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# Decentralisation in Morocco

## The Current Reform and Its Possible Contribution to Political Liberalisation

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## Abbreviations

BMZ	Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (Germany)
CESE	Conseil Économique, Social et Environnemental (Morocco), formerly Conseil Économique et Social (CES)
IMF	International Monetary Fund
MENA	Middle East and North Africa
NGO	non-governmental organisation
PAM	Authenticity and Modernity Party (Morocco)
PJD	Justice and Development Party (Morocco)

## **Executive summary**

In reaction to the political unrest of 2011, the government and King of Morocco promised comprehensive political change; in particular, the decentralisation reform was intended to enhance the political participation of the population and make the work of state institutions more efficient and transparent. Six years later, it is evident that these promises have not been sufficiently implemented. New laws for decentralisation reform and the first regional elections in 2015 laid key foundations for change. However, since then, the process of implementation has been delayed significantly and a transformation of the power structures in parallel with the strengthening of democratic institutions and processes currently appears unlikely.

The analysis of international experience with decentralisation processes reveals on the one hand that they do not necessarily pursue or promote the goal of democratisation and that they can even be implemented efficiently in authoritarian regimes. On the other hand, these experiences show that three bundles of factors have a significant effect on the chances for success of such a reform: the political economy of the process, which determines the distribution of social resources such as power, money and legitimacy; the autonomy, competencies and resources of the relevant institutions; and the information and participation of the population. All three factors – but participation in particular – are also key in determining whether decentralisation can support political liberalisation.

The current decentralisation reform in Morocco is embedded in a historical context. For example, the dual structure of the political system dating from the French colonial era determines that, although elected institutions exist at all decision-making levels, they are de facto dominated by representatives of the Ministry of Interior, which itself is under the auspices of the King. This fundamental limitation of the autonomy and scope of action of the elected institutions also failed to be addressed in any of the various decentralisation reforms that have occurred since the 1970s. The most recent reform phase formally established key foundations for the realisation of the task with administrative (reorganisation of the regions with greater competencies), fiscal (primarily the funding of the regions) and political decentralisation (regional elections and authority of the regions, participation processes).

However, against the background of international experience, an analysis of the reform in Morocco shows that the opportunities for successful implementation are significantly influenced by the three bundles of factors mentioned above: firstly, the current political economy of the process is clearly hindering the process of implementing the decentralisation reform; key laws and regulations have yet to be passed, for example to regulate the distribution of power and participation processes in detail. The closely associated distribution of social resources such as influence, money and legitimacy is still negotiated between the royal house, the government and the various elites. Secondly, the relevant institutions cannot fulfil the tasks assigned within the scope of the reform, due to a lack of autonomy, competencies and resources. And thirdly, the information and participation of the population remain inadequate, in spite of the statements regarding this in the scope of the reform and the constitution of 2011.

The hopes of the population that decentralisation – accompanied by the new constitution – would lead to increased political participation and political liberalisation have thus far failed to be met. However, the democratic principles articulated in the reform and constitution, the drafting of the organic laws and the social expectations and associated pressure are factors that can positively influence the further realisation of the reform in the sense of political liberalisation. Factors contrary to political liberalisation in the context of the reform include the continued power of the authorities reporting to the Ministry of Interior; the to date insufficient implementation of accountability, transparency and participation; and the increase in political repression since 2013. In view of the deep-rooted legitimacy of King Mohammed VI and the fears of the population that the country, like many states in the Middle East and North Africa (MENA) region, could slide into instability, a coup such as that in Tunisia is not to be expected in Morocco. However, the legitimacy of the monarchy will increasingly be called into question if the heralded reforms offer no tangible improvement to the hardships articulated by the population in 2011 and continuously since then. In contrast, a successful decentralisation reform could establish more efficient institutions and new scope for political participation, thereby helping to further strengthen the legitimacy of the government and of King Mohammed VI himself.

## 1 Introduction

The hopes of the Moroccan population that the new constitution passed in 2011 and the realisation of decentralisation reform would offer new impulses for a more efficient and democratic political system have yet to be fulfilled. Despite this, the further implementation of the reform is essential for the future power relations between the royal house, the government, the elites and the population. The project is also a key concern of King Mohammed VI and its implementation also an indicator of the will of the political establishment to permit more transparent and efficient governance together with political liberalisation.

Following the political unrest of the so-called Arab Spring of 2011, Morocco appears at first glance to have settled down: with the constitutional reform adopted by plebiscite in the same year, King Mohammed VI proposed numerous reforms to address the problems of insufficient constitutional legality and democracy criticised by many. Also prominently heralded in the constitution, the *régionalisation avancée* decentralisation reform plays a key role for the realisation of the promises: it is intended to regulate political decision-making processes at local and regional level, enable all citizens to participate in these and provide for more efficient authorities. Some six years after the approval of the constitution, Morocco currently finds itself in a position somewhere between these formally approved promises and partly delayed, partly restricted reforms.

Since King Mohammed VI assumed power from his authoritarian father Hassan II in 1999, the image of the country has improved continuously amongst international observers. Despite key advances in political and economic development, considerable socio-economic problems remain to a certain extent (such as a weak educational sector in spite of high investment; high levels of illiteracy; high youth unemployment), also arising as a result of structural problems such as high levels of corruption, insufficient accountability and a lack of social participation in the political process. Beginning in the 2000s, increasing protests such as those of the “unemployed academics” (*diplômés chômeurs*) or the “movement against the high cost of living” as well as various other movements (including feminists, religious movements, internet campaigns tackling corruption and so on) could be observed. Protests by these movements sometimes led to violent clashes which were typically followed by repression. Political and economic marginalisation also resulted in the protests within the context of the so-called Arab Spring in 2011 and the initially broadly-supported “20th February movement”.

The same year, King Mohammed VI responded to the protests by promising the country a more democratic future and by initiating constitutional reform. In view of the dwindling legitimacy of state decision-makers and institutions, as well as the increasing criticism of merely “cosmetic” reforms, the specific realisation of the reforms promised by the King was of great significance for both future domestic political stability and the legitimacy of the kingdom as well as for the way the country was viewed internationally. However, since 2013 international observers have noted a further deterioration in press freedom and freedom of assembly, as well as regard for human rights (Amnesty International, 2016; Mekouar, 2016). Accusations are growing that the reforms promised in the constitution of 2011 are not being implemented, or are only being realised in a highly restrictive manner (Bouabid & Iraki, 2015, p. 62; El Mossadeq, 2014; Madani, 2014). At the same time, the increasing danger of terrorist attacks and the situation in other countries in the region

mean that the security situation in the country remains extremely sensitive. In this context, the legitimacy of the King amongst the population remains high, dampening the calls for comprehensive reform processes.

Against the background of the government passing basic organic laws on decentralisation reform in 2015 and also staging the first regional and municipal elections under the new model, it is now possible to undertake an interim assessment. The questions are: How can the decentralisation reform be assessed, when taking international experiences into account? And secondly: Can decentralisation contribute to the further political liberalisation of the country?

Within the scope of this study, “political liberalisation” is explicitly distinguished from “political democratisation”. The broad academic debate regarding the differentiation between the two terms does not form the focus of this study; instead a clarification of the definition will serve as the basis for this paper: political liberalisation extends beyond the formal introduction of democratic institutions (which has already occurred in many areas in Morocco) and includes the removal of repressive functions of the state and recognition and protection of individual liberties (Maghraoui, 2009). It differs from democratisation, for example, in the extent of participation, as Brynen, Korany and Noble (1995) also emphasise.<sup>1</sup> The authors explicitly note that political liberalisation is not necessarily followed by further democratisation, and that regimes can explicitly grant partial liberalisation in order to hinder democratisation (Brynen et al., 1995).

The study is organised as follows: Section 2 illustrates the goals and challenges of decentralisation and derives from experience in other countries that (a) the political will for reform and the political economy, (b) the autonomy, resources and competencies of institutions and (c) the information and participation of the population are key elements for the success of such a reform. Section 3 introduces the decentralisation process in Morocco with respect to its underlying political conditions and its evolution since 2011. Section 4 assesses the current status of implementation of the decentralisation reform with regard to the identified success factors. Section 5 offers conclusions on the possible contribution of the reform to political liberalisation.

The study was initially based on an analysis of literature on international experiences with democratisation processes and specific publications about Morocco. On the basis of the acquired knowledge, around 20 qualitative interviews were conducted with Moroccan researchers and actors in the field of development cooperation.<sup>2</sup>

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1 “Political liberalization involves the expansion of public space through the recognition and protection of civil and political liberties, particularly those bearing upon the ability of citizens to engage in free political discourse and to freely organize in pursuit of common interests. Political democratization entails an expansion of political participation in such a way as to provide citizens with a degree of real and meaningful collective control over public policy” (Brynen et al., 1995, p. 3).

2 Due to the brief time scale of the study, interviews conducted with selected experts in Rabat were included in the analysis; however, more comprehensive empirical surveys at subnational level were not conducted.

## **2 Decentralisation: goals and experience from developing countries**

Although there is no “blueprint” for the design and implementation of decentralisation reforms, possible goals and success factors based on the experiences of different countries are detailed in this section. They include the following: decentralisation reforms aim to promote development, among others, via structural policies, and render the work of state institutions more efficient, but are also frequently initiated to promote democratisation and pacification. Typical components of decentralisation processes are administrative, fiscal and political decentralisation.

Whether a decentralisation reform is successful depends to a large extent on the political economy of the process: the political leadership needs to demonstrate its will to implement and gain the support of old and new elites, as well as relinquishing power to decentralised institutions. A further factor in the success of the implementation is adequate autonomy, competencies and resources of the state and relevant non-state institutions. These include the regulation of legal framework conditions with clear mandates for the institutions, but also financial and personnel capacities at all levels. In addition, information and involving the population are key in order to successfully implement decentralisation reforms. This can help to make state services more efficient and to increase accountability as well as transparency.

Moreover, the aforementioned factors play a role in the positive effect of decentralisation processes on political liberalisation. Of particular importance in this respect is the participation of the population. This can enhance the protection of individual and political freedoms, general participation in the political discourse, and the representation of interests.

### **2.1 Typical goals inherent to decentralisation processes**

The implementation of decentralisation processes has increased in recent years in both industrial and developing countries, albeit for very different motives. Where in some countries the consolidation of democracy was the paramount issue of reforms, in others decentralisation was aimed more at realising market-oriented economic forms, or was intended to resolve armed conflicts and/or grant regional groups more autonomy in the scope of a common state (Connerley, Eaton, & Smoke, 2010). Such reforms are often realised in response to international pressure. Decentralisation processes are therefore rarely a goal in themselves, but instead serve the achievement of designated country-specific objectives, with the consequence that they can take highly different forms. In developing countries, decentralisation reforms are partly demanded by external donors as preconditions for the granting of funds; for example, the implementation of the decentralisation reform in Indonesia was also encouraged by clear conditions laid down by the International Monetary Fund (IMF).

In decentralisation processes, the German Federal Ministry for Economic Cooperation and Development (BMZ) distinguishes between the following ideal objectives:

- improving public services and citizen-orientation,
- the use of public resources in a more transparent, effective and needs-oriented manner,

- enhancing the political participation of the population,
- decentralisation also serves to support
  - the development of democracy,
  - local economic growth,
  - climate-friendly activities in towns and cities
  - reducing social conflicts (BMZ [Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung], 2016).

