



**USAID**  
FROM THE AMERICAN PEOPLE

# MOROCCO CORRUPTION ASSESSMENT

**OCTOBER 16, 2008**

This publication was produced for review by the United States Agency for International Development. It was prepared by Janet Tuthill, Bryane Michael and Abdelaziz Nouaydi, Management Systems International.

# MOROCCO CORRUPTION ASSESSMENT



A subsidiary of Coffey International, Ltd.

**Management Systems International**  
**Corporate Offices**

600 Water Street, SW  
Washington, DC 20024



Contracted under DFD-I-01-03-00144, TO # 1

MOROCCO CORRUPTION ASSESSMENT

## **DISCLAIMER**

The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

# CONTENTS

<b>EXECUTIVE SUMMARY .....</b>	<b>ii</b>
<b>1. INTRODUCTION.....</b>	<b>1</b>
<b>2. OVERVIEW OF CORRUPTION IN MOROCCO .....</b>	<b>3</b>
<b>3. POLICY AND LEGAL FRAMEWORK TO FIGHT CORRUPTION.....</b>	<b>5</b>
<b>4. ANTICORRUPTION STAKEHOLDERS IN MOROCCO .....</b>	<b>8</b>
<b>5. PROPOSED STRATEGIC DIRECTIONS FOR MOROCCO .....</b>	<b>11</b>
<b>6. ANALYSIS OF CORRUPTION IN SELECTED SECTORS .....</b>	<b>15</b>
<b>7. PRIORITY RECOMMENDATIONS FOR ANTICORRUPTION PROGRAMMING.....</b>	<b>20</b>
 <b>ANNEXES:</b>	
Annex 1. Legal and Institutional framework (as of June 2008).....	25
Annex 2: Overview of Moroccan Anticorruption Action Plan.....	34
Annex 3: List of NGO Partner Groups Associated with Transparency Morocco.....	36
Annex 4. List of persons interviewed for assessment June 2008.....	37
Annex 5: Illustrative Bibliography .....	38
Annex 6. Decree on Anticorruption Prevention.....	41

## EXECUTIVE SUMMARY

This report seeks to provide context on the current state of corruption in Morocco and efforts to combat it as of June 2008. It seeks to assist USAID/Morocco in considering elements for its new country strategy for 2009-2013.

Within the last 10 years, two milestones stand out for Morocco's work on anticorruption. The first milestone concerns the accession of King Mohammad VI to the throne in 1999. The government undertook a range of reforms aimed at suppressing the most egregious forms of corruption. These included improvements in transparency in bidding, review and award of public contracts and the opening of civil society dialogue. The years 2005-2007 brought more actions, including laws aimed at fighting money laundering; obliging civil servants, members of Parliament and judges to declare their assets; and devolving jurisdiction for corruption cases away from the Special Court of Justice to the appellate courts.

Morocco signed the International Convention on Corruption developed by the United Nations in 2003 and appointed a president of the Central Instance for Prevention of Corruption as recently as August 2008. There are promising signs of civil society attention to promotion of transparency in daily life in contrast to declining or static indices of public perception of transparency in independent surveys. People regularly cite what they call the "banalization" of corrupt practices at every level of societal interaction.

Public sector institutions have adopted a vigorous plan to combat corruption as exemplified in the government plan of action implemented by the Ministry of Modernization for the Public Sector. E-government is slowly taking hold in efforts such as public websites for public procurement for some ministries. Some ministries are actively pursuing both technical and legal improvements in their audit functions and have created an internal audit academy within government to promote best practices. The private sector, through its non-governmental association CGEM, developed codes of conducts for several important sectors of the economy notably information technology and infrastructure. A limited number of civil society organizations such as Transparency Maroc (TM) are pushing for full implementation of the international convention against corruption and the set up of the government oversight institution. All these actions are necessary but not sufficient to significantly move Morocco forward in its quest for a more open society with accepted protection of its citizens.

Combined effort by citizenry, civil society, and the public and private sectors is required to combat corruption. This report examines the state of corruption in Morocco as identified by existing secondary sources and key informants, traces political and legal dimensions that affect corruption, identifies some sets of key stakeholders in the transparency equation, posits a potential strategic direction for interventions, examines corruption vulnerabilities and mitigation opportunities in local governance, public procurement and education and makes a judgment on the suitability of the youth cross-sector as an intervention point.

By many international indicators Moroccan law enforcement agencies' ability to control corruption compares favorably with similar countries.

The most likely systemic cause of corruption in Morocco stems from court clientelism and patronage leading to the monopolistic division of rents. Key informants point to the lack of legislatively defined independence of bodies traditionally responsible for ensuring executive accountability (such as the courts, the audit chamber or the internal auditors within ministries). The second theory about the systemic nature of corruption in Morocco leans toward competition among Moroccan elites over rents generated from corruption. The third element of systemic corruption in Morocco is the lack of law enforcement by an

independent judiciary. Patronage and clientelism probably accounts for a large amount of systemic corruption in Morocco. Elite competition probably accounts for a minor part of overall corruption (at least directly) and the lack of sufficient anticorruption laws and issues related to public sector pay and performance are likely to be effects rather than causes of levels of corruption in Morocco.

The anticorruption legal framework in Morocco lags behind its comparator countries despite progress on some legal fronts (see Annex I for complete Legal /Institutional Framework Matrix). The UN Convention against Corruption and other conventions advocates:

- Extension of the definition of corruption,
- Criminalization of corruption to all natural and legal persons,
- Co-operation in mutual assistance against corruption
- Adoption of civil liability for corruption offences – so that the corrupt civil servant and/or his/her government department would be required to pay the damages caused by their corrupt behavior.

Morocco recently appointed the president of the centralized anticorruption agency (known as the Instance) in charge of overseeing a national anticorruption strategy and action plan. It formerly had a central court for overseeing corruption cases (1965-2004) which no longer operates. The Instance has consultative status with the government to propose anticorruption policy, public outreach content, monitor progress, make recommendations to the public and private sectors, collect information on corruption and maintain a database, and make declaration to the judiciary. This structure is consultative and has no administrative authority beyond the advisory role. Its public profile can, however, serve as an important anticorruption focal point.

The UN Convention against Corruption and the Council of Europe's Criminal Law Convention against Corruption represent the codification of principles which countries around the world are adopting as part of their anticorruption legal framework. Morocco currently lacks witness protection, independence in public hiring and a comprehensive freedom of information laws. A large part of the necessary legal framework to prevent corruption is in place and available for use by the judiciary.

Morocco adopted an anticorruption action plan starting in 2005. It is updated annually. The national anticorruption action plan covers six areas of activity: a) deepening of ethical and moral values and norms, b) institutionalizing the prevention of corruption, c) reinforcing the transparency of public procurement, d) improving the system of implementation, control and audit, e) simplifying administrative procedures and f) public awareness and education. Anticorruption "action planning" tends to suffer in application from vagueness, generality and lack-of-fit in many countries which passed anticorruption action plans financed by international donor organizations. Morocco's action plan compares relatively well against its comparator countries. The Ministry charged with its implementation operates a planning and oversight unit that seems to act with some independence within the public sector.

Successful public sector and political leadership on corruption must be based on a multi-level approach that includes key elements such as a proactive parliament, ministries that oversee delivery of services to citizens, a set of mutually supporting laws and regulations to provide a basis for recourse, an independent judiciary that sees protection of the public and the state's resources as critical to its mandate, a government audit and inspection system that can document abuses, and citizen pressure to ensure compliance with accepted standards. Given the complexity of Morocco's institutions and governance structures, a simple set of actions at only one level cannot yield significant change. Even the best and most open legal and political system requires citizen vigilance and institutions that follow their mandates scrupulously.

The number and roles of stakeholders in Morocco with an interest in either tolerating or redressing corruption at all levels are among the most complex imaginable. Key stakeholders range from the Prime minister to civil society organizations. Despite the number of human rights and community issue related groups that are interested in fighting corruption, Morocco lacks a sufficient number to perform an expanded watchdog and advocacy function within civil society. These organizations taken together do not wield enough influence to counter the large number of state institutions that should be promoting transparency and good governance. Key international donor groups interested in combating corruption include the World Bank, the Netherlands and the European Union.

Given the complexity and inter-connectedness of Moroccan institutions, strategies for anticorruption must be problem-linked and realistic. One-dimensional solutions are unlikely to achieve the critical mass needed for long term change. There is no single institution that has the power and span of control necessary to achieve a required degree of transparency that will improve life in all sectors in Morocco. Citizens will need to become more aware of how they contribute to corruption on the daily level by either condoning it when it is not essential or in anticipating it when it is not actually being required. Groups within critical public sector institutions that are promoting accountability such as the audit functions (inspection) will need to ally themselves with as many actors of similar inclination as they can find and seek out new venues to promote transparency at every turn. Private sector groups will need to move beyond the definition of codes of conduct for critical industries to their application and the steadfast use of sanctions. Civil society will need to grow beyond the several dozen groups allied with Transparency Maroc from within the human rights organizations and seek out regional, urban and community organizations to convert to the cause of vigilance and action. Public sector institutions themselves such as Justice, Finance and Interior Ministries will need to pay increasing attention to curbing corruption and holding up examples of good governance and accountability.

USAID selected Education, Public Procurement, Local governance and youth for sectoral focus in examining corruption.

Corruption issues affecting the education sector revolve around access of students to teachers and adequate monitoring of human and physical resources at the local school level. Children are affected not only by the operational aspects of corruption: absenteeism of teachers, pressure to pay teachers for services they should get routinely, lack of materials in the classrooms that are clearly provided for in budgets, etc. they are also affected by the examples of the adults that do not come to work regularly and the inability of their parents to put pressure on the institution to perform.

Increased autonomy of local schools can contribute to transparency. Citizen oversight groups contribute to change at the local levels. The Academies as relatively new school structures offer opportunities for improved school administration practices and transparency. The inspection function of the Ministry is addressing as many of these ills as practicable within the means it has and the complex institutional structures present.

In local government, the tendency to rely on laws, regulations and decrees as the primary steps in reform can be expanded by citizen involvement in local commune code of conduct development and monitoring. The creation of public portals for citizen use, such as the one created by the commune of Bernoussi in Casablanca, is a strong example of what information can do.

The local audit court system (Cours des Comptes) is an important legal institution that is actively working to identify and act on corruption. These courts (currently nine in number) are found throughout Morocco and operate with varying degrees of impact due to severe understaffing and funding. In recent years, these courts have focused on local government management and prosecution of local council members and commune presidents for corruption is increasing.

Procurement was often cited as a “black hole” of governance. The implementation of the UN anticorruption convention includes many procurement related actions in its work plan (Annex 2). Public procurement improvements figure in the national action plan for anticorruption as well as in public discourse by private sector groups such as CGEM. The establishment of industry wide codes of conduct for information technology and infrastructure are positive private steps toward transparency. Recent positive experience in the awarding of additional telecom licensing by the government is regarded as an advance in the procurement area.

Private sector sources suggested finding additional opportunities to increase public-private dialogue on the operation of the procurement website. Increased dialogue between government operators of the bidding system and the bidders in the form of colloquia that yield agreed on standards and examine existing best practices is a potential improvement.

The large amounts of public procurements underway in the Millennium Challenge arena represent an important modeling opportunity for the USG. While the compact take into account severe audit penalties for non-performance, rigorous attention to the public bidding process including compliance with the 2007 improvement decree would be noticed and set a critical example.

The team was asked to determine if corruption results in increased radicalization among Moroccan youth. Given the lack of solid evidence based information, the team was unable to make the link. It would require a full survey of respondents in carefully designated age groups to tell if there is a causal link with corruption.

Morocco needs to work on the most rudimentary anticorruption activities as well as specific national anticorruption interventions. Priority activities consist of completing and implementing the anticorruption legal framework which has become the international standard in the area of anticorruption. The assessment makes some recommendations for action below. As laid out in figure 6, not all action is donor appropriate. Recommendations for USAID are based on specific potential opportunities for intervention that rely and build on work already undertaken by USAID as appropriate.

Recommendations include interventions where USAID has comparative advantage based on program history, access to institutions and sector expertise. The team does not recommend a stand alone anticorruption activity but rather an integrated approach that takes advantage of USAID’s history in education promotion, local governance improvement and support to inspection services in selected ministries. The audit courts represent an opportunity to increase oversight capacity through specific training on best practices at both the national and international levels.

Any and all donor coordination venues should be used to support anticorruption action. The World Bank and the Netherlands are already supporting significant action. Additional dialogue in particular with the European Union is advised to increase international support for any movement by government and civil society to promote citizen oversight and transparency.

# I. INTRODUCTION

This report seeks to provide context on the current state of corruption in Morocco and efforts to combat it as of June 2008. It seeks to inform USAID/Morocco in considering elements for its new country strategy for 2009-2013. The objectives of the assessment are to:

- Identify strengths and weaknesses of anticorruption systems
- Examine endemic corruption in the public sector and its impact on citizen perceptions and injustice and inequality
- Focus on a few key areas where USAID is working and look at potential for anticorruption action there
- Look at impact on youth, if any
- Evaluate whether USAID should design a separate anticorruption program or integrate elements into sector activities
- Determine if there are counterpart organizations to work with.

This corruption assessment is conducted at the same time as an Evaluating Government Effectiveness (EGE) study that examines the education and agriculture sectors. USAID proposes to use both of these background studies as informational context for a complex set of strategy direction decisions. It should be noted that both studies were prepared independently of each other and did not compare results. This allows USAID to consider recommendations independently.

