



STUDY OF LEGAL FRAMEWORKS FOR DECENTRALISATION IN MAGHREB COUNTRIES

Dialogue and capacity building of
local and regional authorities
in EU partner countries
in the fields of development
and local governance

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PLATFORMA
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Regional authorities for development



Study of legal frameworks for decentralisation
in Maghreb countries

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Table of Contents

OVERVIEW	4
One territory, five States	4
Background and features of territorial organisation	4
Significant political challenges	5
A renewed collaboration with the EU	5
Perspectives	6
MAURITANIA	6
Background and features of the territorial organisation	6
Legal framework	7
Resources of local communities	8
Issues and challenges	8
Support of the EU and guidelines	9
MOROCCO	11
Introduction: Historic milestones in Regional Development	11
Features of territorial organisation in Morocco	12
Legal framework for decentralisation: noteworthy features and development	13
Resources for local communities	15
Instructions and primary challenges to be met	18
Declaration of a new territorial organisation: The advanced regionalisation project	20
International support for decentralisation: views and proposals	22
ALGERIA	24
Background and features of the territorial organisation	24
Legal framework	25
Resources of local communities	25
Issues and challenges	26
EU's support and guidelines	27
TUNISIA	29
Background and features of the territorial organisation	29
Legal framework	31
Resources of local communities	32
Issues and challenges	32
Support from the EU and guidelines	33
LIBYA	35
Background and features of the territorial organisation	35
Legal framework	36
Resources of local communities	36
Issues and challenges	37
Support from the EU and guidelines	38



1. OVERVIEW

1. One territory, five States

This study systematically analyses the legal frameworks for decentralisation in Mauritania, Morocco, Algeria, Tunisia and Libya. What these five countries have in common is that they belong to the Arab Maghreb Union (AMU), a profoundly symbolic institution built on the differences that bring them together, particularly the Western Sahara conflict. The territory is not very well integrated and is thus relatively geopolitically and economically heterogeneous. However, these countries share some social, political and religious issues, although the advent of the Arab Spring brings some of these countries into sharper focus and increases their significance, more so in some of these countries than the others.

2. Background and features of territorial organisation

The common feature for these five countries is a territorial organisation rooted in their colonial past. After independence, this organisation was modified to a considerable extent depending on the case. But throughout, the main challenge has been to build a strong and unified central government. Different political experiments were conducted in the region, while taking a highly centralised government as a constant element. Since the 1980s, the wind of liberalisation blowing over the global economy encouraged the Southern economies to open-up to foreign capital and become privatised. This was the time when of structural adjustment plans were required by the Bretton Woods Institutions, and were implemented in various developing countries, including those within the territory. At this time, decentralisation reforms were encouraged a lot more since they seemed suited to the situation of decline in budgetary resources. However, there is a significant contrast that falls under all the countries in the territory, between the legal framework designed for decentralisation and its actual implementation. Various parameters have been suggested, among which the following points can be highlighted:

a) The primacy of the central government within a sensitive and insecure political context

Such young governments have a history that has been quite eventful recently, on a political level with some strong divisions, conflicts and for some, even civil wars. Under the pretext of stability and security, political choices have primarily focused on building a government that is strong and centralised, and even closed-off. Decentralisation could be perceived as a sensitive subject in certain contexts and as a risk for an attack on the integrity of the nation state. With the exception of Morocco, being actively involved in decentralisation and regionalisation, the processes embarked on by other governments in the territory are more about deconcentration than decentralisation of powers.

b) Development and shortage of resources

These five countries constitute a relatively heterogeneous group on an economic and social level. Algeria and Libya have significant resources comprising raw materials that ensure a higher level of gross domestic product than that of the other three countries. However, the contrast in wealth within the population is also significant in this case. The socio-economic indicators of Mauritania indicate that this country corresponds more to the sub-Saharan region. But from a general point of view, with Human Development Index rankings that range from 64th position for Libya to 155th position for Mauritania¹, the territory faces some important challenges in relation to the development of its economy and public services.

The financial resources of local communities involving government transfers or local taxations, are not on a par with the requirements in any of the five countries. Moreover, they are often irregular and difficult to predict. These are the communities that are relatively vulnerable and work in direct contact with the needs of the population.

¹ Human Development Report 2013, UNDP.



c) Significant territorial disparities

The geographical location common to the territory, comes with its own share of problems. The fertile Mediterranean coast is open to Europe on one side while the Sahara desert stretches on the other, thus increasing the territorial disparities. The wealth and population are unequally distributed all over the territory in each of these countries, thus creating imbalances that are sometimes even helped along by the public authorities.

d) Need for education

Lastly, these new and/or incomplete decentralisation processes show significant requirements of training for the local administrations, and of implementing an evaluation system for public management in order to increase legitimacy of the local public authorities. These are key issues for the credibility of these elected officials as well as to tackle the clientelistic reasoning that may spread in such conditions.

3. Significant political challenges

The Arab Spring with its roots in Tunisia, stirred up a wind of freedom as well as social, economic and political demands in the region. Even though it did not directly affect the five countries, this basic movement influenced their societies and provoked new debates, new organisations, if not, new oppositions. The Maghreb countries are the first in the Arab world to have witnessed such movements, in which the civil society played a major mobilising role. It is still too early to appreciate the impacts of the Arab Spring, particularly owing to the opposing forces operating in these countries. The oppositions between the reformers and conservatives in the society are strong. On one hand, the influence from the rigorist doctrines from the Gulf is becoming stronger, and on the other hand, civil society is more organised than anywhere else in the Arab world, and the people want to seize the opportunity to have a national and local democracy.

The transition has begun. The barely completed constitutional tasks in Tunisia must pass the reality test: how can Article 14 of Chapter I in the Constitution dedicated to decentralisation, be incorporated in the law and be implemented? In Libya, they have not yet started and there is major confusion regarding the organisation of local elections and the municipal structures. The priority for the time being is rebuilding the government followed by the organisation of its echelons and preventing the pro-federalist or anti-federalist movements from stirring up. South Africa, Sudan and Spain have chosen to go ahead with this route. John Garang, the former president of Sudan has thus summarised below: "Throughout the Comprehensive Peace Agreement, we have not used any formal term to describe the kind of governance we negotiated on and agreed to. Perhaps we are guided by the African symbol to not name a child before it is born. {...} Now that the child is born, those who seek do say may give it a name that they find most appropriate considering the provisions of the Sudanese Comprehensive Peace Agreement."²

4. A renewed collaboration with the EU

The European Union maintains different relations with these countries owing to the specific agreements that bind them. However, in support of its Communication "A new strategy for an evolving neighbourhood" adopted in May 2011, the European Commission actively undertakes to uphold the democratic transition in the Southern Mediterranean countries.

Morocco, Algeria and Tunisia are the signatories of an association agreement with the European Union and associates in the European Neighbourhood Policy. Within this framework, they benefit from bilateral agreements, regional and cross-border programmes, and are also eligible for thematic programmes in the European Commission.

¹ Decentralisation in Libya, Report, Université de Duisbourg-Essen, Université de Benghazi, Sadeq Institute, Democracy reporting international, August 2013.

Mauritania, on the other hand, falling under the African, Caribbean and Pacific region (ACP), is bound to the EU by the Cotonou Agreement. It benefits from the European Development Fund, which agrees to a subsequent budget to support the government reform and decentralisation, and provides for a precise legal framework for the local Mauritanian communities. The country is also eligible for thematic programmes of the European Commission.

Libya is not bound to the European Union by any agreement. Since the 2011 revolution, humanitarian aid and cooperation funds have been provided to the transitional authorities. A specific access is granted to the thematic programmes as well as the neighbourhood instrument programmes.

With the exception of Libya, the countries in the region are members of the Union for the Mediterranean, and their local communities are represented in the Euro-Mediterranean Regional and Local Assembly (ARLEM).

5. Perspectives

The framework for collaboration renewed by the European Union in the extension of the Arab Spring calls for a more direct and ambitious cooperation with the local communities of the governments concerned and with their associations. Such a dynamic would fit into the dual commitment of the EU in favour of a democratic transition on the basis of the rule of Law, justice, transparency and local development³, and in support of the local public authorities⁴.

The Maghreb countries represent the priority partners for the EU who signed the Association agreements with them, or who, in case of Libya, provides significant support to the transitional authorities. In this context, as the EU gets down to its negotiations with Eastern Europe, and in the spirit of the aforementioned Communication 2011, a principle of conditionality could be introduced, that places national and local democracy at the heart of the commitments of the bilateral collaboration.

Apart from their economic specifications and national history in particular, the Maghreb countries share this basic movement that adapts their socio-political doctrines, sparking a mobilisation that sustains in all spheres of society. Studies encountered with these political transitions and exchanges regarding the common challenges of these early development doctrines may lead to the emergence of a regional identity, a perspective that must be supported.

2. MAURITANIA

1. Background and features of the territorial organisation

Divided in groups by the colonial administration, when Mauritania became independent in 1960, it put an end to this system and established five urban communes (Nouakchott, Atar, Bogue, Rosso and Kaedi) and twenty-three rural communes. In 1968, the former colonial group took the name of the region administrated by a regional governor.

As part of the democratic processes, the decentralisation policy was launched in 1986 with the gradual creation of 216 communes distributed over a territory of 1.5 million km². Decree no. 87-289 dated 20 October 1987 implemented 54 Moughataa (departments) of administrative centres and 163 rural communes. But above all else, it organised the municipal decentralisation by defining the competences of the communes and their ways of structuring it.

³ *A new strategy for an evolving neighbourhood*, Communication to the European Parliament Commission, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2011) 303, 25 May 2011.

⁴ *Granting increased autonomy to local authorities in partner countries for a better governance and more concrete results with a view to development*, Communication to the European Parliament Commission, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2013) 280, 15 May 2013.



“The commune is responsible for the management of communal interests. It ensures that the public services meet the requirements of the local population and do not fall within the jurisdiction of the government, either by their nature or importance.” This particularly includes the local road network, primary healthcare, water, street lighting and waste management. The communes constituted a legal entity with financial autonomy since then. Their situation is very heterogeneous: diverse population, potential for development varies. This reform brought about the de facto removal of the region as a territorial community, an advancement that would be abolished by the law of 1990.

Nevertheless, decentralisation didn’t actually take effect until the early 1990s, under the influence of international organisations and the ongoing liberalisation in the economy.

Between 2005 and 2007, the democratic transition led to local, legislative and presidential elections. The local elections that were held in late 2006, the first of its kind in the history of the country, were the crowning moment of the decentralisation process. These elections resulted in the renovation of the municipal councils. A Ministry of Decentralisation and Territorial Management (MDAT) was established in 2007. A White Paper regarding decentralisation was launched. Such progress was accompanied by long-term financial transfers from the government to communes in order to support them in tasks for their new missions.

This momentum was interrupted by the Coup d’Etat in 2008. MDAT was dissolved. The return of the constitutional order in 2009 brought with it encouraging signs for relaunching of the decentralisation process. On one hand, the Council of Ministers signed a Policy Declaration on 22 April 2010 for decentralisation and local development that reaffirms its commitment with respect to decentralisation, and on the other hand, the Ministry of Interior issued its action plan for 2011-2015 concerning the support to implement decentralisation. Moreover, important reforms were provided by the new code for territorial communities which was drafted in 2010 but has not yet been endorsed by the Council of Ministers. It particularly provides for its introduction on a regional level. For the time being, the commune remains the only fully-functioning territorial community as provided for in Article 98 of the Constitution dated 20 July 1991.

Containing 25% of the population of the country according to the latest General Census⁵, Nouakchott, the Mauritanian capital occupies a special place in the political and institutional system of the country. The second major city in the country, Nouadhibou has a population of barely 100,000. Nouakchott was populous in 1962 with a mere 5800 persons, and today its urban growth is unmatched in the Sahara. This is the result of many decades of drought that has emptied the interior of the country of its nomadic pastoralists. With a growth as rapid in a country that is so young, controlling urbanisation and in turn, social imbalances, is particularly complex. Law 2001/51 dated 19 July 2001 introduced the Urban Community of Nouakchott (CUN), comprising 9 communes. The Community Council by itself comprises 37 elected officials (from the municipal councils) with mayors from 9 communes of Nouakchott. A Communal Investment Fund was set up by the Urban Community of Nouakchott (FIC/CUN) by a community resolution in 2010. This fund shall be financed by international partners but also by equity from the CUN, and will be used to finance the priority projects in question, the social infrastructure in general.

2. Legal framework

Mauritania is a unified government. According to the Constitution of 1991 (Article 98), the communes are the only decentralised communities. Their area of jurisdiction is not defined in the Constitution but is decided at the legislation level. The communes are administrated by the elected councils in the conditions as provided by the law.

