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The Effects of the Moroccan Advanced Regionalization Process in Western Sahara

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Abstract: In January 2010 the king Mohammed VI set up a new phase on the Moroccan regional policy with the creation of the Consultative Commission on Regionalism (CCR), entrusted with the task of drawing up a new regionalization model. The aim of reinforcing the Moroccan conflict-resolution strategy of autonomy for the Western Sahara was one of the reasons behind the promotion of this regional reform. This article explores the potential impacts of the advanced regionalization law in the current situation of the Western Sahara conflict, analyzing to what extent the CCR's reform gives autonomy to the territory in conflict as well as other parallel political measures adopted by the Moroccan state.

1. Introduction

On 3 January 2010, in a speech to the nation King Mohammed VI announced the creation of the Consultative Committee on Regionalization (CCR), entrusted with the task of preparing a new regionalization project. The initiative was part of the decentralization process initiated in the mid-seventies and was considered to be the third phase of the state regionalization policy, as well as the Moroccan regime's response to international pressures about the stalemate in the Western Sahara dossier.

The Project of Advanced Regionalization was presented in March 2011 when popular protests had already erupted in Morocco. During that period, most of the political actors involved in the mobilization had oriented their concerns towards specific issues such as corruption and the deficit in democracy. That shift in focus contributed to the project of regionalization being demoted on the political agenda, especially after the adoption of a new constitution in July 2011 and the holding of legislative elections in November 2011. From that time onwards, the regional reform has gone down different paths in the national political realm. On the one hand, the project's legislative development and implementation have been blocked for almost four years in Parliament, while on the other hand, the state's policies towards Western Sahara have continued and new complementary measures have been adopted. Consequently, the way in which the regional reform has been implemented suggests that the Consultative Committee on Regionalization has been mainly considered

by the Moroccan state as a means to stall further negotiations on the Western Sahara conflict. This article explores the impact that the advanced regionalization project could have on the resolution of the Western Sahara dispute. To that end, the article analyzes the Moroccan resolution proposal in the frame of the advanced regionalization project from a twofold perspective: on one side, the decentralization proposed by the CCR is studied in comparison with previous regional plans and political reforms, mainly the 1997 Regionalization Law, the 2011 Constitution and the Autonomy Plan of Western Sahara, to evaluate to what extent the CCR's blueprint gives autonomy to the territory in conflict; on the other side, the role played by the CCR is scrutinized within the broader framework of Morocco's policy toward Western Sahara, exploring how regionalization reform interacts and/or overlaps with the other political measures adopted by the state to strengthen and normalize its position over the territory.

The paper is divided into three sections. The first provides the general context in which the regional reform commenced and passed through the Moroccan political scene, from the creation of the CCR to the publication of its report. The second section compares the CCR's proposal with previous laws and reforms, with particular focus on decentralization and regionalization, in order to evaluate the effective degree of autonomy given to the regions in the advanced regionalization project using a model for policy analysis based on six criteria: democratization; human and fiscal resources; good governance and agencification, that is, the presence and role of ad hoc agencies for public governance; transfer of power from state to regions; *tutelle*, that is, state supervision of regional affairs and management; and regional division. The final section examines the advanced regionalization project in relation to other measures and initiatives which are also part of the Moroccan policy towards the Western Sahara, paying special attention to the Economic, Social and Environmental Council's (ESEC) proposal for a new development model for the Kingdom's "Southern Provinces," as Morocco calls the territory in conflict, and the role of the Royal Advisory Council for Saharan Affairs (CORCAS) in the integration of Saharan elites.

Regional Reform in Morocco: From Exaltation to Oblivion

In a speech to the nation on 3 January 2010, King Mohammed VI announced the creation of the CCR with the objective of entrusting this organ with the task of preparing a project that would lay the foundations for a future plan of decentralization (see Benyahya 63, Yaagoubi 12). He asked the Committee to set a model of advanced regionalization for

all of the country's regions, based on four fundamental aspects: a strong commitment to the nation's sacred and immutable values (the unity of the state, of the nation and of the territory); the principle of solidarity; a balanced distribution of resources between powers and local authorities, central government and the institutions concerned; and the adoption of an extensive devolution within the framework of an efficient territorial governance system based on harmony and convergence.¹

This initiative must be considered as the third phase of the Moroccan decentralization process initiated in the mid-seventies (Osman 101-05). The region appeared for the first time in 1971 as the means to respond to the country's needs regarding development and growth. That regional model turned out to be economically inefficient, but very politically useful for controlling peripheral dynamics through the renewal of local elite networks. It was not until the mid-nineties that the region received legal recognition as a territorial collectivity in the 1992 constitutional reform. The second regional reform was part of the 1996 constitutional revision and 1997 regional law, which established sixteen regions with a weak capacity for legislative initiative and a limited number of powers. Another important element of the 1997 law was regional decoupage, explicitly delimited with the idea of breaking the country's old cultural, historical, linguistic and tribal identities. In both regionalization processes, Moroccan regional policy was defined more by the development of a policy of deconcentration than by a decentralization policy of power,² because of the limited transfer of human and financial resources from the state to the regions. The dominant idea in both models was the necessity of a centralized state to ensure the maintenance of political control and the country's territorial integrity, cohesion and homogeneity, to the detriment of the region, which was left without political and economic power (see Ojeda 25-28).