In the Moroccan press, as in other countries that tolerate or encourage press freedom, accusations of government corruption abound. During June 2008, the Moroccan Observatory of Public Administration, published in the Moroccan daily *La Vie Eco* published survey results showing that over 25% of the population thinks that corruption is the major problem in the Kingdom of Morocco. Within the last 10 years, two milestones stand out for Morocco's work on anticorruption. The first milestone concerns the accession of King Mohammad VI to the throne in 1999. The new King redoubled efforts at privatization (for example *Maroc Telecom* in 2000, *Regie des Tabacs* in 2003) and liberalization of private sector regulations. At the same time, the government undertook a range of reforms aimed at suppressing the most egregious forms of corruption. These included improvements in transparency in bidding, review and award of public contracts; opening of civil society dialogue (for example, allowing Transparency Maroc freedom to release findings) and collaboration between TM and the Ministry of Education in developing curricula for school children on the dangers of corruption. The years 2005-2007 saw a number of laws enacted aimed at fighting money laundering; obliging civil servants, members of Parliament and judges to declare their assets; and devolving jurisdiction from corruption cases away from the Special Court of Justice to the appellate courts.<sup>1</sup>

Morocco signed the International Convention on Corruption developed by the United Nations in 2003 and appointed a president of the Central Instance for Prevention of Corruption as recently as August 2008.<sup>2</sup> This appointment moves the Instance towards operational mode. There are promising signs of civil society attention to promotion of transparency in daily life coupled with declining or static indices of public perception of transparency in independent surveys. People regularly cite what they call the "banalization" of corrupt practices at every level of societal interaction. By this they mean that people

---

<sup>1</sup> Denoeux, G. Corruption in Morocco: Old Forces, New Dynamics and a Way Forward." *Middle East Policy*, Winter 2007.

<sup>2</sup> This appointment occurred after the assessment's fact finding in June 2008. Additional information on the new president and the role of the Instance can be found later in the report.



have come to expect a certain level of corrupt practices in many routine interactions in both the public and private sector. The judiciary is widely seen as contributing to a climate of impunity for those who practice corruption. Few trials are held and few sanctions imposed beyond a handful of few widely known cases a few years ago.<sup>3</sup>

Despite this perception of endemic corruption, there are signs of movement forward. Public sector institutions have adopted a vigorous plan to combat corruption as exemplified in the government plan of action implemented by the Ministry of Modernization for the Public Sector. E-government is slowly taking hold in efforts such as public websites for public procurement for some ministries. Ministries are actively pursuing both technical and legal improvements in their audit functions and have created an internal audit academy within government to promote best practices. The private sector, through its non-governmental association CGEM, developed codes of conducts for several important sectors of the economy notably information technology and infrastructure. A limited number of civil society organizations such as Transparency Maroc (TM) are pushing for full implementation of the international convention against corruption ratified by Morocco in May 2007. The recent appointment of the president of the corruption oversight institution (Instance) gives it potential to move toward applying its mandate. However, there is no single legal or institutional solution likely to decrease corruption in and of itself and intervention points are limited by both resources and subject sensibility to those institutions where international donors can become actively engaged in an acceptable way. A combined effort by citizenry, civil society, public and private sectors is required to yield institutional improvements and a more positive perception by the public at large.

This report examines the state of corruption in Morocco as identified by existing secondary sources and key informants, traces political and legal dimensions that affect corruption, identifies some sets of key stakeholders in the transparency equation, posits a potential strategic direction for interventions, examines corruption vulnerabilities and mitigation opportunities in local governance, public procurement and education and makes a judgment on the suitability of the youth cross-sector as an intervention point against corruption. A series of recommendations concludes the report. Institutional factors are addressed in every section as needed for explanation and analysis. Brief estimates of resource implications are included in the recommendations section.

The work of the assessment took place in May-June 2008. A team fielded by Management Systems International began field work in Morocco June 2 and completed on June 18, 2008. A total of 14 days in-country was available including 12 days suitable for interviews and data collection during the work week. A bibliography is provided in annex along with a list of persons consulted in the interview process. Prior to travel a limited number of documents were available for study. Team members Bryane Michael, Abdelaziz Nouaydi and Janet Tuthill conducted the field work with assistance from M'hamed Haddad for logistics. The Democracy/Governance team at USAID provided guidance throughout the work. The team acknowledges the contribution of Fatima El Ouchari of the D/G team for facilitating access to key government officials in the tight time frame. The work began under the guidance of Mark Parkison, assisted by Idriss Toujer and Tahar Berrada. Ramona El-Hamzaoui, Assistant Director at USAID serves as CTO and provided continuity for the rest of the assignment after Mr. Parkison's transfer from post. An initial in-briefing with a cross-section of USAID technical office and the Program office was completed June 2. A de-brief with preliminary findings was held for USAID staff June 17. Embassy senior staff, including the Ambassador, were briefed by the team and the USAID Director, Monica Stein-Olsen on June 16. USAID technical offices contributed actively to the de-brief analysis. The Program Office offered observations during the de-brief to clarify the analysis further. All insights are gratefully acknowledged. Additional USAID comments on an earlier draft allowed the team to update facts.

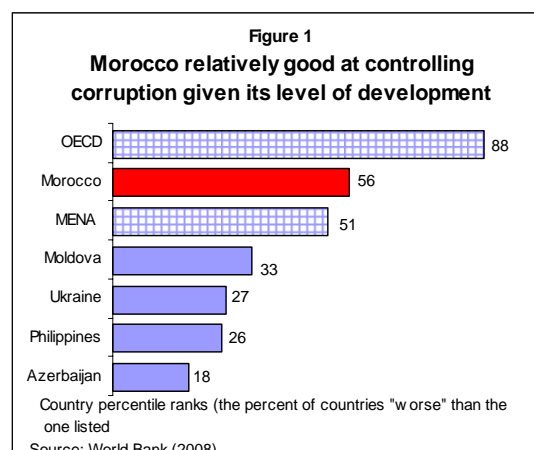
---

<sup>3</sup> Prosecutions involving corruption with the *Crédit Immobilier et Hotelier* (CIH) and the *Caisse Nationale de Sécurité Sociale* (CNSS).

## 2. OVERVIEW OF CORRUPTION IN MOROCCO

By many international indicators Moroccan law enforcement agencies' ability to control corruption compares favorably with some similar countries. International watchdog institutions give contradicting assessments, however. For instance, the 2007 Transparency International Corruption Perceptions Index ranked Morocco 72 out of 179 countries rated.<sup>4</sup> While Figure 1 shows a World Bank indicator labeled "control of corruption" compared with the Middle East and North Africa (MENA) region in general as well as with four comparator countries which have approximately the same GDP per capita. As shown in the graphic, Morocco ranks favorably with the MENA region in general and with all the chosen comparator countries.<sup>5</sup>

A number of possible systemic causes for corruption have been put forth by various analysts. Figure 2 shows several theories of systemic corruption in Morocco. During the course of several dozen interviews with key informants, the team used qualitative analysis to compare the respondent's view of systemic corruption in Morocco with each of the theories mentioned in Figure 2. Most interviewees agreed with the Denoeux (2007) view of corruption in Morocco.



**FIGURE 2: LITERATURE SURVEY OF CAUSES FOR CORRUPTION IN MOROCCO**

Causal mechanism	Author or source
Court clientelism and patronage (monopolistic)	Denoeux (2007)
Oligarchic corruption	Kamal El Mesbahi <i>et al.</i> (2007)
Regulatory failure (decentralized)	World Bank (2006)
Drugs cause corruption	Bordes and Labrousse (2004)
Pay and performance failures	World Bank (2005)
Lack of laws (and thus law enforcement)	Transparency International Maroc (2006)
Lack of international coercion to adopt anticorruption	European Union (2006)
<b>Consensus view</b> <sup>6</sup>	<b>Centralization of state and use of patronage leads to "status quo bias"</b>

<sup>4</sup> <http://www.transparency.org/policyresearch/surveysindices/cpi/2007>

<sup>5</sup> Ukraine, Azerbaijan, Moldova and the Philippines are used as comparator countries based on their relative similarity in GDP per capita, and the existence of public information about corruption (and anticorruption programs.)

<sup>6</sup> This consensus approximates two categories of a typology of corruption syndromes (categories 3 and 4) found in Michael Johnston, *Syndromes of Corruption*, Cambridge University Press, 2005.

The first and ostensibly most likely systemic cause of corruption in Morocco stems from clientelism and patronage leading to the monopolistic division of rents. According to some commentators, the Palace gives favors and opportunities for corruption in order to maintain political power and accumulate wealth. Key informants point to the lack of legislatively defined independence of bodies traditionally responsible for ensuring executive accountability (such as the courts, the audit chamber or the internal auditors within ministries). They also point to the large concessions over public resources controlled by the Palace or individuals in close proximity. This perception extends to people considered to benefit directly from palace patronage whether substantiated or not.

The second theory about the systemic nature of corruption in Morocco leans toward competition among Moroccan elites over rents generated from corruption. Kamal El Mesbahi *et al.* (2007) mention complex “state capture” by a range of senior politicians and businessmen. The role of elite competition is well-documented in every society of all sizes – thus such “elite competition” certainly plays a role in the current system.<sup>7</sup> The SIGER financial industrial group possibly represents the largest source of rents for the economic oligarchs which depend on clientelism. The SIGER financial industrial group comprises the Société Nationale d'Investissement (SNI), Omnium Nord Africain (ONA) and Attijariwafa Bank. ONA alone lists itself as the largest industrial and finance group in Morocco with 100 associated businesses and revenues of 32,835 million dirhams in 2007.<sup>8</sup>

The third element of systemic corruption in Morocco is the lack of law enforcement by an independent judiciary. Several widely cited corruption cases, particularly prosecutions involving corruption with the *Crédit Immobilier et Hotelier* (CIH) and the *Caisse Nationale de Sécurité Sociale* (CNSS) are exceptions that prove the rule (about the lack of laws governing anticorruption).<sup>9</sup> Morocco does not have a single, unified piece of anticorruption legislation. Morocco is missing a few of the basic laws which comprise standard anticorruption legislation worldwide (see Figure 3).

Another element of systemic corruption in Morocco revolves around the typical pay-performance and public sector management issues often invoked by the World Bank. According to this theory, inappropriate public sector regulations (often stemming from opportunistic political decisions) result in over-staffing, overpay (relative to civil servant productivity) and under-monitoring of civil servants. Such policies led to corruption because civil servants are underpaid (in comparison with their cost of living though overpaid in comparison with their marginal society value of production) and thus create inefficient barriers for public service users in order to extort rents from them. The regulatory burden in Morocco exceeds that of the OECD average, though undershoots the average burden in the MENA region. However – and as a counter-argument -- government salaries are four times higher than GDP per capita.<sup>10</sup> Most international studies show no relationship between civil servant salaries and the level of administrative corruption.<sup>11</sup> Entrenched interests remain to extract rents from Moroccan business, though these interests are not large – adding further support to the notion of centralized corruption.

In summary, patronage and clientelism probably accounts for a large amount of systemic corruption in Morocco. This public perception is supported by some recent examples (e.g. Majidi and Taroudnt lands sold from AWAKAF funds; ADDOHA gleaning hundreds of hectares of public lands as part of procurements.)

---

<sup>7</sup> For an example of such an analysis in various Arab countries with repressed (or sub-merged) elite competition, see Hinnebusch (2006).

<sup>8</sup> [www.ona.ma/onaenpref.php](http://www.ona.ma/onaenpref.php)

<sup>9</sup> New Institutional Economics is considered the reliable method of analysing support for the passage of anticorruption (and other) laws and regulations. See Lamdsdorff (2007).

<sup>10</sup> Schiavo-Campo *et al.* (1997).

<sup>11</sup> Rubin and Whitford (2006).

Elite competition probably accounts for a minor part of overall corruption (at least directly) and the lack of sufficient anticorruption laws and issues related to public sector pay and performance are likely to be effects rather than causes of levels of corruption in Morocco.

### 3. POLICY AND LEGAL FRAMEWORK TO FIGHT CORRUPTION

The anticorruption legal framework in Morocco lags behind its comparator countries despite progress on some legal fronts (see Annex I for complete Legal /Institutional Framework Matrix). The UN Convention against Corruption and other conventions advocates:

- Extension of the definition of corruption,
- Criminalization of corruption to all natural and legal persons,
- Co-operation in mutual assistance against corruption
- Adoption of civil liability for corruption offences – so that the corrupt civil servant and/or his/her government department would be required to pay the damages caused by their corrupt behavior.<sup>12</sup>

According to the latest available Moroccan Anticorruption strategy prepared and coordinated by the Ministry of Modernization, the Government of Morocco asserts completion of the activities described below.<sup>13</sup>

#### *Consolidation of transparent government and a sense of responsibility*

The adoption of laws are cited that relate to the responsibility of financial directors, auditors and public accountants (n° 61.79), about the reasons for administrative decisions (n° 03.01), reinforcement of transparency in the management of public procurement (decree n° :2-98-482 of 30 December 1998), the updating of the penal code (article 256.1) in order to remove all penal prosecution under certain conditions, of whistleblowers or informants of corrupt acts, reinforcing the measures allowing for the recuperation of embezzled or misused funds (n° 79.03), price deregulation and the promotion of competition (n° 06-99), forming a code to cover public credits (n° 15-97), and the renewal of the fiscal system in 2000 (reinforcing the declaration regime, and reform of Customs Code and indirect taxation).

#### *Improvement of the conditions of access to public results*

An interactive system of determining customs excises and taxes is in place. Computerized applications of fiscal management allow for automated follow-up of declarations, recoveries and control.

