, accounting, and local finances are largely absent (OECD, 2017, p. 79). However, the training department in the Ministry of the Interior has made significant efforts to train municipal staff, including in participatory planning to develop the PCDs. While this is a positive development, the fact that only 8% of trainings organized in 2016 were aimed at local councillors (OECD, 2017, pp. 65, 82) could lead to (increased) mistrust between municipal staff and councillors.

The final challenge lies in financial resources. Moroccan local government financing is currently greater than in other countries of the region (3.5% of GDP against 1% in Tunisia), largely thanks to intergovernmental transfers (Zaki, 2019, endnote 18). These transfers represent 53% of average total municipal revenues (and up to 70% for rural municipalities). Tax revenues administered by the State on behalf of municipalities, coupled with source revenues administered by the municipalities themselves account for the remaining 47%. Municipal source revenues have also increased in recent years, though they remain low compared to their potential; the collection rate of local taxes and fees is between one-third and one-half of the fiscal potential in most Moroccan cities. Additionally, municipalities do not have the right to determine the rate at which local taxes can be levied. Between 2006 and 2018, municipalities’ recurrent revenues increased by 92%, but recurrent expenditures increased by 110%. This has led to a stagnation of net savings available for

investment, while the use of bank loans remains limited,¹¹ all of which explains the low and quasi-stagnant levels of municipal investment in the urban sector over the last ten years (World Bank, 2019, pp. 15-16).

Despite some progress, municipal budgets are still far from covering the increasing needs linked to the delivery of municipal infrastructure, equipment, and services.¹² However, the OECD (2018a, p. 19) found that funds made available to local governments remained underutilised, totalling approximately 33 billion MAD at the end of 2016 of which: 65% belonged to municipalities (who carried out 77% of subnational spending over the 2009-2013 period), 18% to prefectures and provinces, and 17% to regions (OECD 2018a, pp. 19, 35; for similar figures for end of 2018, see Mhammedi, 2019, p. 12).

The reasons behind under-spending are fourfold. Firstly, councillors and municipal staff often exhibit a conservative spending mentality, associating deficits with bad management (Bergh, forthcoming; see also Bergh, 2017, pp. 145-146). Building in some “slack” to cover unexpected expenses is common in local governments around the world (Mhammedi, 2019, p. 24). However, in Morocco, this conservative mentality can also be explained by the uncertainties surrounding levels of central transfers and revenues, making sound financial planning difficult. According to a report by the Court of Audit (Cour des comptes, 2013, cited in Mhammedi, 2019, p. 23), the unrecovered local taxes and fees (*reste à recouvrer*) represented 72% of municipal revenues. Given the lack of available sanctions, local mayors have found themselves unable to solve this issue (*ibid*).

Secondly, project implementation (and by implication, spending) is often delayed due to complications concerning: the creation and adoption of the Municipal Action Plans (PACs); lack of cost estimates; unrealistic budgeting; and the lack of a clear vision for municipal development (Mhammedi, 2019, p. 22; OECD, 2017, p. 26). Implementation can also be hampered by weak project, environmental, and social management, as well as a lack of modern equipment (World Bank, 2019, p. 16; Mhammedi 2019, p. 21). These factors can explain why municipalities often only execute 50 percent of their yearly investment plans.

¹¹ The Communal Equipment Fund (FEC) is under the supervision of the central government and is the main source of external financing for local authorities (El Khdari and Sarr, 2018, p. 14).

¹² The Morocco Urbanization Review (cited in World Bank 2019, 15) estimated that investment requirements amount to around US\$33.02 billion over 2017–2027, with an estimated 69 % of this—or US\$2.29 billion per year over the 10-year period—to be financed by municipalities themselves. In comparison, the total capital expenditure of these municipalities has stagnated at around US\$464 million per year over 2009–2015, around 20% of the estimated annual investment required.

Thirdly, there are technical and administrative difficulties. For example, often the accounts (*compte administratif*, CA) for the preceding year are not approved by the council in a timely manner. However, this approval is a precondition for project proposal submission to the *tutelle* authorities in cases requiring special permissions (*autorisations spéciales*). The *tutelle* authorities then take about three months to get back to the municipality with their decision. Complicated procurement procedures can then take an additional three months before work commences (Mhammedi, 2019, p. 22).

Finally, political conflicts between council members can cause significant delays in budget approval. For example, in 2012, several major cities were left without approved budgets for two years as the councillors could not (or refused to) meet to establish a provisional budget (El Farah, 2012, cited in Mhammedi, 2019, p. 23). Political conflicts can also explain draft budget rejections and project delays (Mhammedi, 2019, p. 24; OECD, 2017, pp. 67, 69-70).

Having reviewed the three main challenges to municipal decentralization, the next section focuses on the potential solutions.

5. Strategies to address the Challenges

As indicated in the introduction, I argue that the main driving force for decentralization reforms is the monarchy. It may therefore be naïve to believe that the challenges outlined above are unintended weaknesses of an otherwise technocratic policy process, and that the regime would have an interest in addressing them. I therefore argue that what some scholars would consider “challenges” are actually “design features” of the reforms. The aforementioned legal ambiguities are an example of such features, allowing the Ministry of the Interior (and by implication, the King) to fine-tune the reforms depending on the local power constellations and resources at stake. Similarly, capacity constraints might not be the only reason that the municipal OL did not address the lack of municipal own revenues. The promise of (tax) reform is a recurrent feature in the monarchy’s discourses and key to its strategy of governability (e.g. the case of the promise of land reform, see Bergh, 2017, p. 78, based on Swearingen, 1988 and Desrues, 2005).

Another “design feature” of the decentralization process is the disorganized nature of the largely untrained local councillors, which provides a way for the King to present himself as the only one able to respond to citizens’ needs and expectations. For example, the King used a speech in

October, 2016 to delegitimize local councillors by accusing them of abusing their public mandates for their own personal interests (cited in OECD, 2017, p. 51). Programs, such as the National Initiative of Human Development, that bypass local governments and give more power to the Ministry of the Interior (see Bergh, 2012), are another example of the monarchy's use of a (purposefully incomplete) decentralization reform to the regime's advantage.

Nevertheless, there is some evidence that the government is genuinely aiming at increasing local democracy and public sector efficiency through decentralization. For example, in 2010, the municipality of Marrakech set out to address the human resources issues mentioned above. At the time, it employed a total of 2,377 staff in a vast number of (sub)departments, which were disorganised to the point of dysfunctionality. In 2017, a new organisational chart was adopted, reducing the number of departments from 26 to 12, with clear task descriptions and staff training plans (OECD, 2017, p. 45). However, while municipal councillors and staff have the legal right to training, as enshrined in Article 53 of OL 113-14, the (poorly funded) regional government is primarily responsible for that training. It therefore remains to be seen if councillors can effectively claim this right (OECD, 2017, pp. 76-77).

We could consider the recently launched 780 million USD five-year program to improve municipal performance (of which 300 million USD will be financed by a World Bank Loan) in a similar vein. This program will target about 100 of Morocco's largest municipalities, accounting for 80 percent of the urban population and half of the total population of the country. The program will emphasise the inclusion of women as service beneficiaries and decision-makers, and includes an annual performance assessment of municipalities based on a performance framework consisting of Minimum Mandatory Conditions (MMCs) and Performance Indicators (PIs). The aim is to provide real-time information on capacity gaps at the municipal level to be addressed through tailored technical assistance and training. Based on a formula that takes into account each municipality's population, MMCs performance, and PI scores, the program will offer municipalities performance-based grants to improve their management and service delivery (World Bank, 2019, p. 21).¹³ Other planned initiatives include the rolling out of a digital revenue management system, and the digitalization of civil registrars administered by municipalities (World Bank, 2019, p. 17).¹⁴ It is not yet clear whether this program is genuinely intended to help address the aforementioned challenges, or whether the regime may use it as an – expensive, but superficial

¹³ See also World Bank press release (World Bank, 2019b)

¹⁴ On the potential of digital transformation of the territorial administration in Morocco, see OECD (2018b).

– exercise to prove to its donors that Morocco is a “good pupil” when it comes to adopting (neoliberal) good governance reforms.

6. Conclusion

This paper first reviewed the three primary perspectives of the drivers of decentralization reform in Morocco, followed by a brief chronology of decentralization’s four main phases. The third section (complemented by the appendix) focused on the provisions of the 2015 Organic Law and concluded that, while the municipalities’ responsibilities had not significantly changed, there were some potentially promising innovations in the areas of petition, transparency, and local democracy. Next, the paper reviewed the main “challenges” facing decentralization reform: legal ambiguities, and human resource and financial constraints. The paper concluded with a critical look at the “strategies” ostensibly put in place to address these challenges, questioning whether these should instead be understood as attempts by the regime to calibrate the reform to fit its political purposes. In sum, decentralization reforms in Morocco since the establishment of municipalities in 1960 can certainly show significant achievements in terms of “bringing government (including the Ministry of the Interior) closer to the people,” opening up new spaces for political competition, and (basic) service delivery for citizens. However, these achievements are not distributed equally across the country, as demonstrated by the popular protests that started in 2011 and continue to this day, notably in the Rif. Most importantly, this paper shows that assessing the reforms from a purely technical or managerial perspective would omit their (intended) political effects in terms of strengthening the monarchy and the power structures surrounding it.

Appendix: Municipal Responsibilities

According to Zaki (2019, pp. 6-7), Article 140 in the 2011 Constitution distinguishes between “own competences” (*compétences propres*) of local governments; “transferrable” competences (*compétences transférables*); and the ones “shared” (*partagées*) between them and the central government. Title 2 of the 113-14 Organic Law (OL) details municipal mandates through the same breakdown (except that it identifies “transferred” competences out of the “transferrable” competencies in the Constitution). However, the (potential) additional mandates of municipalities are few and insignificant. For example, municipalities are now responsible for the “*adressage*” (i.e. the setting up and updating of a coherent and comprehensive addressing system allowing for better tax collection), when most of the local taxes are collected by the central government (Article 85).

The municipality’s own competences include developing, implementing, and evaluating its 6-year Development Plan, detailing its interventions (and financial contribution to sectoral programs) in the areas of drinking water and electricity provisions, urban public transport, public lighting, sewerages and solid waste management, and municipal markets (OECD, 2017, p. 26). However, the OL specifies that the Regional Development Plans will determine the development plans at the other levels. Also, according to the 113-14 OL, the former “Municipal Development Plan” (PCD) is now called the “Municipal Action Plan” (PAC), implying that the municipality’s role is no longer strategic but only to execute (regional development) plans (Bergh, 2016, p. 10).

The 113-4 OL defines two areas of transferred competences: the protection and upgrading of cultural heritage buildings and natural sites, and the development and maintenance of small and medium-size hydraulic works and equipment (Article 90). These missions are not insignificant, but there is no clarity as to how and when these transfers will become effective, as the OL itself needs to be modified to confirm the existence of new “own competences.” This means that the so-called “transferred” mandates remain “transferrable” (Zaki, 2019, p. 7).