Following the official discourse, regionalization had to be considered part of the institutional reform initiated by the Monarch after ascending to the throne, in which good governance was the main objective, "*the key to democracy and development*,"³ which had to be achieved through different transformations: reform of the judiciary, advanced regionalization, extensive devolution and a new social charter.⁴ The need to implement these wide-ranging reforms, announced on different occasions by the Palace, was connected to both foreign and domestic pressures: in the international arena, the European Union requirements imposed on Morocco in the framework of the European Proximity Policy, the 2007-2013 EU-Morocco Action Plan and the Advanced Status agreements (see Fernández Molina and Bustos 8-9); and in the national arena, the pressures emerging from

the need to find a solution to the question of Western Sahara (see Ben-Meir 93, and Zoubir 162), to provide a political framework where the proposal of an Moroccan Autonomy Plan could be credible and admissible (see Kausch 1), and to find a solution to two other major problems in the system: its inability to reproduce new elites to replace the traditional ones and the discrediting of the institutional political sphere (see Tozy 6).

The creation of the CCR generated intensive activity among institutional and non-institutional political and social actors. As in the seventies and nineties, political parties and important sectors of civil society attributed a democratizing power to the regionalization process. That expectancy provoked a significant number of activities and debates all around the country focused on this question, and contributed to the reform of the Moroccan regional system being considered the greatest political project of Mohammed VI's reign. In fact, the King himself had encouraged the participation of social and political forces among the Moroccan population as a whole, and he had asked the CCR to take their proposals into consideration. Over the fourteen months the CCR spent doing its work, several social and political actors, such as political parties, trade unions and associations, governmental institutions, such as governmental offices, control agencies, national development agencies and other national institutions, as well as different international organizations, forwarded a total of 124 written and oral proposals to the Commission.

However, public attention to the reform decreased once uprisings erupted in North Africa and spread to Morocco, despite the fact that on 9 March 2011, two weeks after the first demonstrations, Mohammed VI again placed the regional reform on the political agenda, proclaiming the creation of an Advisory Committee for Constitutional Reform (CCRC). Meanwhile the King's announcement was seen in Morocco and abroad as a strategic response to pre-empt a popular uprising in the country promising reform from the top; for him it was simply continuing the implementation of his regionalization plan (see Ottaway 2). Notwithstanding, the CCRC and the constitutional reform focused the attention of political parties, organizations, associations, institutions and citizens on other issues such as the role of the monarchy, the separation of powers and the independence of the judiciary. At that time, democratization was more important than decentralization for them. Thus, from that moment on, regionalization and decentralization became residual demands, and only the Monarchy kept the regionalization process at the center of its concerns.

2. Analysis of the Project of Advanced Regionalization: Real Autonomy for the Regions or Just “More of the Same”?

The final report from the CCR comprises five books in which the Commission presents its proposal. From its first pages, it is clear that the effort undertaken by the Commission was faithful to the “great values and principles” outlined in the various speeches by Mohammed VI and the Monarch’s main guidelines. In general, it is noteworthy that despite the project’s aims to construct regions with an “essence of democracy,” regions are excluded from having any real political power, as was the case in the 1997 regional law. In this vein, the CCR focused the advanced regional project on the promotion of integrated and sustainable development, which is to say that the powers of the regions remain circumscribed within the economic and social spheres in its proposal. Thus, sovereignty, territorial integrity and political, legislative and judicial unity are not challenged by the CCR, and all of them remain under the supervision of the King, the supreme representative of the nation.

In the following subsections, the advanced regionalization project is analyzed following six main criteria identified to evaluate the real degree of autonomy given to the regions: democratization; human and fiscal resources; good governance and agencification; the transfer of power from the state to regions; *tutelle*; and regional division. To assess them, the latest project is analyzed against the previous regional model, the 1997 regional law, the Moroccan project of autonomy for Western Sahara (2007) and the provisions on regionalization in the 2011 Constitution.

2.1 Democratization of the Regions

Regarding the first criteria, regional democracy has been articulated using three mechanisms: improvement of representation and legitimacy, greater access of women to elected posts, and the articulation of mechanisms that improve citizen participation, both in civil society and in the private sector. The election of the regional council is to be undertaken by employing the principles of direct universal suffrage. The members of the council have a voice and a vote, while the participation of other members in the council is permitted only with the right to a “consultative voice.” This latter category is composed of members of Parliament who are chosen in the constituencies of the region, presidents of the Chambers of Commerce (organized at regional level), and trade unions with representation in Morocco’s second Chamber of Parliament.

The document produced by the European Council on regional autonomy supports the need to create common links between the organs of regional representation and those of the state. The 2011 constitution maintains a three-fifths representation for the territorial collectives. According to Article 63, the three-fifths are distributed in proportion to their respective populations, and by employing the criteria of equity among the regions. Of these three-fifths, a third part is reserved for the regions. The regional councils choose their representatives from among their members. Two thirds are chosen through an electoral college constituted at regional level by the members of the municipal, provincial and prefectural councils.

In the advanced regionalization project, to guarantee the greatest representation and transparency for the electors, the report recommends using proportional formulas. The influence of the French model to represent the territorial administration can be observed in the “prudent” limitation of the accumulation of mandates. Despite this, the Commission supports the joint holding of elections to the regional and municipal councils (the two that are to be elected by direct universal suffrage), proposing that a person not be member of the regional, provincial and municipality councils at the same time (Book I. 12).