The national territory comprises three administrative levels: twelve Wilayahs (regions) and Nouakchott (considered a region), 54 moughataas (departments) and 218 communes. The first two levels are deconcentrated. The third one is decentralised.

⁵ The General Population and Housing Census (RGPH) was carried out in 2013 by the National Statistics Office.

3. Resources of local communities

Transfers from the government to the local communities are carried out by means of two funds: Regional Development Funds (ERDF) and Inter-communal Solidarity Funds (FIS). The amounts of these instruments are fixed annually in an ad hoc manner, which makes it difficult for the local communities to anticipate these resources.

The ERDF budget is distributed among the communes in accordance with the following criteria: demography, rate of poverty, difference in infrastructure, the effort to mobilise resources, monitoring the assessment and reinforcing the capacity for decentralised administration. 30% of the budget is allotted for the operations, 68% for the equipment, and 2% for the monitoring of the assessment and reinforcing the capacity for administration.

The finances of the solidarity funds depend on the budget of each commune: they represent 1%-3% of their regular income. They are allocated in case of any natural catastrophes or in case a commune is not able to resolve its expenses.

Local taxation comprises property tax, housing tax and duty tax. However, the government is the body that identifies and recovers most of these local taxes.

4. Issues and challenges

– Completing the decentralisation process to resolve legal inaccuracies and strengthen the legitimacy of local communities

A number of communes are not in a position to exercise their jurisdiction owing to the shortage of human and financial resources, as well as those that are not legally valid. On a legal level there are some inaccuracies, resulting in a divergence of communal actions which is much more powerful in sectoral ministries, as represented by the regional governors (Walis) and prefects (Hakems) on the territory.

More often than not, investment programmes are carried out by sectoral ministries on the local level, with the support of international donors found in decentralised sectors, particularly for water and sanitation. This is contrary to the principle of free administration of local communities and contributes in refocusing on the competencies, as attributed by the law to the communes. The central administration for example, directly implements more than 90% of the local public expenditure, which leaves only 4% of the investments to be carried out locally and to be integrated in the budgets of the communes⁶. A more specific legislation seems necessary to determine the sharing of competencies between the central government and the decentralised authorities, and ensure its effective implementation.

– Strengthening the financial autonomy of the communes

Corollary to the legal project, the low level of resources transferred to local communities constitute a major challenge in Mauritania. The financial resources for the communes, particularly the rural communes, are slightly higher. They do not authorise the financing of investments that are required for local development, since the Regional Development Fund is largely used for the functioning of communes. Moreover, as already highlighted before, sector investment programmes are often conducted by the government through its ministries, independent of any communal expansion strategies.

The system of financial transfers from the government to the local communities cannot be adapted to the requirements of the latter. It must better take into account the expenses incurred by the transferred competencies, but also provide greater predictability and flexibility with respect to the choices for the local public expenditure.

Lastly, local taxation offers a very limited rate of return owing to the inadequacy of implemented resources in addition to the cultural and socio-economic restraints.

⁶ *The institutional environment of local communities in Africa*, Cities Alliance, CGLUA, 2013.



– Strengthening human and technical capacities of local communities

Communes are facing a significant shortage of qualified personnel. There is no lack of numbers, but the communal personnel are essentially composed of operating agents. Reviewing the available statistics shows the quantitative and qualitative inadequacy of human resources on a communal level: out of 1,741 employees found in communes, only 137 are executives, which is 7.8%⁷. A first step was taken in 2010 with the development of the Code for Territorial Communities, which raised the issue of a local government service and staffing in this administration. The code is not currently in force. However, no institution is currently in charge of training the local administration agents and no provisions for training assistance are made, that may in return ensure the stability of the functions and better career perspectives. The high rate of renewal of municipal councils during the last municipal elections in December 2013 additionally increased the need for training for the new teams.

Additionally, the weakly structured associations of elected representatives on the national level are not yet fully capable of having their voices heard in the communes as regards the current process of decentralisation.

– Promoting cooperation

The Mauritanian legislation does not provide a mechanism for the involvement of the population in managing the local affairs. There aren't any local frameworks for dialogue. In practice, the poor quality of the local technical services, the urgency of the social requirements in addition to the competition between local players, including the civil society, to gain access to international finance do not favour a strategic joint-planning dynamic.

– Lack of urban strategies

Despite having one of the highest rates of urbanisation in the region, there is no urban strategy in force on the national level. Given the pace of urban growth and the high spatial and social imbalances that result from it, it seems particularly important that such a project should be initiated by the government to take the appropriate planning and anticipatory measures for the population dynamics.

5. Support of the EU and guidelines

Relations between Mauritania and the EU are based on the Cotonou Agreement, which was revised last in 2010. As opposed to the four other countries in the area, Mauritania is a part of the African-Caribbean-Pacific region (ACP) and in this respect, is part of a special partnership with the EU that is based on a political dialogue, commercial relations and cooperation in various domains.

The European Development Fund (EDF) is the primary financial instrument in the European policy of cooperation with ACP countries. Since 2001, 397 million Euros have been allocated to Mauritania by the EDF (8th, 9th and 10th EDF). Mauritania also benefits from regional and intra-ACP programmes financed by the EDF, as well as thematic programmes of the EU, like the Civil society organisations and the local authorities programmes (SCO-LAs) or the European instrument of democracy and human rights. The EU is Mauritania's first funding partner with 38.1 million Euros provided in 2012.

To provide a structure to this assistance, the EU and the Mauritanian government are developing a National Indicative Programme (NIP) based on a strategic framework built around eradicating poverty. The NIP comprises various chapters based on the sectors of intervention, wherein each one is designated for a strategy to build the capacities of local actors for development and decentralisation at the local level.

⁷ Study on human and financial resources of communes, PDU, 2011.

It is in this the context that the institutional reinforcement programme for local communities and their services (PERICLES) has been implemented since 2008. This programme is the result of the coordination of different initiatives for supporting decentralisation. The EU contributes 7.5 million Euros and 6 million to Spanish, French and German co-operations. Its purpose is to establish the communes in their role of facilitator of development through local structures and resource centres, support the General Management of territorial communities to manage the decentralisation process, and contribute in reshaping the financial system of the communities. Four resource centres have been established in Aioun, Aleg, Atar and Tidjikja and currently cover 8 Wilayas and 69 Mauritanian municipalities. Moreover, the FIDEL-K (Local Investment and Development Fund) has enabled subsidising 35 local ongoing projects such as the utility access to potable water, school constructions, commercial facilities like slaughterhouses or markets, construction of dispensaries and health centres.

It is also noted that a Civil Society and Good Governance Support Programme (PASCO) was financed by the 9th EDF with 4.5 million Euros. One of its components concerns the articulation of the civil society with the government and local communities. The EDF also facilitates other thematic admissions for the communes, that were able to benefit from co-financing for projects related to the safety of food, water, environment, solar energy, through programmes like Water Facility, for example.

In addition to the EDF, the SCO-LA thematic programme sanctioned relatively ambitious budgetary funds to the Mauritanian local authorities: 1 million Euros for 2009 and 2010 combined; 500,000 Euros in 2011 and 1 million Euros in 2013.

These funds were attributed after a call for proposals was opened to the Mauritanian (and European, when they have a Mauritanian partner) communes and the associations of the communes. During every call for proposals, information meetings were organised by the Delegation of the EU. Training for compiling the European files has also been given in June 2013. In 2010, these 7 projects were subsidised in the domains of governance support and community investments (Urban Community of Nouakchott), assistance with contracting (Keur Macène), and inter-communal management of water resources (five communes of the Gorgol wilaya). In 2011, two projects were subsidised. One involved the drafting of a communal development plan in Djonaba and the other involved promoting local joint-initiatives in the Assaba wilaya.

Lastly, the European Union supports a visionary national programme together with the World Bank, integrated since 2013 in order to support decentralisation, local development and employment for youth (PNIDDLE) over a period of ten years. The programme brings an institutional backing to the decentralisation actors, enabling the financing of infrastructure and it promises employment to youths on the local level.

Recommendations for the EU:

- To carry out a comprehensive assessment of the projects as implemented in the framework of the SCO-LA programme since 2010 as well as the Pericles programme of the EDF, and organise the information flow and the discussion of these results with local project operators to redirect the proposals for communal action,
- Given the indicators for Mauritanian development⁸, to support the communes on priority, in their mission to provide essential public services,
- To support institutional reinforcement for the Mayors' Association of Mauritania (AMM) to allow the local elected officials to be better armed in their dialogue with the central government and use a framework to share experiences and training programs,
- To encourage the development of agreements for decentralised cooperation between Mauritanian communes and European communes, such as the experimental laboratory for democratic practices at the local level,
- To better integrate the actors for decentralised cooperation in decentralisation support programmes that take into account their experiences and the local knowledge, their legitimacy and increased ownership favoured by them,
- To support the implementation of a national training programme in the territorial frameworks and for the communal personnel in general

⁸ According to the UNDP, Mauritania is situated 155th on the global rank with a Human index development of 0.467 in 2013.



3. MOROCCO

1. Introduction: Historic milestones in Regional Development

The history of decentralisation in Morocco is inseparable from that of the central government in general, and that of the Government in particular. Simply put, **three major phases** are distinguishable in the territorial organisation since the protectorate. This periodisation is mainly ordered according to the political cycles that it was witness to. The latter allowed a gradual emergence of a **written law for tempered decentralisation in its effectiveness by a method of regulating the territories** which is akin to balancing games and boundaries between the government and its representatives on one hand, and the local elected officials on the other.

Historically speaking, the first attempts to regulate decentralisation in Morocco take us back to the protectorate. (**1st phase**). The effect of the latter was on the local and regional rankings. The essential motivation was to prevent the anti-authoritarian urban population or the jealous rural ethnic communities from alienating the safeguarding of their tradition of self-administration. (self-administration system of the Jmâa administrative in 1916). This milestone was accompanied with the introduction of a **written municipal law** for the first time, since “the law of the local institutions” was until then, mainly based on the practices and customs rather than a written law. Additionally, the protectorate proceeded with dividing the territory into civil regions and military regions. But this administrative ranking does not show any logic as regards the decentralisation.

Generally speaking, it is still difficult to lump the epithet “decentralised” together with this municipal experience as soon as it essentially involves a geometry variable of decentralisation, and is limited to one entire city and certain Jmâa rurals. Furthermore, the committees only had an advisory status. It was in the 1950s that the protectorate tried to contain the increase in national disputes by empowering the local communities with a decisive status that was highly dependent on the election system. But this system would never be applicable.

The **second phase** corresponds to the from the independence until the mid-1970s. This period is primarily dominated by an open conflict dealing with the legitimacy of political institutions. **There are two distinguishable sequences**. The independence of Morocco in 1955 was the point of inauguration of the very short first sequence (1956-60) which reflects a decentralisation plan as a base to building a modern version of Morocco. This first sequence would reflect the **first communal reform** that bore the marks of the desire of modernisation by the law, introducing a provisional system of local freedoms in the wake of the enactment of the code of public liberties in 1958. Communal boundaries were established from 1959 onwards and resulted in 801 communes. It was founded on a **modern logic of territoriality** while establishing a national unity at the cost of the tribal logic. This breakdown followed the adoption of the first electoral law deliberately opting for the **election of communal councils by universal suffrage** without any discrimination of sex or faith in place of the widely recognised process of cooption. Lastly, the drafting of the first Communal law in 1960 provided the legal and institutional framework for decentralisation and was followed by the organisation of the first communal poll elections.

The **second sequence** of this phase marked the end of hopes that formed the basis of developing a modern legal framework for decentralisation. This sequence started with the removal of the government that had started these institutional innovations and the assumption of power by the King Hassan II. Morocco then switched to a new political era dominated by the system that took authority and its package of measures in hand, in order to gain control of the exercising of individual and collective freedoms. On a territorial level, the central power (by formally adopting the first constitution, local communities and their free management), in practice, operated on two levels: it was used by mobilising the traditional resources (religious prestige and army control) to give pledges to the notabilities and rural elite to arrange for⁹ their support in return, but simultaneously giving the means of controlling the emerging centralised bureaucracy that was the precursor of the project of modernisation needed to create the Government.

⁹ Remy Leveau, “the Moroccan Fellah – Defender of the Throne”, Presses de la FNSP (National Foundation for Political Science), Paris, 1976.

Far from marking the completion of the first attempt for decentralisation inaugurated on independence, these milestones marked a step backwards in terms of local liberties. The introduction of an exceptional system that did not end until the 1970s, stopped all progress in terms of decentralisation. On the other hand, strengthening the gridding of the territory by the authoritative administration continued.

The third phase in the history of local institutions was in the mid-1970s, until the change of power in 1999. This progressive development of a right of decentralisation that was first implemented in 1976 focused on the communal level and the consecration of its second implementation focused on the regional level in July 2011;

It intersected the beginning of a new political cycle in which the political institutions regained the right of citizenship. This phase involved the adoption of the Communal Charter of 1976 that marked a redirection in the decentralisation process.