The concept of shared mandates introduced by Article 140 of the Constitution has also been included in the 113-14 OL (Chapter 3 of Title II). The text specifies that shared mandates are to be implemented jointly with the central Government on a contractual basis, either through central Government initiatives or upon municipal demand (Articles 88 and 89). These mandates include: local economic development and employment promotion; the preservation and development of local cultural heritage; and the implementation of the necessary measures to encourage private investment (Article 87). However, there is no clarity as to which objective criteria will be used to

determine the shared funding, nor the type of contracts to be used. In addition, several items listed as shared competencies in the 113-14 OL were previously listed as individual competencies in the 2009 Charter. These include the building of socio-cultural, sport, and entertainment facilities (Zaki, 2019, pp. 7-8).

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Decentralization in Jordan

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1. Introduction

After a decade of debate, Jordan launched its long-awaited decentralization process in 2015 with the passing of a Decentralization Law and a revised Municipalities Law. Numerous stakeholders were closely involved in the protracted policy process leading up to the legislation, each with different ideas about what decentralization would and could achieve and, correspondingly, the kinds of changes that should be made. Ultimately, while decentralization advocates brought the process onto the agenda, the policy specifications were determined by stakeholders resistant to the devolution of political power and the consequent disruption of the existing, centrally-focused patron-client system. As a result, legislation bearing the name “decentralization” was passed, but it yielded little tangible change to Jordan’s subnational governance system or the locus of decision-making power. Perhaps the only significant benefit that has emerged from the process thus far is an improved mechanism for communicating local needs to central decision-makers.

Prior to the 2015 legislation, Jordan had two layers of subnational governance (governorate and municipal), of which one had an elected council (municipal). As a result of the legislation, a third layer of administration was added below the municipal level (local), and there is now a directly or indirectly elected council at each level (12 governorate councils, 101 municipal councils, and 302 local councils). Given that the legislation increased the number of elected levels of governance, Jordan has, in one limited sense, experienced political decentralization (Treisman, 2002). However, the legislation did not move policy decisions to a lower level of government, involving no real delegation or devolution of power. Similarly, the reform did little to further fiscal decentralization, which is still strictly controlled at the center. Thus, Jordan’s decentralization process has largely been confined to administrative decentralization, which has itself remained limited. Most of the decentralized administrative authority is located within subnational bodies that are appointed by the central government. Even with the new legislation, therefore, decentralization has been largely limited to deconcentration.

This brief begins with a discussion of why decentralization occurred in Jordan, highlighting some of the key events and actors involved in the lead up to the decentralization legislation. It then

examines the resultant changes to Jordan's subnational governance structure, comparing the systems in place before and after the 2015 laws. It then addresses the key challenges and obstacles confronted during the implementation, as well as some measures that have been taken to address these challenges. It concludes with some thoughts on what can be learned from Jordan's decentralization process.

2. Why Decentralization?

The first Municipalities Law in Jordan was passed in 1955, outlining a wide range of areas for which the municipalities were responsible (Municipalities Law, 1955, Article 41). However, there has been a clear trend over the past half century to centralize municipal responsibilities, moving many of the former municipal functions to dedicated ministries (Hayajneh, 2008). This has resulted in the municipalities becoming responsible for little more than water, waste management, street lighting, and road repairs (Cravens, 2020).

The Kingdom has engaged in ongoing local governance reform since the 1990s, owing to municipal-level financial crises and inter-municipal inequality (Hallaj et al., 2015); however, a broader public debate on decentralization did not arise until 2005, when King Abdullah II officially indicated his support for decentralization (Ranko et al., 2017). He noted:

As political development is the gateway to the full participation of all segments of the grassroots and civil society institutions in the various aspects of the development process, I assert here that political development should start at the grassroots level, then move up to decision-making centers, and not vice-versa. (HM King Abdullah II, 2005)

The King's declaration of support – part of his wider neoliberal program in Jordan – placed decentralization firmly on the public policy agenda, emphasizing its potential as a tool for economic and political development. The first efforts to pass legislation for decentralization – made in 2005 and 2008 – focused on splitting Jordan into three large regions. On both occasions, however, the diction of federalism (with the encouragement of some international donors) crept into the debate, leading to concerns that the regions might conduct their own foreign relations, that decentralization might damage national unity, and that the system might lead to a Greater Jordan (الأردن الكبير) arrangement, which could, inter alia, see the West Bank established as a fourth region (Karmel, 2013). Discussion subsequently turned away from regional-level decentralization

towards decentralization at the governorate level: the ultimate focus of Jordan’s 2015 Decentralization Law.

While the King brought decentralization onto the agenda, the government – as is typical in Jordanian policy processes – was tasked with drafting the necessary legislation. In 2009, an inter-ministerial committee was established to explore decentralization. After some disagreements over how to approach the process, the committee decided that the process should proceed through two separate pieces of legislation: one focused on governorate-level reform (Decentralization Law), headed by the Ministry of Interior, and one focused on revising the extant Municipalities Law, led by the Ministry of Municipal Affairs.

Figure 1: Top-Level Timeline of Decentralization



At this point, the vision of decentralization shifted considerably. Many in the government adopted a more censorious approach to decentralization than the King – an approach underpinned by concerns that decentralization would upend the patron-client relationships that underwrite Jordan’s elite-level social contract. This position was made particularly clear by the Ministry of Interior; while paying lip service to the King’s vision of decentralization, the Ministry (particularly Raed al Adwan, who led the Ministry’s decentralization file) made it clear that decentralization was not a political process – it was a purely administrative reform designed to improve efficiency.¹⁵

¹⁵ This point was continuously emphasized by al-Adwan in meetings and workshops at the time, several of which were attended by one of the authors of this brief.

As the decentralization legislation passed from drafting to the approval process, opposition was voiced within the legislature. Some representatives in Parliament, including many on the legal committee, were supportive,¹⁶ but representatives were also concerned that decentralization would disrupt their political influence,¹⁷ which was tied to their ability to distribute services and goods (Lust-Okar, 2006). Even stronger opposition was voiced in the Senate, especially from its head, Abdularouf Rawabdeh, who declared in the wake of the law's passing that "decentralization has no mother or father" (Sawaleif, 2015) – and was subsequently dismissed from his position.

Aside from the King, the strongest support for decentralization throughout this process came from international organizations and donors. The international community continued to advocate for more extensive decentralization, as well as offer technical assistance to support a decentralization process in line with international best practices. In conjunction with the Jordanian civil society organizations they supported, these international actors contributed to the discourse surrounding decentralization, by opening a discussion on the wide range of potential benefits of (successful) decentralization. Despite the fact that most of these benefits would require a level of devolution that was not being entertained by the government, the idea emerged that these results could be obtained through Jordan's decentralization process. This idea was underwritten by the donor-funded awareness sessions held by civil society organizations across the Kingdom. Despite numerous activities to build an understanding of decentralization and its potential benefits, public awareness of decentralization remained low and public engagement remained limited.¹⁸

The process leading to the decentralization legislation pitted actors who were genuinely supportive of decentralization (in various forms) against those who were reluctant to allow any powers to be downloaded, or the neo-patrimonial status quo to be disrupted (Clark, 2018). While the former helped push decentralization onto the agenda, the latter were decisive in the alternative-selection phase of the policy process. The legislation that ultimately emerged reflected neither the vision of the King, nor the best practice guidance provided by international technical assistance. Interestingly, despite the fact that it became increasingly clear during the legislative process that the desired benefits of those pushing for genuine decentralization would not be obtained,

¹⁶ Members were also told that decentralization should be pushed through because funding depended on it.

¹⁷ One of the authors of this brief conducted a series of interviews with members of parliament and senators during the drafting of the law and its discussion in parliament, as well as a further series of interviews with former members and senators in 2019 and 2020.

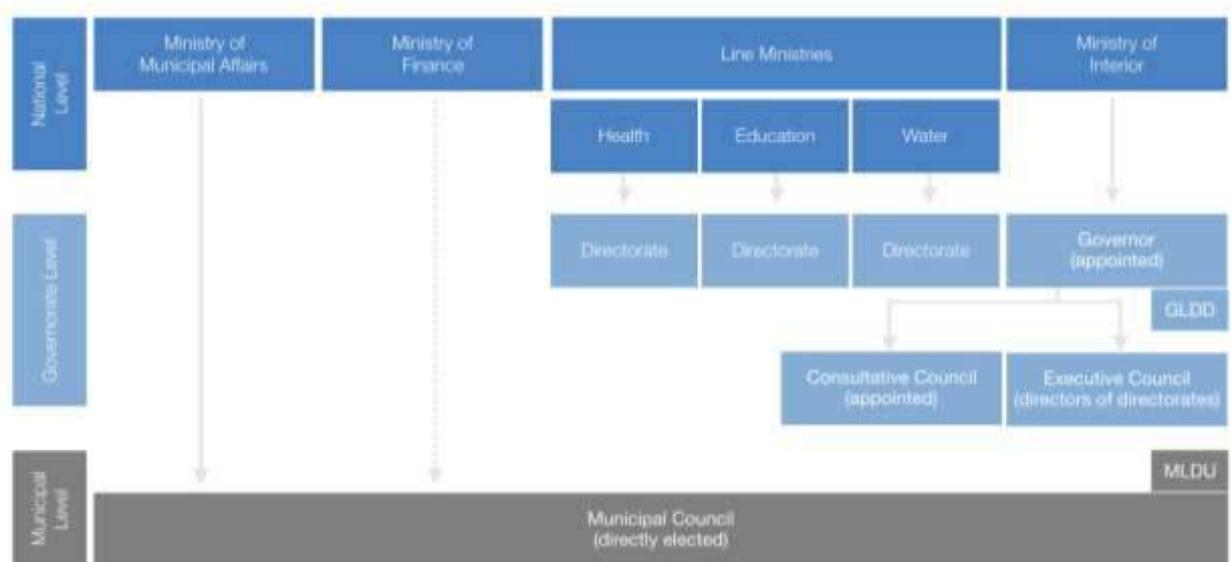
¹⁸ In 2013, the Jordanian CSO Identity Center conducted a survey with Jordanians regarding decentralization. When asked "Do you know about or have you heard of decentralization?" 54% of the 500 Jordanians surveyed answered in the negative.

international support remained strong, backing any legislation bearing the name “decentralization.”

3. The Structure of Decentralization in Jordan

Prior to the 2015 decentralization framework, Jordan’s system of subnational governance was organized along two tiers: governorates (محافظات) and municipalities (بلديات) (see Figure 2). Each governorate was headed by a governor representing the Ministry of Interior. Before 2001, these governors were responsible solely for peace and security across their respective territories. In 2001, however, they became responsible for socio-economic development and the promotion of environments favorable to investment. At this time, Governorate Local Development Directorates (GLDDs) were also created to assist the governor with local economic development. Beyond the governor, each of the 12 governorates before 2015 had two appointed bodies: an executive council and a consultative council. The former included the local directors of the governorate directorates of various sectoral line ministries. The latter was appointed by the Ministry of Interior, and composed of members of parliament, mayors, and heads of civil society organizations. Both of these councils were located under the governor.