In this area of reinforcing democratic management, the Commission grants the power of action to the president of the regional council to the detriment of the wali. However, what is most notable about this proposal is that the symbols of the presence of the state in the territory do not stop in the regional sphere, but also descend to the level of the prefectures and provinces.

2.2 Improvements in the Sphere of Power

The principle of subsidiarity (as put forward in the Council of Europe’s document on regional autonomy) is applicable in the relations between the state and the regions. Matters of economic, social, cultural, and environmental development, where each sphere of power (e.g., water, energy, transport) can be shared between the state and the territorial collectives, are a good example for the application of the principal of subsidiarity (Book I, 14). Through the enactment of a law, the transfer of responsibilities and specific tasks from the state to the regions, or to other territorial collectivities, can be regulated. This can take place under a mechanism of contractualization and with a commitment to transfer resources and the corresponding means as well.

Despite increased responsibility for the prefectures and provinces, and the fact that there is no hierarchical relationship between the territorial collectives, the role of the

regional council is preeminent over the other councils of other collectives regarding regional development programs. In this same vein, the role of the regional council has improved in relation to joint actions between the state and the territorial collectives. Thus, it is expected that the regional council will contribute to the implementation of programs for infrastructure and equipment with the aim of improving the region's economic attractiveness, and to social habitat programs as well as to the development of the rural world and the support for populations in precarious situations (Book I, 15).

The regional council is reinforced in the sphere of international cooperation because it would be permitted to collaborate with local councils in other countries and international organisms (such as NGOs) to promote economic, social, cultural and environmental development in the region. The proposals for advanced regions also include new powers in the sphere of research and technological innovation, with the aim of opening up universities to their regions and improving their relations with society.

In sum, the spheres of power for the new regions are: economic and social development (this includes a social and economic development plan; a procedure to organize the territory; an urban development plan; the economic and social development of the rural world; and the promotion of investment and employment); water, energy, environment, education, training, culture, and health; infrastructure and equipment works; social habitat; sub-regional equality, and sport. When wielding practically all of these powers, the regions must act in coordination with the State and with the prefectures and provinces.

2.3 Local Fiscal System and Interregional Solidarity

The advanced regionalization project aims to ensure that the main work of the regional councils is focused on regional development. The severe deficits that Morocco suffers in human capital act as the point of departure for this agreement, and thus two distinct funds are planned to improve the social level of the population and to promote regional solidarity.

The proposal for advanced regionalization starts with a plea for the optimization of financial resources, and forecasts the creation of new regional rates that are adapted to the specificities of each region. The goal is not to increase the tax burden (currently at 26 percent in Morocco), but rather to ensure that payment falls on *the users* of large infrastructures (such as airports and large train stations).

The resources for regional council loans continue to be in the hands of the Municipal Equipment Fund, with the participation of private banks (Book I, 18). However, the Commission proposes that transfers from the State to the regions be larger, and that the regions be more involved in the management of their own regional affairs. It should be emphasized that the financial capacity of the regions since 1997 has been very poor. Total state income sent to local collectives in 2009, for example, was distributed in the following way: 49 percent went to urban areas, 25 percent to the rural communes, 19 percent to the provinces and prefectures, and only 7 percent to the regions; that is, 0.7 percent of the total global income of the state. Expenditure on human resources in the regions represents no more than 5 percent of the total; while social and economic spending—around 10 percent of the total—is not seen as a priority either. Therefore, it is clear that resources to the regions have been insufficient since 1997. This is why the project presents some specific proposals: recovery from 1 to 5 percent of the respective parts of the products of the tax on societies and the tax on income; distribution in equal parts between the state and regional councils to benefit from the rights of number plate fees and special annual rates on vehicles; the eligibility of the regions to benefit from Value Added Tax as investments (Book I, 18).

Finally, one innovative aspect of the project is a ‘finance and multi-annual law’ that requires different ministries to provide financial breakdowns by region, so that the public credits that go to each region are clear. The same requirement is also proposed for public organisms.

2.4 Good Governance and Agencification

Within the general tendency to improve public management, good governance is the concept that has “lasted the longest” in political speech and has managed to gain the most support among experts and public decision makers. Good governance has been defined as “the management of public issues in an efficient and effective way,” but above all it includes awareness of citizen’s demands. The advanced regionalization project proposes the creation of an agency, under the control of the regional council that will be responsible for supporting the technical plan, and the initiation of investment projects. The Regional Projects Agency is presented as a legal organism with financial and management autonomy (Book I, 20).

Therefore, the ‘new tendencies in public management’ include a step further towards the hollowing out of the state, with the option of “emptying the content and action of public administrations,” always under the presumption of inefficiency, and the creation of

other *ad hoc* organisms. The agencification of public management offers a series of advantages (e.g., the reduction of bureaucratic inertia, the improvement of procedures, a reduction in processes and their periods of resolution, etc.). But, on the other hand, it carries with it certain risks. Agencification can lead to a duplication of structures, overlapping responsibilities, and an open door to the maintenance of clientelistic networks.

Despite clear support for the creation of an agency that is responsible for carrying out development policies, part of the report is also dedicated to supporting and improving regional public administrations. This is because one of the ongoing criticisms of the 1997 plan for the regions was the lack of human resources and material means to implement the region's responsibilities, even when the seat of the regional council was, in many cases, located in the same space as the offices of the governor of the province or prefecture.