This inaugural reform was accompanied and completed by a series of new legal texts that, throughout this period, amended the provisions in successive steps that related to the communal level and yet impacted the prefectural and provincial levels on one hand, and the regional level on the other.

In order to assess the primary contributions brought about by this inaugural reform on the legal and institutional levels, it is agreed beforehand to keep in mind the particular method of organisation and deployment of the public presence on the territories.

2. Features of territorial organisation in Morocco

Morocco is a unified country. Its territorial organisation is structured around two pillars that ensure institutional gridding of territories. A traditional pillar that highlights and personifies the authority of the government, consists of a descending channel that extends from the central services of the Ministry of the Interior up to a local network which is the characteristic of the territorial administration of authority. Apart from this administration, we see a divisional breakup of the government as represented by the external services of different sectoral ministries deployed on the territories. The second pillar of this organisation makes room for the elected territorial entities, in accordance with the progressive methods along with the waves of decentralisation experienced in Morocco.

Elected territorial representations

Morocco has three levels of local communities that are encompassed in:

16 Regions established since 1971 as simple territorial divisions. They were established as Local Communities pursuant to the Constitution. Their structure is governed by Dahir (a royal decree having the force of law) and their division as per the decree. The perimeter of the regions is divided into Provinces and Prefectures. These communities are called Provinces in territories that are primarily rural (there are 62 such Provinces) and are called Prefectures in territories that are primarily urban (there are 13 such Prefecture). In the latter we find Communes, which are divided into 1298 rural communities and 249 urban communities. Every category thus has its own status.

Territorial representation of the government

On the government level, the territorial administration through the intermediary of its representatives, headed by the governor of the provinces and the prefectures, operates very narrow a grid based on the following structure. Under the authority of the governor in charge of implementing the laws and ensuring good public order, we see among the enforcement authorities, the *Chef de Cercle* also known as the *super-caïd* (Chef de Cercle – rural area) and the *district head* (pacha urban area) who controls the activity of the caïds and pachas in their respective districts. Under the authority of the caïds and pachas, there are the secondary authorities called the *cheikhs* in rural communes and the *Moqadem* in urban areas, who are in direct contact with the population at the level of the douars and localities respectively.



These enforcement authorities are the representatives of the government, and thus exercise administrative police powers and are vested with the powers of Local Civil Registrars. The *caïd*, for example, is responsible for maintaining public order and is vested with the authority of a judicial police officer. The Communal Charter sets up its powers relative to the administrative police (*maintaining law, order and security across the communal territory; associations, public gatherings and the press; elections; professional unions: workplace conflicts; activity regulation and control of the street vendors on public streets, content control of advertising by means of posters, advertising boards and panel signs, price control, regulations for the trade of alcoholic beverages, etc.*)

Such a grid system of the territory by the State officials ensures a follow up almost on a daily basis for the activity of the communes and their Councils. Thus the local authority is notified of the committees and rightfully participates in every one of them, in an advisory capacity. It also participates in the committees pertaining to the invitations to tender related to public procurements. Not only is the local authority informed of the sessions of the Councils, it can even request for the entry of a question in the agenda. It can also intervene in the ongoing debates in the Council.

3. Legal framework for decentralisation: noteworthy features and development

If at all decentralisation exists, signs of it can only be sought at the communal level (Act I). The prefectural and provincial levels are first of all, a division of the government. Where the regional ranking is concerned, it is still in draft phase. (Act II)

The communal stage, a symbol of the development of decentralisation

The main progress that reflects the Charter of 1976, essentially has **three developmental stages**:

1. A provision for competencies that is more extensive in the economic, social and cultural matters, where the only limits are of a technical and financial nature; the implementation of a communal administrative office that is collectively responsible for validating its direct elective legitimacy, and it elects the President from the members of the Council; a deliberative assembly that annually votes the administrative account and has the option of dismissing the president during its term of office by a qualified majority. Therefore, the return of elected executive officials, while it not does cast doubt on the system of **bicephalism**, far from it, nevertheless causes a slight shift in the pendulum in favour of the office and its president. Even through the instability of the political majorities of the office remains a means of regulation for the Government, which shall shall create and dismantle majorities.
2. This first shift towards decentralisation underwent a second redirection under the reign of King Mohammad VI with the adoption of a new Communal Charter in 2002. This reform was characterised more as a consolidation rather than the deepening of decentralisation. Hence and without making any changes to the territorial balance of powers, the new legal provision further specifies the scope and the legal scope. Among the primary contributions of this text there is the drafting of a status for the local elected officials, the specification of the area of jurisdiction of the assembly and the communal executive authorities, the redevelopment of the conditions and regulations of exercising guardianship over the Board and its executive officials, in addition to certain provisions to rationalise the management of public funds by introducing regulations for transparency and accuracy. But this reform shall mostly be remembered for implementing a system of “unity of the city” (a city council with district councils without a legal personality or a financial autonomy) for the urban areas with more than 500,000 residents. The objective of such a system is to improve the conditions favouring the global urban governance and in the proximity by ending inherent disadvantages of the system for urban communities, (implemented the day after the Casablanca riots in 1981) particularly on the plans overlapping the competences, the economic and financial differences, the scattering of resources as well as actions and efforts.



3. In the same sense of consolidation that is “acquired” in terms of decentralisation, a final wave of the Communal Charter reform took place on the eve of the most recent communal elections in 2009. It made some corrective improvements to compensate a certain number of irregularities that hindered the capability of communes from exercising their powers. This reform is applicable to the following primary objectives:

- improving the local governance system with the implementation of a new method of presidential elections in particular for the communal council ensuring more stability to the executive authorities.
- introducing and spreading the communal development plans as a base document regarding strategic planning;
- introducing the notion of transferability of credits that enables the president to transfer the budgetary allowances from one section to another;
- interconnecting the municipalities by providing the establishment of urban area communities for an integrated management of large urban complexes.

The prefectural and provincial level: a ranking of execution with excess presence of the government

An intermediate ranking between the regional level and the communal level, the provinces and prefectures have the rank of local communities by virtue of the constitution.

Both these institutions are a **level of deconcentration and very formally, a level of decentralisation**. As a deconcentrated level, the province or prefecture is first of all, a branching of the government at the local level. Perhaps we could say, it corresponds to the deconcentrated division of the Ministry of the Interior. But it is also at this level that the external services of the government are mostly deployed. In this regard, this is the ultimate level for the deployment of the public policies and the place where they can be coordinated by provincial or prefectural administration placed under the authority of the governor.

As the “decentralisation level”, the prefectures and provincial communities are represented and managed by a council, a legislative body elected by an indirect suffrage from a college of communal councillors and a college of professional chambers. This assembly is under the supervision of the governor, a representative of the executive government of the community.

This double role of the province and the prefecture is illustrated in the dual jurisdiction enjoyed by the Governor¹⁰ in matters of:

- control, impetus and coordination of the actions of the Government services in the province, in their capacity of delegates of the government,
- the power of execution of decisions of the provincial and prefectural communities.

At the heart of the backdrop of territorial institutions, this executory level for public policies remains, as regards its functioning, almost exclusively dependent on resources granted by the Government. Its primary human resources are on the territories, particularly at the management level. Additionally, the managing and coordinating powers granted to the governors on the external divisions of the ministers deployed at this level, reinforces this capacity of intervention.

The competencies of this level are general (economic, social and cultural development) and overlap with those of the region in order to justify an intervention in all the domains. Although some particular jurisdictions are planned, such as social welfare, promotion of intercommunality, construction and maintaining provincial and prefectural routes, management of the prefectural and provincial public transport system.

It is difficult to talk about an effective decentralisation in case of provinces and prefectures, even if the elected councils legally represent this mission.

¹⁰ The new constitution of July 2011 stipulates, like in the former one, that “in territorial communities, the regional walis and the governors of the provinces and the prefectures represent the central authority. In the name of the government (...) they implement the regulations and governmental decisions and exercise the administrative control. (...) Under the authority of the ministers concerned, they coordinate the activities of the deconcentrated services in the central administration and ensure their efficient functioning.”



Since the popular legitimacy for the legislative systems is almost non-existent, their attributions as a whole remain symbolic and their budgetary autonomy is practically nil compared to the communal councils. The government has intentionally chosen to simultaneously make this level an intermediary of the central administration, a means to follow up and control the exercising of communal freedoms, and also a support for the rural and communes and intermediation in their relations with the government services and last but not the least, a center of territorial power ensuring the supervisory political functions and social management.

Finally, in the landscape of local institutions, the provinces and prefectures appear more like a **regulatory level for decentralisation**, rather than a decentralised level.

Regional institution: a longstanding “empty shell” candidate in a leading position

Since 1971 regional divisions were established, known as economic regions. From districts for planning and territorial planning, it wasn't until 1997 that the regions gained access, by virtue of a law, to the level of the local communities as recognised by the constitution. The context of political openness would have largely favoured this development¹¹.

In this way the territory was divided into 16 regions combining the various criteria that formed the basis for a **primarily functional approach**. The regional council is elected by an indirect suffrage for a period of 6 years and is made up of representatives of the territorial communes, representatives of the prefectural and provincial councils, representatives of the professional and socio-economic bodies.

The executive aspect of the regional assembly is in the hands of the wali-governor, a representative of the government that in any case must be subject to the implementation of a prior countersignature of the President of the regional council. The wide and vague field of competencies, without any attribution to the corresponding methods; the delays in terms of drafting the planning documents without a prescriptive scope; and lastly, the little involvement of the regional institution in the drafting and implementation of the public policies are the factors that clashed with the emergence of a strategic positioning of this community. Thus, the effective reality of the regional dimension is almost non-existent in Morocco, on the functional level (level of development planning and spatial planning) as on the political level.

It is difficult to find a consistency here, be it economic, political, administrative, functional or even cultural. As a regional council president describes it, the region is “*a ship adjoining the wilaya when it doesn't reside in the same quarters, with personnel having an “administrative” profile, extended till the wilaya or the government services... a regional council that regroups hundreds of persons elected on the basis of a very local and regional council chairperson who, defined by the wali manages at least 1% of the public financial resources supported in its region*”. The budget of all the regions in Morocco does not exceed 60 million Euros with 12 km highways that are common to all the regions!

4. Resources for local communities

- The local finances for different territorial communities show a high dependence overall as regards the central government that invested in 50% of the operating revenue of the local communities. Resources transferred to local communities originate from a very small share of the corporate and income tax (1%), taxes on insurance contracts and especially 30% of the VAT that constitutes the essential part.
- finances transferred by the government are not equally distributed across the territorial levels. In 2009, urban communities monopolised 36% of these resources as against 26% for the rural communes, 33% for the provinces and prefectures and a mere 5% for the regions.

¹¹ Mr. Ibrahim; “Assessing regionalisation in the shadow of political and institutional reshuffling”, REMALD, no. 19, April June 1997..

The formal criteria for distribution of finances is as follows:

In case of cities, 80% of the VAT is distributed on the basis of three criteria: the criteria for the tax potential (70%) of the incentive for recovery of the own resources (15%), and the remaining 15% is attributed at a flat rate, without taking into account the demographic size or the tax wealth. The criteria prove to be a disadvantage for the big cities that are the most dynamic and favourable, the most populated, but without any internal economic capacities. Casablanca actually receives only 14% of its total revenue owing to its share in the VAT.

In case of rural communes, the tax potential accounts for 60% as opposed to 30% that is attributed at a flat rate, and 10% on the basis of promoting the own resources.

In spite of the various criteria introduced, the VAT distribution is not subject to any documentary publication for each locality, which in turn reflects a certain opaqueness.

As a whole, the urban communes cover 35% of their operating budget by their share in the VAT. They remain less dependent on the central government. On the contrary, the rural communes are dependent by 62% of the transferred finances, their own resources covering only 26% of their operating revenue.

A distinguished dependency of the types of local communities concerning the government

- The urban communes (and regions, to a lesser extent) are distinguished by the own resources with almost 52% of the operating revenue (and 40% in case of regions). On the contrary, the provinces and prefectures are characterised by the majority share of the revenues transferred by the government, which is 83%. Rural communes remain largely dependent on the revenues transferred by the government (62%).

Distribution of the operating revenue for local communities per level 2009

	Region	Provinces and prefectures	Rural communes	Urban communes	All the CLs
Own resources	40%	5%	26%	52%	38%
Revenues transferred	54%	83%	62%	35%	50%
Special accounts and subsidiary budgets	6%	12%	12%	12%	12%
Total	100%	100%	100%	100%	100%

Source: General Treasury of the Kingdom

- The own resources of territorial communities specifically show their importance in urban communes. Apart from its operation for the domain and para-fiscal taxes, it deals with the locally managed taxes (taxes on housing development, taxes on undeveloped land, royalties on sales of wholesale markets and fishing ports) which represent 27% and revenues managed by the government on their behalf, constituting 73% of the revenue (business tax; 27%, housing tax and community service taxes; 46%).