It is apparent that the implementation of structural policy via decentralisation – for example via economic growth in previously neglected regions – is an essential motivation for these reforms. In addition, democratisation, improving the efficiency of state institutions and the pacifying of (civil) war regions are important drivers and goals, particularly in times of political upheaval (Connerley et al., 2010).

The hope that decentralisation will be accompanied by strengthening (local) democratic structures, opportunities for the participation of citizens and improved infrastructure and state services – thus contributing to a clear improvement in quality of life – does not always ensue in political reality (Connerley et al., 2010). With regard to the expectations that decentralisation will have a per se positive effect on the democratisation of a country, research shows that decentralisation can also be successfully implemented in authoritarian contexts (Falleti, 2011, 2013).

The implementation of decentralisation is time consuming and results are often only visible years or decades later. Development policy practice shows that the outcome with regard to a sustainable, effective implementation of the agreed goals of decentralisation and administration-modernising processes is often a mixed one. Processing practical experience is therefore key with regard to the improved realisation of decentralisation and the associated development policy advising. Including the respective starting point, that is, the motivation for introducing a decentralisation process, and the political system in which the process is to be implemented is central to an analysis of the implementation. Various different experiences gained from empirical research show that these factors play a key role in influencing efforts towards administrative and political reform (see, for example, UNCDF [United Nations Capital Development Fund], 2010). Alongside national policy, donor institutions also play an important role in many countries: in some cases, they link their financial support to the realisation of the reforms and accompany their implementation.

## 2.2 Typical components inherent to decentralisation processes

A decentralisation reform is typically associated with a reform process in administration. This may include all or some of the following three aspects: administrative, fiscal and political decentralisation.

The definition of the three types by Falleti serves as the basis for this study:

- **Administrative decentralization** is a set of policies that transfer the dispensation of social services (such as education, health, housing, welfare programmes, etc.) to

subnational governments. If new fiscal resources are transferred to afford such services, administrative decentralization is funded; otherwise it is unfunded.

- **Fiscal decentralization** policies are those designed to increase the revenues or fiscal authority of subnational governments. Examples of fiscal decentralization policies are the transfer of revenue collection capacities that rested previously with the national government, or the transfer of fiscal resources that are not directly linked to a simultaneous transfer of responsibilities.
- Last, [...] **political decentralization** [means] the constitutional or electoral reforms designed to devolve political authority to subnational actors and to create or activate spaces for the political representation of subnational polities. (Falleti, 2013, p. 143, authors' highlights)

In the case of administrative decentralisation, a differentiation is also made between “deconcentration”, the transfer of competencies to sub-national branches of the central government; “delegation”, the shifting of central state competencies to sub-national state bodies, civil society or the private sector; and “devolution”, the transfer of central state competencies to selected sub-national bodies – the most extensive form of administrative decentralisation. In practice, administrative decentralisation typically comprises a mix of all three types (GIZ [Deutsche Gesellschaft für Internationale Zusammenarbeit], 2014).

Decentralisation processes are based on the underlying idea of the principle of subsidiarity. This infers that, where possible, (state) tasks should be undertaken by the lowest or smallest (administrative) unit that can perform them efficiently. Realising this principle and developing and implementing a functioning system with clear policy goals, a corresponding administrative structure and the necessary financial resources is a major challenge.

Although the lessons learned from the realisation of such reforms in different countries cannot be transferred to others one-to-one, an analysis nonetheless indicates which factors have an influence on implementation. These factors, detailed below, are used in Section 4 to assess the current reform in Morocco.

### 2.3 Findings from decentralisation processes in developing countries

This subsection illustrates the findings gained from experience with international decentralisation processes relevant to Morocco and shows that three bundles of factors have a significant influence on the successful realisation of reforms: 1) The political economy of the process, 2) the autonomy, capacities and competencies of the institutions and 3) the degree of information and participation of the population. Many of these factors also influence the possible effects of this reform on political liberalisation. In particular, the participation of the population in political debates and decision-making processes, as well as the political economy can favour political liberalisation. The negotiation of interests and power structures and the characteristics of the public institutions influence whether a decentralisation reform has a positive or negative impact in this regard. The following subsections therefore address both the political economy of the process as well as public information and participation. The third subsection closes this subsection by shedding light on the role of international donors and their projects.

### 2.3.1 The political economy of the process

How decentralisation processes are initiated and structured and whether they are successful depends on the respective country context (LDI [Local Development International LLC], 2013). However, two significant observations can be made across borders: firstly, the success of decentralisation requires the strong political will of the government/head of state. Secondly, key actors need to support such a process including the distribution of social resources such as power, money and legitimacy (here collectively referred to as “political economy”). Both factors also influence the possible effects of decentralisation on political liberalisation. As Connerley et al. note, this apportionment of resources and interests and the associated complications lie in the nature of the reform, because “[w]hen it succeeds, decentralization by definition disrupts the deeply embedded relationships and networks that previously sustained decades – if not centuries – of centralized rule” (Connerley et al., 2010, p. 3). The following aspects illustrate how the interests and behaviour of the government and other key actors can influence the reform process: firstly, the will to reform and secondly – directly related to this – the behaviour of the old and new elites and national bureaucracies with regard to the reform. This gives rise, thirdly, to the need to involve possible “winners” and “losers” in the reform.

The political will to initiate and implement a decentralisation reform frequently arises within the context of a further-reaching process of political change. In many cases the reform is intended to improve democracy and the rule of law. This was the case, for example, in South Africa in 1994 with the end of apartheid, in Indonesia 1998-2000 and in Nepal with the conclusion of the peace treaty between the government and the Maoists in 2006 (GIZ, 2014). In many MENA states, the uprisings of 2011 were followed by the initiation of decentralisation reforms in order to accommodate similar public demands, for example in Morocco, Tunisia, Jordan and Lebanon. Alongside new laws strengthening the competencies of local institutions, this in some cases also resulted in strong flows of capital following fiscal decentralisation: for example, in Tunisia the regional budgets were quadrupled after 2011 after the last state budget under Ben Ali had led to 82 per cent being allocated to the 11 privileged coastal regions (Harb & Atallah, 2015).

In some countries, the decentralisation process begins slowly and develops continuously. In other countries reform processes are realised faster and with political pressure. The politically desired and instigated process in Indonesia is described in the literature as a so-called “big bang” decentralisation (LDI, 2013). After independence, important central state competencies in the forestry sector were awarded to sub-national state institutions. This was followed in 1999 by the decision to implement a far-reaching decentralisation policy with local elections and the devolution of numerous sectoral functions, with this decision implemented from 2001 onwards. The provision of resources to the political elite together with international pressure on behalf of donors, in particular the IMF, played a key role in this. In the 1980s and 1990s there had already been initial reforms of the public administration, which were heavily managed by central government level, and these merely comprised a deconcentration of fiscal policy and administrative decisions without including, for instance, the introduction of elections for local government. The Asian economic crisis of 1997 accelerated numerous political changes in the country, with East Timor becoming independent and the Suharto regime replaced. A comprehensive administrative reform appeared necessary to avoid further regional unrest.

In Chile, in contrast, decentralisation had played a key role in the reform of administrative processes since the 1970s. However, the initial move – implemented by the military regime of Pinochet – was deconcentration primarily at municipal level, steered from Santiago. Following the political shift in the 1990s, a strengthening of the regions also took place. In addition, 1992 saw the introduction of elections for mayors and town councils. Up to the turn of the millennium in particular, the case of Chile was discussed a great deal amongst experts as an interesting case study. After this time interest waned, as the processes were only progressing haltingly and substantial strengthening of the regions had yet to be achieved.

This “easy phase” of decentralisation has now been concluded. The political enhancement of the regions presents new challenges for the framework of institutions. Experience in other countries shows that central state actors often regard the establishment of new legitimacy levels and the shifting of resource responsibility as a zero sum game. The sector ministries, the finance ministry and also sections of congress will push to ensure that they continue to maintain control over the subordinated regional authorities. (von Haldenwang, 2002, p. 16, authors’ translation)

This analysis, based on the experience in Chile, has also been confirmed by the experience in Indonesia and other countries. A Local Development International LLC (LDI) study summarises, with regard to Indonesia, that “outcomes have not met expectations regarding the ability of local governments to play a stronger role in promoting development and improving citizen welfare” (LDI, 2013, p. 29).

Closely associated with the political will to reform is the fear of losing power and control at central government level (Tomsa, 2015). Reforms may then not succeed due to the national level failing to effectively transfer competencies to sub-national levels, or failing to establish specific capacities for implementation there. The political elites fear the loss of control and power, rendering the establishment particularly of effective intermediate levels of governance difficult. In addition, political costs, for example the risk of losing votes at the next election, can result in insufficient exploitation of potential. Von Haldenwang et al. illustrate this in a study on the collection of land tax at the municipal level in Indonesia (von Haldenwang et al., 2015).

The behaviour of old and new elites can have positive and negative effects on decentralisation reforms. Established elites may form decisive resistance to reforms in the realisation of decentralisation in order to preserve their interests and the existing political order. The influence of local elites and their possible authoritarian practices may even increase as a consequence of these reforms (cf. overview in Connerley et al., 2010, p. 6ff.; Harb & Atallah, 2015). For example, if municipalities acquire greater autonomy over their finances, this may shift corruption and mismanagement to sub-national levels, or favour them there. Tomsa writes:

Over the years, numerous studies have painted a gloomy picture of the politics of decentralization and today it is widely agreed that the devolution of political power and fiscal authority to the regions has failed to deliver on most of its anticipated outcomes, such as greater accountability, enhanced public service delivery, and accelerated local development [...]. Instead, so the argument goes, practically all centres of local power have been captured by predatory elites who are oblivious to the concerns of the people. (Tomsa, 2015, p. 196f.)

In Jordan, as in other countries, it has also become apparent that the autonomy of the local authorities resulting from decentralisation favour clientelist structures, for example with excessive numbers of people employed in local public services. As an example, in Jordan the high cost of the salaries of the numerous state employees contributed to the municipalities having insufficient funds to finance public services (Harb & Atallah, 2015). In this respect, decentralisation may be desired politically in order to favour elites and persuade them to continue their support of the political system (Faguet, 2011).

The behaviour of the national bureaucracies may also significantly influence the realisation of decentralisation, for example within the context of emerging conflicts between national and newly-strengthened sub-state institutions. Their commitment to the success of the process is by no means assured, as Connerley et al. (2010, p. 36) illustrate:

Perhaps the most central issue with respect to the bureaucratic dynamics of decentralization is the fact that national government agencies may have little or no desire to assume or divest responsibilities as envisioned under decentralization laws if they are not pressured to do so. In addition, they may have few incentives to work cooperatively with other agencies, even though coordination is normally seen as crucial for the “success” and sustainability of decentralization in terms of improved processes and outcomes.