2.5 Control of the State and Guardianship

One of the criticisms of the process of decentralization, and of regionalization in general, started with the constitutional reform of 1996, with the exercise of *a priori* guardianship. Despite this complaint, guardianship is maintained in the advanced regionalization project with the only difference being that it conditions the management carried out by each region to leave greater autonomy to the regional governments. The proposal supports both a reduction in the deadlines and the powers submitted to guardianship by the state. The text proposes that if the response of the state is negative, regional counselors should be able to activate their right to appeal to the competent tribunals or arbitration of the minister concerned or the Prime Minister. However, despite declarations that state control will be reduced, the project alludes expressly to the need for prior approval of the regional council's meeting agendas as well as that of the budget. The deliberations over the development plans are also included as requiring the prior approval of the state. Finally, the reduction in the exercise of guardianship of the state goes hand in hand with greater judicial control and management evaluation of the decisions and acts of the regional council (Book I, 23).

2.6 Regional Division

It is common for different aspects and elements for the design of the new regions to provoke debates and confrontation, but the thorniest issue, and the one that represents the biggest challenge, is regional division (Rousset 4). This point is also acknowledged in the advanced regionalization project. However, the CCR is 'faithful to the Royal line' and

affirms that in Morocco there is neither regional tradition nor, much less, political regionalism. Morocco is characterized by a territorial structure that is: “unified and of a high level of integration under the aegis of a monarchy in symbiosis with its people.” Following this latter statement, an “advanced region” cannot be more than an institutional and functional structure. The rules established by the CCR for the territorial division are based on: efficiency, building on what already exists (such as the provincial division), homogeneity, functionality, accessibility and proximity, proportionality and balance (Book I, 31-32). Under these criteria, the number of regions falls in its proposal from 16 to 12. The territory in dispute that is demanding self-determination, the Western Sahara, is included as part of the Moroccan State and is articulated around three regions. Great effort has been made in the CCR document to justify and explain the new division and the criteria used for it. However, in the anticipated Moroccan regions that structure the territory of the Western Sahara, less effort is dedicated to establishing the criteria followed by the grouping of these provinces, or the incorporation of these provinces into the south of Morocco with the provinces of the territory of the Western Sahara.

The regions of Western Sahara are those with the lowest population, although they do have a higher urban population (around 70percent, in contrast to a total average of 57percent) (Book I, 37-38). On the other hand, these regions are formed by a lower number of provinces and communes but nonetheless have had the greatest number of resources transferred from the State per inhabitant (Book III, 135).

Considering this assessment, what follows is a table that seeks to evaluate the degree of autonomy conceded to the regions, using the criteria employed above and making comparisons with the regions in the 1997 Moroccan Autonomy Plan for Western Sahara, the advanced regionalization project and the 2011 constitutional text. Each one of the criteria forms the fundamental elements of the “skeleton” of regional autonomy. The aim is to try to reach some conclusions about the degree of autonomy of the regions in Morocco and to establish whether or not there is a significant difference between the CCR proposal for advanced regionalization and the previous model. The sources for this table have been drawn from regulatory and academic documents.

Table 1. Results of the comparative analysis of regional autonomy in different regional and constitutional reforms (1997-2011)

CRITERIA*	SUBCRITERIA	REGIONALIS ACTION 1997	REGIONALIS ACTION 2011	ADVANCED REGIONALIS ACTION 2011	CONSTITUTI ON 2011	PLAN FOR WESTERN SADR
1.- POWERS	1.1. Responsibilities of an economic, social and cultural character	X				
	1.2 Promotion of employment, professional training, sport, environment and social solidarity		X	X		
	1.3 Responsibilities of a political, economic, social, cultural and environmental character					X
2.- TYPE OF ELECTION	2.1 Indirect election	X				X
	2.2 Direct election		X	X	X	X
3.- TYPE OF REPRESENTATION WITHIN THE COUNCIL	3.1 Representation of associations and professional chambers as well as trade unions within the council	X				
	3.2 Without collective representation of professionals and trade unions		X	X		
4.- THE ROLE OF THE PRESIDENT OF	4.1 The wali implements the decisions adopted by the regional council	X				

THE REGIONAL COUNCIL AND THEIR EXECUTIVE CAPACITY	4.2 Executive function of the decisions of the regional council		X	X	X
5.- GUARDIANSHIP	5.1 Control <i>a priori</i> over decisions and acts	X			
	5.2 Reduction in the number of powers and the deadlines for prior approval on behalf of the State		X	X	
	5.3 Control of legality <i>a posterior</i>				X
6.- CRITERIA OF THE ADMINISTRATIVE DIVISIONS	6.1 Criteria that obviate the existence of cultural, historical and linguistic differences	X	X		
	6.2 Criteria of functionality and rationality		X	X	
	6.3 Criteria that do not question the unity of the state but that acknowledge the existence of cultural, historic and linguistic differences				X
7.- LOCAL TAX SYSTEM	7.1. Without resources or previously forecast state transfers				
	7.2 Own resources and transfers from the State	X	X	X	X
8.- EXISTENCE OF PARTIES OF	8.1 Parties only from the national sphere	X	X	X	X (?)