Figure 2: Subnational Governance System Pre-2015



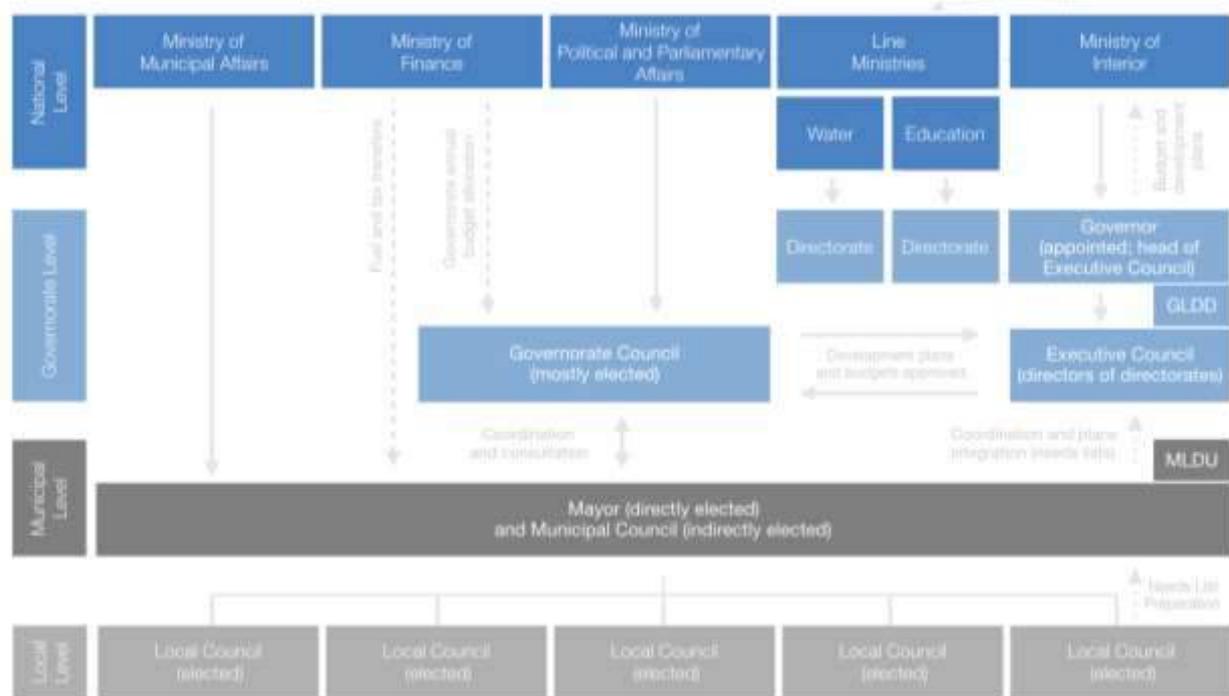
Jordan’s 12 governorates are further divided into 101 municipalities. Before the new Municipalities Law in 2015, Jordanians directly elected a municipal council and a mayor, both of which were under the jurisdiction of the Ministry of Municipal Affairs (except for the Greater Amman

Municipality, which was directly managed by the prime minister). Since 2001, each municipality has also had a Municipal Local Development Unit (MLDU), consisting of employees from the Ministry of Municipal Affairs who serve as a secretariat for the municipal council and prepare the annual budget.

Both levels of subnational governance changed after 2015. The core of the Decentralization Law of 2015 is the replacement of the former consultative council with a mostly elected governorate council (مجلس المحافظة; also sometimes referred to as the decentralization council). The governorate councils, the first of which were elected in 2017, are meant to contribute to the socio-economic development of each governorate by, inter alia, overseeing development projects. Fifteen percent of each council's members are appointed by the prime minister upon nomination by the Ministry of Interior. As such, each governorate now has an appointed governor, an appointed executive council, and a mostly elected governorate council. The governorates receive sizable funds for development projects (a 3% share of the general annual budget in 2018; General Budget Department, 2018); however, as discussed below, the governorate councils are marginalized from financial decisions, which are made by the executive authorities.

On the municipal level, each municipality continues to be run by an elected mayor and municipal council. However, the 2015 Municipalities Law, which was passed alongside the Decentralization Law, introduced an additional level of subnational governance below the municipalities. There are now 301 directly elected local councils (المجلس المحلي), which were elected for the first time in 2017 (alongside the governorate councils). The law also affected the make-up of municipal councils. Rather than being directly elected like before, the councils are now indirectly elected, as they are made up of the heads of local councils (see Figure 3). In terms of fiscal decentralization, the local councils are not provided with a budget, as they do not implement projects or services. For their part, the municipalities receive most of their budgets from central transfers, but they can also generate their own revenues, collect certain taxes, and have some autonomy over budgetary spending. However, because the municipalities do not have efficient systems for tax collection and many spend most, if not all, of their budgets on staff salaries, they are in chronic debt, rendering them unable to provide broad public services (UNDP, 2017).

Figure 3: Subnational Governance System Post-2015



Alongside institutional changes to the subnational governance system, the process for the identification of local needs – and the transfer of this information to the center – was also amended. All of the subnational governance bodies are now involved in a process through which local needs are translated into development projects. Within this process, municipal councils work with local councils to identify needs and, subsequently, draft needs lists for their territories. Once completed, the municipalities transfer these lists to their respective executive councils, which prioritize the needs and prepare draft development plans for the governorate. The executive council then hands the draft of the plans to the governorate council, which is supposed to discuss the plans and either approve or decline them. However, governorate councilors have noted that the document is extensive and the time provided for its review is very limited. As such, the governorate councils typically approve all the suggestions without providing significant input. Once approved, the governor submits the plans to the Ministry of Interior. From here, the concerned central line ministries, such as the Ministry of Health or Ministry of Education, take over the implementation of the development projects in cooperation with their directorates within each governorate. Throughout the whole process, GLDDs and MLDUs serve as secretariats between the institutions (see Figure 3).

This new process for translating local needs into development projects is, perhaps, the most beneficial outcome of Jordan’s decentralization project. Prior to the decentralization reform, the

central ministries determined capital projects for the governorates. The bulk of central investments went to Amman, and the remaining central investments went to privileged regions with majority Transjordanian populations that maintained strong ties to the center, such as Karak (Ministry of Tourism and Antiquities, 2005). In contrast, urban centers with more heterogeneous populations and Palestinian majorities, like Zarqa and Irbid, as well as governorates like Tafilah, with limited socio-political influence and/or a history of poor tribal relations with the regime, were mostly neglected (Clark, 2018; Ministry of Finance, 2017). The 2015 decentralization reform introduced mechanisms to move the decision-making process surrounding capital investments closer to the governorates (at least partially – central state institutions still independently run large-scale projects). This reform provided each governorate with an annual budget to spend on development projects within its territory. Perhaps unsurprisingly, the drafting of the development and budget plans is still the responsibility of the fully appointed executive council in each governorate, instead of the elected governorate council. Nonetheless, there are indications, collected through the monitoring of USAID’s CITIES project and VNG International, that the translation of needs to the center is becoming more effective and the geographical distribution of projects is improving.

4. Challenges and Obstacles of Jordan’s Decentralization Process

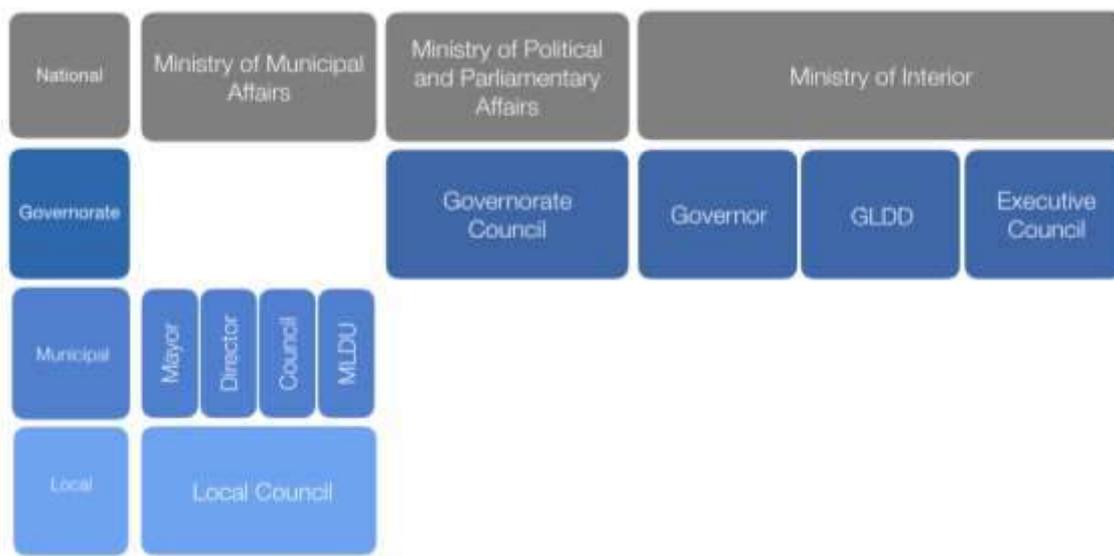
The decentralization process in Jordan has confronted a number of obstacles, the most important of which being the absence of a genuine legislative framework for decentralization. Significant technical and financial support have been provided for the realization of decentralization, but the results of this support have been marginal, as the 2015 legislation did not set out a genuinely decentralized structure of governance. For instance, a number of duties are outlined for the governorate council, but they are couched in the imprecise diction of “discuss” and “consider” (Law on Decentralization, 2015, Article 8). Three years into their first mandate, governorate council members are still unsure of their roles. A significant gestation period should be expected for a new governance body (decentralization is a necessarily protracted process), but the requisite legislation is not in place to support this long-term development.

A related obstacle is the institutional confusion that has emerged from the weak legal framework. The formal and informal responsibilities of municipalities and governorate councils (and even the Parliament) overlap, and the law sets no clear guidelines for formal procedures for – or collaboration between – the two bodies. The, perhaps intentional, vagueness of the legislation has led to poor coordination among subnational bodies. The governorate councils were supposed to function as a hinge between the center and municipalities, but the municipal and national

institutions are largely disinterested in engaging with them. Governorate council members noted that they have no engagement with municipalities, and interviewed members of parliament and municipal councilors similarly indicated that they see the governorate councils as both a threat to their political turfs and a less significant (or irrelevant) governance body.

Ministerial oversight of the bodies is also convoluted. As of now, a total of seven ministries are involved in the process,¹⁹ and even the ministerial employees are confused about who is responsible for what. Most strikingly, the municipal and local institutions have thus far been under the jurisdiction of the Ministry of Municipal Affairs, the governorate councils have been supervised by the Ministry of Political and Parliamentary Affairs, and all other governorate institutions, including the governor, are under the Ministry of Interior (see Figure 4).

Figure 4: Ministerial Arrangement (2017-2019)



In the absence of a clear administrative structure, some variation has emerged between subnational units, with institutions in some locales proving more adept at wielding the system than their counterparts in other areas. Interviews with a range of subnational governance stakeholders indicate that differences relate primarily to the force of personalities and the (tribal) connections that individuals bring to their offices. For example, municipalities where the mayor has strong connections with central government figures, or governorate councils where members have close relationships with the governor, have been much more able to respond to the demands of their constituents and obtain funding for their projects. Some governorates, such as Tafilah, have also

¹⁹ Ministry of Interior, Ministry of Municipal Affairs/Local Administration, Ministry of Planning and International Cooperation, Ministry of Political and Parliamentary Affairs, Ministry of Finance, Ministry of Public Sector Development and the Ministry of Communication and Information Technology

coordinated themselves much better. They have leveraged the law to maximum effect and maintained a continued engagement with the ministries in Amman, thereby ensuring that their development projects are implemented. In most other governorates, only a small percentage of the allotted budgets has actually been transferred for development project implementation since 2017.