The creation of single regional windows (guichets uniques régionaux in the Centres Régionaux d'Investissement), publication of a range of the most used/common administrative procedures, as well as the development of new information and communications technologies and the communication in the public administrations (creation of an e-government committee and effective launching of projects of public services online).

---

<sup>12</sup> Such a principle is enshrined in the Council of Europe Civil Law Convention against Corruption (ETS 174) and has subsequently been incorporated into the aforementioned UN convention (under article 6).

<sup>13</sup> Plan d'Action du gouvernement marocain pour la lutte contre la corruption, janvier 2008.

### ***Reinforcing of the institutional cadre and prevention of corruption***

The creation of a High court of justice in charge of judging cases which involve the ministries, elimination of the Special Court of Justice (law 79.03) and the devolution of its competencies to the appellate courts of common law, creation of the Ombudsman (*Diwan al Madhalim*) (*dahir* of 9 December 2001), establishment of regional audit courts represent the current judicial framework. Morocco formerly had a central court for overseeing corruption cases (1965-2004) which no longer operates.

The prime minister recently appointed a president for the centralized anticorruption agency (known as the Instance, described below) in charge of overseeing a national anticorruption strategy and action plan. Mr. Abdessalam Aboudrar is the former Deputy Director of the Caisse de Depot et de gestion and a member of the national council of Transparency Maroc. He was appointed August 21, 2008.

The decree establishing the Central Agency for the Prevention of Corruption (Instance) and the national anticorruption action plan are critical elements in moving anticorruption forward from international convention signing to action. In March 2007, the Government adopted a decree establishing the Central Body for the Prevention of Corruption. The decree establishes *three* separate units: 1) a *plenary assembly* comprised of approximately 41 members; 2) a nine member *executive committee* which oversees the results of the Central Agency; and 3) *the secretariat of the agency* (in practice the unit charged with the day-to-day work of the Agency). The agency in no way replaced the Special Court of Justice (or CSJ) which the Prime Minister abolished in September 2004 – and whose powers have been delegated to the appellate court system.

The Instance has consultative status with the government to propose anticorruption policy, public outreach content, monitor progress, make recommendations to the public and private sectors, collect information on corruption and maintain a database, and make declaration to the judiciary. This structure is consultative and has no administrative authority beyond the advisory role. Its public profile can, however, serve as an important anticorruption focal point.

**FIGURE 3: SELECTED LEGAL PROVISIONS IN MOROCCO'S ANTICORRUPTION FRAMEWORK**

	In place?
<b>Main elements</b>	
<b>Criminalization of corruption</b>	Yes
<b>Anticorruption Strategy/Plans</b>	Yes
<b>Explicit Anticorruption Laws</b>	Yes
<b>Corruption Investigations (all jurisdictions)</b>	Yes
<b>Corruption Prosecution (all jurisdictions)</b>	Yes
<b>Non-domestic standing for international cases</b>	Yes
<b>Other selected legal provisions</b>	
<b>Procedures for Financial Intelligence Unit (for money laundering)</b>	Yes
<b>Witness protection</b>	No
<b>Procedure for confiscation of “illicit gains”</b>	Yes
<b>Gifts/Favors/Abuse of Influence</b>	Yes
<b>Asset Disclosure and Monitoring</b>	Yes
<b>Whistleblower Protection</b>	Yes
<b>Independence of Public Hiring and Appointments</b>	No
<b>Immunity Lifting for Corruption</b>	Yes

	In place?
<b>Ombudsman (public complaints unit)</b>	Yes
<b>Freedom of Information</b>	No
<b>Audits of Public Expenditures</b>	Yes
<b>Public Procurement (Marchés publics)</b>	Yes
<b>Business regulations</b>	Yes

Source: MSI Assessment team, July 2008

The most salient trend in anticorruption is the criminalization of corruption offenses. The previously mentioned UN Convention against Corruption and the Council of Europe's Criminal Law Convention against Corruption are examples of the codification of principles which countries around the world are adopting as part of their anticorruption legal framework. As seen in more detail in Annex 1, Figure 3 illustrates that Morocco currently lacks witness protection, independence in public hiring and a comprehensive freedom of information laws. A large part of the necessary legal framework to prevent corruption is in place and available for use by the judiciary.

In line with other countries, the Government of Morocco adopted an anticorruption action plan starting in 2005 and publicly presented in December 2006 at a World Bank sponsored seminar. It is updated annually. Divided into two parts (general public sector wide provisions and sector-specific activities), the national anticorruption action plan covers six areas of activity: a) deepening of ethical and moral values and norms, b) institutionalizing the prevention of corruption, c) reinforcing the transparency of public procurement, d) improving the system of implementation, control and audit, e) simplifying administrative procedures and f) public awareness and education. As these action plans have a roughly 15 year track record of implementation in other countries, an assessment of the specificity, relevance and "fit" of each action plan point can be conducted in order to determine the likelihood the action plan will succeed. Anticorruption "action planning" tends to suffer in application from vagueness, generality and lack-of-fit in many countries which passed anticorruption action plans financed by international donor organizations. Morocco's action plan compares relatively well against its comparator countries. While the action plan can be seen as less ambitious than some and targets some less essential areas, the relative specificity of the action plan points suggests that the government policy responds to both donor finance requirements and relative capacity gaps in institutions. The Ministry charged with its implementation operates a planning and oversight unit that appears to act with some independence within the public sector.

Successful public sector and political leadership on corruption must be based on a multi-level approach that includes key elements such as a proactive parliament, ministries that oversee delivery of services to citizens, a set of mutually supporting laws and regulations to provide a basis for recourse, an independent judiciary that sees protection of the public and the state's resources as critical to its mandate, a government audit and inspection system that can document abuses, and citizen pressure to ensure compliance with accepted standards. Given the complexity of Morocco's institutions and governance structures, a simple set of actions at only one level cannot yield significant change. Donor interaction points are limited by resources and appropriateness and can only go part of the distance to promote more transparency. Even the best and most open legal and political system requires citizen vigilance and institutions that follow their mandates scrupulously.

## 4.ANTICORRUPTION STAKEHOLDERS IN MOROCCO

The number and roles of stakeholders in Morocco with an interest in either tolerating or redressing corruption at all levels are among the most complex imaginable. With the perception that corruption is a well-entrenched part of life, the assumption that all institutions are equally involved is tempting. From the viewpoint of a foreign donor, a scenario focusing interventions on a limited set of institutions at a clearly specified number of levels is critical for programming scarce resources. An analysis of some key players is requisite for efficient strategy decisions. An Institutional map of the stakeholders for corruption action is presented below. It features some of the key actors that can work against corruption and provide a backdrop for the strategy elements and sectoral discussions that will follow.

**FIGURE 4: MAP OF CORRUPTION ABATEMENT STAKEHOLDERS IN MOROCCO**

Stakeholder	Action
<b>Palace</b>	<ul style="list-style-type: none"> <li>--Ratifies international conventions ;</li> <li>--Leads Council of Ministers (ratifies laws and decrees )</li> <li>--Can express strong commitment against corruption</li> <li>--Can authorize investigation in corruption cases</li> </ul>
<b>Prime Minister</b> (with Anticorruption council that reports to PM, known as the Instance)	<ul style="list-style-type: none"> <li>Coordinates government policies:</li> <li>--defines corruption prevention policies and instructs government entities on how to signal corruption</li> <li>--works with international actors on corruption prevention</li> <li>--monitors and evaluates government action against corruption</li> <li>--collects information on corruption and maintains a data base on progress</li> <li>--makes known to justice any offenses to be prosecuted according to law</li> </ul>
<b>Anti-money laundering unit (PM)</b>	<ul style="list-style-type: none"> <li>--Gathers information on money laundering</li> <li>--Proposes government actions to prevent laundering</li> <li>--Orders investigations and requests prosecutions</li> <li>--Can freeze assets as requested by international bodies under international law</li> </ul>
<b>Ministère de modernisation des secteurs publics</b>	<ul style="list-style-type: none"> <li>--Coordinates government policy on anticorruption measures</li> <li>--Leads E-government efforts</li> </ul>
<b>Ministère des Finances : IGF (Inspection Générale des Finances)</b>	<ul style="list-style-type: none"> <li>--Inspects government ministries and monitors state expenditures</li> </ul>
<b>Ministère de la Justice</b>	<ul style="list-style-type: none"> <li>--Orders investigations and prosecutions</li> <li>--Monitors work of judiciary and investigates corruption claims</li> </ul>
<b>Ministère de l'intérieur</b>	<ul style="list-style-type: none"> <li>--Investigates local governments and receives audit court reports on local government</li> </ul>
<b>General Secretariat of the government</b>	<ul style="list-style-type: none"> <li>--Drafts and/or censors legislation</li> </ul>
<b>Parliament</b>	<ul style="list-style-type: none"> <li>--Passes legislation and oversight acts</li> <li>--Launches inquiry commissions</li> <li>--Cooperates with international groups like ARPAC</li> <li>--Responds to civil society actions directed at legislative</li> </ul>



Stakeholder	Action
<b>Justice :</b> Appellate courts Audit courts	Appellate courts: Investigate and prosecute corruption offenses concerning public servants Audit courts: Audits public bodies and local government ; imposes financial sanctions
<b>Diwan Al Madhalim (Ombudsman)</b>	--Examines complaints and recommends resolutions of conflicts/administrative reforms
<b>Civil society</b> Transparency Maroc Human Rights NGOs <sup>14</sup>	--Undertakes studies/inquiries to understand nature and dynamics of corruption --Mobilizes media and citizens to press for reform publicly --Advocates policy, legislative and institutional reforms --Advocates access to information --Protects corruption victims
<b>Private sector (CGEM)</b>	--Adoption of ethical codes for private sector --Maintains ethics and anticorruption committee --Develops ethical codes of conduct for sectors (e.g. IT, electricity, infrastructure construction)
<b>Media</b>	--Report on corruption cases and cover corruption trials --Informs public of progress on anticorruption
<b>International donors</b>	--Supports public sector reforms --Models procurement transparency --Supports civil society action
<b>Individual Citizens</b>	--Form into community organizations or NGOs to bring public or private pressure on other stakeholders --Take individual stand by prosecuting offenses and/or refusing to pay bribes for public or private services

Source: MSI Assessment team (July 2008)

## International Donor Interest

The European Union is relatively active in Morocco as part of its European Neighborhood Policy (ENP).<sup>15</sup> The main instruments for supporting the Association Agreement with the EU (and the accompanying Action Plan) consist of sector budget support programs and Twinning Programs.<sup>16</sup> Twinning projects have been approved for audit, money laundering and customs. The EU's sector budget support programs provide finance directly to the Moroccan treasury for project areas agreed between the EU and the Government of Morocco. From an anticorruption point of view, perhaps the most useful in the area of anticorruption consists of the Union's requirement for public financial transparency as part of its work on sector budget support. The EU conducts public financial management reviews (along with the World Bank) which provide assurance that EU funds will be well managed.

The World Bank works with individual ministries such as education and large sections of the rest of the public sector promoting greater transparency particularly in human resource assignments and practice and public procurement. A new loan package is currently under construction for public administration support and features E-government, transparent procurement policies, publication of procurement bids and awards

<sup>14</sup> A list of NGOs at the latest available public dialogue on corruption is included in annex.

<sup>15</sup> For more on the EU's support to the Government of Morocco as part of its European Neighbourhood Policy, see [http://ec.europa.eu/world/enp/partners/enp\\_morocco\\_en.htm](http://ec.europa.eu/world/enp/partners/enp_morocco_en.htm). Twinning programs match EU resources from specific member countries with mutually agreed on joint programs in partner countries.

<sup>16</sup> The EU also sponsors information exchanges and training programmes as part of its TAIEX programme. For more on TAIEX, see <http://taix.ec.europa.eu/>.



as part of its focus. The team noted that the World Bank local office would like to collaborate with USAID on both content and conduct of future programs to reinforce anticorruption and transparency.

**FIGURE 5: OTHER DONOR-SPONSORED ANTICORRUPTION WORK IN MOROCCO**

	Morocco
EU	Country Action Plan with transparency/ anticorruption component Sector Budget Support Twinning TAIEX
World Bank	Large public administration linked loan program now in its third phase with important human resource management, E-government and procurement improvement dimensions. (PARAP III)
UNDP	Program of governance in the Arab region (POGAR)
OECD	MENA wide network, Initiative on Governance and Investment for Development
Council of Europe	Dialogue as part of North-South co-operation

OECD support for anticorruption in Morocco consists of the organization of workshops on issues related to administrative simplification, e-government, public-private partnerships and other topics.<sup>17</sup>

Civil society work on anticorruption has been extremely active in recent years. *Collectif Inter-Associatif contre la Corruption* (CIACC) includes over 40 associations and organizations, most notably Transparency International – Morocco. The major business association (CGEM) also has an Ethics Committee.<sup>18</sup> A list of organizations involved in a recent dialogue session on corruption issues is included in the annex. Despite the visible work by sector leaders such as Transparency Maroc, the number of community based organizations which can operate at a local level country-wide currently limits impact of this sector. Transparency Maroc operates an observatory for the Rabat region under sponsorship of the Netherlands. This observatory pays attention and publishes information on corruption effects and issues in the region. It seeks to expand this model to at least three other regions in the coming years with international support. This watchdog function is critical to provide both the press and the public with independent information to balance against official progress reports.

Despite the number of human rights and community issue related groups that are interested in fighting corruption, Morocco lacks a sufficient number to perform an expanded watchdog and advocacy function within civil society. These organizations taken together do not wield enough influence to counter the large number of state institutions that should be promoting transparency and good governance. Continuing to support the NGO/CSO sector is necessary but is probably insufficient in and of itself to “cure” corruption in Morocco.