REGIONAL IDENTITY	8.2 Parties of the regional sphere				
9.- CITIZEN PARTICIPATION	9.1 Without proposals for mechanisms of participation	X			X
	9.2 Articulation of mechanisms of participation		X	X	
10.- DECONCENTRATION	10.1 Deconcentration is not an objective of the regulation	X			X
	10.2 Deconcentration is boosted and reinforced in the regulation		X	X	

*Criteria based on Ben-Meir 2010, Grubber 1996 and Van Cauwenberghe 2010

Source: Own elaboration

The results obtained from monitoring the basic criteria are of two types, one of an individual character, that is, the degree of autonomy of the region in the CCR's project; and the second, of a comparative character, i.e. the improvements in the degree of autonomy with respect to the 1997 model. The first group includes the lack of responsibilities in the political sphere and the prohibition of the creation of parties in the regional sphere; the maintenance of State control *a priori* (= guardianship) over the acts and decisions of the regional council; regional division where the territory in dispute—the Western Sahara—is divided into three regions; and the affirmation of Moroccan sovereignty over this territory, all of which demonstrates that the degree of regional autonomy is insufficient.

On the other hand, an analysis of the evolution of the region in 2011 in contrast with the existing model, and developments since the last constitutional reform in 1996, shows that there has been a notable improvement in the sphere of representation, because there is, for example, direct election of all members of the regional council, implementation of decisions on behalf of the president of the regional council, and because citizen participation is a formally acknowledged objective. In the same vein, there has been a small improvement in the recognition of powers and in the exercise of guardianship, for example, reducing deadlines and reinforcing the right to appeal against administrative decisions.

Finally, comparing the project of advanced regionalization with the Autonomy Plan for Western Sahara, the CCR's proposal is much weaker regarding powers, the availability of resources, the state's control over the decisions made by the autonomous territoriality, and the openness to changing status with a referendum. The advanced regionalization does not permit the administrative separation of the Southern Provinces, which includes the disputed territory. This issue is hampering a solution to the conflict in Western Sahara.

3. The Advanced Regionalization Project in the Frame of the Moroccan Policy Towards Western Sahara

Four years passed between the advanced regionalization project proposed by the CCR (2011), the constitutional reform (2011), and the start of the parliamentary procedure of the organic law on regionalization (2015). This delay is explained by the fact that behind the push for reform and the obstacles to the institutionalization of new regions lies the question of the Western Sahara conflict and the special political circumstances in which this process is framed: a coalition government composed by different forces which has to lead the legislation of all the amendments introduced by the 2011 Constitution within a post-popular protests context.

However, the political blockage of the regionalization reform did not deter that Morocco's policy towards Western Sahara continued in another fields, adopting diverse measures of economic and political nature in order to normalize Moroccan sovereignty over the Western Sahara territory. Among these measures, it is worth drawing attention to both the new "Model of Development for the Southern Provinces" and the reconfiguration of the Royal Advisory Council for Saharan Affairs.

3.1. The Parliamentary Procedure of the Organic Law on Regionalization: Debates, Obstacles and Negotiations

The organic law approved by the National Assembly in 2015 under the government of the Party of Justice and Development (PJD) is the result of a long reform process during which a plethora of factors conditioned its parliamentary procedure: internal conflicts among the different parties in the government coalition; the pressure on the government from the Palace to advance with the advanced regionalization project and the lack of interest of political stakeholders on the reform after the commencement of popular protests in the country.

The parliamentary procedure of the organic law on regionalization began on 15 May 2015, when the House of Representatives adopted an organic law draft bill for provinces, prefectures and municipalities. This draft commenced to be discussed in parliamentary committee on 18 March 2015, being strongly criticized from the beginning by the main opposition parties (USFP, UC, Istiqlāl—a former member of the governmental coalition with the PJD—and PAM). Their critique focused on issues such as the lack of consultation on the setting of the next regional and local election dates, and the short time established for approving the organic law project on regionalization. They considered that these latter aspects constituted a strategy to put pressure on the Parliament with the aim of that the rules and terms proposed by the government were accepted. Thus, the final approval of the organic law was preceded by tough negotiations inside the parliamentary committee for interior affairs, fuelled by the pressure exerted by the opposition at Parliament.

The conflicting signs in the political bargaining can be observed in certain issues debated, in which the nature and complexities of Moroccan politics were also present. One of them was the question related to election system of the president of the assembly. In this regard, between the options of being elected from the most-voted list or being selected by the different local representatives members (“Projets de loi organique...”), the final decision adopted was the latter one, i.e. that the president should be elected by the rest of the representatives publicly. This question demonstrates the difficulties of political parties to control their local members when it comes to establishing alliances and supporting one candidate for the presidency of the territorial collectivity. Traditionally, the legislation governing regions and municipalities has been more similar in some aspects related to powers and the election of the president of the assembly overall. Provinces and prefectures used to be different, but now the legislation is changing and the objective is to recognize that this level of territorial administration is more autonomous regarding the central administration. This adoption allows us to assume that the regionalization process is clearer than before, as a total process at the subnational level and that explain the reason for the three organic laws for each collectivity: regional organic law 111.14, prefectural and provincial organic law 112.14 and municipal organic law 113.14.