Including possible “winners” and “losers” of decentralisation reforms is therefore both difficult and important. The implementation of the reform needs to adequately accommodate the distribution and interdependencies of social resources such as finances, power and legitimacy between different interest groups within a state. Paying consideration to the interests of the potential “losers” and “winners”, securing the commitment of the bureaucracy for the reform process in day-to-day procedures – for example, in the necessary cooperation with other institutions – as well as establishing opportunities for mutual checks and balances for institutions can help to explicitly tackle the political economy of the reform process. This also includes corresponding sensitivity to the geographical distribution of power, competencies and infrastructure. Remote districts with weak administrative structures in particular should be explicitly supported in decentralisation reforms in order to assure transparency and fair distribution, because

[a]s with other interventions, [...] poorer, more remote areas are less able to realize gains from decentralized service delivery. The benefits of decentralization are smaller when communities are less well administered and more embedded in an extractive equilibrium characterized by weak democratic practices and a politicized administration. (Mansuri & Rao, 2013, p. 9)

Moreover, transparency and participation are key measures in clarifying and addressing political economy in decentralisation reforms. These include, for example, measures to counteract corruption and mismanagement and accompanying information campaigns for citizens in order to support institutional changes and make the new decision-making processes as efficient and legitimate as possible.

The factors analysed here can also influence whether decentralisation has an effect on the political liberalisation of the country. This includes among others an even more extensive renegotiation of interests and social resources. Political economy can limit central elements of liberalisation. This is the case when the removal of repressive functions of the state, the recognition and protection of individual freedoms and the possibility of

representing interests are hindered by influential actors. National bureaucracies and elites may block the dismantling of repressions in their own interest, for instance, and hinder the representation of the interests of the citizens. This shows that even the successful implementation of decentralisation does not per se have a positive influence on political liberalisation. If decentralisation is also intended to enable and promote political liberalisation, this goal must be explicitly anchored and continuously accounted for during the implementation process.

### 2.3.2 Autonomy, competencies and resources of the institutions

In the following, the term “institutions” does not refer to individual institutions but to all state establishments, organisations and administrations relevant to the decentralisation process. Decentralisation can only work where institutions at all levels are actually capable of carrying out the functions assigned to them. Experience from developing countries shows that the legal framework and the institutional competencies as well as the capacities of the institutions themselves are particularly important. This is also influential and decisive in determining whether decentralisation can improve the performance of state services. Moreover, the autonomy, competencies and resources of the institutions also have an effect on possible political liberalisation, because the basic rights of the citizens, such as the protection of civil liberties, need to be anchored and implemented.

The legal conditions include a legal basis for the authority of the elected institutions and administration. Furthermore, decision-making competencies at both vertical and horizontal levels have to be clearly defined. For example, the disappointing performance of the institutions in Indonesia – as in many other countries – is above all due to the inadequate legal framework and the insufficient co-ordination of the reform as a whole (LDI, 2013). The details of the responsibilities shifted to the local level were not presented in some cases and financial autonomy has been limited. On the one hand, this led to a dependency on central resources. On the other hand, the poorly-conceived transfer system generated negative incentives to utilise smaller but existent revenue potential. Accountability (management and reporting of revenues and expenditure) was only institutionalised to an insufficient extent. In some cases the ministries at central level continued to provide services, despite these becoming the responsibility of local government following the reform. This shows that there was a lack of acceptance at the national level regarding the decentralisation reform and the altered role of national ministries (LDI, 2013).

The actual financial and staff capacities of the local institutions are an additional key factor, as only adequately and correspondingly trained personnel with sufficient funding are capable of managing the tasks within the institutions (Faust & von Haldenwang, 2010). In Jordan and elsewhere, for example, the local institutions have neither sufficient financial autonomy nor the relevant decision-making competencies; significant political measures are still approved and implemented by the Ministry of Interior in spite of the ostensible decentralisation, with municipal services functioning to a dissatisfactory extent (Harb & Atallah, 2015). If these capacities do not exist, establishing them can be an integral component of the reform process. Indonesia can serve as an example in this case for the sub-national levels. The capacities are not only important for the functioning of the

institutions, but also with regard to the strengthening of political legitimacy, as Grävingholt and von Haldenwang emphasise:

[...] in particularly fragile states and those with key deficits in the capacity dimension, the strengthening of administrative capacities and the development of competencies at all levels are important approaches that the promotion of decentralisation can offer. This includes increasing the actual capabilities of the state as well as improving the conditions that could enable political and fiscal decentralisation to succeed. (Grävingholt & von Haldenwang, 2016, p. 13)

The autonomy, resources and competencies of the institutions also have a decisive influence in determining whether the goal of improving state services can be realised. This is also central in the Moroccan case. Whether or not decentralisation succeeds in elevating the quality and breadth of state services, thus improving quality of life for the population, is assessed very differently from case to case in research and practice. As Grävingholt and von Haldenwang summarise, the assumption is that “[...] decentralisation increases the efficiency and the demand-orientation of the public sector. Here, the key drivers are the competition between sub-national units and the superior configuration of public services to local demand profiles” (Grävingholt & von Haldenwang, 2016, p. 13).

It is firstly, however, apparent that decentralisation does not necessarily result in the improved performance of state institutions. Increased involvement of the community (for instance via the frequently donor-promoted “community empowerment”) may have a favourable influence in this regard (Fung, 2006). Secondly, a key role is given to local capacities of the sub-national governments in particular as

[i]mprovements in subnationally provided goods and services depend on technical assistance, which is typically sponsored by external donors, national governments, or associations of subnational governments, and which is designed to help subnational officials plan, manage, deliver, and account for local public goods and services. (Connerley et al., 2010, p. 12)

If the local capacities and structures are not up to the task of the new requirements and responsibilities that they are assigned by the reform, this may even result in a deterioration in the quality of life of the population and may accentuate regional disparities.

The situation is similar with regard to a possible positive effect of decentralisation on political liberalisation: only when the autonomy, competencies and resources of the institutions correspond to these goals can they be influenced positively. This includes, for example, clear responsibilities for the protection of individual and political liberties and the provision of public spaces for the expression of opinions and representation of interests. This requires corresponding regulations and competencies stretching from local to national levels: particularly in countries that are not or only partially democratic, it is important to not only clearly set mandates for the institutions, but also to define the competencies of their management and train their staff accordingly. This illustrates once again the degree to which political liberalisation extends beyond the technical realisation of decentralisation, and that it requires clear and strong political support.

### 2.3.3 Information and participation of the population

The informing and involvement of the population is important for both the implementation of the decentralisation reform itself and if the reform is to have a positive impact on political liberalisation. The goals are closely entwined here: for example, while participation contributes to the greater effectiveness of state services, it is also essential for exercising civil liberties and representing interests.

Within the context of decentralisation reform, participation is largely promoted with the goal of improving the accountability and responsiveness of state institutions. At the same time, increased participation, the institutionalisation of corresponding processes and the expansion of associated capacities can serve to strengthen sections of the population that have thus far been marginalised. As Bergh and Jari illustrate, participation in central governance is not in itself sufficient to promote democratisation (Bergh & Jari, 2010). The positive effect of decentralisation reforms on the political liberalisation or democratisation of a country is also disputed. For example, the principle of subsidiarity does not automatically lead to the strengthening of local decision-making levels and participation-oriented processes. For instance, the shifting of power to the local level can also serve to strengthen elites there, thus increasing the risk of corruption. Research indicates that the opportunities for the population and civil society to mobilise and participate in political processes, the accountability and transparency of local governments and ideally a balance between the interests of local and national parties or their representatives can positively influence the democratising effects of decentralisation. For the MENA region, Harb and Atallah show that decentralisation reforms offer real opportunities for more participation, in spite of the presence of autocratic regimes in the region: “[...] decentralization policies in the Arab world do present significant policy windows that form opportunities for social, political, and economic changes; if mobilized adequately” (Harb & Atallah, 2015, p. 234). The widespread expectation that decentralisation leads quasi *per se* to liberalisation is based largely on two assumptions: the assumed enhanced accountability and transparency resulting from the improved monitoring of local politicians by the population, and the more varied opportunities for political activism and the mobilisation of interest groups through the strengthening of local decision-making levels (Connerley et al., 2010).

However, research indicates that authoritarian and centralist systems continue to be strengthened by decentralisation where unfavourable electoral procedures (Bland, 2010), the nomination of the electoral candidates, or problems of excessively strong or weak parties (Mainwaring & Scully, 1995; Montero & Samuels, 2004) prevail. In view of the fact that the democratic potential of political parties can be restricted by these aspects, enhanced participation of the local population requires above all an active civil society as well as innovative participation processes (such as participation councils, citizen dialogues and participatory budgeting) (Brinkerhoff & Azfa, 2010; Fung, 2006). Positive experience in the Arab world includes, for example, partnerships between regional governments and non-governmental organisations (NGOs) (Lebanon, Tunisia, Morocco). Furthermore, a study of Lebanon indicates that effective leadership at regional and local level, strong multi-level networks and political competition in particular favour the realisation of decentralisation and the associated opportunities for political change (Harb & Atallah, 2015). The involvement of the population should occur in a target group-specific manner where possible, as well as taking into consideration the capacities and access to information of different population groups, as

[t]he benefits of decentralization seem to be weaker in more remote, more isolated, and less literate localities. Such localities also tend to be more poorly served by mass media and other sources of information, and they are less likely to have adequate central oversight. (Mansuri & Rao, 2013, p. 6)

In summary, it can be said that the informing and involvement of the population is important for the implementation of decentralisation itself as well as the associated political liberalisation. The protection of individual and political liberties or the involvement of the population in political discourse and the active representation of their interests are difficult to limit to the implementation of a rather technically-conceived decentralisation, however. If corresponding capacities and processes are established within the concept of the reform, then it is likely that the population will also use them to support increased political liberalisation. This explains the political importance of participatory aspects in decentralisation reforms in non-democratic contexts.

## 2.4 The role of donors in decentralisation processes

The strong involvement of donors in decentralisation processes in a number of countries brings both opportunities and risks. To make optimal use of the potential of these external actors, it is important that the various donors follow common goals and take coherent action; in addition, cooperation with established local partners and NGOs can further enhance their positive influence.

The opportunities for donor organisations to significantly influence the form of decentralisation processes are heavily dependent – also in view of the often high sensitivity of the subject for interior policy – on the respective country context as well as the political and financial influence of the donors. For example, in Indonesia donors linked the awarding of credits to the implementation of specific progress in decentralisation or supported reform via the direct advising of national and sub-national authorities as well as of other actors (such as community associations, NGOs). Decentralisation is regarded as a multi-level approach, combining good governance with municipal economic development and self-administration. For German development cooperation, for instance, the support of sub-national administrative levels and the establishment of complex multi-level systems in the field of governance is a classic area of competence. In practice, it has become apparent that existing, functioning cooperation structures of donors and the trust acquired from years of local presence are important when it comes to also being present in a politically-sensitive decentralisation reform. In addition, existing relationships with local partners can be used as a “springboard” for activities at national or local level in the decentralisation process. Furthermore, development cooperation can use own local structures and projects to specifically observe the realisation of a decentralisation reform, identify possible support requirements and offer tailored activities at local levels and in association with regional and national levels. It also makes sense to involve local NGOs, as Grävingsholt and von Haldenwang illustrate:

In this context, the coordination of donors and cooperation with international organisations (including NGOs) is of decisive importance. They provide an opportunity to inhibit moral hazard conduct by national partners and to enhance the structural effect of donor-specific approaches. In Nepal, for example, the willingness of different donors to try and achieve political decentralisation following the

conclusion of peace and the first post-conflict elections differed considerably. This meant that during the political conflicts surrounding a new constitution, the chance of a concerted effort to help the diverse local interests in achieving representation, rather than those of the elites in the capital city, was missed. (Grävingsholt & von Haldenwang, 2016, p. 16)

However, the involvement of donors in decentralisation processes also carries risks and may result in sometimes considerable unintended negative consequences. Examples of this might be unproductive competition amongst donors, differing objectives of individual partners and their incoherent approaches which may not only hinder the efficient implementation of decentralisation, but also strengthen the local political economy. This could result in specific population groups or elites being unfairly strengthened compared to others, individual regions being favoured at the expense of others, or even an increase in the fragility of the respective country (Grävingsholt & von Haldenwang, 2016).