Issues have also emerged in the project procurement process. This is, at least in part, a consequence of the inefficient administrative processes in place for governorate development projects. After receiving the development plans from the executive councils, the central authorities submit the plans to the relevant ministries between March and May of each year. The ministries then begin their planning for project implementation, including the tendering procedures, around May. As a result, contractors only begin to implement projects in the second half of each year. This delay is particularly problematic because the procedures outline a zero-based budgeting method. This means that, if a project has not been fully completed by the end of the year, the remainder of its implementation has to be financed from the budget of the following year. Efficient project implementation is therefore heavily constrained by the system's own administrative guidelines.

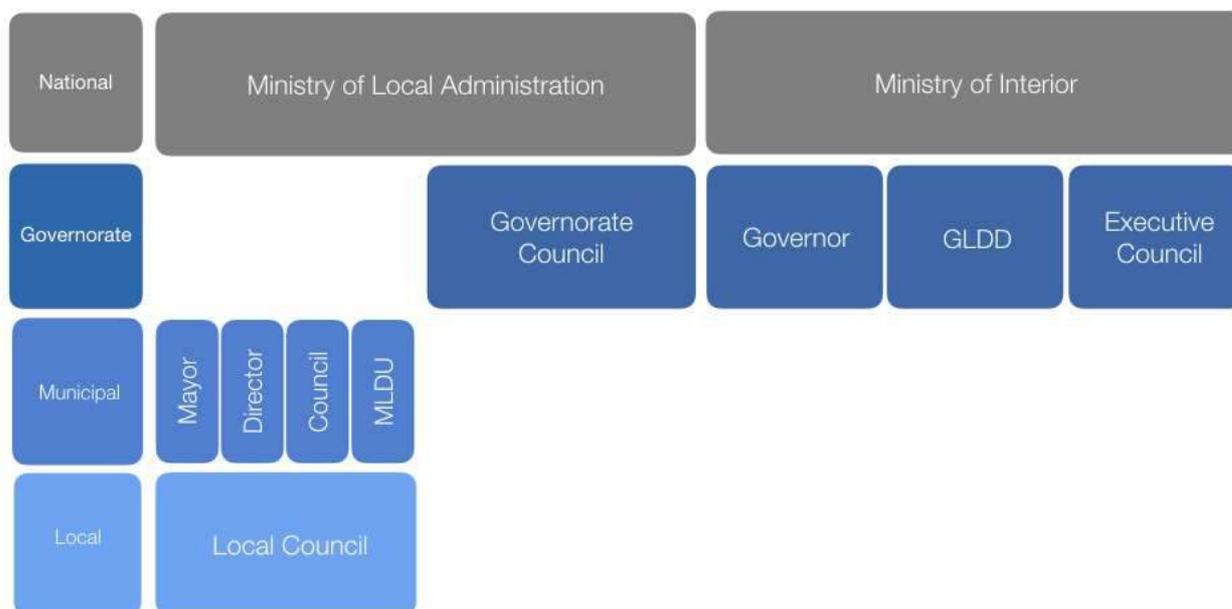
5. Strategies to Overcome Obstacles

Several attempts have been made since the passing of the decentralization legislation and the subsequent 2017 election to address some of the above-mentioned challenges. Responding to the suggestions of almost every technical assistance program, the Ministry of Municipal Affairs was renamed the Ministry of Local Administration in 2019, and is slated to take over responsibility for the governorate councils from the Ministry of Political and Parliamentary Affairs,²⁰ thereby consolidating all elected subnational bodies under a single ministry. Although the oversight of the governorate councils has not yet moved in practice, interviews indicate that the Ministry of Political and Parliamentary Affairs no longer feels as if it is responsible for these bodies. At the

²⁰ While the Ministry of Interior had initial responsibility for the governorate councils and chaired the second inter-ministerial committee on decentralization, which was launched in 2016 to implement the decentralization legislation. However, the Renaissance Plan was put forth a year after the 2017 elections, reassigning leadership of the inter-ministerial committee from the Ministry of Interior to the Ministry of Political and Parliamentary Affairs.

same time, the Ministry of Local Administration has noted that this change will only come into effect once the new legislation is passed.

Figure 5: Ministerial Arrangement (since 2020)



The Ministry is referring to a new legislative framework that has been drafted to merge the Decentralization Law and Municipalities Law into a single piece of legislation – another key step being taken to address the existing decentralization challenges.²¹ The draft, which is currently sitting before Parliament, proposes a number of significant changes to the existing system. While numerous changes are still likely, the draft law suggests eliminating the local councils, thereby restoring municipal councils as directly elected bodies (Article 48). It also proposes the creation of a new advisory council at the governorate level (Article 57). Reflecting some of the approaches to decentralization that were proposed prior to 2015, mayors would also constitute indirectly elected members of governorate councils (Article 5). While the new law may help to streamline the subnational governance system and render the needs list process more effective, it will also transfer some of the already limited power of the elected bodies to the appointed bodies and place greater central oversight on the elected bodies.

²¹ The Draft Local Administration Law of 2020 is now in front of the parliament. It is available here in Arabic: <https://drive.google.com/file/d/1YXRbW6kzyAQw4eyBwS87Zj299Rpc7cFF/view?usp=sharing>. Please contact the authors for an English translation of the law.

6. Conclusion

The 2015 decentralization legislation created new subnational bodies, but yielded little change to subnational governance or, more specifically, to the allocation of responsibility to these bodies. The reform process has largely been limited to administrative decentralization, and, even in that respect, the changes primarily involve deconcentration. However, one important development of the new system is the needs list, which creates a formal mechanism for responsiveness beyond the electoral process. The new system seems to be helping to achieve better transmission of information from communities to the central government, as well as an enhanced geographical distribution of projects. While some governorate councils, such as that of Tafilah, have hitherto leveraged the framework more effectively than others, it is hoped that the reforms in the new draft law could help to systematize some of the improvements, so that subnational success is less dependent on individual personalities and personal connections.

Even though Jordan is early in its decentralization project, there are a number of lessons that can be learned from the process thus far – many of which reinforce best practices for decentralization that have been drawn from other contexts. Firstly, the process has demonstrated the importance of delineating clear roles for each level of government – a key concern, given that governments may intentionally leave legislation vague. Secondly, the Jordanian case shows that the mere creation of new levels of (elected) subnational governance is insufficient to realize significant changes in governance. Instead, simple changes in administrative practice, such as the introduction of the needs list in Jordan, may actually have more impact than the creation of a new level of governance – even when considering political decentralization. Thirdly, even after it became clear during the legislative process that the laws would not foster the kind of governance reform for which proponents of decentralization were pushing, many national and international actors continued to support the process. As a result, these stakeholders ended up treating decentralization – or any legislation that bore that name – as an end in itself, rather than as a vehicle for achieving a specific outcome. The adverse consequences of this approach are now manifest.

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Tunisia's Decentralization Reforms: The Gap between Ideas and Implementation

Intissar Kherigi – Jasmine Foundation

1. Introduction

The 2010-2011 Tunisian Revolution brought to the fore the issue of regional inequalities, which was at the heart of the demands put forward by protesters during the revolution and has continued to be a burning issue in its aftermath (Daoud, 2011; Gana, 2012). The uprising led to the election of a national constituent assembly, charged with drafting and adopting a new constitutional framework. The constitutional drafting process was riven with conflicts between political actors, but there was one notable point of consensus: decentralization. Chapter Seven of the constitution, titled “Local Authority” (*al-solta al-mahaliyya*), has been termed the most “revolutionary” chapter of the whole text (Turki and Verdeil, 2015). Its affirmation of elected local and regional government as being autonomous institutions with financial and administrative autonomy and significant powers is a radical departure from the highly centralized framework in Tunisia, and much of the Arab world (Harb and Atallah, 2015; Kherigi, 2017).

However, there is a significant gap between the vision of those who drafted Chapter Seven of the constitution, and the contents thereof, and the decentralization design put forward in the Local Authorities Code, adopted in 2018. The municipal councils elected in May 2018 have found huge challenges in governing effectively at the local level, given a framework that continues to be extremely centralized, and in which there is significant resistance to decentralization by other state institutions. The evolution of the decentralization process in Tunisia mirrors the finding in the decentralization literature that the initial decision to decentralize, even if it involves a high degree of political consensus, often triggers intense struggles, both between and within political and bureaucratic groups (Eaton et al., 2010).

Tunisia's experience also presents a number of lessons for other countries, including the importance of working out the details of decentralization from the outset of reforms – in particular questions of human and financial resources, local recruitment powers, and executive powers. It also highlights the importance of approaching decentralization as a transversal reform that affects how all state institutions function and which, therefore, requires involving all state institutions in decentralization reforms from the outset and identifying their roles and responsibilities in this

process. This raises the question of which state agency should lead and coordinate reforms in order to ensure all relevant bodies are involved. Not doing so risks producing a very partial and fragmented reform process that lacks the strong institutional support needed.

2. Local governance prior to the 2018 Local Authority Law

Municipalities are the smallest decentralized unit in Tunisia. The first modern municipality was created in Tunis in 1858, and today Tunisia's 350 municipalities are governed by municipal councils, elected by universal direct vote for a five-year term. At the regional level, indirectly elected regional councils are found in the 24 governorates across the country. Municipalities and regional councils have, since independence, been under the close control of the central government. Local and regional authorities are mentioned in only one article in the 1959 Constitution, which does not provide any details on the powers or functions of these authorities. Municipalities and regional councils were under the *tutelle* of the regional governor (*wali*), a civil servant appointed by the Prime Minister (formerly the President of the Republic, prior to 2011), and reported directly to the Ministry of Interior. The governor chairs the regional council, although this council is nominally elected (an anomaly that is due to be abolished once regional elections take place, scheduled for 2021).

As for administrative powers, prior to the 2018 reforms, municipal councils were subject to *a priori* control, meaning that their documents, decisions, and budgets only became legally valid after approval by central authorities. As for their areas of responsibility, prior to 2018, these were limited to basic services, such as waste collection (but not management, which is managed by a central agency), street lighting, municipal roads, pavements, sanitation and social, economic, and cultural development.

Prior to the 2018 reforms, municipalities were significantly constrained in terms of resources. Local authorities did not enjoy any autonomous fiscal powers. All decisions regarding local taxes and tax rates are made by the central state, with tax collection carried out by the Ministry of Finance. Local authority spending represented less than 3% of the State's annual budget (Turki and Gana, 2015). They also faced a chronic shortage of human resources. The total number of employees in regional and local administration represented less than 10% of public sector employees (GIZ, 2018). Generally, these workers have very basic qualifications, with qualified technicians or specialists representing around 4-10% (Turki and Gana, 2015).