Finally, other of the novelties introduced by the organic law is that the president of the regional assembly executes the decisions and makes decisions about the budget. The powers have been increased and the Ministry of Interior’s control decreased. In the new text, the wali cannot suspend a president of the regional assembly or dissolve the regional

council. Under the governance criteria, each region will serve as an agency to implement regional projects.

The organic laws were referred to the Constitutional Council, which delivered its report on the three of them on 9 June 2015, declaring their constitutional status and resolving some controversies related to these laws: the need that each collectivity was regulated by its own organic law; the competence of the House of Representatives on deciding about organic laws instead of the Chamber of Councilors; and finally, the obligation that the presidents of the regional assemblies will be elected by public election. As well, it decided that the minor dispositions in these organic laws deemed unconstitutional must be changed before the laws enter into force.

Another important aspect addressed by the Constitutional Council was those one concerning with the regional division. The twelve regions as finally drawn in the CCR's report continued the logic of rejecting a different personality for the non-autonomous territory. The draft bill of regional decree No. 2.15.40 regarding regional division was accepted by the Ministry of Interior on 22 January 2015 and it maintained the CCR's proposal. It also determined the denomination of the regions, their capitals and the prefectures and provinces which comprised the new regions⁵.

Regarding the Western Sahara territory, the draft of the regional decree establishes three regions (10–Guelmim-Oued Noun, 11–Laâyoune-Saguia al Hamra and 12–Ed Dakhla-Oued ed Dahab) which do not entirely correspond to the territory of Western Sahara. Regions 12 and 11 coincide with the non-autonomous territory, but region 10 enters the international division of Western Sahara through the Assa-Zag province. This strategy is the opposite of that implemented in 1997, because the 1997 division broke the Western Sahara into three regions: Laayoune-Boujdour-Sakia El Hamra, Oued-Eddahab-Lagouira and Guelmim-Es Semara, while Western Saharan provinces such Smara were included in a Moroccan region.

The draft decree is still far to be officially implemented due to it has to go before the Ministries Council and Government Council twice previously to be definitely approved. However, the degraded level of decentralization achieved in the stage in which the advanced regionalization process currently is offers fewer opportunities to resolve the Western Sahara conflict, owing to the organic law continue to provide the regions with scant autonomy and to reject referendums as a way to decide self-determination for the Sahrawi population.

3.2. New Roles for the Economic, Social and Environmental Council and the Royal Advisory Council for Saharan Affairs in the Western Sahara Affair.

During the time in which the project of advanced regionalization was stalled in Parliament parallel measures and initiatives were taken by the state to respond to the social and economic situation in the non-autonomous territories. These initiatives were boosted by the events occurred in the Sahrawi protest camp set up in Gdeim Izik between October and November 2010. This episode constituted not only the first stage of the popular uprisings, in which socioeconomic grievances were expressed and calls made for “dignity” in a manner similar to other subsequent upheavals across North Africa (see Fernández Molina 235), but also a consequence of the deep inequalities between populations that Moroccan policies have been producing in Western Sahara.

Despite the fact that the camp was initially tolerated by the Moroccan state, it was dismantled with fierce repression, which generated strong international criticism and demands to know what really happened. This international campaign forced the state to create an internal commission in Parliament to investigate what actually happened. The Commission published a report in which it discussed the need to review the state’s management of local entities and incorporate the local population both in economic and social terms, as well as to change the clientelistic system dominating the state’s relationship with the territory (see Desrues and Larramendi 329). These recommendations were basis of some of the policies implemented by the state during the time the regional reform was blocked.

Thus, in 2012 the king decided to ask the Economic, Social and Environmental Council (ESEC) to design a new model for economic development of the so-called -by the Moroccan state- "Southern provinces" (Ottaway 3). Presented in October 2013, it was the result of a participative process and conceived as a platform to consolidate the Moroccan position in the conflict and the Autonomous Plan for Advanced Regionalization in Western Sahara as the unique possible option to resolve the political and territorial dispute. With that aim, it proposes certain measures and policies to create the appropriate environment to develop new regions with the required conditions to execute the Autonomous Plan. Thus, the ESEC’s report is based on the advanced regionalization project and constitutional reform, and is designed to facilitate the implementation of the Autonomy Plan for Western Sahara. From this premise, the report notes, firstly, that development for the Southern Provinces must be inclusive, including economic, social and environmental policies respecting human rights.

Despite its positioning with Morocco's stance, the ESEC's report presents an important criticism of the public actions implemented by the state in Western Sahara, giving an examination of its weaknesses and recommending specific measures to overcome the situation. For instance, it highlights aspects such as the need to be transparent and respectful in questions like the concession of rights and licenses for fishing and exploiting natural resources, and to openly discuss the claims of organizations and non-governmental associations regarding the limits to exercise the rights of association, demonstration and expression.

Thus, the report offers an overall view of human development, understood not as a merely question of gross national product or economic indicators, but also of ecological and human rights, with the aim of creating an inclusive model of development for the region. On the economic side, some of the suggestions made are the urgency of getting a more positive correlation between the public effort put into investment in the Southern Provinces and the development of the economic sector⁶. Some of them refer to the need to promote an increase in private investment, strengthening trust in the public sector within the population and ameliorating fiscal resources and legal guaranties for investment and property. Moreover, the report underscores the importance of avoiding ecological risks and future problems in the area, characterized by its desert and lack of water, without disregarding that each region has its own potential: natural resources of phosphates and agriculture as well as administrative services in Laayoune-Boujdour; fisheries, renewable energies and tourist areas in Oued-Eddahab-Lagouira; and the Guelmim-Es Smara's role as social and economic nexus between Morocco and the "Southern Provinces."