Local resources for local communities have **three features**:

- An autonomy concerning the fixing of rates, but within the scope of a pre-determined bracket with the General Directorate of the Local Authorities (DGCL). The decision of increasing the taxes is taken by the communal council, but must be sent for approval to the DGCL.



- lower tax recoveries due to the lack of applicable resources to identify the taxpayers (lack of geographic information system and field monitoring) and delinquencies. However, the efforts in this sense are addressed to Casablanca (census of the heritage implemented the system), as well as the recovery rates of the taxes administered by the government show a significant improvement in recent years after the data of the Treasury General of the Kingdom (74% to 76% in the years 2007-2009).
- The tax potential valued in excess of 50% by a study on Casablanca is not being used: the reference rental values do not reflect the market values, addressing scheme, scarcity of resources collected in the enforced recovery in this situation.

Communal facilities

The VAT only deals with 12% of the resources in relation to the facilities of the urban communes. These are the surpluses from previous financial years that fulfil this function the most with 66% of the resources, followed by the loan (13%). The urban communes charge heavily for the facilities and the infrastructure (opening and repairing of the streets, excluding the sanitation sites, communal facilities) that they cannot provide by themselves. Additionally, most of the big cities have developed programmes that are upgraded and entails the government and other territorial communities¹². For all the major cities, investments largely depend on co-financings entailing the government and other territorial communities (region and prefecture).

The jurisdictions: between legal power and financial and human resources.

The commune has a large number of competencies (legal) in terms of departments. Among these competencies, we see potable water and liquid and solid sanitation, electrification and street lighting, transport and road network in addition to the facilities (wholesale markets, fish markets, bus stations, etc.). Sectors involving the health, education and agriculture remain centrally controlled, while the communes have transferable competencies in these domains.

In a rural setting, communes as a whole remain largely dependent on the central government, even for their functioning. As regards equipment for potable water, electrification, streets, that are specially stated in the national programmes (PERG, PAGER, PNRR¹³) wherein they have a share in a part of the financing under the administrative supervision of the DGCL. Their own financing resources are still insufficient to meet the needs of their population. The actual implementation of Communal Development Plans (PCD) provides them the opportunity of enforcing their priorities and choices for development as regards the sectoral departments of their communes.

In urban settings, the communes are relying increasingly on outsourcing from private operators (for solid and liquid sanitation, street lighting, transport, managing slaughterhouses, etc.). This is reflected by an increase in the operating budgets so that the investment capacities remain in view of the requirements. This is also the case for large infrastructure of liquid sanitation, road networks, public transport, etc. Relying on other territorial levels and the central government is essential for upgrading their infrastructure. Such dependence is high particularly in case of the management of public transport (lack of a regulatory structure among different means of transport (taxis, buses, trams, financing the public transport on their own site, management problems with private bus agents).

Significance of the reports: A size dysfunction

The situation of local finances shows that all the local communities have recorded surpluses in relation to their resources. This situation indicates an estimated surplus of 19.21 MM Dhs in 2009 (nearly 10% of the budget of the government). It entails reports from one year to the next with investment credits (undertaken, or in case of programming). This dysfunction should have also been in the weak management capacities for investments at the communal level (poor preparation of investment files, delay in the programming) rather than the control and validation system for the files by the supervisory body.

¹² The programme implemented in Casablanca (2007-2016) concerns the road network, transport, communal facilities and green areas. It requires 3.5MM Dhs to be distributed among the government (37%), a loan from the Urban Commune of Casablanca (37%), the UCC (15%) and 11% of the Region and the Casablanca prefecture.

¹³ Global Rural Electrification Programme (PERG), Programme for supplying drinking water to rural areas (PAGER), National Program of Rural Roads (PNRR).

It shows that reviewing is required for the budgetary procedures and the importance of qualification of the communal personnel.

Human resources: critical needs

The communal personnel are a heavy burden on the operational budgets of the communes even though the requirements for qualified personnel are still very high.

The personnel expenses represent 43% of the operational expenses in urban communes. Casablanca reserves 55% of its management expenses in this cost (more than 100 million dollars), but the senior executives only represent 8.40% of the personnel, 18.37% comprising the middle management while 73% of the total are operating agents (16.65%) and the workforce (56.35%).

Additionally, the special status of the communal personnel differs from the employees from the civil service; the responsibility is not made clear and they do not benefit from any career schemes. This leads to low executive pay scales, a very high rate of absenteeism, low productivity and hand-picking from the higher levels.

Even if certain mayors are able to find indirect means to some competencies by providing certain advantages, it is imperative to carry out a general overhaul of the status of the communal staff. It must be included in an overall assessment regarding the implementation of adequate human resources in the new missions and competencies of local communities.

5. Instructions and primary challenges to be met

Act 1 of decentralisation outlines a territorial organisation in which the production and activities of the emerging territorial communities are kept under high supervision. This organisation has created a balance between the government and the elected communities who, while managing a space for a local political representation, display consistency on the part of the Government in the regulations of the territorial order.

These regulations is based on both, the resources stated in the new legal texts issued from reforms, combined with a transactional logic at the local level borrowing more informal vote-catching records and/or cooptation of the rising elite.

Generally, **the public regulation of the territorial order** combines **two developments** that affect the politics and policies which can be summarised below:

1/ In terms of the *politics*, the territorial administration is, in turn, committed to managing and monitoring the selection processes of the local elites, to control the practices of the local communities by different methods in order to maintain the dependency of the elected officials for the technical or financial support of the Government. So in spite of and apart from what is set out in the texts, administrative supervision is exercised in various forms enabling to include the autonomy margins for local communities and communes in particular. Consequently, many of them are the procedures that require an approval or a visa from the Ministry of Interior since the framework law, the essential document that encircles personnel management (administrative career of senior officials developing or modifying organisation charts, etc.) till individual agreements of any kind.

When Morocco became independent (in the 1990s) administrative and financial jurisdictions were set up across the territories, and even the expectations of the native population in the communities became more demanding, the relations between some of the elected officials and the governors explicitly started causing more conflicts on the basis of a mutual attribution of responsibility for the failure of public utilities. As a result, decentralisation seems to be supported by a logic of defeasance, in fact an elimination in terms of responsibilities to conduct the local affairs.



On one hand, the argument that the Government authorised the transfer under supervision and without the necessary means, of the competences to local communities in terms of constructing the amenities and providing public services, since it itself was originally incapable of implementing this, shall remain in the minds of the elected officials. Inversely, none of the members in the Government and especially to justify the recognised shortcomings, will point out the corruption of the local elites and/or their incompetence to conclude their core missions. The truth undoubtedly lies in between both these arguments.

2/ On the level of conducting the policies, the organisation and functioning of the territories is largely dominated by the presence of the government in every level and every issue relating to public action. The central government sets some general standards and monitors the activity of the local authorities owing to its dismemberments and interconnections (unevenly spread out over the territory) for services used across the regions. It requests the latter to implement its national policies, to ensure that the law is adhered to, and if required, arbitrate between the diverging interests of the local actors. It so happened that till the 1990s, the “performance of a governor” that represented the ideal government, was almost entirely indexed on his capability of maintaining public order in the narrowest sense of the term. This vision was highly influenced by the successive administrative boundaries, organisation, functioning and culture of the territorial administration at the cost of the coordination of the sectoral public action (policies). At the same time, the government’s omnipresence was not reflected on the territories, due to a lack of an effective deconcentration, by a capacity ensuring a coherent management and efficiency in law enforcement that represents it across the territories¹⁴. In fact, the “Territorial Government” does not exist, it is regarded as a juxtaposition for the sectoral administrations with limited financial margins, particularly on the budgetary level, in terms of programming and conducting public policies. This will certainly witness an evolution where a “new concept of authority”¹⁵ will be defined which will work on featuring new principles that must guide the behaviour of the enforcement authorities. But the “definition of the new concept of authority” and no fewer than eight royal speeches in vehement support of deconcentration weren’t enough to overcome the resistance to adopting a global approach for deconcentration. The file is currently the focus of the agenda of affairs for the government since the constitutional reform was adopted in July 2011.

Lastly, it is allowed to point out if during this period, the elected communities are not liberated from the grip of the local government which is represented by the governor, the latter and the foreign services which the Governor is in charge of managing, are no longer free from the concentration of the decisions, credits and management of human resources.

Principal challenges for communal level

1/ The actual provision for the administrative supervision explains the low excesses and financial debts of the Moroccan CLs to a large extent, by curbing the local initiatives. The Consultative Commission report on Regionalisation (CCR)¹⁶ and the new constitution clearly indicate a change of course for the coming years. The CCR calls for a “simplification of the implementing procedures and a reform for expenditure control resulting in a “logic of empowerment for managers”, elimination of à priori control and reinforcement of à posterior controls, audit controls and performance assessment”. The same goes for all the proposed provisions to compensate for the malfunctions identified (significance of the reports, inadequate recoveries).

A first challenge is constituted by a relaxation of the administrative supervision in financial matters and in the direction of an à posterior control without letting the local communities sink into deficits.

2/ Excessive weight concerning the small untrained staff, demotivating among the professionals, inadequate technical capabilities, also constitute as challenges in order to reconcile the legal competencies and human resources. The latter also requires a reform for the staffing regulations of the communal personnel to support the research regarding new technical structures (agencies, etc.)

¹⁴ Refer to A. Bouabid, L Jaïdi, “*Deconcentration and governance of territories: Fourteen guidelines for a debate*”, Discussion paper, “Reform programme of public action – FAB”, 2007.

¹⁵ October 1999, a declaration by the sovereign addressed to the governors in particular for the “New concept of authority” introduced as “the instrument that supervises the public sector, manages the local businesses, safeguards the security and stability, protects the individual and collective freedoms, and available to the citizens and in permanent contact with them, to deal with their problems on the grounds that bind them.”

¹⁶ An advisory expert commission headed by the King in January 2010 to develop an “advanced regionalisation” project for Morocco.

3/ How do we balance out the legal competences and financial provisions? What proportion of the local taxes? What kind of autonomy? What content is identified in the functioning of free administration?

6. Declaration of a new territorial organisation: The advanced regionalisation project

Since 2011, the Southern and Eastern Mediterranean countries have never been witness to political upheaval of such a magnitude, in varying forms as per the countries. However, they share a common trait of reflecting the reawakening the Arab civil societies and their aspirations regarding social justice and liberty.

Morocco, which has been engaged in a process of reforms since the end of the last century which has notably resulted in the extension of public freedoms, is not an exception to this development. However, while unlike other countries, the initiated political transition has helped in containing the demands while preventing any convulsive developments, it doesn't lessen the pressure on the leaders in any way. The latter is reflected in the appeals to reconsider the scope of a process of reforms that seemed to mark the pace and acceleration of its implementation rate to respond more directly to the aspirations of the most vulnerable social categories.

While anticipating the expectations of the Moroccans and its international partners, Morocco announced a huge project of political and institutional reforms in March 2011, with an unprecedented magnitude thus establishing a constitutional revision as adopted by referendum in July 2011.

This reform grants a significant amount of space to reorganise the territorial order of the Kingdom. It was preceded by the work of an advisory expert commission commissioned by the King in January 2010 to develop an "extended regionalisation" project for Morocco (CCR).

Characterised by an in-depth study of decentralisation that is particularly regional, along with a relaunch of deconcentration, the "advanced regionalisation" project creates the new constitutional territorial order. Structured around the dual requirements of a democratic in-depth study and the revival of public action, it will be known as "the base for an institutional structure of the Moroccan Government"¹⁷ to the measurement tool according to which the provisions of the new constitution will be designed and implemented.

The reform for the territorial organisation of the kingdom is firstly planned by means of adopting of an organic law based on the territorial communities that involve no fewer than nine disciplines that also affect the system of competencies, the conditions for enforcing the deliberations by proceeding with the financial and tax systems. It would be fair to say that the "constituent process" was not completed, and levelling out the legal and regulatory framework with respect to decentralisation is essential.

The new constitutional provisions underlining an evident development in terms of decentralisation of powers. For the first time we see an affirmation of solid principles such as: the principles for decentralised organisation within a unified framework, election of regional councils by a universal and direct suffrage financed by the executive powers, "free administration" in territorial communities, equivalency between the transferred competences and the allocated resources, the subsidiarity principle as a solution to the allocation of competencies and lastly, the principle of contractualisation for government regions.

Nevertheless, the regulations used for the principles on the other hand, along with the plans that they reflect, remain a fundamental point that covers any difficulty in the company. It adheres to the poor consistency of launching the administrative, political and economic plans on the regional level, and the delays encountered in terms of deconcentration.