3. Toward Decentralization: The Role of the National Constituent Assembly (ANC)

In the aftermath of the 2011 revolution, the fall in state capacity engendered a *de facto* decentralization (Clark et al. 2019). Weakened central state control and the public anger directed against all state institutions, including municipalities as the closest authority to citizens, saw a crisis in state authority at the local level. This was manifested in attacks on municipal buildings, as well as a widespread refusal to pay local taxes, with revenues falling by 70% in the two months following 14 January (Hammami, 2016). The replacement of municipal councils associated with the former regime with interim “special delegations,” composed of different political and civil society actors, enabled municipalities to experiment with new ways of engaging the public, such as participatory budgeting, open town hall meetings, and open access to information, often with the support of civil society organizations and international partners (Kherigi, 2015; Joseph-Désiré and De Facci, 2017). The changing political context and the municipal crisis thus forced even the Ministry of Interior to consider decentralization as a solution.

The first move towards legal reforms of local governance began with the election of the National Constituent Assembly (ANC) on 23 October 2011, with a mandate to draft a new constitution in response to popular demand for a governance framework that protected the rule of law and basic rights and freedoms. It was also to respond to demands for dignity, social justice and regional equality. The 2011 revolution had highlighted the fundamental failures of the existing development and governance models, which were completely discredited in post-revolution public and political discourse. The revolution’s origins in the interior regions, and the ongoing post-revolution social contestation, highlighted the marginalization of these regions, prompting those elected to the ANC to find structural solutions to regional inequalities by altering, not only economic policies, but the entire constitutional framework in order to give regions political voice. From its very first session, there was a consensus among ANC members of the need to include decentralization as a pillar of the new constitution, dedicating one of six constitutional drafting committees to drafting a chapter on the issue.

The establishment of the ANC as a “venue for policy action” (Baumgartner and Jones, 1991) where authoritative decisions could be taken by a new set of political actors was thus critical for enabling the emergence of decentralization as a policy solution to regional inequalities. If we look at the solutions to regional inequalities proposed by the interim, post-revolution, governments

between January and October 2011, they largely represent a continuation of the pre-revolution institutional framework; they sought to resolve regional inequalities through increased infrastructure spending in interior regions and through the creation of mega-regions to tie “lagging regions” in the interior with “dynamic regions” on the Coast in order to spur regional development (Ministry of Regional Development, 2011). However, the ANC introduced a new policy paradigm, viewing regional inequalities, not as the product of the naturally superior economic development of coastal regions, but as the result of a history of systematic marginalization of the interior regions by political and economic elites.

The creation of the ANC thus enabled decentralization to be adopted by taking rule-making authority away from its traditional holders – the executive (president and government) and the central bureaucracy – and giving it to a new class of decision-makers whose profiles were profoundly different to the traditional political elite in economic, social, and geographic terms. Due to a decree that barred members of the former ruling party from running in the 2011 ANC elections, the ANC’s members were largely former outsiders to the political establishment. Nearly half of them represented parties that had been banned or repressed under Ben Ali, and nearly 20% had been imprisoned for their political activities (Perez, 2016). For this new political class of former outsiders repressed by the central state, there was a shared desire to put in place strong constitutional safeguards against the return of centralized authoritarian rule, with decentralization seen as one such safeguard. Additionally, unlike the traditional ruling elite, which largely hailed from Tunis or coastal regions, the ANC contained a large proportion of representatives from interior regions, with a wide range of social and professional categories (Perez, 2016). This served to propell issues relating to the sharing of political and economic power with marginalized regions to the top of the constitutional agenda.

As a result of these shared interests among the “new” elite within the ANC, decentralization was a rare point of broad consensus in the constitutional drafting process. Of the ten chapters of the Tunisian Constitution, adopted on 26 January 2014, Chapter Seven on Local Authority received the highest level of support of any chapter, with an average vote of 98.6% on its provisions. Thus, the adoption of decentralization was enabled by the combination of several factors: a political crisis (the revolution) that discredited the pre-existing institutional framework; a popular demand for responses to regional inequalities; and the transfer of policy-making authority to a new political elite of outsiders, who shared an interest in decentralizing power as a guarantee against the return of authoritarian rule and as a structural response to unjust and imbalanced development policies.

4. Chapter Seven: A Break with the Past

Chapter Seven, composed of 12 articles, can be read as an embodiment of two principal demands – democracy and development. The chapter introduces a set of fundamental principles on decentralization that seek to establish a robust system of local democracy - including elections and direct citizen participation - and achieve inclusive development, by requiring the transfer of power and resources to local and regional governments.

The desire to establish strong local democracy is reflected in the Chapter's focus on mechanisms of representative and participatory democracy, seeking to “transform the state's relationship with citizens” (Faycal Jadlaoui, 2018). Before setting out the principles for the division of powers and resources, the Chapter establishes the principle of *political decentralization*, requiring municipalities and regions to be managed by councils “elected through general, free, direct, secret, fair and transparent elections” and in which youth representation must be guaranteed (Article 133). Article 139 mandates participatory forms of governance, obliging local government to “adopt mechanisms of participatory democracy and the principles of open governance to ensure broader participation by citizens and civil society in the preparation of development programmes and land management, and monitoring of their implementation, in accordance with the law.”

Alongside a desire to put in place a democratic framework, the ANC's discussions during Committee and plenary stages show that an equally important objective of decentralization was the reduction of regional inequalities. The Committee's meeting minutes show that its members shared a consensus on two points – that regional inequalities were one of the fundamental causes of the revolution, and that these inequalities were the result of a highly centralized governance model that had contributed to the concentration of power in Tunis and the coastal regions. Or, in the words of the Committee's rapporteur, “...the inability of the state to go beyond a centralized conception of development, reproducing the same centralized model of regional development from the 1970s through to 2011” (Jadlaoui, 2018). The solution they favored was to grant administrative and financial autonomy and greater decision-making powers to local authorities and increase their resources and areas of competence. One of the most important principles in Chapter Seven is the abolition of all *a priori* control by central government over local or regional authorities' decisions, which means that the regions could adopt their own budgets and plans without any prior approval. The only form of oversight now permitted is *a posteriori* oversight by judicial authorities and the Court of Auditors.

5. Negotiating the Details: 2014-2018

Political actors dominated the 2011-14 constitutional drafting process, but the central bureaucracy largely controlled the subsequent phase of determining the details of decentralization through a new decentralization law. The Department of Local Authorities (DGCPL) of the Ministry of Interior began drafting the new Local Authorities Code in March 2014. The provision of significant financial support from international donors for decentralization created an opportunity for the DGCPL to strengthen its own position within the government, splitting off into a separate Ministry of Local Affairs in 2016. The drafting process has been dominated by senior bureaucrats and adopted a technical and legalistic approach. The government was accused of “working behind closed doors” and not engaging the public in a broader dialogue around decentralization. Instead, the drafting process was largely limited to a commission of law professors and experts, with a very brief public consultation taking place in October 2015.

Before discussing the resulting code in more detail, it is worth discussing why political actors played a minor role in this crucial phase of determining the details of decentralization. In part, the political actors’ role diminished because the leading parties had very different interests regarding decentralization. The 2013-14 political crisis and dissolution of the ANC in 2014 created a political vacuum, and the 2014 national elections resulted in an uneasy governing coalition between Nidaa Tounes, a secular party linked to former regime figures, and the Ennahdha Party, an Islamist party opposed to the former regime. Not only did these parties have opposing experiences with the central state, but they also had opposing territorial interests. As shown in Figure 1 (Szakal, 2014), Nidaa Tounes had strong support in the North and coastal regions (and was very well-represented in the central state), while Ennahdha’s core support was in the South (which had been largely excluded by the central state). This led to conflicting discourses on decentralization by the two parties.

If we exclude Ennahdha and Nidaa Tounes...the remaining parties were not able to present candidates in even half of municipalities... Small parties... are unable to compete due to their weak financial and organizational capacities and their lack of popular base. (Moqaddmi, 2018)

Finally, timing played a role. The nature of the transitional context – political, economic and security crises – left political parties facing multiple policy challenges. In a turbulent domestic and regional context such as Tunisia's, even parties that are strongly pro-decentralization, such as Ennahdha, Front Populaire, and Attayar, have had little time to dedicate to such a complex reform process. At the same time, the absence of strong pre-existing local authorities, and the transitional nature of municipal and regional councils, weakened the influence of local actors. The local authorities in place between 2011 and 2018, appointed by the central government, faced their own challenges due to weak popular legitimacy, internal tensions, and lack of a clear political and legal mandate, all of which resulted in a lack of engagement in influencing decentralization reforms (Clark et al., 2019).

The Tunisian experience demonstrated the challenges faced in undertaking decentralization in a context in which local authorities were weak and had little voice at the central governmental level, resulting in a highly centralized process. The lack of strong, locally-rooted political parties meant that local voices were weak, as observation reports of the regional consultations on the draft Local Authorities Code show (Albawsala, 2015). The complex nature of decentralization reforms has also disadvantaged political actors and members of the public, who do not have enough expertise to participate effectively in highly technical discussions concerning local taxation, public procurement, recruitment powers, and other issues.

6. Local Authorities Code 2018

The Local Authorities Code, adopted in April 2018, is an organic law that seeks to translate Chapter Seven into the legal framework. The code, drafted over the period of four years in a process that largely monopolized by the central bureaucracy, as explained above, illustrates the challenges associated with a highly centralized process of decentralization.

The choice of where to situate policy-making authority *within* the government is also significant. The creation of a separate Ministry of Local Affairs (MLA) in 2016 had the benefit of removing decentralization from the purview of the Ministry of Interior, which was opposed to local autonomy. However, as a relatively small and newly established ministry, the MLA was at a

disadvantage when negotiating with larger ministries, such as the Ministry of Finance and Ministry of Interior, on key questions including fiscal powers and the role of the governor in a new, decentralized framework.

Furthermore, the institutional culture among ministries is one of vertical command (following orders from the President or Prime Minister's offices) rather than horizontal cooperation, due to decades of a highly centralized, presidential system. This has meant that cooperation between the MLA and other ministries has been very weak, as each ministry refuses to recognize the MLA's authority to lead and shape the reforms that directly affect its own powers and resources. This has resulted in a highly fragmented decentralization process in which key questions of local governance have not been addressed due to a lack of engagement across the government.

Rather than approaching decentralization as a transversal reform involving the entire central government and all state institutions, the MLA has largely preferred to work alone, rather than impede the process by engaging other ministries from the outset. This has left key aspects of decentralization that require the involvement of other ministries unaddressed, such as reforming local taxation, local planning powers, the role of deconcentrated authorities, and mechanisms for coordination and cooperation between local authorities and central state institutions. It has also meant that the developmental objectives of decentralization have largely been side-lined, as ministries with significant interventions in local development, such as the ministries of agriculture, trade, transport, and regional development, have not been fully involved in the process of designing the new decentralization framework (Kherigi, 2020). Approaching decentralization as a purely administrative reform tends to result in its economic and developmental dimensions being overlooked.

As a result, while the Local Authorities Code has been recognized as a leap forward, newly elected municipal councils have found that the new code is incomplete, in conflict with a plethora of existing, unreformed laws, and gives them little guidance on how to work with other state institutions at the local, regional, and central levels. Critics have suggested that such transversal reforms should be led by the Prime Minister's Office or a cross-ministerial body able to achieve greater coherence, given the absence of effective mechanisms for horizontal coordination.