On the social side, the report states that the social policies must be aimed at the neediest people and not use direct transfers of funds to create clientele networks. Finally, on the cultural realm, the *bassanie* particularisms are seen as an important element to recognize, but considering them part of the Moroccan state. In this vein, the language, history, music and traditions in the area constitute for the ESEC a value for the holistic view of development it seeks to sketch for the region.

The correlative implication of the ESEC's proposal is that Morocco is continuing with its strategy of advancing its plan and introducing a solution for the Western Sahara conflict separate from the United Nations resolutions. Following the logic behind these steps, the ESEC's report dedicates a section to draw attention to the need to prepare the territory for the return of the Tinduf refugees. If this happens, the distribution of space and questions about property and employment will be the most important issues to be resolved

according with the ESEC, which asks in the document for the creation of an agency that provide social support to this returning population and establish a regional fund for it.

The ESEC's report collects somehow the social and economic concerns expressed in Gdeim Izik and constitutes a response to the suggestions made by the Parliamentary Commission which investigated the events related with the disarticulation of the protest camp. The other decision taken in relation with that recommendations came again from the Palace, which initiated a procedure for including new elites from the local civil society, especially groups focusing on human rights, youth and women, into the Royal Advisory Council for Saharan Affairs (CORCAS), an institution created to represent the interest of Sahrawis, but which actually is an entity to support Morocco's positions and policies towards Western Sahara in the international sphere. The call for a renewal of the CORCAS's composition comes after years of public criticism on its inoperative character and its lack of credibility in the eyes of Sahrawis. However, no action has been taken on this direction hitherto.

Conclusion

In conclusion, it has been shown in previous sections how royal discourse has underscored the importance of regionalization as a way to unfreeze the Moroccan solution to the Western Sahara conflict, and how the autonomy plan for the Western Sahara proposed by Morocco—and rejected by the Polisario Front and Algeria—needs to be implemented in a decentralized way. Therefore, despite the amendments introduced in the course of the parliamentary procedure of the project, the advanced regionalization neither breaks with the old model of government nor ends the contradictions and grey areas in the Moroccan Autonomy Plan for the Western Sahara. On the contrary, it can be stated that the advanced regionalization constitutes a “cut” with respect to the provisions in the Autonomy Plan for Western Sahara.

The diagnosis made by the ESEC in its report on the social, political and economic situation in Western Sahara highlights the fact that, despite efforts on the part of the Moroccan State and constant injections of money in the form of investments, policies and social assistance, the hoped-for economic upturn has not occurred in the area. The reasons for this failure include a lack of legal security, uncertainty about property rights and the absence of homogeneous, stable fiscal regulation for economic activity. In other words, the contradictory situation in Western Sahara—which is still considered a non-decolonized territory by the international community but part of the Moroccan State by Morocco and

some its key partners—has created a situation of intense uncertainty that runs counter to both development and economic and political stability.

Notes

¹ Speech to the nation, 3 January 2010.

²“Decentralization” refers here to the transfer of competencies and resources to local elective authorities, while “deconcentration” refers to administrative decentralization.

³ Speech to the nation on the 10th Anniversary of the Day of the Throne, 30 July 2009.

⁴ Speech at the opening of the Parliament, September 2009, speech on the 56th anniversary of the Revolution of the King and the People, August 2009 and speech to the nation on the 10th Anniversary of the Day of the Throne, 30 July 2009.

⁵ The names of the twelve regions established by the decree are the following: Tangier-Tetouan-Al Hoceima, l’Oriental, Fès-Meknès, Salé-Rabat-Kénitra, Beni Mellal-Khénifra, le Grand Casablanca, Marrakech-Safi, Tafilalet-Draâ, Souss-Massa, Guelmim Oued- Noun, Laâyoune-Sakia El Hamra, Dakhla-Oued EdDahab.

⁶ The population of the Southern Provinces is 3.2percent of the total Moroccan population and includes 50percentof the territory of Morocco (including Western Sahara). Indicators for literacy, urbanization (more than 74percent), and health are better than for the Moroccan state, but the percentage of unemployment is higher than in the Moroccan territory (15percent versus 9percent for Morocco). Therefore, the positive data and the public effort put into investment in the Southern Provinces do not have a correlation in the development of the economic sector and an increase in private investment.