<sup>17</sup> [http://www.oecd.org/pages/0,3417,en\\_34645207\\_34645555\\_1\\_1\\_1\\_1\\_1.00.html](http://www.oecd.org/pages/0,3417,en_34645207_34645555_1_1_1_1_1.00.html)

<sup>18</sup> In French, the committee is known as the *Comité d'éthique et de déontologie*. Moreover, three federations within the CGEM (namely the IT, Electricity, and the Construction federations) have also adopted codes of conduct.

## 5. PROPOSED STRATEGIC DIRECTIONS FOR MOROCCO

Given the complexity and inter-connectedness of Moroccan institutions, direction of strategy choices for anticorruption must be problem-linked and realistic. One-dimensional solutions are unlikely to achieve the critical mass needed for long term change. There is no single institution that has the power and span of control necessary to achieve the required degree of transparency to improve life in all sectors in Morocco. Deconcentration and decentralization reforms pursued by the government can have great impact on increasing transparency over time by shifting accountability to the local level where “retail” advocacy can be practiced by citizen groups.

Citizens will need to become more aware of how they contribute to corruption on the daily level by either condoning it when it is not essential or in anticipating it when it is not actually being required. Groups within critical public sector institutions that are promoting accountability such as the audit functions (inspection) will need to ally themselves with as many actors of similar inclination as they can find and seek out new venues to promote transparency at every turn. Private sector groups will need to move beyond the definition of codes of conduct for critical industries to their application and the steadfast use of sanctions. Civil society will need to grow beyond the several dozen groups allied with Transparency Maroc from within the human rights organizations and seek out regional, urban and community organizations to convert to the cause of vigilance and action. Public sector institutions themselves such as Justice, Finance and Interior Ministries will need to pay increasing attention to curbing corruption and holding up examples of good governance and accountability.

Within this context a potential corruption abatement strategy can include elements that are appropriate for donor intervention and some that rely entirely on Moroccan institutional action. Donors may wish to support these actions but cannot create them. USAID is already supporting some of the strategy elements in its existing programs. Comparative advantage for USAID is discussed in the recommendations section.

**FIGURE 6: POTENTIAL ANTICORRUPTION STRATEGY**

Problem	Strategy	Level of intervention	Time needed	Donor Appropriate?
Justice system not used effectively to prosecute corruption violations	Promote adequate training of justice staff and public pressure for adherence to laws	National and local courts administration training; public dialogue on effectiveness of judiciary	Medium and long-term	Opportunities may be limited but should be taken <i>USAID currently has limited entry in this area.</i>
Key service delivery in education, health, rule of law, infrastructure development, etc subject to corruption at many levels	Donors funding service delivery ministries support internal efforts to fight corruption as they occur .Work at service delivery points to increase vigilance in cooperation with individual ministry inspection services and public pressure organizations (PTAs for Ed)	National and local	Medium and long-term	Yes. Can be made part of ongoing or planned activities. <i>USAID intervenes actively in education.</i>
Public expects corruption and does not resist when it can	More fora for public to express dissatisfaction; expand citizen education on existing laws and potential recourse. Expand distribution of citizen information used in schools to broader public.	Local level	Medium and long-term	Yes. Within individual programs look for opportunities to promote citizen action and understanding of existing legal and personal sanctions. <i>All USAID programs with citizen outreach aspects can participate.</i>
Many but not all public sector institutions actively participate in some level of corruption	Publication of existing codes of conduct for local governments, private groups.	National and local levels	Medium and long term	Donors can sanction key ministries that resist transparency initiatives of their own government by limiting or eliminating partnerships with them.  <i>USAID can work with local governments to expand anticorruption opportunities.</i>

Problem	Strategy	Level of intervention	Time needed	Donor Appropriate?
Citizens affected at nearly every level of interaction with government	Reduce citizen interaction with officials through E-government Promote citizen refusal to bribe	Local	Long term	Support for E-gov underway; Civil society will need to promote citizen resistance. <i>USAID can look for ways to add E-gov to existing or planned programs.</i>
Media playing insufficient role in exposing corruption both private and public	Civil society recognizes media efforts more overtly	National	Short and medium term	Donors can subsidize media and civil society interaction in colloquia etc <i>USAID can support more media involvement through public fora and/or encourage other donors to do so.</i>
Civil society not large or extensive enough to mount effective anticorruption campaign	Look beyond traditional human rights groups to interest community organizations at local levels in adding anticorruption elements to their portfolios	Local and national	Medium term	Yes. Donors must avoid creating artificial civil society groups that cannot sustain themselves. <i>USAID can support appropriate civil society partners to expand anticorruption public outreach</i>
Political party system lacks sufficient diversity to produce coalitions against corruption among parties	Promote inter-party dialogue among groups on non-partisan basis.	National	Short and medium term	Limited role for any donor including USAID.
Local government attempts to increase transparency are limited to a few major communes in urban areas	Interest Ministry of Modernization in adding more local government action to the anticorruption action plan. Promote inter-commune dialogue across party lines on transparency and its benefits	National and local	Short and medium term	Donors working with local governments can add transparency to program elements. <i>USAID can build on local government work to expand anticorruption efforts.</i>

Problem	Strategy	Level of intervention	Time needed	Donor Appropriate?
Use of internet to publish laws, regulations, procurement opportunities, market decisions etc limited	Enforce government decision to publish all procurement opportunities and decisions Underwrite IT efforts in key ministries not currently participating	National	Short and medium term	Donors can underwrite the technical assistance needed by public sector to increase availability of information to public.  <i>USAID can add or expand program components to increase IT use. MCC can ensure publication of all its offerings.</i>
Access to information laws not sufficient to serve as counter-measure	Support advocacy on access to information	Parliament	Short and medium term	Donors can underwrite civil society information campaigns and advocacy for legislation. <i>USAID can include this element if it adds to DG strategy.</i>
Additional legislative actions needed to complete implementation of the UN Convention against corruption	Use dialogue with Parliament and Prime Minister to urge completion	Person to person with senior donor personnel	Short term	Donor support for legislation drafting in limited way by using local TA to legislature. <i>USAID and Embassy can use access to GOM to promote action as appropriate.</i>
Inspection/ audit services cannot reach all public institutions without increases in staff /capacity	Support Inspection des Finances Academy and training actions Promote cross-government dialogue with Inspections and Audit courts	National	Short and medium term	Donor support and TA already applied can be expanded. <i>USAID already supported audit training materials and best practices. It can expand to more ministries and increase audit court training.</i>

## 6. ANALYSIS OF CORRUPTION IN SELECTED SECTORS

The team requested guidance from USAID to identify key potential sectors for corruption analysis during the limited time of the field work in Morocco. An initial briefing by technical offices, Program Office and senior management yielded a set of potential intervention areas. Further discussion with the Assistant Director and the DG office narrowed the field down to Education, Public Procurement, Local governance and one cross-cutting sector--youth. The team examined each sector to describe its major problems and constraints, opportunities and program dimensions.

### *Education*

USAID is working in the education sector primarily on basic literacy and women's literacy for some time with positive results. It also promotes the establishment of parent-teacher's organizations within the local communities.

Corruption issues affecting the education sector revolve around access of students to teachers and adequate monitoring of human and physical resources at the local school level. Many key informants for this assessment discussed the education sector as a priority intervention. Children are affected not only by the operational aspects of corruption: absenteeism of teachers, pressure to pay teachers for services they should get routinely, lack of materials in the classrooms that are clearly provided for in budgets, etc. They are also affected by the examples of the adults that do not come to work regularly and the inability of their parents to put pressure on the institution to perform. 23.34% of Morocco's public budget goes to education and 5.7% of GDP.<sup>19</sup>

Manifestations of corruption in education include:

- Teacher and inspector absenteeism and lack of sanctions for poor attendance at work.
- Teachers sometimes request tutoring fees from student for extra sessions that should be part of the actual classroom work.
- Private schools employ public school personnel. These personnel continue to draw their smaller public salaries at the same time. This reduces *de facto* the number of competent teachers in the public school classroom.
- Delays in school construction or lack of action despite budgetary provisions.
- Favoritism in construction contracts for infrastructure leading to lack of competition and increased costs for what does get done.
- Leakage of inputs destined for students and teachers from school programs. Food sold outside the school system instead of given to students as planned. School materials such as textbooks and teaching materials subject to outside sale instead of student use.
- Problems in transparent assignment of teachers and inspectors to schools. People without "connections" are sent to less favorable locations. This contributes to their absenteeism.
- Fear of teachers' unions leads to lack of sanctions in some cases. Unions themselves are seen as a source of corrupt behavior. There are several large unions and political affiliations with particular parties are widely known.
- Money allocated at ministerial level for schools does not make it all the way to its destination.
- Performance declines in graduation rates from primary and secondary schools and in completion of the baccalaureate degree necessary for further study. These are seen as directly attributable to

---

<sup>19</sup> 2008 figures supplied by the Inspection General of the Ministry of Education to the team.

management and personnel performance not just student motivation. Numbers of “contact hours” between teachers and students are insufficient to ensure adequate transfer of knowledge.

- Lack of adequate supervision of teachers and inspectors to ensure that work plans are carried out, performance monitored, and action taken.

Despite the seemingly negative general picture for education, there are some positive points to make. There was no reference to purchase of grades or inadequate monitoring of test subject matter or test administration by those consulted. Government is working to withhold salaries of those teachers who are absent more than a certain threshold of days per term. This involves conflict with unions but is proceeding, nevertheless. There has been some civic education in schools on transparency in government. Materials for this instruction already exist and can be distributed to more schools. The Inspector General of the Ministry of Education has taken measures to ensure that bids for procurement of textbooks is done by sealed bid and that there is adequate competition with a scoring system in place for selection of contractors. The World Bank reports increased competition in public bids for school infrastructure.

Increased autonomy of local schools can contribute to transparency. Citizen oversight groups such as the school councils begun under ALEF contribute to change at the local levels. The Academies as relatively new school structures offer opportunities for improved school administration practices and transparency. The inspection function of the Ministry is addressing as many of these ills as practicable within the means it has and the complex institutional structures in operation.

### ***Local governance***

USAID has a history of involvement in governance improvement with selected communes in Morocco that can become a critical focal point for transparency improvement.

As pointed out by key informants, the point of contact with the citizen by government officials and public servants of all kinds is also the first potential site for corruption. The citizen survey mentioned earlier reinforced this point through out its findings. The anticorruption action plan tries to address this through measures to reduce citizen to government personal contact. While this approach can and does produce efficiencies in administration and reduce corruption overtime, it is less well suited to those who do not have sufficient access to electronic means of communicating with their government.

Throughout the assessment, examples of corruption at the local level were suggested as the main cause of the public perception that corruption is widespread. Problems include:

- Routine police stops of all kinds that are bribe seeking and not actually enforcement contribute to bad driving since conventional wisdom says that the motorist will be stopped regardless.
- All transactions to get family documents authenticated may produce the need for a bribe. Even the establishment of the new electronic national identity card is susceptible to this corruption since paper documents must be produced to obtain it.
- Building permits of all kinds
- Licenses to trade goods in all aspects of the agricultural market chain
- Licenses to operate businesses in the formal sector
- Inspection of construction sites

An argument can be made that the inheritance of an overly bureaucratic and public sector employment creating system during colonial times is a major driver of the small scale as well as large scale corruption

under examination. The impetus to reduce citizen contact by substituting electronic systems is certainly commendable in the long term and may provide a solution.

USAID's work in local government with communes such as Casablanca and Marrakech can be a starting point for more transparency. A code of conduct for the city of Casablanca administration is developed and in place. Its oversight by local citizens as well as the public servants themselves could yield important lessons. The development of such codes in other parts of Morocco could help local government take responsibility for itself.

The tendency to rely on laws, regulations and decrees as the primary steps in reform can be augmented by citizen involvement in the code of conduct development and monitoring. Stressing best practices and international breakthrough examples can be encouraging to the public servant and the citizen who do not want to go along with perceived corruption pressure. The creation of public portals for citizen use, such as the one created by the commune of Bernoussi in Casablanca, is a strong example of what information can do.

The local audit court system is an important legal institution that is actively working to identify and act on corruption. These courts (currently nine in number) are found throughout Morocco and operate with varying degrees of impact due to severe understaffing and funding.<sup>20</sup> In recent years, these courts have focused on local government management and prosecutions of local council members and commune presidents for corruption are increasing. Finding interested leaders among the judges of these courts and identifying training and public dialogue opportunities within the local government action context could dramatically reinforce existing attempts at reform.

### ***Public Procurement***

Procurement was often cited as a “black hole” of governance during the assessment work. The implementation of the UN anticorruption convention includes many procurement related actions in its work plan (Annex 2). It is a key target of E governance efforts worldwide. CGEM, one of the major stakeholders representing the private sector, is on record with specific recommendation for public procurement improvements. Public procurement represents by some estimates, 15% of GDP for Morocco.<sup>21</sup> Governments with open and published procurement processes are judged more transparent by their citizens and the world community including international investors.

Currently valued at up to 60 billion dirhams a year, public procurement is divided into basic equipment/supplies (60%), public works and infrastructure (30%) and services (10%). A major reform of public procurement is contained in decree number 2-06-388 of 5 February 2007. It is meant to reinforce actions taken in government reforms in 1998 and springs from private sector pressure as well as internal government reform efforts. The reform calls for an electronic “window” which contains advance notice of potential public procurements as well as documents related to open bids. It seeks to close loopholes by including means of protest once bids are accepted, selection criteria for bids, information on who is bidding, etc. This website for the whole government can be found at [www.marchepublics.gov.ma](http://www.marchepublics.gov.ma) and figures also in the anticorruption action plan.