¹⁷ We note that the new constitution of July 2011 also introduces a change in the balance of the powers between the State and the elected community at the level of the provinces and the prefectures, by entrusting the execution of the deliberations and decisions of these Councils to their presidents.



This is why, the regionalisation project in Morocco, far from showing a simple increase in the power of the regional elected authority, paradoxically concerns the government head, who is both, the subject and its origin writer: i) The subject, since regionalisation is included in a first temporal sequence such as reinforcement for regional deconcentration. ii) The origin, since recognising the establishment of the elected regional community shall not necessarily result in a transfer of competencies per blocks, but will be regulated for sure by the government by means of the contractual tool. The same goes for choosing a regional voting system based on the prefectural lists that are part of the same concern of controlling this development, which the public powers want to be both, progressive as well as gradual.

Assessments and addressing the challenges

For the purpose of such an overall development and its implications on the transformations expected from the territorial order following the constitutional reform, we address these **three analytical statements**:

The first one states that the regionalisation project which the constitution has declined in its main principles is ambivalent in scope. It includes an aspect of innovative elements that are undisputable and sensitive to reinforce decentralisation, but simultaneously records the progress of this order that necessitates a balance wherein the government maintains a control over the regional decentralisation process.

The second one states that this ambivalence that “created” the constitutional principles by the level of generality thus leaving a margin for different interpretations, is related to the haste with which the new constitution was drafted. Thus, it is true that the constitutional text refers to the provisions concerning the territorial communities in the organic laws and that they shall actually determine the direction that the process will take. In other words, on the basis of this plan the constituent process is still ongoing.

Our third observation is that the lack of visibility till today (which is 2 years after the constitutional reform) for this reform and particularly the delays recorded in the opening of a debate on the method of operating the project of the organic law, reflects a certain awkwardness on the part of the government, and frankly, its level of unpreparedness is put into perspective and conducting such a reform with respect to the constitutional provisions.

In conclusion, for all the references that were made in Act II of decentralisation in Morocco, it is to be noted that the process of operationalisation of the regionalisation project, within the context of the “Arab spring” post-conflict, and thus on the basis of the pressure exercised by the citizens who demand the right to access to public services, will definitely face a muted controversy which will pit the Government against the elected officials.

This is why paradoxically the latter do not show a definite enthusiasm to see this project enter into force in the context of an economic crisis. As a result, as an elected official states “the fear of seeing the government decentralise the problems towards the regions through this reform, without transferring the resources required for their resolution” is real. As regards the government, the pressure of the post-constitutional expectations extend until organising the public agenda around a key priority that could be condensed in the following statement: How to secure the transition on all the levels, within a situation restricted by the increasing complexity of the topics to be discussed, where the maturation is slow for territorial reforms and the mobilisable budgetary resources are limited. In other words, how can the government be repositioned on the territories without weakening it, to give a sense to Article 1 in the new constitution that stipulates “the territorial organisation in the kingdom is decentralised, based on an advanced regionalisation”?

7. International support for decentralisation: views and proposals

The partners involved in Morocco in the context of decentralisation and/or local development are many in number, multilateral (UNDP, World Bank and the EU) as well as bilateral (USAID, CIDA, GIZ, the Spanish Cooperation). But only the French bilateral Cooperation is involved in the deconcentration.

However, these cooperations are not implemented in the same way, and nor are they for the same topics. Some of them are centred around supporting the ongoing reform processes in terms of decentralisation and deconcentration (French cooperation) and also concerns as many central (DGCL) and territorial administrations of the Minister of Interior as the territorial communities particularly by decentralised cooperation¹⁸. (refer to the PAD- Morocco study)

Moreover, it forms a basis for actions of the sectoral reforms for urban public services (transport, waste management, sanitation, etc.) and the general work with the DGCL and the guiding communities, which is also the case with the World Bank and the GIZ as well as the European Union (sanitation) in particular.

Finally, the others target local communities that drive the actions in terms of personnel training in communal management (USAID).

Across the territories, the European Union delegation is distinguished especially due to its support to the National Human Development Initiative (INDH) that has a bigger share in local development. (64 million Euros which is 7% of the total). In the domain of decentralisation, there is very little cooperation in comparison, even though the EU provided long-term technical assistance to the DGCL (two technical assistants and occasional expertise, from May 2008 to April 2011) in all the subjects of the participative strategic planning and especially the establishment of the Communal Development Plans (PCD); controlling the communal works and the delegated management of the facilities; as well as the inter-communities. The European Commission additionally launches the calls for projects meant for the local communities, as part of its various programmes (PACT, CIUDAD, ANE.AL).

The territorial reform supported by the new constitution of 2011 is promising but is currently still in a virtual format. With a slow maturation, the operationalization requires care and support for three plans.

1. A technical support for a logic of a co-financed project, to reinforce the capacities of local communities where emancipation is not only legal but also supposes the capacity development in terms of controlling the project works. Many decentralised cooperation projects in Morocco have been, in addition to the individual performances supported by the elected officials, powerful motivators for the empowerment of local communities in the management of public services. (Agadir)
2. A support for the structuring of the multiservice platform that is co-managed by the elected officials based on a pooling of resources of local communities leading to the mutualisation of an offer for personnel training, technical support to the internal organisation of the communities in terms of the structure, management, and setting up of projects and planning. Many experiments for communal planning conducted by the elected officials supported by the international programmes (UNICEF, USAID, CRDI) or even national programmes (ADS) have been conclusive particularly in rural areas. Thus the experiment of the UNICEF which has undoubtedly been the most successful showed a capacity for adapting by the most dynamic mayors and for playing an advocacy role to mobilise the funds 10 times higher than the communal revenues with money lenders on the basis of a communal development plan. A review and assessment of these experiments are yet to be done, but the mobilisation of local competencies, an increase in the priorities of certain categories of population, the gap in figures between the requirements and the local means, etc. are also some elements that reinforce the position of the powers of the commune in its territory.
3. A support to structuring the associations of local communities¹⁹, its purpose being to carry out their role of advocacy in favour of decentralisation and of a representative of the government on all subjects relating to the reform of local powers.

¹⁹ Refer to, "Provisional elements for establishing a Resource Centre", in the "reinforcement project for capacities of the regional elected officials in Morocco"; EIDHR/2010/242-426, Association of Moroccan Regions (ARM) Foundation Abderrahim Bouabid – Project file – April 2013.



Notes:

⁹ Remy Leveau, "the Moroccan Fellah - Defender of the Throne", Presses de la FNSP (National Foundation for Political Science), Paris, 1976.

¹⁰ The new constitution of July 2011 stipulates, like in the former one, that "in territorial communities, the regional walis and the governors of the provinces and the prefectures represent the central authority. In the name of the government (...) they implement the regulations and governmental decisions and exercise the administrative control. (...) Under the authority of the ministers concerned, they coordinate the activities of the deconcentrated services in the central administration and ensure their efficient functioning."

¹¹ Mr. Ibrahim; "Assessing regionalisation in the shadow of political and institutional reshuffling", REMALD, no. 19, April June 1997.

¹² The programme implemented in Casablanca (2007-2016) concerns the road network, transport, communal facilities and green areas. It requires 3.5MM Dhs to be distributed among the government (37%), a loan from the Urban Commune of Casablanca (37%), the UCC (15%) and 11% of the Region and the Casablanca prefecture.

¹³ Global Rural Electrification Programme (PERG), Programme for supplying drinking water to rural areas (PAGER), National Program of Rural Roads (PNRR)

¹⁴ Refer to A. Bouabid, L Jaïdi, "Deconcentration and governance of territories: Fourteen guidelines for a debate", Discussion paper, "Reform programme of public action – FAB", 2007.

¹⁵ October 1999, a declaration by the sovereign addressed to the governors in particular for the "New concept of authority" introduced as "the instrument that supervises the public sector, manages the local businesses, safeguards the security and stability, protects the individual and collective freedoms, and available to the citizens and in permanent contact with them, to deal with their problems on the grounds that bind them. »

¹⁶ An advisory expert commission headed by the King in January 2010 to develop an "advanced regionalisation" project for Morocco.

¹⁷ We note that the new constitution of July 2011 also introduces a change in the balance of the powers between the State and the elected community at the level of the provinces and the prefectures, by entrusting the execution of the deliberations and decisions of these Councils to their presidents.

¹⁸ Refer to "Programme Assessment for supporting the Moroccan Decentralisation Process (PAD-Morocco)", Final Report, France, MAEE, DGMDP, Mission of the Democratic Governance, June 2012, F. Brunet, A. Bouabid, V. Follea, F. Alcandre.

¹⁹ Refer to, "Provisional elements for establishing a Resource Centre", in the "reinforcement project for capacities of the regional elected officials in Morocco"; EIDHR/2010/242-426, Association of Moroccan Regions (ARM) Foundation Abderrahim Bouabid – Project file – April 2013.

4. ALGERIA

1. Background and features of the territorial organisation

The background of decentralisation in Algeria dates back to the independence of the country in 1962. The territory is administered by the decentralised bodies of the government, namely the Wali (prefect) and the head of Daira (deputy prefect). Since 1963, decree 63-189 restructured the communes owing to the French colonisation, thus reducing their number from 1535 to 676 and the territory is currently divided into fifteen departments. The powers of the communes are recentralised as part of the special delegated powers as designated by the administration, that are substituted in the municipal councils.

The new territorial organisation was materialised in 1967 with decree no. 67-24, which drafted the communal code, structured the commune, specified its attributions and provided for its financing. This code established that the commune is the “territorial community that is political, administrative, economic, social and basically cultural”. In 1984, a new law increased the number of territorial communities. The country currently has 48 wilayas and 1541 communes. In 1988, the legislator decentralised the management of the communal plans for development on the level of the Walis. These plans were implemented by the communes, and their development projects concerning the Wali had to be subject to approval. These projects were essentially for urban infrastructure, transport or sanitation, were based on the gross budget that the government assigns annually to the communes. When extending the Constitution of 1989, which had a special section for political pluralism and the principle of separation of powers, the Communal Code was redefined by law no. 90-08 in 1990, which specified that the commune adopted the legal personality and financial autonomy. So in 2011, law no. 11-10 redefined the Communal Code.

Its geographical location also played a significant role in the territorial organisation of the country. The Algerian territory is characterised with a high concentration of population: nearly 90% of the residents account for 12% of the Northern part of the territory²⁰. This can be seen in the physical differences between the agricultural lands in the North and the desert lands in the South, and also in the population flows relative to the rural exodus post-independence and during the black decade of terrorism particularly in the 1990s. Between 1987 and 1998, the population residing in the rural areas recorded a decline of more than 1.3 million residents. The urban population increased from 53% in 1966 to 86% according to the census taken in 2008 for and reached 29.21 million.

The country is still highly centralised. Since its independence, the search for legitimisation of the nation state seemed like a constant priority. During the decade of civil war, which resulted in about 200,000 to 300,000 victims, the government was primarily concerned about ensuring the integrity of the territory and its national security. This recent past had a high impact on the institutional and political life in the country.

Unlike its Tunisian and Libyan neighbours, the magnitude of the Algerian movement was controlled during the Arab spring, even when the country was witnessing significant political changes. In May 2012, all the political training programs were authorised to participate in the parliamentary elections wherein 30% of the seats were reserved for women. The National Liberation Front (FLN), in power, won by a majority of the seats (220 out of 462) and the Green Algeria Alliance, a group of three moderate Islamic parties, obtained 49 seats. Under the Prime Minister Abdelmalek Sellal, the new government since September 2012, followed up with the implementation of the development plan 2009-2014. It focuses on the public investments in infrastructure, social services, creating employments and diversification of the economy.

In power since 1999, Abdelaziz Bouteflika called the presidential elections on 17 April 2014 and holds a record of longevity in Algeria. Not present in the public view for many months for health reasons, he has still not declared his intention for running for a possible fourth presidential mandate. The country could be in for a new political order shortly.

²⁰ *The General Population and Housing Census, Urban framework*, National Statistical Office, Algeria, 2008.



Lastly, the economic profile of the country also had an influence on the political choices made for many decades. The sector of hydrocarbons represents about one third of the GDP (Gross Domestic Product) of the country and 98% of its exports. While shaping the architecture of the economy, it simultaneously contributed in curbing the efforts to develop an alternative that is political, economic as well as social.

2. Legal framework

The Algerian Constitution stipulated in Article 15, that “the territorial communities of the government are the commune and the wilaya”, and in Article 16, “the elected assembly constitutes the foundation of decentralisation and the place for the citizens to participate in the management of public affairs”. It does not include a separate chapter for local communities. The principle of free administration for these communities is not given either.