One key criterion for the meaningfulness of the involvement of donors is the coordination of their respective contributions with the government of the partner country and amongst themselves. If this is lacking, there is a risk that national governments will be overburdened, that the implementation of supporting services and the reform itself will be ineffective and that funds and means will be used inefficiently (Smoke, 2010). In addition, for politically-sensitive reform processes in particular, policy advice is frequently only accepted in part; common positions of the donors could lend more weight to external support in this regard (Faust & von Haldenwang, 2010).

In 2006, to improve coordination within the donor community, the informal DeLoG (Dezentralisation & Local Governance) network with an office in Bonn was established as a platform for bilateral and multilateral donors.<sup>3</sup> The network serves to exchange knowledge regarding decentralisation, local governance and the implementation of sustainable development goals at sub-national level, thus promoting mutual learning processes. This is an important step in the right direction, but also needs to be accompanied by specific, strategic and regular exchange amongst the donors in the partner countries. One of the challenges for efficient donor co-ordination is the harmonisation of objectives, which can differ widely and result in the true potential of the reform failing to be achieved. This could be the case when for example a diverging understanding of decentralisation or governance exists:

The promotion of decentralisation (and the support of governance in general) in fragile states should not simply aspire to avoid negative side-effects. What is actually required is a more ambitious approach which explicitly understands the promotion of decentralisation as being a contribution to overcoming fragility and the structural alleviation of conflict situations. (Grävingsholt & von Haldenwang, 2016, p. 18)

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<sup>3</sup> <http://delog.org/web/>

### 3 The decentralisation process in Morocco

This section analyses the current decentralisation reform in Morocco. Together with the constitutional reform of 2011, its approval has awakened great hopes for participation-oriented and decentralised policy-making. However, it shows that the reforms currently concluded are still inadequate and partly highly restricted in their implementation. In addition, the further alignment remains unclear in many areas. One particular challenge here is so-called “institutional double life”: parallel to the elected institutions, the governance structure in Morocco also includes officials appointed by the Ministry of Interior at all political decision-making levels. The Ministry of Interior operates under the direct auspices of the King.

This subsection first takes a look at the historic genesis of this structure (subsection 3.1) before detailing the key elements of earlier decentralisation reforms (subsubsection 3.2.1) and the current, new phase of implementation since 2011 (subsubsection 3.2.2).

#### 3.1 Elected structures and those subordinate to the King: a double life

Morocco is a constitutional monarchy with a dual governance structure dating back to the colonial era. Elected institutions and those subordinated to the royal house as well as the influence of informal processes are the main characteristics of the political process in the country.

On the throne since 1999, King Mohammed VI is head of state and regent (chairman of the strategically-influential council of ministers); he is also the leader of the believers and therefore also the highest religious authority. Within the context of the uprisings of 2011 and in view of the financially comparatively limited scope for redistribution (Monjib, 2016) King Mohammed VI targeted extensive reforms in the new constitution, among them improved rule of law, political liberalisation and decentralisation, strengthening the separation of powers, political pluralism, and the status of civil society and minorities. Whilst the dominance of the King over the government was formally restricted in a number of areas (amongst other things, he is now required to appoint the head of government from the ranks of the majority party in the first chamber of parliament; with the head of government in turn having the right to dissolve parliament), his power continues to be secured via other mechanisms. For example, he has the right to dismiss individual ministers from the government, even against the will of the prime minister; the *Walīs* (see Figure 1) are appointed by the council of ministers (chaired by the King) and not by the state council (chaired by the prime minister) and, consequently – also due to the means available to them – occupy a particularly influential position. A double political administrative structure also exists institutionally, enabling a tight grip on power to be exercised by the Ministry of Interior, which is answerable to the King. The elected representatives (provincial and municipal parliaments) have counterparts at all levels in the form of representatives of the *Makhzen*,<sup>4</sup> appointed by the King (see Figure 1). At

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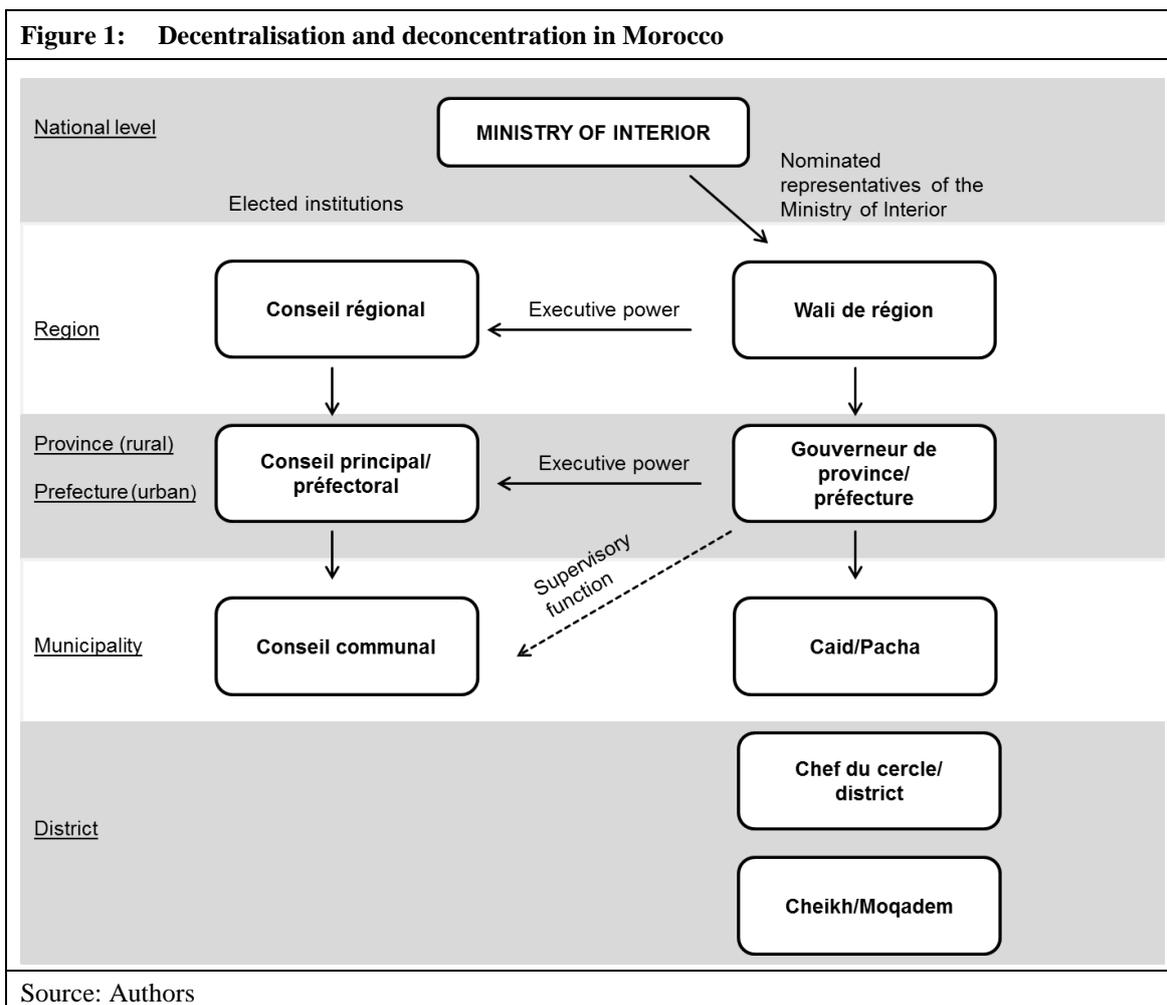
4 The term *Makhzen* refers to a network of official authorities subordinate to the King, comprising privileged individuals and extended families close to him or, as Catusse puts it: “In Morocco, the *Makhzen* constitutes a network of influence around the Palace’s economic preferences and interests, including a network of businessmen that transit from the public to the private sector” (Catusse, 2006, authors’ translation).

municipal level, for instance, the representatives of the Ministry of Interior typically take part in meetings of the councils and commissions (Bouabid & Iraki, 2015).

However, there are also links between the deconcentrated and decentralised line: for example, ministers are also appointed to committees or commissions of the King.

In addition, in Morocco (as in other countries such as Indonesia) negotiation processes are often conducted informally, with the consequence that the distribution of competencies between the elected structures and the structures subordinate to the King is in many cases only a formality (Reifeld, 2014). For political practice, this means that, ahead of the democratic process of agreement, a consensus already largely exists regarding the decision, or that the political acceptance of the decision by the King is largely assured.

**Figure 1: Decentralisation and deconcentration in Morocco**



The relationship between the dynamism of central government and the striving for local autonomy has historic roots; it was introduced by the administrative system of the protectorate power, France. At that time, the strategy of the rulers (in this case, the French) was already aimed at weakening national resistance movements by strengthening local regional authorities (Bouabid & Iraki, 2015). The father of the present King, Hassan II, adopted this ruling strategy and specifically established corresponding alliances with rural and urban elites in order to reduce the influence of the partly republican independence movement (Kadiri & Mahdi, 2013; Leveau, 1976; Waterbury, 1970). The introduction of

the first municipal act in 1960 also anchored the “double-headed administrative system” institutionally, and it is still in place today, in spite of multiple reforms and political concessions to the elected institutions. This is confirmed in the following assessment by the Organisation for Economic Co-operation and Development (OECD) and others:

The traditional practice of political and economic power by the monarchy through a diffuse network of notables (the Makhzen, always present in political studies of Morocco) was gradually adapted to the institutions of a modern constitutional system, yet without disappearing. (OECD [Organisation for Economic Co-operation and Development] 2015, p. 21)

The process of regionalisation shifted the balance of power and decision-making processes to a certain extent. For example, the passing of the new constitution altered the process of appointing *Walīs* and governors: they were previously nominated directly by the King via the Ministry of Interior, but the year 2012 saw the interior minister present the head of government for the first time with a list of appointed individuals for discussion by the government.

How the reform is implemented in the coming years will therefore play a key role in determining the course of the country: either decentralisation will lead to a more democratic form of governance including the transfer of competencies to regional and local levels whilst at the same time ensuring the appropriate participation for representatives of the people; or central organs and individuals subordinate to the King will take charge of the new regional structures, thereby possibly strengthening their authoritarian style of government. As the following subsections illustrate, the relationship between the elected authorities and those subordinate to the King is fundamental to the recent history of the reform process in the country and examining its role is essential, if the current situation is to be assessed.

### 3.2 Decentralisation as a response to the “Arab Spring”

As mentioned in the introduction, the increased pressure from the population on the Moroccan government and King, particularly within the context of the “Arab Spring”, contributed to making decentralisation reform a central aspect of the constitution of 2011. The following subsections show that not only is the current reform embedded in a historic, ongoing charged relationship between central/authoritarian control and efforts to achieve local autonomy, but that it is still difficult to leave behind the associated ruling *modi* today. This means that, while the decentralisation reform has benefited on the one hand from a new dynamic since 2011 through the support of the King, on the other hand the scope and effectiveness of realisation is still strongly dependent on the political will of the monarch and the elites close to him.