Transparency Morocco held a public forum in May 2008 to allow for a debate and discussion of these reforms. It identified several remaining areas for vigilance. Special attention is needed to monitor operation of the site, its contents and whether remedies are applied and actions taken as a result of its operation. Private sector sources revealed that bidders may be reluctant to take action even if it is legally

<sup>20</sup> <http://courdescomptes.ma/index.php>

<sup>21</sup> L'Economiste, 2 april 2008



allowed for fear of recrimination in the marketplace. An important feature of the reform is that a threshold amount for procurement over 5 million dirhams is established and requires public bidding. Obviously, the decree itself does not control for quality of bidding documents or selection procedures. Previously adopted decrees form the basis for a set of procedures to insure these aspects of transparent bids and awards. It is actual practice that administration staff in ministries can approve bidding documents that may not meet standards or the internal regulations already in place. This aspect of implementation is, of course, not confined only to Morocco. Even with a decent legal and procedural system in place, monitoring within government and in the marketplace is a necessary condition of transparent procurement.

At the level of local government irregularities in public procurement are sometimes most noticeable and require citizen and government oversight. Electricity, water and sanitation and trash collection resources are particularly vulnerable to billing irregularities. In some cities, the press has pointed out over-billing of the government for basic services by providers of electricity and water in some jurisdictions (Casablanca, Tangier/Tetouan and Rabat). Some public fora are calling for an investigation of all billing practices in these three major urban administrative areas.<sup>22</sup> Parliamentary action is also being called for adding overall monitoring of contract obligations to the over billing concern. Return of the water and electricity function to the public sector from the three large companies currently operating (Lydec, Redal and Amandis) is publicly advocated. Given the international privatization climate required of most countries that get loans for the World Bank group, public re-acquisition of these major industries would appear unlikely but citizen and press vigilance and outrage is a very positive sign of increasing transparency.

Since the opening of the public portal for bidding is a more recent development, the surveying of groups that use it and its actual contents could yield important information on the progress of reforms. Surveys of private sector would have to take into account the history of each firm in successful or unsuccessful bidding to be a useful barometer.

Public procurement improvements figure in the national action plan for anticorruption as well as in public discourse by private sector groups such as CGEM. The establishment of industry wide codes of conduct for information technology and infrastructure are positive steps by the private sector toward transparency. Recent positive experience in the awarding of additional telecom licensing by the government is regarded as an advance for transparency in the procurement area.

Private sector sources suggested finding additional opportunities to increase public-private dialogue on the operation of the procurement website. Increased dialogue between government operators of the bidding system and the bidders in the form of training sessions that yield agreed on standards and examine existing best practices is a potential improvement that can be done in the short term. There appears to be a legal basis as well as stated government interest in its action plan to advance a best practices approach to procurement transparency.

The large amounts of public procurements underway in the Millennium Challenge arena represent an important modeling opportunity for the USG. While the compact takes into account severe audit penalties for non-performance, rigorous attention to the public bidding process including compliance with the 2007 improvement decree would be noticed and set a critical example.

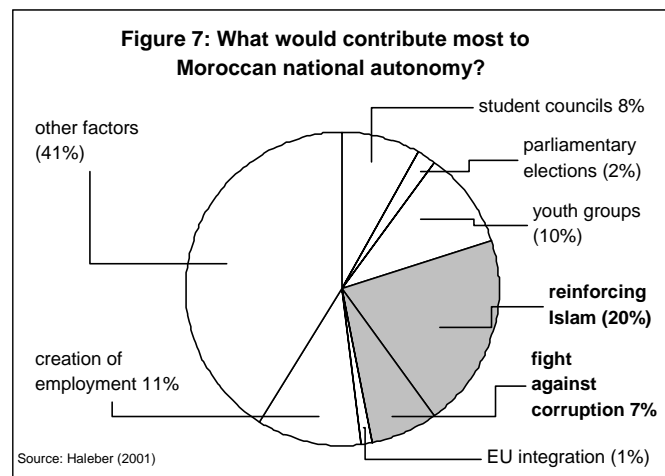
Improvements in public procurement practice within the local government context can be highlighted for press and citizen attention on a regular basis as they occur. Significant work on codes of conduct already underway serves as an important first step.

---

<sup>22</sup> General Assembly for Water Contracting in Morocco, December 2007. [www.acme-eau.org](http://www.acme-eau.org)

## Youth

USAID stated a particular concern as to whether corruption results in increased radicalization among Moroccan youth, leading to the use of “political Islam” or the more extreme Salafi Jihadism (radical Islamism) as a justification of committing terrorist acts. The popular press suggests such a link. Michael Moss and Souad Mekhennet of the New York Times tell the story of Ahmed Rafiki (an Islamic cleric) who, in his confinement in Oukacha Prison in Casablanca, has been given an extensive range of rights in order to prevent the radicalization of other inmates.<sup>23</sup> They also talk about a number of incidents, such as the May 2005 hunger strike in which “[the] militants started a 28-day [hunger] strike, using contraband cell phones to rally compatriots throughout the prison system.”



In work commissioned for this report, Denoeux (2008) points in essence to two ways in which corruption could lead to radicalization in Morocco: a) corruption prevents the delivery of basic services and restricts opportunities for young people, resulting in the expression of their frustration through violent means; and b) corruption allows the trade in cannabis, providing finance for the expression of violent radicalism.

The evidence available suggests little, if any, direct observable link between corruption and radicalization of Moroccan youth. The assessment found no key informant who unprompted, suggested that the use of political Islamic ideology stems from dissatisfaction linked to perceived high levels of corruption.<sup>24</sup>

Specific survey evidence points to little or no link between the prevalence of corruption and propensity to adopt more anti-societal values. According to survey work conducted among a sample of 134 young Moroccans by Haleber (2001)<sup>25</sup>, he argues that adherence to traditional Islamic values among Morocco’s youth represents a “revolt against Western-style globalization” rather than an attempt to politically engage in society issues (such as anticorruption). In the over 100 question survey, Moroccan youth consistently highlighted the importance of “being a good Muslim” regardless of the social or political issue addressed. For example, when asked the most important subject to learn in school (question 100 in his survey), the majority (24%) wanted to learn “how to be a good Muslim” while only 5% wanted to learn “how to make money” and 2% wanted to learn about science and technology.

As another illustration of the lack of a relationship between political Islam and corruption among Morocco’s youth, the figure above shows the percentage of respondents ranking in first place a number of

<sup>23</sup> *Jihadists in Jails Win Leverage Over Their Keepers* by Michael Moss and Souad Mekhennet. NEW YORK TIMES. Available at: [http://www.nytimes.com/2007/12/31/world/africa/31prison.html?\\_r=2&hp=&oref=slogin&pagewanted=all&oref=slogin](http://www.nytimes.com/2007/12/31/world/africa/31prison.html?_r=2&hp=&oref=slogin&pagewanted=all&oref=slogin)

<sup>24</sup> Such findings bolster arguments made by observers such as Cavatorta (2006) who note that political Islam often finds positive expression in civil society groups which serve productive purposes.

<sup>25</sup> Haleber does not state his demographic definition of youth for the study so we cannot correlate with other youth cohort data.

factors which would lead, roughly speaking, to the growth and prosperity of the country.<sup>26</sup> As shown, 20% of the respondents ranked “reinforcing Islam” as the number one priority. Only 7% of respondents ranked the fight against corruption as a paramount concern. Moreover, 7% would be a relatively low number if young Moroccans were turning to the Mosque as an expression of their discontentment with corruption or public administration in general.

Based on this analysis of secondary data and without any opportunity to conduct an extensive survey of targeted youth, the team finds it difficult to make this link. Previous work on youth satisfaction commissioned by USAID fails to mention corruption as a major pre-occupation of youth.<sup>27</sup> Transparency Maroc’s 2001 Household survey showed more dissatisfaction linked to corruption among 24-35 year olds than younger persons.<sup>28</sup> More study would be needed to specifically rule out corruption as a major source of youth radicalization in Morocco. It would need to be carefully aimed at the demographic age cohort of most interest in order to be compared to other sources.

## **7. PRIORITY RECOMMENDATIONS FOR ANTICORRUPTION PROGRAMMING**

Morocco needs to work on the most rudimentary anticorruption activities as well as specific national anticorruption interventions. Priority activities consist of completing and implementing the anticorruption legal framework which has become the international standard in the area of anticorruption. The assessment makes some recommendations for action below. As laid out previously in Figure 6, not all action is donor appropriate. Recommendations for USAID are based on specific potential opportunities for intervention that rely and build on work already undertaken by USAID.

Recommendations include interventions where USAID has comparative advantage based on program history, access to institutions and sector expertise. They are organized by the relevant corruption problem from Section 5 and include a cursory illustrative resource estimate. Designing a specific, stand alone corruption mitigation program seems less likely to increase transparency than an approach that uses existing USAID comparative advantage in partner institutions that serve many sectors.

Donor coordination is addressed both within topics and separately after the program recommendations.

Recommendations are grouped by problem area from the strategy section. Priority recommendations are asterisked as they appear in each topic, at USAID’s request.

### ***Justice system not used effectively to prosecute corruption violations.***

USAID is not currently intervening in the justice system except to promote mediation resolution in the commercial sector. Morocco has most if not all the legal framework it needs to enforce anticorruption measures. The expansion of the audit court system can provide a needed additional national and local opportunity to apply existing oversight laws to prosecute corruption.

---

<sup>26</sup> The original question in French refers to factors which would “most contribute to the increase in the authority of Moroccans in their own country and to develop democracy in their own country.”

<sup>27</sup> USAID, Education Development Center/Equip3, Morocco Cross-sectoral Youth Assessment Report, Testing Support to Dar Chebabs Project and Appendices, December 2007.

<sup>28</sup> Transparency Maroc. *Enquête Nationale sur l’Intégrité: Etude auprès des Ménages*. 2001

- \*Develop training program which supports the work of the audit courts (Cours des Comptes) in regions where USAID has program presence. This would require identifying best practices currently being used both inside Morocco and internationally to increase and expand the range of methods and practice for audit court use. Heads of the audit courts can identify areas where their staff needs training in case preparation and documentation including investigation methods available under current law.
- \*As training advances, sponsor national colloquia for courts to share experience in effective action.

Resource estimate: USD 500,000 to 1 million per year over 3-4 years.

***Key service delivery in education, health, rule of law, infrastructure development, etc subject to corruption at many levels***

USAID work in the education sector can be expanded in any new programs to include more anticorruption action. These could include:

- \*Expanding the use of parent/citizen associations in all USAID education programs to include focus on citizens' roles in education oversight. Provide training for these associations in local advocacy for education results and effective resource use.
- When negotiating follow-on work in Education with ministries, stress support for Inspection services with Ministry.
- \*Provide training in audit oversight to education ministry inspection services.
- Sponsor colloquia for education ministry inspection services to share best practices with other ministries.
- Consider selecting an academy based in an urban area and one in a rural area as transparency practice models to promote school association oversight, student civic instruction and inspection training/monitoring best practices. These academies can serve as models for scaling up efforts in other regions.
- Make existing civic education materials on transparency available to more schools. Involve parent groups in updating the content of these materials.

Resource estimate: USD 1 million per year for 5 years.

***Public expects corruption and does not resist when it can***

- All USAID programs that include outreach campaigns for sector specific behavioral changes can include anticorruption information relevant to that sector. Materials are available through Transparency Maroc that can be adapted to include citizen messages that are appropriate to the context.

This recommendation depends on the amount of outreach already planned with new or existing programs and is in effect a “piggy back” approach to add content on resisting corruption to any program USAID funds that reaches the public directly.

Resource estimate: Up to USD 500,000 per year for materials.

### ***Many but not all public sector institutions actively participate in some level of corruption***

Focusing more narrowly on public procurement alone, USAID can promote changes in transparency and accountability.

- \*Support colloquia and training sessions between government administrators responsible for service procurement at the bid preparation level and the potential market bidders from the private both for profit and non profit sectors. International experts can suggest best practices that suit Morocco and those that can be replicated from elsewhere. This would mean inviting private sector institutions such as CGEM or TM to jointly sponsor the dialogue on all aspects of bidding: preparation of transparent terms of reference, information availability, progress and timing of bids, award information, recourse and protest. Government officials would provide insight on their constraints under the law and the private groups would provide insight from the market perspective.
- Model open procurement processes at every level of the Millennium challenge implementation including adequate bidding, documents, timely announcements, adherence to specifications, and use of the website and protest procedures. The large sums of money involved are bound to solicit government and private attention.

Resource estimate: USD 200-300,000 per year for at least two colloquia and publication of results.

### ***Citizens affected at nearly every level of interaction with government***

USAID's main entry point is through its support for improvements in local government.

- Expand of the code of conduct creation experience beyond Casablanca to other parts of the country both urban and rural where USAID is working on local governance.
- Fund a repeat of the 2001 TM citizen survey using information gained from the observatory and with a special focus on youth and local governance to test assumptions about the extent of banalization of corruption and where citizens are most affected.

Resource estimate: USD 500,000 - 1million per year for 3 to 4 years until at least 9-10 interested communes are reached. USD 200,000 for survey for one year only.

### ***Media playing insufficient role in exposing corruption both private and public***

- USAID can continue to invite media to any and all of the colloquia mentioned in the recommendations. If there is sufficient interest, media could sponsor their own colloquia on anticorruption best practices with international support.
- Support donor round tables with press attendance on anticorruption issues to reinforce reform minded action within government. Reformers need support from the larger international community and best practice improvements need highlighting to increase momentum.