7. Conclusion

While the 2018 Local Authorities Code provides for political decentralization and paved the way for Tunisia's first democratic municipal elections in May 2018, it established very weak forms of administrative and fiscal decentralization. It remains vague on administrative decentralization, with no clarity on the transfer of policy functions. Instead, the MLA has announced that such transfers will be subject to a 27-year process of negotiation with various ministries. Fiscal decentralization is equally weak. The Code simply lists fiscal resources municipal authorities already had prior to the decentralization reforms. Proposals to give municipalities new fiscal powers were fiercely resisted by the Ministry of Finance.

However, one key area of change was the removal of *a priori* oversight over municipalities. Due to significant input from political parties and civil society, the scope for regional governors to intervene in the decisions of municipal and regional authorities has been greatly diminished. Similarly, central government powers to dissolve local councils and dismiss local mayors or other local council members by decree have been reduced and a number of safeguards inserted, such as the requirement to initiate judicial proceedings.

The Local Authorities Code inevitably reflects a process of negotiation between administrative and political actors over conflicting visions and interests. The Code's most robust form of decentralization is political decentralization. This is thanks to a clear constitutional obligation to establish elected local and regional councils, as well as pressure by political parties (for whom elections were the main interest). However, this is combined with very limited administrative and fiscal decentralization, which reflects the central bureaucracy's resistance to decentralizing power and resources to a subnational level. It remains to be seen whether the launch of decentralization produces a "policy ratchet" effect, as municipal councils elected in 2018 begin to advocate for greater powers and resources. The creation of a new association of mayors, who are vocally challenging the central government, and the strengthening of the existing municipal federation, the FNVT, indicate that the decentralization process is just beginning to take shape.

Appendix

Key Challenges

- **Plethora of conflicting legal texts** – local authority powers are still determined by existing laws that have not been reformed, such as the 1997 Local Tax Code and 1994 Local Planning Code, which grant local authorities very limited powers.
- **Conflicts between local authorities and deconcentrated authorities** - particularly regional governors.
- **Lack of fiscal decentralization** – local authorities cannot create taxes nor set rates, nor do they have the power to collect local taxes. Local tax collection is very poor, with recovery rates of 7-20% across municipalities (MLA).
- **Lack of financial resources** – only 3% of state budget goes to municipalities.
- **Instability within municipal councils** – the Local Election Law 2017 mandates the D'Hondt system, which results in very fragmented municipal councils. Since the council elects the mayor, this requires him or her to maintain a coalition, often containing a large number of parties or independent lists. In addition, the Local Authorities Code gives councilors the power to dissolve the municipal council through majority vote. This has resulted in 22 out of 350 councils being dissolved between June 2018 and December 2019 (MLA).
- **Remuneration of council members** – Two provisions have caused challenges:
 - The law bans mayors from pursuing any other professional activity. This, together with low salaries for mayors, has created disincentives for highly skilled professionals from standing.
 - Other council members are not remunerated or compensated for the expenses incurred in carrying out their municipal responsibilities, nor for attendance at meetings. This has created tensions within councils and contributed to low attendance figures.

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Decentralization in Turkey

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1. Introduction

Decentralization is the delegation of political or bureaucratic authority to local levels (Smith, 1985, p. 9). Decentralization can take on many different forms including: the deconcentration of the central government's responsibilities; the delegation of decision-making powers; and devolution, where the decision-making, financial allocations, and management responsibilities are transferred to lower levels (Crook and Manor, 1998). Turkey, with a population of more than 70 million, has been governed by a unitary and centralized structure since 1923. The distrust of local autonomy was inherited from the Ottoman Empire (Heper, 1989, p. 4-5) and centralization was seen as necessary for rapid economic development (Esmer, 1989, p. 47). A strong, centralized, and highly bureaucratic state apparatus emerged (Ozbudun, 2000, p. 7), and was essentially maintained up to now, even though there have been attempts to decentralize and democratize. Those who opposed this centralized structure and wanted to maintain local power have found themselves in direct, and occasionally armed, conflict with the central state. Social and political tensions across different periods have led the military to control politics, either through overt coups or covert interventions.

In Turkey in the 1990s, there was an increasing emphasis on strengthening local governments and devolving responsibilities of planning to regional development agencies, with attempts to decentralize gaining speed towards the end of the decade. However, this reform process, which culminated in a set of legislation in the mid-2000s, was thwarted when objections based on fears of secession – especially concerning the Kurdish conflict in Turkey – watered down the reforms. The most important of the “internal enemies” of the post-1980 era were the Kurdish groups, demanding autonomy or secession, and the Islamist groups, who were battling for recognition and the right to exist in the public sphere. Most of the political parties that were formed after the return to democracy in the early 1980s disappeared from the political scene when the AK Party (AKP), the representatives of political Islam, formed the government in the early 2000s. The 10 percent elections threshold, which aimed to keep the ‘peripheral’ actors out of parliament, worked against most of the established parties when the AKP and the Republican Peoples’ Party (CHP) were the only two parties that were elected to the parliament in 2002. Up until the second half of the 2010s, the military played a significant role in politics, with scholars describing the regime as a tutelary democracy. The military gradually lost its power due to significant shifts and shuffles within the

military establishment. However, the ongoing Kurdish conflict still renders legitimacy to a large military apparatus today.

This paper argues that the process of decentralization in Turkey has not been static or uniform, but rather a process of ups and downs, due mostly to fears of secession and separatism, culminating in a wave of recentralization and autocratization. This paper first describes the local administration structure in Turkey, followed by a historical account of the development of municipalities, and the struggle between the central state and municipal actors attempting to gain autonomy. The subsequent section gives an overview of the decentralization reforms in the 2000s that attempted to provide more autonomy to the local level by lifting the tutelage of the central state over the municipalities. After reviewing the motivations of different actors in proposing such reforms and the objections directed towards these reforms, the penultimate section will describe the recentralization process that has gained speed since 2010. The final section concludes the paper by giving an overview of the central challenges to achieving effective decentralization in Turkey.

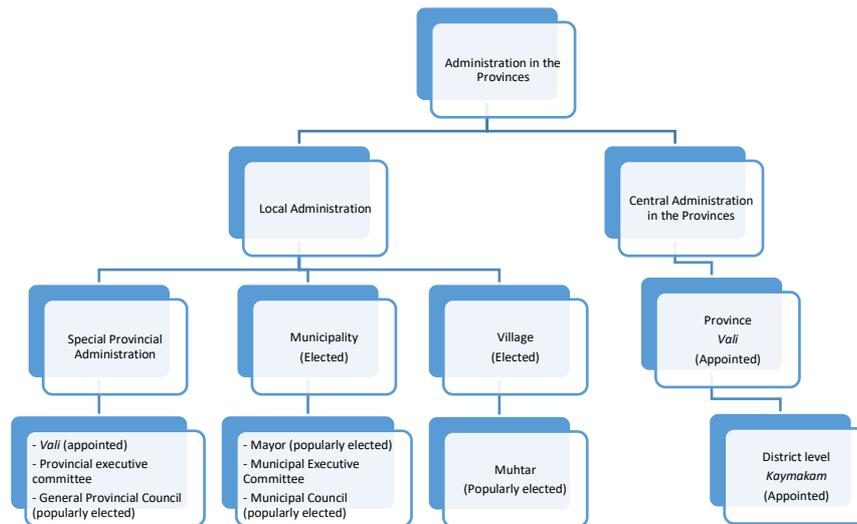
2. Local Administration in Turkey

Until 2017, when Turkey shifted to a presidential system²², the office of the president, the council of ministers and the ministries were the central administrative organizations in Ankara. There is no regional level; the provinces are treated as the local units. Local authorities are public corporate entities that are divided into three categories: provincial administration, municipalities, and villages. There are three laws that govern different components of the local administration: Municipality Law (Law No. 5393, 2005 replaced Law No. 1580), Village Law (Law No. 442, 1924) and Special Provincial Administration Law (originally promulgated in 1913, but overhauled and renewed in 2005).²³

²² The shift to presidentialism means that all executive positions (i.e. ministers and prime minister) now must be approved by the president.

²³ The special provincial administration is in charge of “building the physical infrastructure for education, healthcare and sports as well as the infrastructure for rural settlements and agricultural production across the province” (Yakar, 2020a)

Figure 1. Administrative structure in the provinces in Turkey



The provincial administration represents the central state in the provinces, and the bureaucrat that is appointed to the provinces is called a *Vali*. Municipalities²⁴ are governed by three components: a mayor, an executive committee and a municipal council. The mayor and the councilors are directly elected by voters every five years. The headmen in the villages are also elected through local elections. The municipal councils are not always representative of the popular vote because of the electoral threshold: at most three parties are represented in the municipal council. Furthermore, because of the lack of internal democracy in political parties, central party administration determines the candidates for councilor and mayor positions in most cases. The executive committee of the municipality is elected from amongst the councilors and is in charge of managing the local government under the leadership of the mayor.

The “strong mayor model” (İncioğlu and Erder, 2008) relies on the top-down management style of a charismatic mayor, and has resulted in very weak councils in terms of decision-making capacity. Within this model, council meetings are rarely the arena where deliberation takes place; instead, many of the important decisions are made in expert commissions and are simply voted on by a show of hands during the council meetings. The expert commissions include three to five members, including councilors from the majority party and the main opposition party. Councilors are predominantly interested in maintaining the interests of their party rather than those of the

²⁴ There are different types of municipalities in Turkey: for non-metropolitan provinces, there are provincial, district and town municipalities depending where the municipality functions. The 51 non-metropolitan provincial municipalities hold a total population of 6,502,018 corresponding to 9% of the total population within municipal boundaries. District municipalities hold a total population of 4,815,668 corresponding to 7% of the total population within municipal boundaries. In metropolitan zones, there is a hierarchical relationship between the metropolitan municipality and the district municipalities that function within the metropolitan municipality.

electorate. The interest of their party is determined through the party discipline, and the position of the strong mayor is undisputed. Municipalities are attractive to different interest groups, due to their capacity to organize local investment and service provision, and their duty of urban zoning. Councilors tend to be mostly from among business or professional elite, and fail to represent different socio-economic groups.