#### 3.2.1 Status quo ante: reforms up to 2010

Efforts to achieve decentralisation have a long history in Morocco; while the considerable influence of the royal house enabled progress to be made, it also led to the retention of the structures subordinate to it, which subsequently limited the autonomy of local institutions and elected bodies.

Decentralisation has played an important role in Morocco in recent, post-independence history. One decisive milestone occurred in 1976: that year saw municipalities recognised as legal entities – although still subordinate to the Ministry of Interior – on the basis of Article 93 of the constitution of 1969. For this reason, 1976 should be regarded as the beginning of the first recent phase of decentralisation. Article 30 of the municipal charter (Charte Communale) states:

The Council has the right to determine the affairs of the municipality and to decide on measures ensuring its full economic, social, and cultural development. The State and other public institutions can assist the Council in carrying out its mission. (Authors' translation)

Helmut Reifeld, who observes the political processes in Morocco on behalf of the Konrad Adenauer Foundation, has commented the following:

Although the character of this extended municipal legislation primarily represented an instrument of power with which to implement national unity, and voter turnout was very low, this was nevertheless a key step in the decentralisation process of the country. (Reifeld, 2014, p. 101, authors' translation)

The beginning of the second key stage of the decentralisation process commenced with the establishment of 16 regions in 1997. Although the constitutional reform of 1992 had officially recognised the regions, the regional reform was not introduced until the constitutional reform of 1996. In 2002, the municipal charter was reformed under the aegis of King Mohammed VI – however, this reform process also saw no significant decentralisation of relevant competencies such as in the field of finances. It was only the next reform of the municipal charter in 2009 that prepared the way for the current stage of the decentralisation process.

Several experts state that if there has been a true moment of local democracy, it is the year 2009. Substantial changes have been introduced in the following areas: the possibility of leave from work for officials elected as presidents; the citizens' right to information (by electronic means); the commission on equality and gender; the municipal organization chart; strengthening the role of the Secretary General of the municipality with regard to coordination; the municipal development plan; the local development companies [Authors' note: private companies performing public services]; reinforcement of 'unity of the city' (conference of the presidents of district councils) [Authors' note: an approach to bundle all financial means of a city for infrastructure projects and securing public service supply]; the grouping of agglomerations. (Goehrs, 2015, p. 30f).

However, the ongoing reform process advanced haltingly until 2010, closely guided by the King. The aforementioned dual structures and informal power relationships largely assumed central control of regional and local structures, as the following authors ascertain:

The Makhzen has indeed been able to control local elites through various mechanisms operating in the regional sphere, and in particular by appointing local governors, by accepting the duplication of offices to allow candidates to be elected members of regional councils and the national Parliament at the same time, and by supporting rural notables. (Ojeda García & Suárez Collado, 2015, p. 50)

The third phase of decentralisation, or “regionalisation”, begins with the speech of King Mohammed VI in January 2010, against the background of increasing dissatisfaction amongst the population regarding social conditions. The King assigned a regionalisation consultative commission (*Commission Consultative de la Régionalisation*) with drafting the further form of *régionalisation avancée* (see Box 1). With the establishment of the commission, the role of the parliament was marginalised – a move that could also be observed in the forming of other political processes in the country (A. Akesbi, 2014; N. Akesbi, 2014; Bendourou, 2014; Hoffmann, 2013).<sup>5</sup> Beyond this, the influence of the commission, which comprised key individuals in the country, was only very slight: as members of the commission themselves confirm, the version of the constitution that they had drawn up was not put to the vote and the version presented for approval also failed to correspond with that ultimately approved in the so-called *Bulletin Officiel*, with significant differences in some areas (Madani, 2014).

**Box 1: Tasks of the regionalisation consultative commission**

“The Consultative Commission on Regionalization (CCR) assigned by His Majesty, the King, on 3 January 2010 has been commissioned to elaborate a model for advanced regionalisation that is able to support the vast reform programme initiated by the Sovereign. The initiative aims at promoting **citizen participation** and tables on **democracy and decentralisation** in order to promote economic, social and cultural development. It also aims at **modernising State structures** and **improving territorial governance**”.

Source: Extract from the speech of King Mohammed VI on the occasion of the establishment of the regionalisation commission on 3 January 2010 available via <http://www.regionalisationavancee.ma>; authors’ translation and highlights

On the one hand, a clear political commitment and the will to implement extensive reforms were formulated by the King, which can be regarded as political momentum for decentralisation. However, realisation of the reform will continue to be strongly dependent upon the monarchy, as according to Article 49 of the constitution of 2011 the council of ministers presided over by the King decides on all “strategic orientations of state policy”.

The motivation of the King in taking this step is based on two essential factors: firstly, and most importantly, growing pressure for reform since the 1990s as a consequence of social dissatisfaction with inefficient state institutions, the inadequate access of the population to state services, and increasing costs of living and unemployment, including those experienced by academics. The inability of the state institutions to satisfy the expectations of the people also resulted in increasing conflict between the elected representatives of the people and the administrators of the Ministry of Interior subordinate to the monarchy.

Secondly, the reform of the regions should also be viewed as a response to international pressure to find a credible alternative for the still-unclear status of the Moroccan-controlled parts of Western Sahara or Southern Morocco, called the “southern territories” (Bouabid & Iraki, 2015). King Mohammed VI also explicitly addressed this aspect in his speech of 30 July 2011.<sup>6</sup> Between Moroccan centralism and the striving of the Polisario

5 As Najib Akesbi summarises it: “The ‘royal programme’ was never subjected to public debate or democratic legitimisation. It is the programme of the country because it is the programme of the king” (N. Akesbi, 2014, p. 259, authors’ translation).

6 Speech of King Mohammed VI, 30 July 2011, <http://www.bladi.net/discours-mohammed-6-30-juin-2011.html>

for advanced autonomy, the process of regionalisation should favour local development based on a decentralised administrative structure. The decentralisation process with regard to this region could therefore also be described as a form of asymmetrical decentralisation.

### 3.2.2 Increased pace of implementation since 2011

While King Mohammed VI has succeeded in recent years in portraying himself as a neutral mediator and guarantor of justice and progress, the protests of the “Arab Spring” in 2011 illustrated that only prompt and fundamental reforms to achieve more efficient administrative structures and institutions and stronger involvement of the population would succeed in upholding the legitimacy of the constitutional monarchy. The constitutional reform of 2011 – including the announcement of the decentralisation reform as one of its key components – was aimed at supporting further changes in this direction. One aspect of this subsection addresses the context of the decentralisation reform and examines promises of political liberalisation that have yet to be delivered. Furthermore, the most recent reforms of the three dimensions of decentralisation are analysed. Results indicate that whilst the upgrading of the regions creates greater scope for local political involvement, the actual balance of power, the transparency and distribution of funding and competencies as well as the consequences of the new electoral process remain unclear.

In the first place, with the organisation of a referendum on the new constitution King Mohammed VI succeeded in stabilising the regime in two respects: on the one hand, through the referendum he secured the support of the people (and played this off against the “opposition on the streets”). Secondly, he pressured the government to subsequently implement the reforms, leaving it to “carry the can” in the event of a possible failure or delay (Catusse, 2013). The fact that many of the reforms promised in the constitution still require further legal frameworks yet to be provided by the institutions is interpreted by some observers as a strategic move by the King, as it not only delays realisation (Bergh, 2013) but also allows further scope for the negotiation of details.

After the wheels of the constitutional and decentralisation reform were set in motion with the constitution of 2011, the form of its realisation has been a matter of dispute and frequently the subject of protracted political negotiations. This shows how strongly the direction of the reform regarding the promised political liberalisation, democratisation and transparency is determined by detailed negotiations of interests and power relations.

This is also evident in some of the other numerous reforms heralded by the new constitution, for example those aimed at strengthening the rule of law and transparent governance (Bendourou, 2014; Madani, 2014). As Zeino-Mahmalat notes: “The term citizen is used in numerous incidences to emphasise the rights and demands of the citizens towards the state” (Zeino-Mahmalat, 2014, p. 135, authors’ translation). For example, the right of access to information anchored in the constitution was to be guaranteed by a corresponding law. At the time of compiling this study, this law – following numerous revisions – had yet to be enacted (the agreement of the upper house had still to be granted), whilst many civil society organisations criticised the drafts completed so far, which did more to limit the right to information and the duties of public and private institutions to inform than they did to guarantee them (Transparency Maroc, 2013, 2014).

**Box 2: Extract from the constitution of 2011 regarding the right of access to information (Article 27)**

“Citizens have the right to access information held by public authorities, elected institutions and institutions in charge of public services. The right of access to information can only be limited by law with the aim to protect anything that is related to national defence, the State’s internal and external security, and people’s private life, the infringement of rights and liberties of the present constitution and to protect the sources and fields explicitly determined by the law.”

Source: Royaume du Maroc, Secrétariat Général du Gouvernement, 2011, authors’ translation

A second example is the struggle to achieve gender equality, approved in 2009, which was also intended to be reinforced by the constitution of 2011. However, even in the view of the *Conseil Économique, Social et Environnemental* (CESE; formerly *Conseil Économique et Social* (CES)), which reports to the King, this has only been implemented to a less than satisfactory extent (CES [Conseil Économique et Social], 2012). To achieve this goal, the constitution determined the establishment of the *Autorité pour la parité et la lutte contre toutes les formes de discriminations* (Authority for Parity and the Fight against all Forms of Discrimination, APALD) and the *Conseil consultatif de la famille et de l’enfance* (Advisory Council for Family and Childhood Affairs, CCFE). At the time of writing, these constitutional requirements have yet to be implemented and civil society maintains that the plans regarding them do not grant institutions sufficient competencies (FIDH [Mouvement Mondial des Droits Humains], 2015).

#### *Administrative decentralisation*

Due to the dual structure of the deconcentrated and decentralised levels and the responsibility of the *Walis* installed by the King at regional level and governors at provincial level, the regions have thus far had scarcely any political and economic power. They primarily served to reinforce central government power on behalf of the royal house. However, within the context of the current reform, the regions have been granted considerably more autonomy. The constitution of 2011 is based on the principle of subsidiarity (Article 140); in this context, the role of decentralised organs is to be strengthened and this includes being equipped with appropriate funding (fiscal transfers, Article 141 and 142) and competencies (claim to regional self-determination, Articles 143 and 144). In practice, though, this claim can be relativised by the requirement stipulated in Article 145 to coordinate with the governors and the *Walis* as representatives of the monarchy (Reifeld, 2014). The precise form of this coordination is not yet fully clear as the terms of implementation having not yet been resolved. In 2015, the government approved the underlying organic laws on the further implementation of the regionalisation process; however, numerous decrees and laws regarding implementation have yet to be passed.

To realise the *régionalisation avancée*, Morocco was divided into 12 (formerly 16) regions.