Resource estimate: USD 50,000 per year for one or two colloquia.

### ***Civil society not large or extensive enough to mount effective anticorruption campaign***

If USAID expands into a more extensive civil society program in the future, it could consider providing grants for citizen outreach on corruption prevention.

Currently Transparency Maroc is funded by the Netherlands to operate an “observatory” on corruption in Rabat. Expansion into at least three other regions is planned dependent on funding.

- USAID could consider funding additional observatories to provide information on corruption to the public through TM. It is not clear if the Netherlands plans to expand beyond the one they are already funding.
- Discussions with other donors including the Netherlands on funding for the observatories is timely given the forward movement on the establishment of the government Instance group.

Resource estimate: USD 100,000 per observatory per year.

### ***Political party system lacks sufficient diversity to produce coalitions against corruption among parties***

Intervention in political party efforts is not donor appropriate but any movement on anticorruption at national and local levels should be monitored to assess improvements in the climate over time.

### ***Local government attempts to increase transparency are limited to a few major communes in urban areas***

- If USAID continues and/or expands its local government activities it can include support for developing codes of conduct in larger numbers of communes both rural and urban.

Resource estimates made earlier.

### ***Use of internet to publish laws, regulations, procurement opportunities, market decisions etc limited***

- Creating or supporting development of public portal websites in as many local government communes as possible can increase access of citizens to information and reduce corruption opportunities.
- Fund surveys of the use of public portals throughout government to identify best practices and improvements.

This expansion of public information is already called for under the corruption mitigation plan of government. It could be an effective subject for donor coordination discussions with the World Bank under its PARAPIII program. It represents a large investment and USAID resources could only support a limited amount of this development under current annual country levels.

Resource estimate: USD 1 million per year for 2-3 years in conjunction with GOM and other donor support.

### ***Access to information laws not sufficient to serve as counter-measure***

- USAID can support civil society advocacy for improved and expanded laws if there is a civil society program available to do so.

Resource estimate: USD 100,000 per year for 2-3 years.

***Additional legislative actions needed to complete implementation of the UN Convention against corruption***

- USG can use policy dialogue to promote completion of the legal steps that are currently missing (witness protection, freedom of information, protection in hiring/firing)
- If USAID continues support to the parliament, technical assistance can assist with legislative drafting as appropriate.

Resource estimates: USD 50,000 per year for 2 years for technical assistance.

***Inspection/ audit services cannot reach all public institutions without increases in staff /capacity***

Every opportunity to reinforce the work of the inspectors in all ministries with which USAID works should be taken. The IGM already has state of the art materials on audit principles and practice financed by USAID under current programs. There is a small group of inspectors ready to expand their work.

- \*USAID can use materials developed under previous programs on state of the art audit best practices to expand training opportunities to inspection services in education and any other interested ministries that affect local government.
- \*USAID can support intra-governmental colloquia between inspection services and the audit courts on best practices in finding and stopping corruption.
- \*USAID can support expanding the work of the Internal Audit Academy <sup>29</sup> already in place and publicize its work. This academy can provide advisors for training content for other GOM inspection services and the Audit courts.

Resource estimate: USD 500,000 per year for five years depending on demand for training.

***Additional donor coordination action***

- Any and all donor coordination venues should be used to support anticorruption action. The World Bank and the Netherlands are already supporting significant action. Additional dialogue in particular with the European Union is advised to increase international support for any movement by government and civil society to promote citizen oversight and transparency.

***Priority recommendations***

Given limited resources, the team recommends focusing on expanded training for the Inspection services, support for audit court best practice training, support for parent/citizen oversight groups in education and public/private colloquia on procurement transparency best practices. (See asterisks in recommendations identifying these.)

---

<sup>29</sup> Composed of ad hoc representatives of Inspection services across the GOM, this Academy can be contacted through the Inspector General of Fisheries.

## ANNEX I. LEGAL AND INSTITUTIONAL FRAMEWORK (AS OF JUNE 2008)

	What Are the Formal Provisions?	How Are They Implemented in Practice?
<b>1. ANTICORRUPTION ENFORCEMENT LEGISLATION AND INSTITUTIONS</b>		
<b>1.1 Anticorruption Strategy and Plans:</b> Is there a formal national anticorruption strategy/program?	Yes. An action plan presented to public in World Bank roundtable December 2006. Latest version included in summary in Annex 2	Plan lists intentions, measures in place and progress to date.
Are there governmental institutions mandated to enforce/implement this strategy/program?	The Ministry of Modernization which reports to the Prime Minister is in charge of implementation. An agency (Instance) created ( March 2007) and a president appointed (August 2008)	Some are in place. Remaining to be acted on: assets declaration by legislators and public officials, competition law.
<b>1.2 Explicit Anticorruption Laws:</b> Are there laws that explicitly prohibit or criminalize corruption or corrupt behaviors?	1962 Penal code : Makes corruption illegal as well as abuse of authority - (articles 248,251,252,253,255,256, 257) -theft of public or private money (241) - destruction of documents (242) -receiving goods and service not due(243) - influence peddling(244) ; -conflict of interest and solicitation of illegal contribution (245 , 246 247) -corruption in private (249) - money laundering ( 17 April 2007)	A special court worked from 1965 to 2004 to try public servants accused of corruption. There is no comparable judicial system to replace it. Instance is to monitor corruption in an advisory role to government and reports to Prime Minister.
Are there governmental institutions mandated to enforce/implement this anticorruption legislation?	Yes	Court of Appeals and Supreme court (judges and high level public servants) High Court of Justice (Ministers) Progress to date is limited and many defendants exonerated or given weak punishment. A majority of Parliament is necessary to accuse Ministers in the High court.



	What Are the Formal Provisions?	How Are They Implemented in Practice?
<b>1.3 Corruption Investigations:</b> Are there laws that regulate investigation of corruption cases?	Penal code is used	Must be undertaken by the oversight Ministry where infractions occurred or by Ministry of Justice
Are there governmental institutions mandated to enforce and implement this legislation?	Yes	Must be undertaken by the oversight Ministry where infractions occurred or by Ministry of Justice
<b>1.4 Corruption Prosecution in Courts:</b> Are there laws that regulate court prosecution of corruption offenses?	Penal code is used	Same as above
Are there governmental institutions mandated to enforce/implement this legislation?	Supervision by Ministry of Justice	Same as above
<b>1.5 Money Laundering:</b> Is there legislation that prohibits money laundering (the process through which money derived from illegal activities is given the appearance of originating from a legitimate source)?	Added April 2007 to Penal code	No cases to date.
Are there governmental institutions mandated to enforce/implement this legislation?	The court of Rabat has mandate to pursue because it is specialized	No cases prosecuted yet.
<b>1.6 Asset Recovery :</b> Is there legislation that regulates asset recovery from corruption cases?	Penal code allows (art 255)	Law is applied
Are there governmental institutions mandated to enforce/implement this legislation?	Unknown	
<b>1.7 Witness protection:</b> Is there is legislation that protects witnesses in corruption cases?	Limited. Art 256-1 says that a person who commits corruption and then declares it is exempt if authorities are informed or if person is forced.	No known cases
Are there governmental institutions mandated to enforce/implement this legislation?	Unknown	
<b>2. EXECUTIVE BRANCH</b>		
<b>2.1 Asset Disclosure:</b> Are there laws or regulations that require disclosure of assets for senior elected officials or political candidates and their families?	Laws being adopted	New. Not in function yet.(June 2008)

	What Are the Formal Provisions?	How Are They Implemented in Practice?
Are there governmental institutions mandated to enforce/implement/monitor such laws/regulations?	Audit Court	Law not always enforced
<b>2.2 Abuse of Discretion:</b> Are there laws or regulations that place limits on the discretion of senior government managers in making decisions about the use of government funds?	2007 law on public procurement calls for healthy competition and transparency. The charter for communes (local government) of 1976 and 2002 requires competition and bidding over a set amount.	Law is formally respected but purchasing agents sometimes unbundle procurements so that they are under the competition amount threshold.
Are there governmental institutions mandated to enforce/monitor such laws/regulations?	Audit court, public audit, inspectors of ministries, inspector general of finance and tribunals	Ministerial discretion in sending people to justice leads to selective enforcement under the laws. Follow up to inspection findings is sometimes lacking.
<b>2.3 Gifts/Favors/Abuse of Influence:</b> Are there laws or regulations that place limits on accepting gifts, favors or services, that control or limit how senior government managers use their influence, or that regulate conflicts of interest for executive branch managers?	Gifts and favors are prohibited under articles 250 of the penal code as is influence peddling	Gifts are accepted and rarely sanctioned.
Are there governmental institutions mandated to enforce/implement/monitor such laws/regulations?	Audit court (audit and financial sanctions) as well as penal courts can address	Audit courts are active since 2006 and must rely on ministries to send actions to them.
<b>3. LEGISLATIVE BRANCH</b>		
<b>3.1 Asset Disclosure:</b> Are there laws or regulations that require disclosure of assets for legislators or legislative candidates, and their families?	Parliament (1st chamber) enacted a law requiring judges of the constitutional court to declare assets as well as parliamentarians of both chambers	Law not yet applied.
Are there governmental institutions mandated to enforce/implement/monitor such laws/regulations?	Special group of the Audit Court is to receive declarations from these two groups	Law not yet applied.
<b>3.2 Gifts/Favors/Abuse of Influence/Conflicts of Interest:</b> Are there laws or regulations that place limits on accepting gifts, favors or services, that control or limit the use of influence, or that regulate conflicts of interest for legislators?	All gifts and influence peddling strictly prohibited by Penal code article 250	No known cases of sanctions.

	What Are the Formal Provisions?	How Are They Implemented in Practice?
Are there governmental institutions mandated to enforce/implement/monitor such laws/regulations?	Courts	No known cases of sanctions
<b>3.3 Oversight Responsibility:</b> Is there legislation that provides clear monitoring and oversight responsibility to the legislature to ensure executive and budgetary accountability?	Interior regulations of the parliament calls for budget oversight	A report is produced and debated in Parliament. No legal actions taken against individuals to date.
Are there governmental institutions mandated to enforce or implement such laws?	No	
<b>4. JUDICIAL BRANCH</b>		
<b>4.1 Asset Disclosure:</b> Are there laws or regulations that require disclosure of assets for judges and senior court officials, and their families?	Article 16 of the 1974 law recently amended. Only applies to minor children.	Law becomes official after publication in Official Government Bulletin.
Are there governmental institutions mandated to enforce/implement/monitor such laws/regulations?	Declaration is provided to a commission presided by Ministry of Justice and made up of members superior council of the Magistrature	Law becomes official after publication in Official Government Bulletin.
<b>4.2 Gifts/Favors/Abuse of Influence/Conflicts of Interest:</b> Are there laws or regulations that place limits on accepting gifts, favors or services, that control or limit the use of influence, or that regulate conflicts of interest for judges and senior court officials?	All gifts and influence peddling strictly prohibited by Penal code article 250 Penal code procedures (1959 law, amended 3 October 2002 and entered into force 1 oct 2003 gives magistrate ability to recuse themselves for conflicts of interest (art 273)	Yes
Are there governmental institutions mandated to enforce/implement/monitor such laws/regulations?	Legal recourse is subject to special laws (CPP). The Supreme Council of the Magistrature (CSM) can issue disciplinary sanctions.	Actions are taken before the Supreme Court and the penal courts and by the CSM. Public is not given reasons for actions.
<b>4.3 Judicial Independence:</b> Are there laws or regulations that ensure judicial independence from the executive (related to judicial selection, dismissal, and budget issues)?	Law of 11 Nov 1974 places magistrates under the Ministry of Justice. Career is strictly controlled by the Ministry. Magistrates cannot form unions.	Law encourages dependence of magistrates on Ministry for all career actions and advancement.
Are there governmental institutions mandated to enforce or implement such laws?	CSM mandated by constitution and presided over by the King and de facto by Minister of Justice who is vice-president. Has only consultative role	Same as above.

	What Are the Formal Provisions?	How Are They Implemented in Practice?
<b>4.4 Accountability Mechanisms:</b> Are there laws or regulations that ensure judicial accountability (including transparency of judicial records, process and decisions)?	Magistrates are not responsible for enforcing decisions. They are subject to recourse, however.	Proving false statements or corruption is very difficult in practice. Judges accused from 2003-2008 were acquitted.
Are there governmental institutions mandated to enforce/implement/monitor such laws or regulations?	Recourse institutions for tribunals and Ministry of Justice	Ministry of Justice charged with inspecting complaints against a magistrate. Can be sent to CSM for sanctions.
<b>5. CIVIL SERVICE</b>		
<b>5.1 Conflicts of Interest:</b> Are there laws or regulations that define conflicts of interest for public officials?	There is no overall law but judges are covered under (article 273 CPP) and local officials (laws of 1976 and 2002)	The exceptional laws cited are dependent on the vigilance of interested parties. In practice these laws are sometimes ignored.
Are there governmental institutions mandated to enforce/implement conflict of interest legislation?	No	Existing laws are not systematically applied
<b>5.2 Asset Disclosure:</b> Is there legislation that requires civil servants to disclose their assets?	The 1992 law was writ large concerning all public servants but providing no sanctions. In 2008, laws on assets are selective as noted above.	2008 law not yet applied
Are there governmental institutions mandated to enforce/implement asset disclosure legislation?	Regional audit courts for senior civil service and elected local officials	2008 law not yet applied
<b>5.3 Codes of Conduct:</b> Are there laws or regulations that establish ethics standards for public officials and civil servants?	Interior regulations of the institute for magistrates include a section on code of conduct.	No methods for monitoring code of conduct
Are there governmental institutions mandated to enforce/implement code of conduct legislation?	No	
<b>5.4 Whistleblower Protection:</b> Is there legislation that provides protection for people who report cases of corruption?	Amendment to penal code in 2004 cites that person who performs corruption is exempt from prosecution if authorities were informed of the crime and if it was requested by a civil servant and not by the person. There is no apparent law to protect those who inform on corruption from sanctions.	No known cases.
Are there governmental institutions mandated to enforce/implement whistleblower protection legislation?	Tribunals	No known cases.

