The Decentralization in Morocco in the light of the new Organic Laws of Regions with a measure of autonomy
Plan of the presentation

I-- The Evolution of the Decentralization in Morocco towards the advanced regionalization: Contexts and Characteristics

II- The subsidiarity as the principle of definition of the skills of regions with a measure of autonomy in the organic laws

III- The Free Administration: the key principle for the confirmation of the attributions of the organs of regions with a measure of autonomy that seems to be a kind of an advanced regionalization

IV- The promotion and the strengthening of the cooperation and the solidarity between regions with a measure of autonomy

V- The participative democracy and the administrative control: two determining rules (rulers) for the application of the principle of the free administration
I- Context of the evolution of the Decentralization in Morocco towards the advanced regionalization
1. Contexts of the evolution of decentralisation

✓ Context of the evolution of Decentralization in Morocco towards advanced regionalization

➢ Since 1959: municipal divisions, creation of funds for municipal equipment and implementation of the first municipal diet

➢ The first constitution of 1962 opted for a decentralized territorial diet

➢ All constitutions confirmed the choice of decentralization namely the constitution of 2011

Decentralization is a main constituent(component) of the political and administrative construction sites of reform led in the country

➢ The diet(regime) of the decentralization was always an essential element of the constitutional reforms led in the country: constitution of 1962 (organization of provinces and prefectures), of 1973 (the municipal charter of 1976), of 1996 (creation of regions in 1997), of 2011 (the regionalization moved forward with the organic laws of 2015

➢ The evolution of the decentralization joined a context dress rehearsal of evolution of the rule of law(State subject to the rule of law) in Morocco with the creation of the administrative courts in 1994, management decentralized by the investment in 2002, new code of the family in 2003, the implementation of the authority equity and reconciliation in 2004, launch of the INDH in 2005 …
Un processus évolutif et dynamique

1960
Dahir (royal decree) concerning the municipal organization

1963
Dahir (royal decree) carrying organization of Pref. Prov

1963-1976
Initiatory diet/bicephalism/every limited skill and a hand put of the State

1976
Adoption of the dahir carrying municipal charter

1976-1997
Revolution in the organization of the municipalities/elected executive/more skills with a strong supervision of the State

1997
Adoption of a law carrying organization and attributions of Regions

1997-2002
Creation of the region / first references to the jurisdictional control

2002
Adoption of the law relative to the organization of the finances of the CL

2002-2009
Strengthening of skills of the municipalities and the provinces and the prefectures/limitation of acts subjected to the supervision/diet of the unity of the city

2009
Laws numbers 78-00 and 79-00 concerning the municipalities and concerning the provinces and the prefectures

2011
Constitutionnalisation of the advanced regionalization

2015
3 organic Laws of the CT

2015
A global construction site(work) of reform of the Decentralization / new constitutional principles / a territorial organization based(established) on the advanced regionalization

1997-2009
Laws numbers 78-00 and 79-00 concerning the municipalities and concerning the provinces and the prefectures

1997-2009
Constitutionnalisation of the advanced regionalization
The constitution of 2011:

The consecration of the constitutional principles for the decentralization by the constitution of 2011: Free administration;

❖ Subsidiarity;

❖ Cooperation and Solidarity;

» Governance.

A decentralized territorial organization based on an advanced regionalization (Art 01 of the constitution)
I- The subsidiarity as the principle of distribution (casting) of the skills between the territorial levels
The definition of the main missions of every territorial community

REGION
12 regions
678 regional elected representatives (among whom 255 women)

PROVINCE/prefecture
75 (13 Pref and 62 prov) on 1363 (among whom 57 women)

MUNICIPALITY
1503 municipalities
30663 (among whom 6513 women)

Territorial and Economic Development

Development. Social, rural,

Assure(Insure) local services
The distribution(casting) of the skills between regions with a measure of autonomy

**Appropriate skills**
- Quoted in exhaustive title
- Exclusive skills at every level

**Skills shared with the State**
- Quoted on an exclusive basis
- Practice by contractual way

**Skills transferred by the State**
- Quoted in illustrative / indicative title
- Fields of extension of the clean(appropriate) skills of regions with a measure of autonomy

The participation in the financing of any project or activity not raising(finding) their skills if this financing contributes to reach their goals
II- The Free Administration: the key principle for the confirmation of the attributions of the organs of regions with a measure of autonomy in the air of the advanced regionalization
The confirmation of the pre-eminent position of the elected council

✓ The direct election of the members of regional and municipal council

✓ Entrust to the council the attribution to decide about the business of raising skills of the region with a measure of autonomy

✓ The statutory power in regions with a measure of autonomy
The strengthening of the attributions of the presidents of the elected councils

- Executive bodies of their regions with a measure of autonomy
- The approval of procurement contracts
- Leader of the administration of the region with a measure of autonomy
- A strengthened diet delegation
IV- the reinforcement of the solidarity and the cooperation between the local authorities for a better optimization of the means
Strengthening solidarity

- Setting up the bottom of the social upgrade
- The establishment of the interregional solidarity fund
- The province or prefecture as an area of solidarity between the communes: the exercise of communal powers by delegation, the delegated project management for the benefit of the communes

Diversification of cooperation and partnership tools

- Intermunicipal co-operation establishments and co-operation groups
- Cooperation and partnership agreements
- Development companies
- International cooperation
V - Participatory democracy and administrative control: two decisive rules for the application of the principle of free administration
Administrative control

Exclusively legal control

Acts subject to visas are listed for completeness with specified deadlines

Control over board members can only be exercised by jurisdictional means

Any dispute between the local authorities and the administrative control authorities is examined by the administrative courts
The participation

Compulsory participation for the exercise of certain skills (the PDR, CAP (COMMON AGRICULTURAL POLICY), SRAT)

Petitions for associations and citizens

The implementation of the commission of the equity, the equality of chance and the approach kind

The possibility of creating any other authority of participation by the advice of regions with a measure of autonomy
The advanced regionalization is an open construction site which calls for a mobilization of all the actors;

- It is a process of development gradual and progressive of the practices of the management of regions with a measure of autonomy,

- The cooperation establishes a mattering actor to accompany this construction site. It is meant to intensify the exchanges of successful experiments, the mutual transfer of the knowledge, the common initiatives for the valuation of the potentialities of development and the promotion of new dynamics between territories.
THANK YOU FOR YOUR ATTENTION