Works Cited

- Benyahya, Muhammad (Dir.) *L'Autonomie Régionales. L'initiative marocaine à la lumière des expériences étrangères d'autonomies régionales*. Rabat: Publications de la revue marocaine d'administration locale et de développement, 2008. Print.
- Ben-Meir Yossef. "Morocco's regionalization 'roadmap' and the Western Sahara." *International Journal on World Peace* 2 (2010): 63-86. Print.
- Ben Osman, Khalid, "La région: pourquoi et comment?" *Revue Marocaine D'Administration Locale et Développement* 8 (1996): 101-05. Print.
- Benyahya, M. "Le roi Mohammed VI et l'idée de régionalisation." *Vers un modèle marocain de regionalization. Etat, territoire et développement dans un pays emergent*. Eds. Charles Saint-Prot, Ahmed Bouachick, and Frédérick Rouvillois. Rabat: Revue Marocaine D'Administration Locale et Développement, 2010. 59-68. Print.
- Blanc, Jacques, and Bruno Rémond. *Les collectivités locales*. Paris: Presses de Science Po & Dalloz, 1994. Print.
- Boukhars, Anouar, and Jacques Roussellier. *Perspectives on Western Sahara: Myths, Nationalisms and Geopolitics*. Lanham: Rowman & Littlefield Publishers, 2014. Print.
- Desrues, Thierry, and Miguel Hernando de Larramendi. "Initiatives souveraines, attentisme partisan et protestation au Sahara : une année politique transitoire au Maroc." *L'Année du Maghreb* 7 (2011): 305-32. Print.
- El Yaagoubi, Mohamed. "La notion de régionalisation avancée dans les discours royaux". *Rabat: Revue marocaine d'administration locale et de développement* 71 (2010): 12-41. Print.
- Etayea, Mohamed. "Le nouveau découpage régional validé le 22 janvier." *Telquel*. 21 Feb. 2015. sec. Politics. 31 Oct. 2015. Web.
- Fernández Molina, Irene "Los consejos consultivos: gobierno sin representación y diplomacia paralela". Ed. Desrues, T. and Miguel Hernando Larramendi. *Mohamed VI. Política y cambio social en Marruecos. Las claves del proceso de transformación que se opera en el país vecino*. Cordoba: Almuzara, 2011. 139-75. Print.
- . "Protests under Occupation: The Spring inside Western Sahara." *Mediterranean Politics* 22.2 (2015): 235-54. Print.
- Fernández Molina, Irene, and Rafael Bustos. "El estatuto avanzado de UE-Marruecos y la presidencia española de la UE." *Memorandum Opex*. 135 (2010): 1-10. Print.
- Gattioui, Jihanne. "Projets de loi organique sur la regionalization avancée. Le vote des amendements en commission ne sera pas une simple formalité". *Le Matin*. 29 Apr. 2015. sec. Nation. Web. 31 Oct. 2015.
- Kausch, Kristina. (2010) "El 'estatuto avanzado' de Marruecos ¿qué significado tiene?" *Documento de Trabajo del FRIDE* 34 (2010): 1-5. Print.
- López García, Bernabé, and Miguel Hernando de Larramendi "Sahara y regionalización." Ed. Desrue T., and E. Moyano. *Cambio, gobernabilidad y crisis en el Maghreb*. Madrid: CSIC, 1997: 81-96.
- Mokhliss, Brahim "Les trois lois organiques obtiennent le feu vert du Conseil Constitutionnel." *Le Matin*, 5 Jul. 2015. sec. Nation. Web. 31 Oct. 2015.
- "Oficiel: Voici la nouvelle carte des régions." *Medias 24*. 5 Feb. 2015. sec. Politics. Web. 31 Oct. 2015.
- Ojeda, Raquel. *Políticas de descentralización en Marruecos. El proceso de regionalización*. Sevilla: Instituto Andaluz de Administración Pública, 2002. Print.
- . "Descentralización y democracia en el marco del Estado marroquí". Ed. Pérez Beltrán, Carmelo. *La Sociedad civil, derechos humanos y democracia en Marruecos*. Granada: Universidad de Granada, 2006. 27-50. Print.

- Ottaway, Marina. "Morocco: 'Advanced decentralization' meets the Sahara Autonomy Initiative." *Wilson Center. View Points* 27 (2013): 1-6. Print.
- Rousset, Michele. "Quelle autonomie pour quelle région?" Le projet marocain de régionalisation : défis et perspectives. Association Maroc Développement. Paris. 12 Mar. 2010. Presentation.
- Theofilopoulou, Anna. "Morocco's new constitution and the Western Sahara conflict - a missed opportunity?" *The Journal of North African Studies* 17.4 (2012): 687-96. Print.
- Tozy, Mohammed. "Crise des élites et restructuration du champ politique par le haut. Cas : Le "parti Authenticité et Modernité" " *Le Cercle d'Analyse Politique* 13 (2009): 6-16. Print.
- Veguilla, Victoria (2009), "Les controverses sur la pêche au poulpe au Maroc. Une logique d'aménagement ou de gestion du territoire sahraoui?" *Revue Politique Africaine* 116 (2009): 43-62. Print.
- Van Cauwenberghe, J. C. (2010), "Suivi du Cadre de référence pour la démocratie régionale." Congrès des pouvoirs locaux et régionaux. Conseil de l'Europe. Paris. 12 Mar. 2010. Presentation.
- Zoubir, Yahia H. "Stalemate in Western Sahara: Ending International Legality", *Middle East Policy*. 14-4 (2007): 158-77. Print.
- Zunes, Stephen, and Jacob Mundy. *Western Sahara: War, Nationalism, and Conflict Irresolution*. Syracuse, N.Y: Syracuse University Press, 2010. Print.

Documentation

(CCR) Web. 2011,

Norms

The organic law bill 111-14 about regions (in Arabic), sent to the Ministries Council (1292015), and the Government Council (12115),

The organic laws (in Arabic) published in the Official Journal, number 6380, 23 July 2015, 14-111 about regions; 14-112 about provinces and prefectures, and 14-113 about municipalities.