According to Article 1 of the law 90.08 dated 7 April 1990 concerning the communes, “the commune is a basic territorial community that is provided for by a legal personality and financial autonomy. It was introduced by the law.” It has a territory, name and an administrative centre (Article 2), along with a deliberative body elected by a universal suffrage, a communal people’s assembly, and an executive (Article 3). They are also provided for, by a legal personality and financial autonomy.

Today the Algerian territory comprises 48 wilayas (departments), 535 dairas (divisions) and 1541 communes.

The wilaya is the primary level of territorial administration. It comprises both, a decentralised administration as well as a territorial community with public assembly. The communes cover all the national territories. The last elections in the communal people’s assemblies and the public assemblies for the wilayas were held in November 2012.

3. Resources of local communities

The resources for local communities are determined by the central government, that involves Common Funds for local communities (FCCL) or local taxes.

The FCCL comprises two divisions: Solidarity Funds and Guarantee Funds.

- Solidarity Funds comprise an equalisation charge and a subsidy grant. The purpose of equalisation funds is to reduce the resource disparities between the different communes and different wilayas. With an amount of 66.3 billion dinars for the year 2010, they qualify for the operating category of local budgets. They represent about 5% of the Solidarity Funds. Hence, capital grants in communes represent about 40% of the budget. This is to be added to the additional grants paid to the unprofitable communes, that are either not able to recover their expenses, or are faced with natural disasters, in addition to subsidies for renovating primary schools and constructing communal administrative branches.
- Guarantee Funds compensate the tax shortfalls as recorded by the communes. With an amount of 72.6 billion dinars in 2010, this allowance provides for the mandatory contribution that is fixed annually at 2% of the tax revenue of the communes and the wilayas. Value Added Tax (VAT) is paid to local communities since 1992 and also represents a shortfall, its rate having declined from 17% to 15%.

The local taxation comprises the following taxes: property tax which is the most significant one in terms of resources, tax on professional activities, fixed-rate payments, salaries, allowances and emoluments, and the sanitation and household waste removal tax.

The authorities recognise the inadequacies between the level of resources in local communities and their functions; an interdepartmental committee was established in 2007 on the reform for finance and local taxes. The diagnosis of the

committee includes the following elements: an oversized patchwork of fees and taxes, a considerable disparity between these different taxes, a tax structure that favours the industrial or commercial regions, a small yield of tax revenue established on the basis of inheritance, and an inadequacy in the local human resources.

Various measures were taken, for example, the assumption of debt in the Communal People's Assemblies, an allocation in favour of the communes for 50% of the GIT revenue from on rental incomes and opening up of more than 3000 positions in the financing and accounting frameworks in the communes. Others are under review, like simplifying the local tax system and the reform for the Intercommunal solidarity system.

Finally, many centralised programmes dealing with local development were implemented by the communities after selecting and funding by the government. We could increase the communal development programmes, programs supporting economic recovery or yet, the Southern Fund Programme.

4. Issues and challenges

In Algeria, the question of decentralisation is essentially viewed by the central power through the prism of vitality and strength of the nation state. Thus, different phases of the territorial organisation first conducted a deconcentration of the administrative divisions that affected a real division of powers and the responsibilities with the elected local communities. Rather than enabling the emergence of autonomy, they expanded the presence of the government in the territories. Decentralisation consequently remains a largely theoretical and rhetoric concept. The efficient distribution of powers as per the principle of subsidiarity resulted in the prime issue that led to what followed after that.

According to the Communal Code, the commune has been provided with a limit for its general jurisdiction. Its competences are defined extensively which it shall not be allowed to enjoy in practice, given its limited financial and human resources. Within this context, these were the main decentralised services of the government that implemented the sectoral policies, including those that formed the competencies of the decentralised authorities. This situation necessitated a clarification of competencies from the local communities as well as the terms and conditions of their transfer.

The number of executives in the communal personnel was thus low and considerably lower than that in the central governments. The transfer of skilled personnel, implementation of training plans as well as improving the working conditions in order to retain the constituent frameworks of the major issues at stake to increase the efficiency of the local administrations and their credibility with the citizens.

With respect to the sense of belonging and participation of the population in local affairs, the scope is immense. Given the predominance of the central government, a few citizens felt concerned about what was happening at the local level or to turn to the local authorities. The texts do not provide for the possibility of involvement or the engagement of citizens in the management of local affairs.

Such challenges cannot be considered without any references as regards the financing of the communes that could be an acute problem. Transfers from the government to communities were always difficult, predictable and comprehensible to the local communities that additionally, did not use any mechanisms for independent local taxes.

With regard to the budgetary management, it is to be noted that various communes are in an excessive deficit situation in a structural manner that reveals significant weaknesses in the capacities for management and assessment of the public expenditure.





5. EU's support and guidelines

Algeria and the EU are strategic partners bound by an Association agreement with a purpose of structuring all their reports that entered into force in 2005. The total ongoing bilateral programmes of the EU, apart from those of the member Nations, amounted to about 250 million Euros. The cooperation aimed to achieve the following objectives:

- supporting the economic reforms and strengthening the institutions of a market economy in view to a sustainable development,
- development of economic infrastructure,
- development of human resources,
- consolidation of the rule of law and good governance.

Within the scope of a Support programme for Partnership, Reforms and inclusive Growth (SPRING), the European Commission adopted a governance support programme in 2013 of 10 million Euros for the benefit of Algeria. This new programme aims to reinforce the institutions for governance in the economic and political domains. The objectives of the programme comprise the consolidation of the rule of law, including access to justice, strengthening the fight against corruption, encouraging the involvement of all the citizens in the development processes and improving the monitoring of public finance management. According to Štefan Füle, the Commissioner for Enlargement and European Neighbourhood Policy, *“the programme particularly supports the creation of spaces for dialogue between the Parliament (National People’s Assembly) and the civil society, which shall improve the citizen’s access to justice and strengthen external auditing of the public expenditures and the follow-up assessment of the performance of public services”*²¹. In concrete terms, missions working alongside and providing short-term technical assistance, twinning, short-term training by experts from public institutions of the EU (with the TAIEX programme) were implemented.

For the period 2007-2013, fourteen Algerian wilayas were eligible for the cross-border cooperation programme “Mediterranean basin” for an amount of 200 million Euros that funded the projects within a regional scope.

As part of the regional programme CIUDAD (Cooperation in Urban Development And Dialogue), two projects were implemented with the Algerian communities during the period 2010-2013. The first one, “From the driven city to the sustainable city: reinventing new cities” signifies the new City Sidi Abdellah and the Public Development of New Urban Planning for Sidi Abdellah. The second one, “Promoting an integrated and sustainable management for solid urban wastes in the Maghreb countries”, was put together for Algeria, the commune and the University of Sétif.

During the period 2012-2015, “The cleanest and most energy-efficient Mediterranean cities” programme supported the efforts of the local authorities in the neighbouring Southern countries to play a more active role in addressing the challenges of a sustainable policy. With an amount of 4.4 million Euros, the programme concerned the following countries: Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, the Occupied Palestinian Territory, Syria and Tunisia.

The thematic programmes and instruments, such as “Civil Society Organisations and Local Authorities” (CSO-LA) or “Democracy and Human Rights” (EIDHR) constituted the opportunities that were accessible to the local actors by means of the calls for proposals. However, in recent years only two projects relating to local governance have emerged with the support of the EU in Algeria. It involves projects that are a part of the ANE-LA programme. One of them was implemented by the El Ghaith association with 34 communes in the Bordj Bou Arreridj wilaya for capacity building in the association network for community and rural development. The other was implemented by the Proyecto Local association and focuses on local democracy and activities related to Morocco and Algeria. Generally speaking, the projects carried out in Algeria concerned in priority, the strengthening of the association movement, the prevention of violence against women and the access to Rights of Persons with Disabilities.

²¹ Press release, SPRING, 4 August 2013.

Guidelines concerning the EU:

- Make contact and engage in a dialogue with the executive authorities of the essential Communal Public Assemblies and People's Assemblies in the wilayas to identify their needs, know their modes of action as well as inform them about the EU programmes,
- Assess the programmes and the local development projects carried out with the support of the EU, and trade with project holders of the civil society who participated in them, to identify the courses of action,
- Support the initiatives of the civil society for a more active involvement of the citizens in the management of local affairs,
- Support the attempts to train the territorial personnel and the local elected officials, for example, within the framework of the TAIEX twinning, where greater recognition should be given to the actors and local administrations,
- Encourage the partnerships between the European communities and Algerian communities by focusing on the local development,
- Open a financing line for the Algerian local authorities in the next OSC-LA annual action programme.



¹¹ *Euroregions* or similar structures, founded under the *Madrid Outline Convention* (Council of Europe, 1980), *European Groupings of Territorial Cooperation* (EGTCs) at the internal and external borders of the EU, or *Euroregional Groupings of Cooperation* (EGC), created under the Third Additional Protocol to the Madrid Outline Convention.



5. TUNISIA

1. Background and features of the territorial organisation

In Tunisia, decentralisation has an important position in the political rhetoric, without any of it actually resulting in a real application. The political and administrative system in Tunisia existing since its independence in 1956 remains highly centralised, resulting in an uneven development in the different regions of the country. These social and territorial differences trigger the protest movements which hatched in late 2010. It was in Kasserine, a medium-sized city to the West of the country, racked by unemployment and abandoned by the public powers, where the January 2011 Revolution broke out. It has come a long and tortuous way since January 2011. With the vote of the Constitution by the Constituent National Assembly on 26 January 2014, the country experienced a historical moment that was filled with hope with a democratic future and a development that was equally distributed across its territories.

Various parameters are to be taken into consideration while analysing the historical, economical and urban context.

– The Tunis case

The capital and the economic and political centre in the country, witnessed a significant growth since the 1950s. As opposed to 560,000 residents post-independence, the city now has more than 1 million residents according to the National Institute of Statistics. In the same period, its spatial width increased from 15 to 60 km, stretching from Tebourba in the north to Soliman in the south. Different implementations modified the geography of the capital. During the 1960 and 1970 decades, the European city was emptied of its residents and replaced with Tunisian administration executives. Medina is progressively inhabited by rural migrants who contribute to its high densification (160,000 residents in 1965). In 2010, the rehabilitation of the squatter settlements was originally a progressive depopulation for Medina and the European centre, leading to a residential migration in the El Menzah districts. The contrast is significant with other cities in the country. Sfax is the second Tunisian city with 231,000 residents.

– Models for development and territory planning

On the national level, taking into account their impact of the cohesion on the territory, three successive phases of development could be identified roughly from 1960 to 2010.

* The 1960s were characterised by the adoption of a development model based on an industrialisation through import substitution. The purpose of this model was to create an internal market, promote the industrial development by establishing development hubs²², as well as ensure a balance between the different regions. To do so, the government also engaged in the modernisation of small agricultural ownerships, by establishing an agricultural cooperative system²³. The government generalised the system in 1969, the total number of cooperatives being 345 to 861 for a surface area of 3 million hectares. This kind of restructuring of the agricultural property does not modify the land structure, but favours the rural exodus to the capital. The nationalisation of the lands by the settlers in 1964 on one hand, and the dissolution of the habous on the other²⁴, thus enabled the government to constitute an important land portfolio. During the 1960s the concerns of the public powers were focused on the economic development, without any instrument for urban planning or territory planning being implemented.

* Between 1970 and 1985, a new model that focused on foreign capital was implemented. The limitations for economic planning in the 1960s, due to the failure in the experiment with collectivisation among others, led to the government opting for a model that was based on, in priority, encouraging the private initiative while it is built on the support of the consolidated public sector, and by preserving the cooperatives that are still operational or established as part of the agro-constituents.

²² Hubs at Kasserine (Cellulose), Menzel Bourguiba (Steel), Sfax and Gabès (Chemistry).

²³ 15 cooperatives in Northern Tunisia for a surface area of 8,800 hectares. In late 1968, the cooperatives were 345 in number over a surface area of 373,000 hectares.

²⁴ Mortmain property.

From a legal point of view, this period witnessed the enactment of the Town Planning Code in 1979, which replaced the decree of 1943. In 1972, the Greater Tunis area was established as the Greater Tunis District and was provided with a technical body, responsible for ensuring the planning, controlling and monitoring of the urbanisation of the capital. The transport, traffic and infrastructure were implemented in 1974 in addition to the master plans for the roads of Greater Tunis, master plans for sanitation, electricity and potable water in the Greater Tunis. During the first half of the 1980s, the National Territorial Planning Scheme was supported with six regional plans that were developed.

* From 1990 onwards, a new national and international context resulted in the government liberalising the economy by means of an adoption of a structural adjustment programme. At the institutional level, under the influence of this context, the breakdown of the territory was refined and the number of governorates was 24. In addition, the number of communes increased from 200 in 1995 to 264 in 2000. In practice, it essentially involves a deconcentration, a situation that A. Rallet would call an institutional lock-in, "regional development {constant} to define the directions for sectoral development and have them reflected in the investment projects²⁵. Between 1990 and 2000, the opening of the national economy to the global economy sees the enactment of the Code of Town and Country Planning and Territorial Management (CATU).