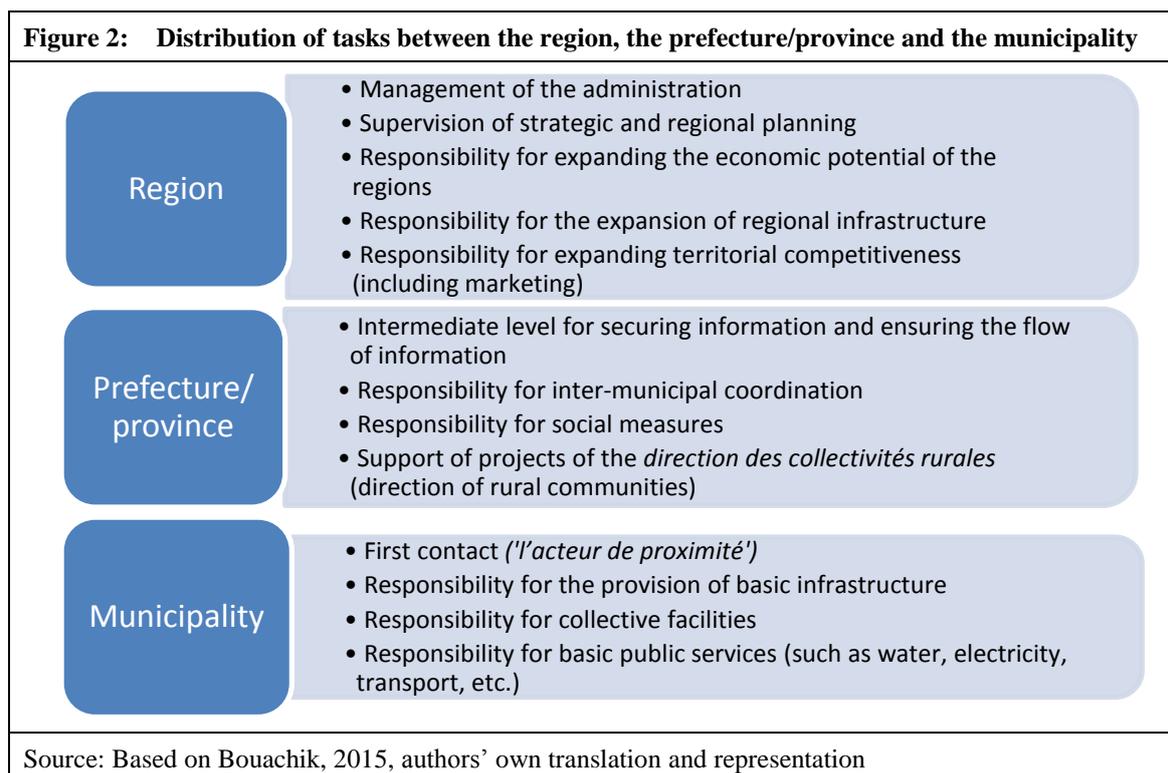
However, observers see the new regional format as being based less on geographical or historical conditions than on tactical aspects regarding possible majorities in the party system (see also Walther, 2015).

The regions are to receive a significant increase in competencies, particularly with regard to sectoral strategies and policy focus. Their fields of tasks now include the areas 1)

economic development; 2) education and training/vocational training; 3) rural development; 4) transport; 5) culture; 6) environment; and 7) international cooperation. Here the scope of freedom ranges from the formation of new institutions with thematic focal points to targeted strategic development in the field of local infrastructure (including in the transport sector as well as energy and water policy). Funding and coordination with the national and local levels are yet to be negotiated. Ahmed Bouachik, a professor at Mohammed V University in Rabat and former member of the regionalisation commission, sees the delineation of the tasks of these levels as illustrated in Figure 2.

The role of the municipalities will also be redefined in light of the reform process. The balance of power is being reordered in favour of the regional level. This is also evident in the handling of the municipal development plans (*Plans Communaux de Développement*, PCD). The goal of the plans introduced in 2009 was to use participative procedures at municipal level to draft a six-year strategy plan for municipal development. However, with the implementation of the constitution the basis for this process was removed, as the task of strategy development was shifted to the regional level during the current reform. This is confirmed in the analysis by Professor Harsi, who says the following: “[T]he role of municipalities is now limited to more technical aspects (construction of facilities, creation and management of local public services” (Goehrs, 2015, p. 51, authors’ translation).

**Figure 2: Distribution of tasks between the region, the prefecture/province and the municipality**



A reform conceived as a bottom-up process with municipal strategy development and civic participation at local level is in this case inverted into a top-down process, which is merely implemented at the regional level. The loss of power at municipal level is already a source of disappointment, for example for the mayors of municipalities faced with reduced scope for action (Bouabid & Iraki, 2015). This is similar in urban municipalities in particular because of the still considerable control of the elected representatives by the authorities subordinate to the Ministry of Interior. For example, Bouabid and Iraki report that not only financial decisions, but also practically all administrative processes and the

administration of human resources need to be confirmed directly by the Ministry of Interior (Bouabid & Iraki, 2015).

The new competencies of the municipalities are listed in Articles 78-82 of organic law 113-14. The core elements are henceforth municipal action plans, drafted by the municipal representatives for a six-year period. This should be in accord with the regional development plans (compare Article 78 of the organic law). The same applies to the province/prefecture level. Furthermore, in Articles 83/84 of the law the provision of municipal services including those of the following areas is defined: distribution of drinking water and electricity; urban public transport; street lighting; street cleaning; health protection; ambulance transport; the establishment and maintenance of cemeteries; municipal markets and others.

Essentially, the organic laws passed assign key decisions on strategic further development to the sub-national levels. The future role of the new governors and *Walis* appointed by the King in March 2016 in the implementation of the reform processes and the relationship between *Walis* and governors in the individual regions have not yet been clearly defined and will be of great significance for the specific power structures. Yet, even if the distribution of competencies and resources is indeed clarified, the currently limited capacity of local institutions remains a risk for the realisation of the reform, because, as Bouabid & Iraki emphasise: “It looks as if the promises articulated in the new constitution will exceed the capacities of the state, the chief priority of which is the transition to a new territorial order” (Bouabid & Iraki, 2015, p. 64).

#### *Fiscal decentralisation*

The constitution of 2011 provides for the following articles in particular with regard to the strengthening of financial independence: Article 141 (financial autonomy), Article 145 (reducing dependence on the central level), as well as Article 15 (public services, transparency principle, invoicing and responsibility). In the scope of the implementation of the regionalisation reform, the way the regions were financed was improved; having said that, the funding basis for the further decision-making levels and the specific distribution keys remain in part unclear. Article 188 of the organic law 111-14 stipulates that the regions will be funded as follows: a transfer to the amount of 5 per cent of corporate tax, 5 per cent of income tax and 20 per cent of insurance certificates. The currently defined limit of 10 billion Moroccan dirham (MAD) in transfers is to be reached by 2021. It is still unclear at this time which tasks are to be specifically undertaken in the individual sectors.

The transparency and participatory orientation of such processes play a key role for the efficiency and legitimacy of the use of public funds. The index of the International Budget Partnership assesses the transparency of the public budget in Morocco at just 38 out of 100 possible points and estimates the control of parliament and the auditing authority over the budget as even weaker, with just 21 and 17 respectively out of 100 possible points. Furthermore, the initiative assesses the participation of the population as very low, at 2/100 points (IBP [International Budget Partnership], 2015). Even sources close to the regime, such as the Chairman and Governor of the state bank Al-Maghrib, Jouahri, assess the public use of funds as very poor and call for the organic laws to be applied promptly and comprehensively to the finances. Furthermore, Jouahri points out that the actual

implementation of all plans to achieve the transparency of public finances formulated in the constitution would prove a major challenge due to the lack of data (such as those regarding state property) (Belghiti, 2016).

**Box 3: Regional differences with regard to economic potential**

The differences between the various regions of Morocco are above all apparent in their geographical conditions: The Oriental region has an approximately 200 km-Mediterranean coastline, which gives it a privileged position with regard to tourism and proximity to Europe (trade). However, agriculture also plays a role in this region; this is largely to be found in the Moulouya plain, albeit only on approximately 14.5 per cent of the available agricultural land. This explains the great significance of the tertiary sector for the economy of the region (a total of 51 per cent of the working population is employed in trade and services), followed by agriculture (approximately 25 per cent ) (HCP [Haut Commissariat au Plan], 2012).

In comparison, in the resource-poor region of Laayoune-Boujdour-Sakia-El Hamra in the south of Morocco, only 7,500 hectares (ha) of land are used for agriculture, of which only 50 ha are irrigated. The climatic conditions and scarcity of fertile arable land mean that agriculture only plays a minor role in the region. The productive sector is also not well developed: only 3 per cent of Moroccan industrial companies are located in this region (HCP, 2010).

Several examples illustrate the extent to which the current reform is still at the early stages of implementation and how much leeway exists for the formation of power structures between the various different administrative and government levels – at least formally. At municipal level, to date (September 2016) there are no transparent distribution keys for tax revenues and other public funds to the approximately 1,500 municipalities, even though their actual freedom of action is largely dependent on the funding available. At regional level, the newly-elected regional representatives are working to establish so-called regional agencies for the realisation of projects (*Agences Régionales d'Exécution des Projets*, AREP). These agencies will also be the executives of the regional councils and implement projects of the *Walis* in order to finance and promote local development, meaning they will most likely have a strong political influence. At the same time, the so-called *Agences de Développement et de Promotion Régionale* also continue to exist, with these in some cases covering two or three regions at the same time, but otherwise also responsible for the development of the regions. A distinguishment between the competencies of both agencies and the financial resources of the AREP has yet to be clearly regulated but will play a decisive role in the realisation of projects, the efficiency of fund usage, and the policy control of the projects. As with numerous other institutions at the various levels of governance, it is apparent here that the success of the implementation of the decentralisation process will depend decisively on whether the planned resources are adequate and can be employed effectively to the corresponding tasks.

*Political decentralisation*

The constitution of 2011 makes a key contribution to the discussion regarding a more democratic form of constitutional monarchy based on the rule of law. Multiple observers highlight the strength of the elected representatives. Harsi, for one, (2015) illustrates four indicators of this at regional level:

- the direct election of the regional councils (*Conseils Régionaux*),
- the reinforcement of the executive power of the presidents of the regional councils,

- the directive authority of the regions, and
- the transformation of control of the central power to control of the legislative, with options to intervene in the case of conflict on the part of the administrative court.

Reifeld also points out that the new constitution (compare Articles 135 to 146) at least formally establishes the conditions for the more strongly participatory work of the regional bodies, that is the regions, the intermediate levels of the provinces (rural) and prefectures (urban) as well as the lower levels of the municipalities:

Their representatives are required to be directly elected by universal suffrage (art. 135) and exercise their official function in accordance with principles of “solidarity and participation” (art. 136). The regional councils (Conseils régionaux) determine the base lines of policy in a region (art. 137) and their president is responsible for the realisation of these decisions (art. 138). Together with the other bodies, the regional councils strive to achieve a participatory dialogue and the necessary agreement between all authorities involved. The citizens and their associations may present petitions, which in turn need to be addressed (art. 139). (Reifeld 2014, pp. 94, authors’ translation)

Other articles of the constitution also point to the strengthening of democratic principles (see Box 4); civil society is also explicitly afforded a role in the drafting, realisation and evaluation of political decisions (A. Akesbi, 2014). Here, too, the actual implementation of the intentions will depend on the specific laws and conditions which materialise; it is even possible that a new constitution will be passed in a number of years.<sup>7</sup> However, it is also possible that the established formal and informal mechanisms of securing power and the elite network will attempt to hinder such change, serving to at least delay political liberalisation.