	What Are the Formal Provisions?	How Are They Implemented in Practice?
<b>5.5 Lobbying:</b> Are there laws and regulations that regulate lobbying of public officials?	No	
Are there governmental institutions mandated to enforce/implement lobbying legislation?	No	
<b>5.6 Public Hiring and Appointments:</b> Is there legislation that requires public hiring to be based on merit rather than patronage, nepotism, favoritism, personal connections, and bribery?	No	
Are there governmental institutions mandated to enforce/implement public hiring and selection legislation?	No	
<b>5.7 Immunity:</b> Is there legislation that eliminates immunity from corruption investigations for elected representatives or senior public officials?	Parliamentary immunity is granted by majority decision of the Parliament	Parliament members are rarely prosecuted.
Are there governmental institutions mandated to enforce/implement anti-immunity legislation?	No	
<b>6. TRANSPARENCY AND ACCOUNTABILITY</b>		
<b>6.1 Ombudsman</b> (public complaints unit): Is there legislation that establishes and regulates an Ombudsman office (or a public complaints unit)?.	Diwan Al Madhalim (ombudsman function) in place	A report on actions taken in 2004 and 2005 was published in 2007 listing attributions of the post, procedures and actions taken
Are there governmental institutions mandated to enforce/implement an Ombudsman or public complaints office?	Wali Al Madhalim, named by the king and reports to the King on the Diwan al Madhalim and submits reports to King and Prime minister	See above
<b>6.2 Freedom of Information:</b> Is there legislation that provides citizens with rights to access public documents related to government decision making?	No	No
Are there governmental institutions mandated to enforce/implement freedom of information legislation?		

	What Are the Formal Provisions?	How Are They Implemented in Practice?
<b>6.3 Public hearings requirements:</b> Are there laws or regulations that require that executive, legislative and regulatory meetings, including commissions, be open to the public?	Access is granted to the public for both chambers of Parliament, tribunals, public sessions of municipal councils except in exception cases.	Yes
Are there governmental institutions mandated to enforce/implement legislation/regulations on public hearings?	Unknown	
<b>7. POLITICAL PARTIES AND ELECTIONS</b>		
<b>7.1 Political Party Financing:</b> Is there legislation that regulates transparency in political party funding and expenditures?	Law of 14 February 2006 fixes rules for financing of political parties. They can only receive money from the State.	Yes. They must submit an annual accounting by a CPA for review by the Audit Courts.
Are there governmental institutions mandated to enforce/implement political party financing legislation?	Audit Courts	See above
<b>7.2 Elections:</b> Is there legislation that regulates the conduct and financing of elections?	Law of 2006 regulates election financing. The electoral Code of 1997 prohibits corruption of elections in all its forms and imposes sanctions.	Not applied consistently
Are there governmental institutions mandated to enforce/implement legislation related to elections and their financing?	Audit courts and tribunals	See above
<b>8. PUBLIC FINANCE</b>		
<b>8.1 Financial Management Systems:</b> Are there laws or regulations that establish and regulate an integrated financial management system?	1975 law controlling state expenses ; law of 3 April on responsibility of accountability and control ; 2003 law on financial control of the state on public institutions	Yes, but not severely
Are there governmental institutions mandated to enforce/implement this legislation/regulation?	Ministry of Finance, Audit court	See above
<b>8.2 Audits of Public Expenditures:</b> Is there legislation that requires periodic auditing of public accounts, public budgets and public expenditures?	Law of 14 April creating the Inspector General of Finance (IGF) ; laws cited directly above plus laws of 1979 and 13 June 2002 on financial jurisdictions	Yes

	What Are the Formal Provisions?	How Are They Implemented in Practice?
Are there governmental institutions mandated to enforce/implement public audit legislation?	Ministry of Finance, Audit court	Yes
<b>8.3 Public Procurement</b> Is there legislation that regulates public procurements?	Numerous laws control procurement : Decree no. 2-060388 on conditions for open market bidding and control ; Decree no. 2-030703 on payments and interest ; decree no. 2-01-2332 approving standard provisions for studies and technical competencies ; decree no. 2-010437 creating a qualifying system for building and public works ; decree no. 2-99-1087 approving standard provisions on administration of projects of public expense; decree no. 2-98-984 qualifications for experts on quality of work and results	Yes. Decrees of 200 and 2002 on standard provisions are the most important since they permit monitoring procurement outcomes and not just bidding itself. Project managers can subvert the process by signing off on works or services that are not complete. Stock control can also be subverted by signing of on inventories that are not present or did not fill the requirements.
Are there governmental institutions mandated to enforce/implement public procurement legislation?	Bids above 5 million dirhams must be subject to internal and external control by the Ministry of Finance except for Defense contracts.	Yes. Monitoring is sometimes lax.
<b>8.4 Budget Planning:</b> Are there laws or regulations that require transparency in budget planning?	Organic public finance law (N° 7-98 sujet du Dahir 138-98-1) 26 Nov 1998.	Yes. But Morocco ranked 53 out of 59 countries ranked on degree of public access to budget information <sup>30</sup> .
Are there governmental institutions mandated to enforce/implement this legislation/regulation?	Constitutional council, Parliament, Director General of the Budget, Audit Court	Unknown
<b>8.5 Taxation:</b> Is there legislation that regulates tax administration and tax collection?	General tax law exists	Law is applied. Complexity of texts complicates monitoring.
Are there governmental institutions mandated to enforce/implement tax administration/collection legislation?	Direction General of Taxes, administrative courts	Yes

<sup>30</sup> <http://www.leconomiste.com/article.html?a=73808> ; <http://www.lagazettedumaroc.com/articles.php>

	What Are the Formal Provisions?	How Are They Implemented in Practice?
<b>9. PRIVATE SECTOR REGULATION AND PRIVATIZATION</b>		
<b>9.1 Business regulations:</b> Are there laws or regulations that establish rules for regulating business operations?	Law on corporations (1996) ; law on limited corporation (1997) ; Commercial code (1996) ; Labor code(11 Sept 2003) ; decree of 26 Dec 2003 on regional investment centers ; law of June 2000 on free pricing and competition ; law of 15 Feb 2000 on copyright ; law of 6 Jan 1997 creating commercial jurisdictions ; law of 8 Nov 1995 on investment charters ; law of 15 Feb 1995 on free enterprise zones	Laws are applied by different tribunals notably commercial courts. The Council on Competition is not very active.
Are there governmental institutions mandated to enforce/implement business-related legislation or regulation?	Laws are applied by different tribunals notably commercial courts. The Council on Competition is not very active.	Yes
<b>9.2 Privatization :</b> Is there legislation that regulates how the privatization of state enterprises should be conducted?	Law of 11 April 1990 authorizes public to private transfer of enterprises.	Yes. Since 1998 has become more transparent.
Are there governmental institutions mandated to enforce/implement privatization legislation?	Ministry of Economy, Finance and Privatization, Parliament	Yes
<b>10. NON-GOVERNMENTAL ORGANIZATIONS AND THE MASS MEDIA</b>		
<b>10.1 Civil Society Organizations:</b> Are there laws or regulations that limit the ability of nongovernmental organizations to organize or advocate for reform?	NGOs are not limited.	
Are there governmental institutions mandated to enforce/implement this legislation?	Unknown	
<b>10.2 Mass Media:</b> Are there laws that limit the media's rights to investigate corruption cases (censorship, gag or libel laws)?	Media are free to investigate corruption.	Investigations by journalists are relatively rare.
Are there governmental institutions mandated to enforce/implement this legislation?	Unknown	



## ANNEX 2: OVERVIEW OF MOROCCAN ANTICORRUPTION ACTION PLAN

Activity	Activity type	Institution
<b>1- Deepening of ethical and moral values and norms</b>		
Revision of the asset declaration law <ul style="list-style-type: none"> <li>The law should cover government functions and civil servants at high risk of being engaged in corruption</li> <li>Implementation of the law should be decentralized</li> </ul>	Bill	MMSP / SGG
Approval of the money laundering law	Bill	Justice / SGG Interior / Finances
Approval of the law mandating public agencies comply with administrative court rulings	Bill	MMSP / Justice / SGG
Adoption of the law about government concessions and the delegated public service management	Bill	Finances and Privatisation
Putting into practice of institutional features of the competition law	Draft text	Economic and General Affairs
Broadening competition for obtaining a public sector job Widening the call for applications for senior public sector jobs	Executive decree	MMSP
Putting in practice of general framework of staff rotation	Prime Minister Circular	MMSP
<b>2. Institutionalisation of the anticorruption preventative strategy</b>		
Putting in place of an organ of anticorruption policy implementation and prevention	Draft text	SGG
Making available to citizens telephone numbers, faxes and emails for complaining and making denouncements about corruption	Operational measure	Instance
<b>3- Reinforcement of transparency in the management of public procurement</b>		
Adoption of text about public procurement: <ul style="list-style-type: none"> <li>reinforce transparency in the processing and execution of tenders</li> <li>institute the advertising of tenders on the internet and their results</li> <li>specify in the PV the reasons for refusals in certain tenders</li> </ul>	Draft executive decree	Public Procurement Commission
<b>4- Improvement of implementation, control and audit systems</b>		
Putting in place of a system of managerial control and establishing a functioning ministerial internal audit system	Draft executive decree	Finances
Reinforcement of accounting principles Elaboration and publication of sectoral activity reports	Operational measure	Finances
<b>5- Simplification of administrative procedures</b>		
Putting in place of advice and information centres for citizens about administrative procedures	Operational measure (e-gov)	MMSP/ Relevant administrations
Information for citizens and users about the procedures via internet and other means of information	Operational measure (e-gov)	MMSP/ Relevant administrations
Obligation to publish list of procedures for public services which specifies documents and other requirements as well as maximum waiting times	Circular of Prime Minister	MMSP

Activity	Activity type	Institution
Acceleration of the e-administration project	Operational measurement (e-gov)	MMSP
Adoption of the draft law about electronic signatures	Bill	Economic and General Affairs
<b>6- Education, awareness raising and communication</b>		
Elaboration of a set of activities informing the public about current anticorruption measures	Operational measure	Justice / MMSP
Making of a pedagogical kit and organising awareness raising campaigns in educational and training establishments	Operational measure	M.E.N
Awareness raising campaign about the harms of corruption	Operational measure	MMSP / Communication
Integration in continuous education (training) curricula of topics related to professional and moral integrity	Operational measure	Relevant ministries
Communicating anticorruption action plan and dialogue with civil society (associations, professional groups, etc.) about progress achieved	Operational measure	Justice / MMSP

### **ANNEX 3: LIST OF NGO PARTNER GROUPS ASSOCIATED WITH TRANSPARENCY MOROCCO<sup>31</sup>**

Association des Barreaux du Maroc  
Association Chantiers Jeunesse Maroc  
Association Démocratique des Femmes du Maroc  
Association AFAK  
Association Alternatives  
Association de lutte contre le SIDA  
Association Marocaine des Droits humains  
Association Marocaine de Recherche et d'action pour la Santé et l'Hygiène  
Association Maroc 2020  
Centre d'écoute et d'orientation juridique et psychologique des femmes agressées  
Club Convergence 21  
Comité de Défense des droits humains  
Espace associatif  
Fondation Abderrahim Bouabid  
Fondation Zakoura  
Forum des Architectes  
Jossour  
Ligue Démocratique pour les droits de la femme  
Nadi El Madina Agadir  
Organisation marocaine des Droits de l'Homme  
Syndicat national de l'Enseignement Supérieur  
Syndicat National de la Presse marocaine  
Union pour l'Action Féminine

---

<sup>31</sup> Source: [http://www.maroc-hebdo.press.ma/MHinternet/Archives305/html\\_305/transparency.html](http://www.maroc-hebdo.press.ma/MHinternet/Archives305/html_305/transparency.html) June 2008