Between the years 1970 and 2010, the territorial management was developed to its full capacity. During the 1970s, even from a legal point of view, although more institutional as compared to technical, various provisions and technical files were implemented as part of being characterised by the redeployment of urban policies and particularly for housing, transport and activities. However, the policies for territorial management and urbanism were victims to a lack of coordination, and were not able to control the development of spontaneous housing and spatial expansion of cities.

– Situational analysis of this model

Various analyses of the territorial management enable bringing the following characteristics to light:

* Increase in the disparities between the coastal and inland regions. The events in the inland regions, that triggered the revolution and overthrew the system, resulted in an absence of regulation of economic development between the coastal and inland regions. Thus, despite their multiplicity, the development and management plans (DPD) don't have an actual impact on the inland regions. Designed as instruments for regulating the economic development, the DPDs are not taken into account by the central and regional authorities. They serve as a contrast in the inland regions.

* The disconnection of the urban policies and territorial management and the lack of control on urban growth. The last 35 years have witnessed various provisions in terms of urban planning, for example the establishment of a planning body in 1974 in the Greater Tunis and its replacement in 1992 in the Greater Tunis District by a Bureau of Public Affairs in charge of helping out the communes in Greater Tunis. Such multifaceted actions correspond to the internal regulatory mechanisms and search for legitimisation on an international scale.

– Impact of the 2011 Revolution

Towards the end of 2010, following the incident where a young street vendor goods were confiscated by the authorities in Sidi Bouzid, set himself on fire, the non-violent protest movement expanded in full force throughout the country. It resulted in the president Zine el-Abidine Ben Ali leaving, who was in power since 1987. Following the dissolution of the Municipal Councils in early 2011, special delegations were appointed to administer the communes in the wake of the municipal elections. On the national level, there were many successive transitional governments before the elections of the National Constituent Assembly in October 2011. The work is time consuming and the political divisions are intricate. During this period, the decentralisation work is not supported unanimously; the process caused some concerns as regards the weakening of the government.

Three years after the Revolution, Tunisia today has been a witness to a historical period with the adoption of its Constitution on 26 January by the Constituent National Assembly, a year and a half after introducing the first Constitutional project in July 2012.

²⁵ Alain Rallet "Liberalisation of the economy, a problem for regional development and Institutional standards: the Tunisia case" in the *Region et Development* journal no. 2-1995.- p7.



The text states the new civil, political, social and economic rights. For example, it introduces a objective for the men-women equality in the elected assemblies. New provisions have been provided for the local communities and the territorial organisation was modified.

2. Legal framework

The Constitution dated 26 January 2014 renewed the legal framework for decentralisation. Its implementation opened a vast field of reforms for legislation and public institutions that could determine alone the real change brought about by the Constitution.

As regards the territorial organisation, the Constitution leads the country towards a decentralisation that is more advanced with an additional ranking, local and regional elections as well as the principle of free administration. In Chapter I of the General Principles, Article 14 primarily deals with decentralisation: "The government undertakes to support decentralisation and adopt it on any national territory within the framework of the unity of the Government".

Articles 131 to 142 in the Constitution talk about the local authorities.

Article 131 determines the following territorial rankings: communes, departments and regions, which is an additional ranking by a previous territorial organisation.

These rankings were elected, as stipulated in Article 133: "The municipal and regional councils are elected by a universal, free, secret, direct, integrated and transparent suffrage. The departmental councils are elected by the members of the municipal and regional councils."

Article 132 establishes that "the local communities have the benefit of the legal personality and the financial and administrative autonomy; they manage the local affairs conforming to the principle of free administration".

So without specifying which ones, Article 134 indicates that the local communities have own competencies, and introduces the principle of subsidiarity.

On the legislative level, the communes are governed by law no. 75-33 dated 14 May 1975, that has been concluded and modified four times.

The communal organisation records a movement of continuous expansion: from 69 in 1956, the communes increased to 134 in 1966 and then to 264 in 2012. The population relative to a communal administration represents about 60% of the total population. The 264 Tunisian communes occupied about 30 to 35% of the Tunisian territory as well as the division into governorates (prefectures) and delegations (sub-prefectures) that cover the entire national territory.

Until 2013, the municipal council is elected by a direct universal suffrage for a period of five years. The mayor is elected by the municipal council, with the exception of the mayor of Tunis who is appointed by a decree of the council members. With the exception of six big communes that inform the governor of their deliberations, the Tunisian communes did not have any effective autonomy, their deliberations being subject to the approval of their respective delegates that had the power to overrule the decisions of the municipal council.

Tunisia is also subdivided into 24 governorates. The governor, appointed by the President of the Republic, is both, the representative of the state in the governorate and also, the President of the Regional Council. On the institutional level, the governorate is an administrative territorial division of the State. It is also a public body supported with the personality and financial autonomy, administrated by a regional council and managed by a governor subject to the administrative supervision of the Ministry of Interior. After the Institution of Regional Councils in 1989, the governors became the coordinators of regional development.



3. Resources of local communities

The 264 communes that cover about 35% of the entire territory use financial resources representing 4% of the resources of the government.

In terms of the local taxes, the principal role is of the government who sets the rate and the taxes. The collection of local taxes is the exclusive responsibility of the decentralised State services.

There are three mechanisms for financial transfers of the government to the local communities: the mutual funds of the local communities, loan funds to support the local communities and transferred credits in the sectoral ministries. All the national amounts of these transfers are set in an ad hoc manner, in addition to their distribution in local communities. Thus they are unpredictable and volatile. They don't offer any operational margin to local communities, since they are all conditional²⁶.

4. Issues and challenges

While the adoption of the Constitution is an important step in the transition to democracy, it shall remain but a step. Everything now depends on the way it is interpreted. The new government must govern the country until the next elections that will take place by end of 2014. Preparing for municipal deadlines will be an important test to judge the force of the decentralisation project. As a result, the challenges resulting from the previous political phase are many in number.

– An excessive centralisation

Since independence, the Tunisian governing system was characterised by its centralisation and authoritarianism that fostered the emergence of the political patronage and reports of allegiance of the population toward the government.

The governorates acting like an extension of the central government upholds decentralisation at a largely theoretical level. The competencies of the communes are limited in many domains: training at its different levels is administered by the Minister of Education, sanitation, water and transport by the public establishments or the national public firms. When the communes are not discarded for the implementation of essential services, their attributions remain less effective. In this system, the administrative supervision for different Ministries additionally leads to a disconnection of policies. The definition of policies has a local impact ensured by the supervisory ministries with a sectoral approach, along with the communes acting as administrative supervisory bodies for the Ministry of Interior.

This disconnection between the local structures and the ministries in charge of the urban policies and territorial management, is also responsible for a low impact on the studies of territorial management. When a management master plan was defined for a region, neither the governorate, nor the communes, nor the public operators were able to carry out its implementation, and this is why, the urban policies and territorial management did not complement each other.

The first challenge for Tunisian decentralisation is consequently the acknowledgement of a general jurisdiction clause to the local communities, in which the law of 1975 states: the commune is "responsible for the management of the municipal interests" and it "participates in the framework of the National Development Plan to promote the locality on an economic, social and cultural basis». The transfer of competencies per sector must then be the resulting outcome.

– Significant regional inequalities

Since independence, the economic and social effects in terms of development are made when the relatively fewer places always have to accommodate many people, activities and capitals. Such a development concerns the coastal and particularly the Tunis capital, and involves a concentration of technical and financial constraints that are increasingly heavier. But yet, the lack of complementarity between decentralisation and regional development does not facilitate coordination of the public actors, causes significant obstacles in territorial management, particularly the inland regions,

²⁶ *The institutional environment of local communities in Africa*, Cities Alliance, CGLUA, 2013.



and also causes many delays. For example, the G.P.1 bypass in Sousse, designed as part of the master plan for the town planning of Sousse was executed by the Territorial Management Branch in 1973, and was only implemented fifteen years later in 1988.

The disparities between the inland regions and coastal regions reflect the absence of regulations in the economic development. For forty years, the inland regions have been accommodating less than 15% of the companies, thus severely affected the young people who were involved in industrial employment.

The economic development of the inland regions calls for new dynamics. Cohesion of the national territory is not allowed, and thus dividing into governorates must be replaced by a division of the economic regions directed and facilitated by the regional councils whose members are elected as invited to the new Constitution.

Decentralisation of these new economic regions requires a transfer of certain competencies from the government in addition to the establishment of the rural communes contributing to the development of the remote regions. So in various Tunisian regions, conurbations metropolitan areas are developed, calling for new regional instruments for urban planning. These new structures at the regional ranking enable to ensure that decentralisation is complementary to regional development.

5. Support from the EU and guidelines

Since 2007, the cooperation between the EU and Tunisia is funded as part of the European Neighbourhood and Partnership Instrument (ENPI), as well as the term for the European Bank of investments for the granting of loans.

In 2011, the EU decided to increase the budget allowance to support the transition to Tunisia and reinforce its cooperation in the sectors of the civil society and its media, the consolidation of the rule of law and the electoral process, regional and local development and the social reforms. The EU Delegation in Tunis took a leadership role in the coordination with the international technical and financial engaged in Tunisia, particularly in the sector of supporting the civil society.

The budget of the EU-Tunisia cooperation programme, known as the National Indicative Programme (NIP), spent 240 million Euros for the period 2011-2013, to which the supplementary budget for a total amount of 400 million Euros was added annually since 2011. These budgets were reinforced to launch various programs to stimulate the economic recovery and employment as well as the health sector. Tunisia also benefits from the European Instrument for Democracy and Human Rights (EIDHR), the thematic "Civil Society Organisations and local authorities in development" Programme and the European regional program SPRING that is responsible for responding to new socio-economic and democratic challenges wherein they meet partners from the Arab region, undergoing a transition.

In 2011, the EU granted a special provision to Tunisia by means of a support in the neglected areas for an amount of 20 million Euros. Due to the expansion of the protest movements, there was a sharp drop in the tourism in the country, as well as in foreign investments and reduced security as regards social violence, that resulted in tax losses and debt arrears for the communes. The transitional authorities rank the 13 governorates in the interior as unfavourable areas. The programme was intended to create temporary employment opportunities and provide reintegration thereby supplementing the requirements of the government (implemented with the International Labour Organisation), to improve the living conditions of the population in the disadvantages urban areas and recover the economic activity in these areas (implemented by the AFD), and provide increased accessibility for micro-finance services in these disadvantages areas. The stakeholders in the programme are: the Ministry of Planning and International Cooperation, the Ministry of Regional Development, the Ministry of Vocational Training and Employment, the Ministry of Finance, the Ministry of Interior, the Lending and Support programs in local communities, Urban Renewal and Rehabilitation Agency, the municipalities and the governorates.

The support programme in the Association Agreement and the Neighbourhood Action Plan helped supporting various twinning opportunities out of which many are in the decentralisation sector.

For example, the project to strengthen the institutional capacities of the Training and Support Centre for Decentralisation (CFAD) was implemented with ENA France in 2012. Even in 2012, the Konrad Adenauer foundation obtained a grant for the project called “reinforcing the constituent elements of a democracy: support for political parties”, implemented in eight governorates.

With the adoption of the action plan for a special partnership in November 2012, the EU engaged in a long-term process to support the transition in Tunisia, based on three main features: a deeper political cooperation, a progressive integration of Tunisia in the domestic markets of the EU and a closer partnership among people. The EU is particularly engaged with Tunisia to promote decentralisation and good local governance, strengthen the decentralised and cross-border cooperation and improve the urban development and territorial management.

For the period 2007-2013, the Tunisian regions on the Mediterranean border were involved in a cross-border cooperation programme, especially the Italy-Tunisia programme for an amount of 25 million Euros, and the Mediterranean Sea Basin Programme for an amount of 200 million Euros that financed the projects of regional networks.

So between 2009 and 2013, as part of the CIUDAD regional programme, no fewer than five projects got the Tunisian communities together under the following domains: local governance, integration of the minorities, cultural heritage, waste management and waste water treatment.