**Box 4: Relevant articles of the constitution of 2011 for democratisation (selection)**

**Participation:** Article 7: Civic participation, Articles 12 and 13: Participation of civil society; Article 14: Public initiatives; Article 15: Right to petition; Article 33: Youth participation; Article 139: The principle of participation and consultation at local level, right to petition

**Gender equality:** Article 19 and Article 30: Equal access to elected positions for men and women

**Right to information:** Article 27

**Strengthening of the executive of sub-national administrative bodies:** Article 138: Executive of the president of the *collectivités territoriales*; Article 136: Principle of free administration, cooperation, solidarity and participation

Source: A. Akesbi, 2014; Goehrs, 2015, authors’ translation and highlighting

Political authority at regional and local level has also been expanded in order to achieve improved economic development in the regions. As a rule, the traditionally stronger regions with urban conurbations, such as Casablanca, Rabat, Marrakech and Agadir, have the advantage here over more rural and economically weaker administrative structures. Andrea Liverani of the World Bank also emphasises that it will be a challenge to design the reform process in a manner that avoids significant migration from the rural areas to the

<sup>7</sup> Conversation with Dr Jürgen Lobahr, project leader of the Hans Seidel Stiftung, Rabat, 10 November 2015.

cities as a result of the improved economic situation.<sup>8</sup> Improving the local infrastructure is particularly urgent here. The Economic, Social and Environmental Council (*Conseil Economique, Social et Environnemental*, CESE) was founded by the government, respectively the King, in 2011. Its mission is to strengthen the involvement of the people in the formation and evaluation of policy. It formulated numerous recommendations in its regionalisation report of 31 March 2016, detailing how the regions can become “levers for economic and social development”. Among other actions, it recommends conducting a SWOT (strengths, weaknesses, opportunities, threats) analysis as a basis for developing the strategy for each region. Furthermore, the council recommends close collaboration between different actors, including trade unions, which could be manifested in a “charter of regional economic co-operation”. This could include the agreement of targeted support for regional agricultural products as well as priority for local micro, small and medium-sized enterprises (MSME). In addition, the council proposes a “deconcentration charter”. This could support the *Walīs* in the coordination of public tasks.

The first step towards the implementation of the *régionalisation avancée* were the much-delayed municipal and regional elections which were held on 4 September 2015. International observers agree that there were no significant irregularities evident in the way the voting was conducted on the day of the election.<sup>9</sup> However, vote-buying is still practiced by all parties in Morocco and has also been pursued in the courts in some cases (Ismaili, 2016). At around 54 per cent, electoral turnout was considerably higher than expected (Hoffmann, 2015). There was also praise for the participation of women and people with disabilities (CNDH [Comisión Nacional de los Derechos Humanos], 2015). However, experts estimate that the official figure does not quite reflect the reality and that turnout was de facto below 50 per cent (in particular due to the challenges of voter registration via the internet, disenchantment with politics, and high illiteracy rates).<sup>10</sup>

The election results show that the decentralisation reform brings new challenges for the negotiation of different interests. For example, politically differing winners emerged at mayoral and regional level:

As the PJD has won the mayors’ elections in the major cities (the strategic cities according to the HCP [Haut Commissariat au Plan]), the mayors of these cities will need to cope with regional presidents belonging to the PAM party. Therefore, the question arises whether this will not lead to blocking between the two levels, the regional and the municipal one. (Abou el Farah, 2015)

The power structures arising from the electoral result (see Box 5) could also lead to conflicts between the regional and national levels, as well as the divergence of interests with the local level. It remains to be seen here whether democratic negotiating processes prevail and whether political compromises can be found beyond the various camps, or if a stalemate will lead to the strengthening of the parallel structure surrounding the *Walīs*. The latter would be problematic for the sustainable implementation of the reform processes (for an analysis of the electoral results, see also Hoffmann, 2015).

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8 Discussion with Andrea Liverani, employee at the World Bank office in Rabat, 12 November 2015.

9 This is confirmed by statements from the staff of various European embassies who observed the election.

10 Interviews with multiple representatives of civil society, November 2015 and June 2016.

**Box 5: The results of the 2015 regional elections**

The electoral results are characterised by the victory of the Islamist Justice and Development Party (PJD). The PJD was able to nearly quadruple its share of votes compared to 2009. In second place was the opposition Authenticity and Modernity Party (PAM), followed by Istiqlal. The results were as follows: 25.66 per cent and 174 seats (PJD), 19.47 per cent and 137 seats (PAM) and 17.55 per cent and 119 seats (Istiqlal).

However, despite the relatively high share of seats, the PJD was only able to succeed in placing its candidates for the chair of the regional councils in two regions, Draa-Tafilalet and Rabat-Salé-Kénitra. In contrast, second-placed PAM appointed five regional council chairs, Istiqlal two. This seemingly paradoxical outcome can be explained by the efforts of the other parties, in particular the PAM, to relativise the victory of the Islamists. The PAM is regarded as a party that is close to the royal house, founded with the goal of establishing a counterweight to the PJD. Of the 126 regional councillors of the PAM who participated in the election of the chair of the regional councils, just 7 voted for a candidate who did not belong to their coalition (corresponding to a coalition loyalty level of 94 per cent). Istiqlal and PJD displayed similar behaviour. Regional councillors of the PJD abstained from voting in Marrakech-Safi as there was only one opposition candidate.

Despite the reform of the organic law 34/15, which aimed to achieve the improved representation of women in the territorial assemblies, no women were elected to become the chairperson of a regional council. The sole female candidate, Mouna Azzouha of the PAM in Eddakhla-Oued-Eddahab, lost to the Istiqlal representative by 15 votes to 18.

The boundaries of political decentralisation are tight in Morocco, due to the prominent role played by the royal house in the constitutional monarchy. The focus of the implementation of the reform processes will thereby initially lie upon the administrative and fiscal policy dimensions of decentralisation. Nevertheless, the participation in the direct elections of municipal and regional representatives and increasing opportunities for civic participation represent milestones in political decentralisation. These building blocks are not yet sufficient to serve as the foundation for a more political liberalisation for the country, but they could be expanded upon to become so.

#### **4 Assessment of the reform process in Morocco**

Following the “Arab Spring”, far-reaching reforms were announced in Morocco; the commitment to decentralisation enshrined in the constitution of 2011 is now a key element for the future development of the country. Regionalisation in Morocco is a centrally initiated process largely controlled by the royal house; while the process has been initiated, it remains in the early stages of realisation. Whether or not the implementation will prove successful depends largely on the three groups of factors analysed here: firstly, success will depend on whether it is possible to alter the current political economy of those delaying the reforms, by involving relevant elites and assuaging the fears of central government level of its losing power and control. Secondly, success will be dependent on the autonomy, competencies, and resources of the relevant institutions; these are currently inadequately suited to the tasks associated with the reform. Thirdly, success is also clearly dependent on the information and participation of the population, which have thus far been faced with the lack of institutionalisation of participation, inadequate accountability and transparency of state institutions, and the general increase in political repression.

At the same time, these factors in particular have also had a negative effect on possible consequences of decentralisation for political liberalisation: the low level of involvement of the population in political decision-making processes and the dominance of the institutions that report to the King, lack of accountability, and political repression are all factors that act against a political opening. Parallel to this, the constitution of 2011 and the principles of the decentralisation reform create key new leeway for political participation and higher transparency. To this extent, the way that the reform is carried out in the future will be decisive for real political liberalisation.

The donor countries addressed in subsection 2.4 can also make an important contribution in Morocco, both to the success of the reform and to its possible effects on political liberalisation. However, as the decentralisation process only currently receives patchy support from donors, a comprehensive estimation of possible effects of this support is not possible here.

#### 4.1 The political economy of the process

As stated in Section 3, the political will to realise decentralisation reform already existed prior to 2011 but has since been strengthened by the growing pressure for reform. Among other aspects, this is reflected in the passing of the organic laws<sup>11</sup> and the regional elections held in 2015. The formal conditions for the implementation of the reform have occurred in some cases, but remain unclear on many key issues. The specific design of these strategic aspects of implementation will ultimately provide an indication of what the actual motives for introducing the reforms are: a fundamental renewal of the political system within the boundaries of the monarchy; or a purely formal innovation that preserves the existing power structure.

Royal control of the reform out of self-interest in the preservation of the monarchical system is undoubtedly central to the present form of the decentralisation process, as “[t]he constitutional reform is intended to modernise the political-monarchical system to an extent where it proves to be capable of surviving in the future, but without actually abolishing itself” (Zeino-Mahmalat 2014, p. 153, authors’ translation). The desire to preserve the regime clearly determines the political will for decentralisation reform – however, this goal would also serve the realisation of what has been promised (democratisation and stronger involvement of the public; improvement of state services and economic development). The legitimacy of the royal house and the government could be strengthened through the efficient implementation of decentralisation; on the other hand, autonomous and participation-oriented local decision-making processes would also weaken the influence of the central government – and thereby also the royal house. This ambiguity regarding the reform and its implementation is evident in Morocco as it is in many other countries; in many cases, decentralisation reforms have been initiated but at the same time means are found to preserve control at the national, central level (Harb & Atallah, 2015). This area of tension between control and autonomy will continue to affect the logic of the reform process with regard to both content and the pace of realisation in

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11 The Moroccan “organic laws” are based on the French model of laws regulating the organisation and procedures of the highest state organs. They specify and supplement the constitution in areas that the constitution considers to be especially important (Härtel, 2006, p. 183, authors’ translation).

Morocco, indicating that each step of reform is associated with the intense formal and informal negotiation of interests.

This is an indication of the political economy of the reform process addressed in subsection 2.3.1. A more precise assessment of the behaviour of the old and new elites and the national bureaucracy is not possible within the scope of this study, however; other authors have addressed it within the context of past reforms. For example, the appointment of well-established political heavyweights to a number of regional president positions is an indication of how this new structure can be appropriated. The fears of losing power and control at central government level addressed in Section 2 are also expressed in Morocco in the form of delays in the implementation of the reform.

Whether or not the supporters of the reform succeed in successfully integrating the possible “winners” and “losers”, in particular the political parties and influential elites, into the process cannot yet be fully estimated. In particular, it is only with the formulation and passing of the outstanding laws and enactment decrees that it will be possible to identify where the reform limits existing competencies and resources, thereby creating “losers”. With regard to the successful and highly strategic involvement of the relevant elites in political changes in Morocco in the past (see Section 3) it must however be assumed that the interests of the elites are key to the stability of the constitutional monarchy and will be adequately accounted for in this process. This may render it difficult to achieve a number of reform objectives, for example the enhanced competences of elected institutions. However, at the same time a strong commitment of civil society to the objectives promised in the constitution and to decentralisation reform can also be observed, which increases public pressure to implement the reform in a transparent and efficient manner.

#### 4.2 The autonomy, competencies and resources of the institutions

As illustrated in subsection 2.3.2, autonomy, competencies and resources of the decisive state institutions – from elected organs to administration at all levels – play a key role in the realisation of decentralisation. In Morocco, the relevant legal framework conditions regulating the competencies and capacities of the institutions are insufficiently developed at the current stage of reform. Beyond this, the transparency and accountability of the institutions also require strengthening. In addition, state services can only improve as a consequence of decentralisation if the institutions are appropriately mandated and equipped and citizens involved to a greater extent.