## ANNEX 4. LIST OF PERSONS INTERVIEWED FOR ASSESSMENT JUNE 2008

Person	Organization
Ambassador Riley	US Ambassador to Morocco
Monica Stein-Olsen	USAID Director
Ramona El-Hamzaoui	Assistant Director USAID
Mark Parkison	Director DG program USAID
Idriss Toujer	DG Advisor USAID
Tahar Berrada	Governance and Urban Development Advisor USAID
Ahmed Serraj	Advisor to Wali Al Madhalim
Azzedine Aksebi	Economist, Member Transparency Maroc
Rachid Filali Menassi	SG, Transparency Maroc
Joshua Muskin	COP, ALEF Education Project
Jane Casewit	Education Sector Specialist USAID
Mohammed Boutata	Project ALEF
Mohamed EL Ansari	President of committee on legislation, justice and human rights, Lower house of Moroccan Parliament
Fatima Bel Mouden	Parliamentarian, member of Pan Arab parliamentarians group
Mohammed Bekkali	Professor of Law, Former Parliamentarian
Mostapha Faik	Inspector General, Department of Fisheries, GOM
Khadija Chaker	Inspector General Education Ministry, GOM
Rabha Zeidguy	Director of Administration Modernization, Ministry of Public Sector Modernization, GOM
Khalid El Yacoubi	Section chief, Promotion of Ethics, Administration Modernization, GOM
Fatiha Hassouni	Civil Society programs, EU
Yvonne Helle	Deputy Resident Representative, EU
Jose Lopez-Calix	Lead Economist Morocco and Algeria, World Bank, Morocco
Aleleh Motamedi	Senior Procurement Specialist , World Bank, Washington, DC
Faouzi Chaabi	President Arrondissement of Souissi; Private Sector Entrepreneur
Bachir Rachdi	Vice President, CGEM, Private Sector Entrepreneur
Fouad Abdelmoumni	DG, Al Amana , NGO promoting micro enterprise
Lara Goldmark	COP Improving Business Climate Project, USAID
Mohammed Ouzerouai	Technical Advisor, Judicial Reform, Improving Business Climate Project , USAID
Christian Arandel	COP, Local Government Program, USAID
Larbi Rharbi	Training Coordinator, Local Government Program , USAID
Julia Demichelis	COP, Parliamentary Support Project, USAID
Lahcen Haddad	COP, ADROS program

## ANNEX 5: ILLUSTRATIVE BIBLIOGRAPHY

- Aboudrar, A. (1999). The Fight against Corruption: The Case of Morocco. *Report prepared for the United Nations Development Programme*.
- Akesbi, Azzedine, Strategie: Mesures proposes par la Societe Civile Table Ronde, Lutte Contre la Corruption, Powerpoint, N.D.
- Ammar, H. (2004). Muslims in Prison: A Case Study from Ohio State Prisons. *International Journal of Offender Therapy and Comparative Criminology* 48(4): 416-17.
- Bordes, P. and A. Labrousse (2004). The drug economy and networks of corruption in Morocco : Globalization and illicit drugs in Africa.
- Cavatorta, F. (2006). Civil Society, Islamism and democratization: the case of Morocco. *Journal of Modern African Studies* 44(2): 203-222.
- Chemonics International (2006), Improving Sustainable Competitiveness in Morocco
- CSA-TMO Maroc. (2001). *Summary of the National Integrity Survey of Enterprises*. December.
- Denoeux, G. (2007). Corruption in Morocco: Old Forces, New Dynamics and a Way Forward. *Middle East Policy* (Winter).
- Denoeux, G. and R. Payne. (2003). *Democracy and Governance Assessment of Morocco. Final Report*. Washington, DC: ARD. June.
- Denoeux, G. (1999). *Prospects for Anticorruption Activities in Morocco: Assessment and Suggestions for Assistance*. Washington, DC: MSI, July.
- Denoeux, G. ( 2007). Corruption in Morocco: Old Forces, New Dynamics and a Way Forward." *Middle East Policy*, Winter.
- Development Alternatives, Inc. (2007), *Improving the Business Climate in Morocco*, Annual Report
- Elkhadi, Youness (2006), La lutte contre la corruption et la modernisation de la vie publique au Maroc, Ecole National d'Administration, France.
- Fernandez, R. and D. Rodrik. (1991). Resistance to Reform: Status Quo Bias in the Presence of Individual-Specific Uncertainty? *American Economic Review*.
- Haleber, R. (2001). The Moroccan Youth Revolt against Western-Style Globalisation: Finding a Place between Tradition and Modernity. Available at: <http://www.ronhaleber.nl/a.html>
- Hinnebusch, R. (2006). Authoritarian persistence, democratization theory and the Middle East: An overview and critique. *Democratization*.
- IBRD (2007), Doing business in Morocco
- IBRD(2008) *The Road Not Travelled, Education Reform in MENA*
- International Consortium on Government Financial Management (2005), Resisting Corruption in the Private Sector, Results of a 2005 Worldwide Survey

- Johnston, M. (2005). *Syndromes of Corruption: Wealth, Power, and Democracy*. Cambridge University Press.
- Lambsdorff, J. (2007). *The Institutional Economics of Corruption and Reform: Theory, Evidence and Policy*. Cambridge University Press.
- MSI (1999) Prospects for Anticorruption Activities in Morocco: Assessment and Suggestions for Assistance. Washington, DC: Management Systems International.
- Mesbahi, K. and M. Zirari. (2006). *The Paradox of Morocco in the fight against Corruption: Between rhetoric and reality*. Transparency Maroc.
- Mouna, C. (2001). Institutional Reform and Efficiency of The Budget Process: A Case Study of Morocco. *Working Paper*.
- Murrell, P. (2002). The Relative Levels and the Character of Institutional Development in Transition Economies, Available at SSRN: <http://ssrn.com/abstract=337082> or DOI: 10.2139/ssrn.337082.
- OECD. (2008). Corruption - A Glossary of International Criminal Standards. Available at: [http://www.oecd.org/document/60/0,3343,en\\_36595778\\_36595861\\_39969724\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/60/0,3343,en_36595778_36595861_39969724_1_1_1_1,00.html)
- Patrinos, H.A. and Kagia, Ruth (2007) *Maximizing Performance of Education Systems*, in J. Edgardo Campos and Sanjay Pradhan, editors, *The Many Faces of Corruption*. Washington, DC: The World Bank.
- Royaume du Maroc, Division Generale des Collectivites Locales, Bulletin d 'Information trimestrielle, 1er trimestre 2007, Ethique et Transparence dans la gestion communale, financed by USAID.
- Royaume du Maroc, Premier Ministre, Ministere de la Modernisation des Secteurs Publics, Plan d'action du Gouvernement Marocain pour la lutte contre la corruption, Janvier 2008.
- Rubin, E. and A. Whitford. (2006). Effects of the Institutional Design of the Civil Service: Evidence from Corruption. Available at SSRN: <http://ssrn.com/abstract=894035>
- Schiavo-Campo, S., G. de Tommaso, and A. Mukherjee. (1997). An International Statistical Survey of Government Employment and Wages. *Policy Research Working Paper No. 1806*. The World Bank, August.
- Sepulveda, F. and F. Mendez. (2008). Corruption, Growth and Political Regimes: Cross Country Evidence. *European Journal of Political Economy*.
- Spector, Bertram, et.al, (2005) *Fighting Corruption in Developing Countries, Strategies and Analysis*, Bloomfield, CT: Kumarian Press.
- Transparency International. *Global Corruption Report 2006*. 203-206. London: Pluto Press, 2006. Available at [http://www.transparency.org/content/download/5025/29497/file/GC2006\\_00\\_part1\\_2\\_3.pdf](http://www.transparency.org/content/download/5025/29497/file/GC2006_00_part1_2_3.pdf)
- Transparency Maroc. *Enquête Nationale sur l'Intégrité: Etude auprès des Ménages*. Available at: [www.transparency.org/content/download/22204/324166/file/Morocco\\_household\\_survey2001\\_fr.ppt](http://www.transparency.org/content/download/22204/324166/file/Morocco_household_survey2001_fr.ppt)
- United States. Office of the Inspector General: Performance Audits Division. *Audit of USAID/Morocco's Democracy and Governance Activities*. Washington: 2008. Available at: <http://www.usaid.gov/oig/public/fy08rpts/9-000-08-006-p.pdf>
- USAID, Education Development Center/Equip3, *Morocco Cross-sectoral Youth Assessment Report*, Testing Support to Dar Chebabs Project and Appendices, December 2007.

United States. Office of the Inspector General: Performance Audits Division. *Audit of USAID/Morocco's Democracy and Governance Activities*. Washington: 2008. Available at:  
<http://www.usaid.gov/oig/public/fy08rpts/9-000-08-006-p.pdf>

World Bank (2006), *Fostering Higher Growth and Employment in the Kingdom of Morocco*

World Bank. (2003). *Morocco Legal and Judicial Sector Assessment*, June. Available at:  
<http://siteresources.worldbank.org/INTLAWJUSTINST/Resources/MoroccoSA.pdf>

World Bank. *Country Data Report for Morocco 1996-2006*. Available at  
<http://info.worldbank.org/governance/wgi2007/pdf/c136.pdf>

World Bank, Social and Economic Development Group, MENA Region, *Program Development for a Proposed 3<sup>rd</sup> Public Administration Reform Development Policy Loan to the Kingdom of Morocco*, April 16, 2008, report no. 41981-MA

Yacoubian, Mona. United States Institute of Peace. *Engaging Islamists and Promoting Democracy: A Preliminary Assessment*. Special Report, no 190. August 2007. Available at  
[www.usip.org/pubs/specialreports/sr190.html](http://www.usip.org/pubs/specialreports/sr190.html)

## ANNEX 6. DECREE ON ANTICORRUPTION PREVENTION

Décret n° 2-05-1228 du 23 safar 1428 (13 mars 2007)  
instituant l'Instance centrale de prévention de la corruption

---

LE PREMIER MINISTRE,

Vu la Constitution, notamment son article 63 ;

Après examen par le conseil des ministres réuni le  
11 moharrem 1428 (31 janvier 2007),

DÉCRÈTE :

ARTICLE PREMIER. – Il est institué auprès du Premier ministre une « Instance centrale de prévention de la corruption », ci-après dénommée « Instance centrale ».

Au sens du présent décret, on entend par corruption tous les actes en relation avec cette dernière, le trafic d'influence, le détournement et la concussion, tels que prévus par le code pénal.

ART. 2. – L'Instance centrale a pour mission de coordonner, de superviser et d'assurer le suivi de la mise en œuvre des politiques de prévention de la corruption, de recueillir et de diffuser les informations dans ce domaine.

A cet effet, elle est notamment chargée de :

- proposer au gouvernement les grandes orientations d'une politique de prévention de la corruption, notamment en matière de coopération entre le secteur public et le secteur privé pour lutter contre la corruption ;
- proposer des mesures de sensibilisation de l'opinion publique et organiser des campagnes d'information à cet effet ;



- contribuer, en coopération avec les administrations et les organismes concernés, au développement de la coopération internationale en matière de prévention de la corruption ;
- assurer le suivi et l'évaluation des mesures prises pour la mise en œuvre de la politique gouvernementale en la matière et adresser des recommandations aux administrations, aux organismes publics, aux entreprises privées et à tout intervenant dans la politique de prévention de la corruption ;
- donner aux autorités administratives des avis sur les mesures susceptibles d'être prises pour prévenir des faits de corruption ;
- collecter toutes informations en relation avec le phénomène de la corruption et gérer la base de données y afférentes ;
- informer l'autorité judiciaire compétente de tous les faits portés à sa connaissance à l'occasion de l'exercice de ses missions, qu'elle considère être susceptibles de constituer des actes de corruption punis par la loi.

ART. 3. – L'Instance centrale est composée d'une assemblée plénière, d'une commission exécutive et d'un secrétariat général.

Elle est présidée par une personnalité connue pour sa compétence, son expérience et sa probité, nommée par le Premier ministre pour une période de six années non renouvelable.

ART. 4. – L'assemblée plénière est chargée de :

- proposer au gouvernement les principes directeurs d'une stratégie nationale de prévention de la corruption, ainsi que les mécanismes à mettre en place pour lutter contre ce phénomène ;
- recommander au secteur privé les mesures à prendre pour prévenir la corruption ;
- donner aux autorités administratives des avis sur les mesures susceptibles d'être prises pour prévenir des faits de corruption ;
- définir le programme de travail de la commission exécutive ;
- évaluer les actions menées en vue de prévenir la corruption.

ART. 5. – L'assemblée plénière, qui est présidée par le président de l'Instance centrale comprend, outre Wali Al-Madhalim :

I. – Un membre nommé désigné par chacune des autorités gouvernementales chargées :

- des affaires étrangères ;
- de l'intérieur ;
- de la justice ;

- des habous et des affaires islamiques ;
- des finances ;
- du secrétariat général du gouvernement ;
- de l'agriculture et des pêches maritimes ;
- de l'emploi ;
- de l'éducation nationale ;
- de l'équipement et du transport ;
- de la santé ;
- de la communication ;
- de la modernisation des secteurs publics ;
- du commerce et de l'industrie ;
- de l'administration de la défense nationale ;
- de l'habitat et de l'urbanisme.

II. – Un représentant de chacun des organismes professionnels ci-après :

- l'association de l'Ordre des avocats du Maroc ;
- le président de la Fédération des chambres de commerce, d'industrie et des services ;
- la chambre notariale ;
- l'Ordre national des adoul ;
- l'Ordre national des experts comptables ;
- la confédération générale des entreprises du Maroc ;
- le groupement professionnel des banques du Maroc ;
- les syndicats les plus représentatifs des salariés ;
- l'association la plus représentative parmi celles citées au 2<sup>e</sup> tiret de l'alinéa III ci-après ;
- le syndicat national de la presse marocaine.

III. – Les membres associés suivants :

Treize membres nommés par le Premier ministre comme suit :

- six membres de la société civile choisis en fonction de leur action dans le domaine de la lutte contre la corruption ;
- trois membres choisis parmi les membres d'associations œuvrant dans le domaine de la prévention de la corruption ;
- quatre membres choisis parmi les enseignants-chercheurs reconnus pour leur compétence dans le domaine de la lutte contre la corruption.

Les membres de l'assemblée plénière sont nommés pour une durée de quatre ans, renouvelable une seule fois.

L'assemblée plénière peut s'adjoindre, à titre consultatif, toute personne qui peut apporter une contribution à ses travaux.

ART. 6. – L'assemblée plénière peut être saisie par le gouvernement de toute question relative à la prévention de la corruption.