Guidelines as regards the EU:

- Supporting the next municipal elections, by an observation mission which is also upstream, for example by supporting the public awareness campaigns regarding challenges in elections, and training initiatives for the political personnel as was the case with the project carried out by the Konrad Adenauer Fondation in 2012,
- Drawing up a report for various programmes and projects funded by the EU in Tunisia in the decentralisation sectors, local governance, local development and decentralised cooperation, in order to emphasize their results, strengths and weaknesses,
- Engaging in a dialogue with the representatives of the Tunisian communes, and the National Federation of Tunisian Cities (FNVT) to better understand their needs, challenges and identify the approaches for working together by offering the available European instruments. To consolidate and improve the experience gained, this could be helpful and be carried out by also collaborating the communes or governorates that have already played a role in the cooperation programmes, as part of CIUDAD in particular,
- Inviting these actors, to minimise the FNVT and the major Tunisian communes, the information and consultation meetings regarding the European programmes organised by the EU Delegation in Tunis, and increase the efforts to inform them about the financing opportunities in this respect,
- Opening a financing line for the Tunisian locales authorities in the next SCO-LA annual action programme,
- Supporting the institutional strengthening of the FNVT, an essential tool to strengthen the local Tunisian powers and the dialogue with national authorities,
- Encouraging the development of decentralised collaboration agreements between the Tunisian cities and the European cities, as a laboratory for experimentation on democratic practices on the local level,



- For better integrating the actors of a decentralised cooperation in the support programmes for decentralisation that takes into account their experiences and the local knowledge, their legitimacy and increased ownership that is favoured by them,
- Supporting the implementation of a national training programme in the territorial and communal personnel frameworks in general, for example by the Training and Support Centre for Decentralisation (CFAD), depending on the Ministry of Interior ,
- Supporting the development of an urban strategy on the national level together with the local communities, the NGOs and the private sector in particular

6. LIBYA

1. Background and features of the territorial organisation

Since the 1950s, the territorial organisation of the country was subject to repeated modifications. With a very strong identity, the three historical provinces of the country, namely Tripolitania, Cyrenaica and Fezzan, additionally triggered the regional conflicts and disparities in development.

The Constitution of 1951 established a federal system based on the autonomy of the three regions. In 1963, some constitutional amendments abolished this system and set up a unified government. Three levels of the government have thus been established: 10 governorates (*muqat'at*), divided into districts (*mutasarrifiyat*), which are further divided into sub-districts (*mudiriyat*). The biggest cities such as Tripoli and Benghazi, have municipal structures that are administered by the mayors. After the *coup d'Etat* of Mouammar Kadhafi in 1969, various governorates were redefined and renamed. In 1975, the governorates and their administrative services were abolished but they continued to exist until 1983, the day a new system of districts was established. The structure and number of districts were eventually modified five times between 1983 and 2007.

Generally speaking, the local Libyan communities were cut off from the world during the forty-three years of the Gaddafi regime. After eight months of an armed revolt that drove the Gaddafi colonel from power, the first free legislative elections were held in July 2012. They appointed 200 members from the General National Congress, who were called to take over the National Transition Council (CNT), to prepare the election of a Constituent and structure the general elections within a period of eighteen months. The 68 existing local councils were established under the CNT (same was the case with Tripoli, Sabha), and were elected in 2012 (same was the case with Misrata, Benghazi and Zawia). But the administrations remained under the administrative supervision of the government. As defined by the National Committee regarding the local elections, every city was invited to organise its municipal elections at its pace and before the end of February 2014, for the registration of candidates to fill up the lists by holding the elections. For a year, elections were held in many southern cities (Ghat, Morzug, Ojala) but no major city organised the ballot, except Obeida which is situated in the east. There were a number of obstacles and the process was lagging behind. Initially scheduled for end of February 2014, the local elections in Benghazi were reported, for example. In the cities where elections were held after that, the mayors were elected in return, and the latter began organising and were particularly the applicants for the experiments and foreign exchanges.

In June 2013, the Council of Cyrenaica proclaimed the autonomy in the region. The federalism patriots were the result of the Constitution of 1951, which divided the country into three administrative regions, and started the debate of decentralisation again in the country. This question represents a major challenge in the Post-Gaddafi Libya, where rebuilding its unity was favoured but it also had to deal with the isolation of various regions and in the scope of its territory.

The country barely emerged from a chaotic transitional period. In the very beginning of 2014, the National General Council set the election date for the Constituent Assembly on 20 February 2014 and extended its own term for a year to prevent aggravating the void at the head of the government. With such strong divisions in political parties and the population, thousands of Libyans demonstrated in early February, against the decision of extending the 2014 elections until the end of December.

2. Legal framework

During the political transition period of Libya, it is to be noted that the legal framework was rudimentary and instable. Various regulatory frameworks were established, that opened up the chances for a decentralisation. Article 18 of the Constitutional Declaration of the CNT in August 2011 led to the implementation of the General National Congress with a national legislative power and 68 local councils for Libyan municipalities. The Constitutional Declaration does not provide for an intermediary level between the national and municipal levels.

In 2012, the General National Congress voted for law 59 concerning the local administration that encompasses the relations between the local councils and the ministry of local communities as established since the first transitional government. It exercised an administrative supervision on the local councils and gave them a unique source of income. However this law is not effective in case of local elections, since the agenda has been disrupted. The current local councils are firstly management bodies in times of crisis, and then, local representatives of the government. They use neither the decentralised competencies, nor the administrations.

The law concerning the local administration of 2012 seemed to announce a four-level governmental approach: the national level, the level of economic regions or provinces, level of municipalities (baladiyat) and the district level (mahallas). They are not determined based on the number of territorial entities. For political reasons, the debate on the provinces was abandoned by the government, and it could only be debated by the General National Congress. The significance of the three traditional provinces always seems important if we consider the composition of the Constituent Assembly that assures a balance between the three provinces despite their demographic disparities (20 representatives each).

Territorial division is still uncertain. In September 2013, decree 520 fixes 90 as the number of municipalities in the territory. This number then became 100 or 101 by a decision of the Prime Minister, without it clarifying the options considered and the consequent division.

For the time being, the term of the General National Congress is extended until December 2014 while it is conditioned to the advances of the Constitutional works, which must be emphasized and not bound by the legal framework established during the transition.

3. Resources of local communities

The resources for the local councils are for a limited time. Without a formalised legislative procedure, they must be subject to their claims to the Minister of local communities. The claims are examined by both, the Prime Minister, and the Minister of Planning and Finance, and then by Bureau of finance controls which are dependent on the General National Congress.

The organisation of the system of financial transfers of the government to communities will probably be done after being subject to discussions. The challenge is to ensure a system of fair transfers between the regions while responding to the request that that the advantages of the local resources will be locally used. It involves for example a strong claim for the federalist movement that proclaims the autonomy of Cyrenaica, a region that holds a major part of the oil wealth in the country, and where the main city, Benghazi is the headquarters of the biggest petroleum company in Libya.



The differences in development among the regions, especially disadvantageous to the southern regions, then calls for a reflection over the coordinated mechanisms of redistribution.

4. Issues and challenges

The question of decentralisation in the post-Gadaffi Libya triggers emotions between the supporters and the opponents in federalism. With a high insecurity, the supporters argue on the fact that decentralisation was not escapable to surmount the marginalisation of the east of the country inherited from the Gadaffi, as well as the opponents believe that federalism is a gateway to the disintegration of the country. As a result it involves a question during the political transition that the country is undergoing, particularly with regard to preparing for a new Constitution.

Division of the territory in decentralised entities turned out to be hazardous exercise, given that the arbitration that must be geographically, economically and identically balanced. The successive decisions taken by the transitional authorities create the most confusion regarding the number of municipalities and also regarding the planned territorial networks (links between arondissements and metropolitan areas is not clear, for example).

In this situation, the organisation of municipal elections, which has been left to the responsibility of each city, is quite complex. Adding to this confusion is the frequent dispute over the structure of the municipal councils and the quotas, in particular by the traditional groups which are often management committees of districts which were created during the revolutionary period, which are not part of the electoral law.

At the national level, an agreement must first be found regarding the role of the minorities. For the time being, the status of the citizens of the Imazighen (Tuaregs) and the Tubu, who live in the Southern part of the country, as well as the right to use their own language, are highly disputed.

The perspective of decentralisation is perceived in a positive manner by the Libyan people. The local power is perceived as more accessible and understandable than the decisions taken at the national level from the time of the Revolution. In 2012 during a meeting of the Security Council of the UN, Mr. El-Keib, who was then the Prime Minister of Libya, acknowledged the frustration of the people considering the geographical as well as theoretical distance separating them from Tripoli.²⁷

The institutional issues related to decentralisation are first of all related to the definition of local jurisdictions, including that of the budget and the organisation of administrations and the municipal technical divisions. Then comes the training of the elected representatives and the territorial agents. An appeal in this regards was initiated by Sadat Al-Badri, the dynamic mayor of Tripoli. At the end of 2013, the 34 Libyan Mayors convened a meeting to share their experiences and to debate their common preoccupations²⁸. Lastly, the third issue pertains to the development of the activity sectors and public services, in particular the roadways, management of urban areas, transport and environment. For example, in an interview given to the Libya Herald in July 2012, Faisal Krekshi, the Secretary General of the Alliance of National Forces, a liberal party, encouraged the decentralisation of the sectors of education, health and transport, as well as the creation of special economic zones for cities close to borders.²⁹

Lastly, the paradoxical situation that the Libyan cities may experience has to be highlighted. In a centralised situation, where everything is still to be constructed, they enjoy political autonomy, which caused Jean-Louis Romanet Perroux³⁰ to compare them with City-States.

²⁷ Radio France international (viewed on 11 February 2014), <http://www.rfi.fr/afrique/20120308-le-premier-ministre-libyen-devant-onu-exposer-difficultes-son-pays>

²⁸ *Libye, chaos debout*, Jeune Afrique n°2766, 12-18 January 2014

²⁹ Libya Herald (viewed on 11 February 2014), <http://www.libyaherald.com/2012/07/01/party-profile-the-national-forces-alliance/#axzz2tIgdxy3S>

³⁰ *Regards sur les villes libyennes aujourd'hui*, Interview with Jean-Louis Romanet Perroux Confluences no. 85, Villes arabes: conflits et protestations, February 2013.

5. Support of the EU and guidelines

Libya and the European Union are not bound by contractual relations. There is no Association Pact in force. Libya is not part of the Barcelona acquis and does not participate in its neighbouring European politics.

Since 2011, the EU has adopted sanctions to interrupt the flow of arms and money to the Gaddafi regime, and has opened an office in Benghazi and Tripoli to provide humanitarian aid.

The EU currently supports Libya through a cooperation programme which is worth 30 million Euros in the following domains: reconciliation, elections and constitutional processes, protection of human rights and empowerment of women, safety and justice, border control, migrations, reform of the public administration, health, education, training and culture, media and civil society.

For the period from 2007-2013, sixteen Libyan districts are eligible for the trans-border cooperation programme "Mediterranean Basin" for an amount of 200 million Euros, which provides financing for regional level projects.

Libya is also eligible for regional programmes since 2012, as well as for thematic programmes of the European Commission. Since 2012 Libya has also received a special grant which allows meeting its requirements within the context of the two programmes "Organisations of civil society and local authorities" and "European instrument for democracy and human rights".

Resulting from these programmes, the following projects related to the governance and development at the local level have been implemented since 2012:

- * Option for capacity building of the public administration in Libya, by the International Management Group (IMG)
- * Initial programme for capacity building of the emerging institutions and civil society in Libya, by the Common Purpose Charitable Trust
- * Civil initiatives in Libya, by ACTED
- * Support for democratic transition in Libya, by the International institute for democracy and electoral assistance (IDEA)

The Civil Initiatives Project in Libya (CIL) is the only project supported by the EU which is based on the local development strategies. The purpose of the action, implemented in Zawia and in Benghazi first, is to gather the diverse players involved in territorial management and to jointly identify the problems and opportunities. Considering the difficult transition period and the legal and political uncertainty resulting from it, the project may be considered as a pilot project with a strong objective which, despite everything, is drawing the benefits of the significant activity of the Libyan cities in this difficult situation.

Since the transition period is not set and the constitutional works have not begun, it is still premature for the EU to undertake to support decentralisation. The time is ripe for reflection and consideration of a roadmap to support the Libyan authorities in their public administration reforms.





Recommendations for the EU:

- Support the local initiatives of structuring of municipality associations, which will be able to become representatives of the central Government for questions related to decentralisation and to provide technical support to the future elected municipal executives,
- Support the ongoing local elections process,
- Support the Ministry of local Government in the performance of its mission, in particular in order to reinforce its position in the forthcoming national dialogue regarding decentralisation, and with several possible international donors,
- On a priority basis, support the strengthening of the territorial administration by defining a referential for functions of the administrative positions and implementing training for the elected personnel and teams in a dedicated national centre,
- Engage in regular dialogue with the representatives of the local Libyan communities, in order to better know their problems, if required to help them establish relations with exterior partners and to inform them of the cooperation programmes offered by the EU,
- Encourage the development of decentralised cooperation between local European communities and local Libyan communities, with the aim of foreign trade,
- Open a “Local Authorities” line of financing in the forthcoming annual action programme OSC-AL, for the Libyan communities, and before that, inform them of these financing opportunities and their terms and conditions (through a large information campaign, meetings with EU delegations, and also training provided to the departments of the communities in question).





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