Table 1. Historical evolution of the number of municipalities

Year	Number of municipalities
1923	421
1950	628
1970	1,303
1980	1,727
1990	2,061
2000	3,215
2010	2,950
2014	1,396

As demonstrated in Table 1, the number of municipalities has fluctuated over the years (Yakar, 2020a). In 1923, there were 421 municipalities. In 1965, this number reached 1062. By the mid-2000s there were approximately 3000 municipalities with elected mayors and municipal councils (İncioğlu, 2002, p. 74-75). This number declined to 1399 by the end of the 2010s, mostly because smaller rural settlements lost their municipal status. The size of municipal districts in large cities such as Istanbul, Izmir, and Ankara required a different model to be able to provide some of the necessary services through smaller size district municipalities that could function under a metropolitan municipality. Metropolitan municipalities were established in these three cities in 1984, and had duties such as: preparing higher scale land development plans (1/5000 to 1/25000; approving the implementation plans prepared by districts: providing public transportation; building main roads and squares; recycling and storing solid waste; providing water and sewage services; and building cemeteries. The district municipalities that functioned under metropolitan municipalities were mainly responsible for collecting waste, preparing implementation plans, and issuing building licenses.²⁵

²⁵ See the Appendix for the duties of municipalities (see also Yakar, 2020b)

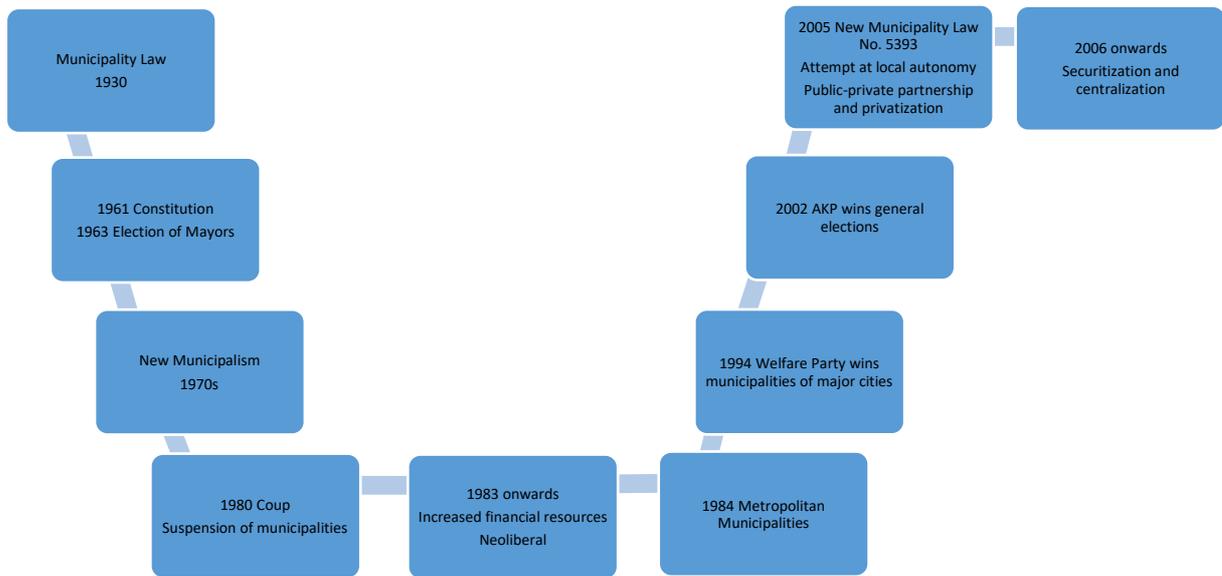
The central government allocates and determines a significant portion of the local governments' budget. There are four sources of revenue: municipal taxes; their share of tax revenues from the general budget (dependant on population); non-tax revenues, such as sale or rent income from municipal property or collected fines; and borrowing. The law on tax revenue transfers to municipalities (Law No. 2380 from 1981) provided for approximately 9% of the tax revenue in the general budget to be transferred to the municipalities. This was reduced over the years to 5% and finally went down to 2.85% for the provincial municipalities with the new law (Law No. 5779, 2008). Municipalities can borrow from the Bank of Provinces or externally to finance investment projects.²⁶

3. History of municipalities in Turkey

Municipalities existed in the Ottoman Empire as far back as the 1860s, but their powers and responsibilities were very limited. The law that regulated the municipalities in the Republic of Turkey (Law No. 1580, 03.04.1930) gave many powers and duties to local governments, without giving them the necessary budgetary allocations (Klein, 1982, p. 70-75). Eventually, these duties were slowly appropriated by the central government, and the municipalities were entrusted with only the basic services such as garbage collection, sewage, transportation, and basic health services. This section will give a broad overview of the major developments in the field of municipalities to provide a background for a better understanding of the decentralization reforms that took place in the early 2000s.

²⁶ For further details of municipal budgets, see Yakar (2020c).

Figure 2. Timeline of decentralization in Turkey



Migration to the cities, starting in the 1950s, increased the importance of municipalities. Mayors demanded more power and resources from the central government to cope with rapid urbanization and rising urban concerns (İncioğlu, 2002, p. 76). The 1961 Constitution began a period of democratization in Turkey, and mayors have been elected since 1963. The tension between the central government and local governments that existed since the beginning of the republic reached a new height with the New Municipalism Movement of the 1970s; social democrat mayors sought more autonomous, productive and participatory municipalities (Goymen, 1982, p. 139). This movement served as the basis for demands to deepen decentralization by strengthening the financial base of municipalities and by allowing them to be more independent in their decision-making. The reform movement faced “an indifferent if not hostile and/or inappropriate political, cultural and bureaucratic context” (Heper, 1989, p. 7). These social democratic municipalities were crippled when their financial resources were cut by the right-wing central government (Goymen, 1982, p.139; Finkel, 1990, p. 191). The ensuing left-right conflict led to gridlock in politics and the rampant political violence, giving the military an excuse to undertake a coup d’état.

The 1980 military coup suspended all political activity, including local governments, until 1982. The 1982 Constitution maintained the power of the judiciary to audit and impeach popularly elected local authorities, and accorded the Ministry of the Interior the authority to suspend local authorities under investigation. In a way, this move can be seen as strengthening the central state vis-à-vis local governments (Parla, 2002, p. 98). The military tripled the financial resources of the

municipalities to prevent the mobilization of residents and their municipal representatives. Financial reforms in the 1980s allowed municipalities to raise funds through private credit. The increase in municipal funding options and the increased state funding of local services were geared towards depoliticizing local service delivery.

The 1990s witnessed a new development and actor in municipal politics: the religiously oriented political party that had to change names due to party closures – first the Welfare Party, then the Virtue Party, and finally the Justice and Development Party (AKP). This religious movement conquered local politics by emphasizing justice and redistribution, leading to their mayors being elected in big cities like Istanbul (for instance, the current President Erdogan was elected mayor of Istanbul in 1994). Religiously-oriented political parties strengthened their cadre and local links through successful mobilization techniques and unprecedented municipal service delivery.

4. Decentralization under AKP: Motivations and Objections

When the AKP won the general elections and formed the government in 2002, it attempted to reform local authorities by updating the municipality law (Law No. 1580) that had been in effect since 1930. The World Bank and the European Union had been encouraging Turkey to transform its local government system since the late 1980s (Guler, 2006, p. 11). The new municipality law aimed to reduce the administrative tutelage of the central state. This would provide municipalities with more autonomy from the central administration.²⁷ The law also aimed at making it possible for public-private partnerships and privatization in service provision at the municipal level. In practice, this meant services such as garbage collection would be contracted out to private firms and some services would be privatized.

Another goal of the new municipal law was to facilitate the integration of local settings with the globalized economy and allow local governments to construct a welcoming environment to attract foreign direct investment (Guler, 2006, p. 9). This was in line with the new conceptualization of municipalities by international donors, such as the World Bank, that promoted marketization and privatization (Bayraktar and Massicard, 2012). This new model of local governance is based on the premise that public resources are limited, thereby necessitating a recourse to financial markets and commercialization of service provision to fund local governance (Guler, 2006, p. 262).

²⁷ Even though local autonomy was mentioned in the new municipal law, there is no such provision in the constitution (Kuyucu, 2018).

There were two motivations behind the reform process: to reduce the burden of local governments on the central budget, and to provide a better quality and more widespread services to the population. Actors that pushed for decentralization were the World Bank, IMF, OECD, and the EU, with the rationale supported through the New Public Management Approach (Emini, 2009) that would reduce the burden of local service provision on the central government budget. However, one should not deny the impact of local demand for more effective local service provision (Emini, 2009). These demands were partly a result of the major earthquake of 1999 and the financial crisis of 2001 (Tan, 2014). Even though civil society championed local demands, overall, political parties did not present strong demands for political decentralization: the only political party advocating for political decentralization and local autonomy was the Kurdish party (due to party closures, the name of the party changed over time HADEP, BDP, HDP) (Tan, 2014).

The decentralization reforms that culminated in the new municipal law in 2005 (Law No. 5393, 2005) gave municipalities a more active role in promoting local development. They were able to use municipal lands as they saw fit, and could give incentives to investors to encourage investment in their city. All municipalities with populations above 50,000 were responsible for having strategic plans. Furthermore, Regional Development Agencies were made possible through legislation in 2006. This reform was spearheaded by the European Union and its regional development funds. The main goals were to establish cooperation among public institutions (central and local authorities; universities), the private sector, and civil society. The only reform that was achieved with EU guidance to its full completion was the establishment of 26 Statistical Regions (NUTS) (Bayraktar and Massicard, 2012).

The reform process and the new law led to widespread debate in Turkey. Those who objected to decentralization reforms were the public bureaucracy, the president, constitutional court, and the National Security Council. The main concern was that these reforms could threaten the unity of the state (Tan, 2014; Bayraktar and Massicard, 2012). There were even those who claimed that giving so much power to the municipalities was preparing the ground for a federal system (Keles, 2006). The perpetual fear of Kurdish separatism in Turkey makes the state suspicious of any act that effectively decentralizes power to local levels. The president and the leader of the main opposition party took most of these reforms to the Constitutional Court and were able to nullify some of the amendments (Tan, 2014). The left-leaning academics and civil society organizations believed that promoting privatization and commodification of municipal services would damage the public nature of services and lead to inequalities. In the end, when the new Municipality Law

came into force, there were no major changes to local autonomy, and a deepened decentralization was not achieved.

5. Recentralization in Turkey

In the post-2006 era, the security doctrine led to a slowdown of decentralization (Bayraktar and Massicard, 2012). The process of centralization, coupled with an authoritarian turn, began in 2010 (Demir 2018). The expansion of the Prime Minister's office since 2003 and the unwillingness to leave institutions, such as regulatory bodies, independent were signs that the process of decentralization had only ever been half-hearted (Demir, 2018). A clear example of the recentralization process was the Urban Transformation Act of 2012, which bypassed the district municipality and gave responsibility for decision-making and urban renewal to the Ministry of Urban Affairs, Mass Housing Administration (TOKI), and the Metropolitan Municipality, under the pretext of having to act quickly in areas under earthquake risk (Kuyucu, 2018).

Another example of recentralization was the Metropolitan Municipality Law of 2012. It went into effect following the local elections of 2014 and effectively enlarged the responsibility of the Metropolitan Municipalities to the entire provincial geography by eliminating the villages. The effects of this reform, which affected more than 80 percent of Turkey's population who live in 30 such metropolitan municipalities, are yet not much researched.

Decentralization reforms in Turkey are not restricted to the municipal level. There were reforms to transfer irrigation management to users by forming Water User Associations (Kadirbeyoglu, 2017). The reform began in 1993, but in 2018 the government appointed a bureaucrat to head these associations with the excuse that they were not performing well (Kibaroglu, 2020). This, according to some, will open the way for the privatization of irrigation water management. There were also attempts to reform public hospitals by allowing them to have executive boards that could make decisions, taking local context into consideration. The motivation was partly to increase the service efficiency and effectiveness, and partly to reduce the budget of such hospitals, as promoted by the World Bank. However, these reforms were also halted, and the Public Hospital Union formation was terminated in 2017 (Küçük, 2018).