The regulation of the autonomy and competencies of the institutions determines how vertical and horizontal responsibilities are defined and demarcated. In the organic laws, these issues are already to a certain extent regulated, however, the differentiation and precise interpretation of these aspects in laws and decrees has yet to occur. The competencies of the sub-state institutions and the specific distribution of tasks between individual ministries and sub-national administrative bodies have not yet been clarified. The future of the extra-parliamentary commissions and councils has yet to be addressed. However, the autonomy of the regional levels, including financial aspects, has been strengthened by the reform. In any case, the regions play a central role for the future not only as agenda-setting bodies but also as possible interfaces between the municipal/

provincial and national levels. It is for precisely this reason that the careful determination of their competencies and their embedding in the other state institutions is of primary importance. As to date, as Bouabid and Iraki somewhat drastically state, the regional councils have existed in an “[...] embryonic state. It is hard to apportion economic, political, administrative or even cultural significance to them” (Bouabid & Iraki, 2015, p. 58, authors’ translation). The political significance of the regions has increased as a result of the 2015 regional elections, the increased regional budget and the highly political appointments to the posts of president of the regions; however, their significance in the other fields quoted remains in many cases unclear.

The resources and capacities of the institutions can currently still be assessed as inadequate for fulfilling the tasks foreseen by the decentralisation reform (see Bouabid and Iraki, 2015). Their financial resources are still unclear but, to take one example, inadequate at municipal level. With regard to staff capacities, sufficient numbers of staff still need to be relevantly trained at sub-national administrative levels, including for the processing of the relevant financial transfers and with regard to the new political decision-making processes and competencies.

As far as the financial and political accountability of the new and old institutions are concerned, these are inadequate or still unclear, a fact that can hinder efficient realisation. In particular in view of the low extent of control of the parliament and auditing authorities over the budget, the lack of involvement of the population in budget issues, and the widespread corruption in the country (see Section 3), the strengthening of accountability, including that for the processing of financial transfers, is essential. Furthermore, political decision-makers at all levels and the population in general still have little information regarding the new organic laws and other relevant legal changes, which also renders it more difficult to call for accountability. In some cases, civil society is involved in improving the political education of the population, including with regard to decentralisation (such as activities of the Heinrich Böll Foundation with Moroccan partners). Measures to tackle corruption are also being implemented on the part of the government, although the effect these have had is disputed.

The question of whether the decentralisation reform will also improve state services plays a key role in the success of the reform – as well as for the political legitimacy of the government and royal house in general. As stated in subsection 2.3, this is by no means automatic: particularly when the capacities of state institutions are limited, new tasks within the context of a decentralisation reform may result in even poorer services. Research shows that here the involvement of the population can have a positive effect; however, thus far it has not been involved to a significant extent in the case of Morocco (see subsection 4.3), although the constitution of 2011 sent positive signals in this respect.

#### 4.3 The information and participation of the population

As stated in subsection 2.3.3, the ways in which the population are informed and can participate play a key role in the success of decentralisation reforms, in particular in the strengthening of democratisation. In the case of Morocco it is apparent that success will also be highly dependent on an improvement in the formal prerequisites for participation, access to information, the future role of the dual institutional structure and the opportunities for the public to be involved beyond the elections themselves.

An ambiguous trend can currently be observed: on the one hand, freedom of the press and of speech has deteriorated since 2013 and civil society is increasingly being confronted by restrictions. On the other hand, the formal decentralisation reforms, as in other countries, are also creating new spaces for involvement, with the consequence that the public can play an increasing role in policy design and implementation at local and regional level (see Brinkerhoff & Azfa, 2010). As illustrated in subsection 3.2.2, for example, new institutions for the involvement of young adults are only established at a slow pace and their competencies and staffing are often not in keeping with expectations. In contrast, other institutions whose establishment was stipulated in the constitution already exist and are delivering innovative and participation-oriented policy analysis and recommendations to the debate, such as the CESE and the human rights council CNDH (Conseil National des Droits de l'Homme).

However, the involvement of the population in the reform process and the formation of policy can only be meaningful and long-lasting if it is possible for citizens to inform themselves freely and comprehensively about political decision-making processes. Access to key information and the necessary duty of accountability and transparency of local governments are therefore important prerequisites. In the case of Morocco, as detailed above, this must be assessed rather negatively thus far – however, the new legal stipulations yet to be approved could result in improvements, although the current reports – such as those of the Open Budget Initiative (OBI) and Transparency Maroc – have not given significant cause for hope so far.

The further involvement of the population in the reform process will also depend on how the relationship between the elected representatives and representatives of the royal house develops at sub-national level. No fundamental shift from the dual structure described in subsection 3.1 can currently be identified. At municipal level, a loss of power and the associated disappointment regarding reduced scope for action can be observed.

Apart from the elections, the population has little political involvement, with the boundaries of the electoral constituencies a matter of dispute. As a rule, civil society supports the democratic alignment and improved transparency and efficiency of the institutions and calls upon the government and the King to fulfil the promises articulated in the constitution in this respect. Yet the level of knowledge regarding changes resulting from the decentralisation reform is generally low, and information campaigns are not conducted systematically, although in some cases civil society is involved in achieving this.

In summary, it must be said that the implementation of the decentralisation reform would benefit from increased civic involvement – in this way, the top-down reforms already approved could be reconciled with the needs of the citizens in order to enable a balancing of interests. In this, the capacities and mobilisation of the representatives of elected institutions and (civil) society, as well as their freedom of information, will prove decisive.

## 5 Conclusions: can decentralisation contribute to political liberalisation?

Against the background of international experience of decentralisation processes, Section 2 of this study showed that the successful realisation of such reforms is by no means self-evident. Decentralisation can also only have positive effects on the performance of public services and can only strengthen democracy under specific conditions, and these have not been the focus of the current investigation. Sections 3 and 4 analysed the status of the reform process in Morocco. Whilst the passing of the new constitution and the organic laws, as well as the establishment and first elections of regional councils, are key elements of decentralisation reform that have been undertaken, numerous strategic and implementation-relevant questions remain unclarified due to laws and regulations that have yet to be passed. As a consequence, the question initially formulated regarding a possible opportunity for political liberalisation within the context of the reform cannot be answered conclusively.

Having said that, against the background of the political system and the enduringly high legitimacy of the royal house in Morocco, it is apparent that a political liberalisation is clearly primarily dependent on the political will of the monarch coupled with that of the government and administrative and other elites. In addition, the efficient implementation of the reform is also dependent on a widespread will to achieve real change: the autonomy, competencies and resources of the institutions and the participation of the population cannot be achieved without corresponding political support.

Critics fear that the regions will become extended arms of the authoritarian structures of the King and that substantial reform efforts at local level will be stifled (Hoffmann, 2013), with the reform leading to an “authoritarian upgrading” (Bergh, 2013), namely the reinforcing of authoritarian governance through the appropriation of the new structures: the duality of the political system in Morocco – the parallel structure between the parliament and elected representatives on the one hand and the representatives of the traditional monarchist ruling apparatus on the other – will continue to exist, or be formed anew in the new institutions. Although this duality could favour the authoritarian realisation of the reform, Moroccan and international observers note that the reform also – at least theoretically – delivers scope for a more democratic restructuring of power structures (Bouabid & Iraki, 2015; Bouachik, 2015; Faath & Mattes, 2015).

Support for political liberalisation comes from the intentions formulated in the constitution of 2011 and from the organic laws already passed with the freedoms and democratic principles announced therein, as well as the clear positioning of actors, including those close to the regime, such as the CESE on key elements of reform. Furthermore, the passing of the new constitution awakened significant expectations – the highly-committed civil society is now also calling for these to be fulfilled and this social pressure may contribute to further liberalisation in the medium term. Furthermore, political liberalisation is also strongly dependent on the authority and legitimacy of the newly-elected institutions. Their room to manoeuvre and their strengthening in relation to the structures answerable to the King will largely depend on the way their competencies are tailored, the way personnel capacities are improved, the provision of financial and legal means for the implementation of policy, and freedom of decision regarding their own priority projects.

Indications contrary to political liberalisation include on the one hand political practice since roughly 2013, which has displayed a highly restrictive realisation of the heralded reforms. One example of this is the right of citizens to access to information, which was announced, then heavily amended and still not finally approved, along with the high hurdles required for submitting petitions. The development of the requirement for accountability and transparency of local governments, a further factor reflecting possible positive effects of decentralisation on political liberalisation, can also be assessed negatively against the background of the restrictive information policy and negative reporting on the open government initiative. Likewise, the continued duplication of institutions can work against political liberalisation if the elected organs do not acquire more weight and legitimacy compared to those reporting to the King.

To sum up, it can be said that medium and long-term political liberalisation remains strongly tied to the form taken by the decentralisation reform in the future. While, as has previously been the case, implementation will be directly dependent on the political will of the royal house and elites, other factors will also play a role, such as the behaviour of donor countries and the development of the political situation in general within the region.

The role of the western donor countries will be to call for and support governance reforms, in spite of or perhaps even due to the enormous increase in Official Development Assistance (ODA) funding (according to Organisation for Economic Co-operation and Development (OECD) statistics: since 2011, Morocco has benefited the most from increased funding among the MENA region countries). The goal here is also to raise the profile regarding the wealthy Arab donors and make it clear that governance reforms – in keeping with the goals proclaimed in the constitution of 2011 – also serve the political legitimacy of the royal house and the government. This could include, for example, increasing the support for the capacities of elected institutions and (civil) society, enabling these to negotiate, claim and actively use political space. In the current phase of implementing the reform, it is therefore already necessary to build competencies and strengthen participatory processes at both the regional and local levels in order to render the reform as a whole more effective, legitimate and participation-oriented at sub-national level.

The development of the political situation in other Arab states such as Egypt and Tunisia will further influence the political liberalisation of Morocco in the medium and long term. On the one hand, the failed uprisings in Syria and Egypt and the unrest and (civil) wars in many other states in the region strengthen the legitimacy of the King. On the other hand, this legitimacy will continue to be called into question if the heralded reforms offer no tangible improvement to the hardships articulated in 2011 and continuously since then. It will therefore also be important for the Moroccan government and the King to use the new constitution and decentralisation to offer a convincing, reform-oriented social concept that strikes a balance between the interests of the population and of the elites possibly likely to lose out through the reforms.

Despite the already visible limitations to the breadth of the reform with regard to a political liberalisation of the country (see, for instance, Bendourou, 2014), it will not be possible for the regime to avoid the pressure from the dissatisfied sections of society in the medium term. This dissatisfaction is regularly articulated by various actors: it is manifested in the sometimes violent clashes between security forces and demonstrators at

the universities and other educational establishments, in the rallies for the unemployed and in campaigns by civil society and intellectuals, but possibly also in the increasing number of religious extremists and their willingness to act.

Looking to the past and the genesis of the current decentralisation reform shows that prolonged political negotiation processes are nothing new in Morocco – as in other countries – but that, in spite of numerous diversions and partial regressions, they have also resulted in concessions on the part of the ruling apparatus (Falleti, 2011). However, in the long term this will only be possible in Morocco within the constraints of the monarchical system – which, in view of the regional political situation and the strong legitimacy of the King, a large part of the Moroccan population is currently in agreement with.

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