The recentralization process, and the inability of public administration reform to take place, are partly the results of the Kurdish conflict that has been ongoing – with ups and downs – since the 1990s. The anxiety about the unity of the state, which initially saw both Kurdish and Islamist

movements as the internal enemies, was redirected towards the Kurds, particularly following representatives of political Islam coming to power in 2002. The peace process that began in the early 2010s was unfortunately halted in 2015, and the increasing violence in the Kurdish provinces and other parts of Turkey led to even further centralization and authoritarianism. Mayors and city councilors were removed from their positions, imprisoned, and state bureaucrats were appointed to the position of mayor in many of the municipalities where the Kurdish party had won the local elections. Gezi protests in 2013, and the failed coup attempt of 2016, are still used to justify human rights abuses and recentralization processes.

Since 2017, the presidential system has effectively further centralized decision-making, closing the already frail channels through which civil society and citizens could participate in decision-making. Very recently, there have been some signs of change, such as the election of opposition party candidates to Metropolitan Mayor positions in the two largest provinces, Istanbul and Ankara. It is too early to tell whether attempts, such as designing institutions like the Istanbul Planning Agency and the Istanbul Statistical Office, under the municipality will shift the power dynamics between the central and local levels in Turkey.

6. Conclusion

Municipalities have existed since the beginning of the republic in Turkey. However, their roles and duties, as well as their autonomy, were quite limited. The main power resided with the central executive in Ankara, with decisions implemented by the *Vali* in the provinces. Ever since the direct election of mayors began in 1963, there has been a tug of war between the central and local governments, especially when controlled by opposing political parties. In addition to the central's tutelage over the local, there has also been military tutelage over the center.

The checks on the power of the local were caused by the perceived threat from political Islamists and the Kurdish movement. Once the representatives of political Islam gained majority in general elections, partly as a result of their success in local government, the only remaining threat was the Kurdish movement, which was also successful in gaining power in local governments in the east and southeast of Turkey. Even though AKP attempted major reforms of municipalities in the first half of the 2000s, the process was thwarted by a variety of actors (the president at the time and the opposition political party), curbing the effectiveness of the reform process.

Ultimately, municipalities were not able to gain local autonomy, and business as usual continued until the AKP started losing power at the national level. In the post-2010 period, the battle between the central and local was deepened by the securitization of the Kurdish issue and local politics in general. The “local” represented a node of opposition to the central, and the executive would not tolerate this. The ensuing recentralization led to continuous tension between the center and the local that was unprecedented in Turkey. Overall, the process of decentralization in Turkey has not been static or uniform. The back and forth between the central and local levels shows that decentralization reforms can always be undone by a strong executive that is intolerant of opposition or autonomy.

Appendix²⁸

Major functions of non-metropolitan municipalities are as follows:

- Make land development plans of all scales;
- Issue building licenses;
- Provide water and sewer services;
- Collect and dispose of waste;
- Protect environment, create green areas and parks;
- Ensure orderly urbanization and produce landlots and housing to that end;
- Build infrastructure as required for economy and trade;
- Provide fire-fighting and emergency services;
- Build cemeteries, provide burial services;
- Reduce poverty;
- Provide culture, arts, sports, tourism and publicity services;
- Build and maintain schools and places of worship owned by the state (optional).

Major functions of metropolitan municipalities are as follows:

- Prepare the higher scale (1/5,000 to 1/25,000) land development plans;
- Approve the implementation plans (1/1,000 scale) prepared by districts;
- Supervise the compliance of land development implementation by district municipalities with the plans;
- Produce landlots and housing to ensure orderly urbanization, build infrastructure as required for industry and trade;
- Draw up the metropolitan transport master plan, plan and implement public transport;
- Build squares, boulevards, avenues and main roads;
- Protect and develop the environment, agricultural land and water basins of the city;
- Recycle and store solid waste;
- Deliver water and sewer services;
- Build open and closed parking spaces;
- Build regional parks, zoos, museums, sporting, leisure and recreational facilities;
- Build cemeteries, wholesale food markets and slaughterhouses;
- Provide fire-fighting and emergency services.

²⁸ All the information in the appendix is taken from the Union of Municipalities web page (Yakar, 2020a)

Major functions of metropolitan district municipalities are as follows:

- Street upkeep and hygiene;
- Collect domestic waste;
- Prepare implementation plans (1/1,000 scale);
- Issue building licenses;
- Social municipal services (reducing poverty, social aid, skills training for the unemployed);
- Promote amateur sports;
- Education, sports and culture services.

Special provincial administrations' duties are²⁹:

- Construct, maintain and repair primary and secondary schools and cultural centres;
- Develop preventive health services, social services, industry and trade, infrastructure for amateur sports;
- Develop agriculture;
- Execute the central government's investments for which appropriations are transferred.
- The following are the functions that special provincial administrations discharge only in and for villages:
 - Make land development plans;
 - Supervise and license buildings and businesses;
 - Construct, maintain and repair village roads;
 - Collect, store and dispose of waste;
 - Protect and develop environment and soil;
 - Reduce poverty.

Major duties of municipal council

- Approve the municipality's strategic plan, budget, work program and investment program;
- Approve the municipality's revenues and expenditures, and annual report for the previous year;
- Approve land development plans;
- Decide on granting concessions, establishing enterprises and companies, allow sales of companies;
- Allow the municipality to borrow, purchase and sell property;
- Set the fee rates for municipal services;
- Decide on the organization of the municipality.

²⁹ The special provincial administration consists of the general provincial council, the provincial executive committee, and the governor.

Major functions of the municipal executive committee are as follows:

- Review the municipality's strategic plan, annual work program, budget and revenues and expenditures of the previous year to be submitted to the municipal council;
- Adopt expropriation decisions;
- Hold tenders on the purchase, sale and lease of property;
- Impose statutory penalties.

The mayor has the following major functions:

- Chair the meetings of the municipal council and municipal executive committee, and implement decisions/resolutions;
- Govern the municipality in accordance with the strategic plan, work program and resolutions of the municipal council;
- Pursue and collect the municipality's revenues and receivables;
- Protect the rights and interests of the municipality;
- Represent the municipality; sign the contracts on behalf of the municipality;
- Appoint municipal administrators and employees;
- Manage the municipality's affiliated entities and municipal enterprises
- Manage the municipality's property.

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Lessons Learned and Moving Forward

As the contributions in this compendium show, the MENA region has witnessed varying levels and processes of decentralization over the past few decades. These reforms have received modest scholarly and policy attention; hence we continue to know little about the outcomes of such varying institutional arrangements— both from regimes’ and citizens’ perspectives. We aimed to bridge these gaps by shedding light on the myriad decentralization processes in the MENA— both spatially and temporally. The papers included here have demonstrated the uniqueness of decentralization reforms in each case, but important lessons can be derived from these diverse experiences.

First and foremost, regime type plays a substantial role in shaping the demands, possibilities, and outcomes of decentralization. Of our cases, Tunisia was unique; its revolutionary/transitional path gave leverage for actors seeking decentralization, even if it also created additional challenges in the finer details. Turkey was at the other end of the spectrum; the Islamist Justice and Development Party (AKP) became increasingly consolidated and instead recentralized (see Kadirbeyoglu’s contribution in this collection). Morocco and Jordan have experienced less regime transition; as monarchies, they maintain high central power.

Political actors in the MENA implement decentralization as part of a top-down strategy for service provision, off-loading responsibilities onto lower levels of governance. Decentralization thus opens up space for new local actors, but they are often under-prepared, ill-equipped, and, at times, unwilling to invest in the process or expand their responsibilities. Furthermore, decentralization without adequate infrastructure – fiscal capacity and human capital – is at best meaningless and at worst creates confusion, structural and social inequalities, and local underdevelopment. Moreover, the availability of fiscal resources at the local level does not necessarily lead to better administration without clarity of responsibility—as evidenced by the underspending phenomenon in a number of Morocco’s municipalities (see Bergh’s contribution in this collection).

Indeed, a common theme that emerges in most of our cases is a lack of clarity. Ambiguity—either intentionally or unintentionally— of the decentralization rules and institutional mechanisms characterizes most cases. When new constitutions were promulgated following the Arab uprisings, constitutional articles were formulated to create new – or solidify existing – subnational governance structures. Technical actors were charged with developing organic/operational laws to assist with the implementation of these amendments. But the vagueness of most of these articles

made the formulation of corresponding laws a technical nightmare and legal labyrinth with uncertain outcomes (see Kherigi and Bergh's contributions to this collection).

From citizens' perspectives, the "chain of delegation" is also unclear, particularly in contexts with newly implemented decentralization reforms. In most cases, citizens are ill-informed about the role of local governance structures, mainly due to the complexity and volatility of rules – Jordan is a prime example. There is also a lack of clear legislation and delineation of powers across different levels of governance. This has negatively impacted citizens' trust and engagement with these newly established institutions. Citizens continue to view their national representatives as 'service' MPs, to whom they direct their local demands and grievances, instead of reaching out to their elected local representative and/or local council member. Given the novelty and complexity of decentralization reforms, there is a strong need to raise public awareness of the reforms and how they apply to them.

Finally, efforts to decentralize need to take into account the relationship between the citizen and the state. There are two aspects to this. The first deals with individuals' understandings of citizenship and their relationship with the state (vs. with other tribes) and decentralization. In many areas, citizens are more likely to identify with their tribe, religious, or ethnic group. They demand that their groups be represented at the center, not that more responsibility for state functions is pushed to the periphery. Decentralization thus does not necessarily satisfy popular demands. The second issue concerns regional disparities, which are often at the core of calls for decentralization. Political demands have centered on reducing regional disparities. However, decentralization is often not accompanied by significant revenue sharing schemes, and thus does not reduce these inequalities. Consequently, rather than simply decentralize in the absence of redistribution, 'positive discrimination' (as enacted in the Tunisian Constitution of 2014) should be an integral part of local governance reforms if they are to address inequalities and bring citizens more fully into the state. (See Vollmann's contribution to this collection for more information on this point).

To conclude, it is important to note that there are several positive initiatives toward promoting citizens' inclusion and building trust in local institutions, such as the recently introduced petition system in Morocco; the municipalities' needs list in Jordan; E-Government in many countries across the region; and access to information laws in Tunisia and Morocco. However, the effect of these initiatives remains unclear and more work (and time) is needed to systematically gauge the impact of these important steps.

Research on the dynamics and outcomes of decentralization in the MENA is still nascent. This collection is simply a first step toward furthering our understanding on these diverse processes, and many other interesting questions still await scholarly attention. To mention a few: What is the link between the implementation of different types of decentralization reforms and improved governance outcomes? How do social contexts – the strength and nature of institutions outside the state – affect the possibilities and outcomes of decentralization? Is it possible to have successful fiscal and administrative decentralization (i.e. deconcentration) without political decentralization, especially in Arab monarchies? Would the proliferation of decentralization reforms in MENA lead to increased levels of political accountability? How much is the success of decentralization about the policy space and/or institutional arrangement and how much is about political actors’ qualities and ability to take advantage of opportunities? How can decentralized power structures be safeguarded from autocrats’ attempts to re-centralize power? We hope this collection has spurred discussion and will be a springboard to future research on these issues.