OECD Public Governance Reviews

Open Government in Morocco

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BETTER POLICIES FOR BETTER LIVES

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Foreword

Open Government policies have gained importance in public governance reforms worldwide. Building transparent and participative governments can be a lever for inclusive growth and will help countries address the crisis of trust in government. Involving citizens in the policy-making cycle allows tailoring public services, while transparency and public scrutiny support the fight against corruption. Governments worldwide are experimenting with Open Government policies, establishing partnerships with civil society and using ICTs to develop innovative approaches.

In line with its ongoing political liberalisation and in the spirit of the new Constitution of 2011, Morocco is committed to implementing Open Government reforms, built upon the principles of participative democracy and good governance. In this context, Morocco has also voiced its intention to join the Open Government Partnership (OGP), which would complement its broader reform efforts to translate the principles of the new Constitution into policies, institutions and measurable results.

This Review provides a comprehensive, evidence-driven assessment of Morocco's path to Open Government. It was prepared within the framework of the OECD's Open Government Project, which − in addition to Morocco − includes Jordan, Libya and Tunisia. The Project aims to support the countries, in designing and implementing Open Government reforms in consultation with their citizens to join the OGP, as well as drafting and implementing the OGP Action Plan once they have joined the Partnership.

The report contains a comprehensive assessment of Open Government in Morocco with a focus on co-ordination, citizen engagement, budget transparency, integrity and the use of ICT. It analyses Morocco's institutions, legal framework and policies, highlighting achievements and identifying recommendations on how to overcome bottlenecks. Morocco's new Constitution provides a promising basis for Open Government; however, to build a truly transparent and participative public administration, Morocco needs to increase its efforts, transform intentions into reforms, and speed up their implementation at the national and local levels. For Morocco to be successful, leadership, a strategic plan and the necessary human and

financial resources are as important as considering citizens and civil society as real partners. To do so, unlike other countries in the region, Morocco can build on a well-established civil society and a functioning public administration.

The Organisation for Economic Co-operation and Development (OECD) has been cooperating closely with Morocco since the start of the MENA-OECD Governance Programme in 2004. As the current chair of the Programme, Morocco engages with the OECD on a systematic basis. This report is part of the OECD's support to Morocco's Open Government agenda to underpin the ongoing democratic transition, improve the quality of public polices and of the services delivered, and foster overall socio-economic development.

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This Review was prepared by the Public Governance and Territorial Development (GOV) Directorate of the OECD, headed by Rolf Alter. It is part of the series of Open Government Reviews developed by the Governance Reviews and Partnerships Division, under the responsibility of Martin Forst. The Open Government Review of Morocco was elaborated under the strategic direction of Carlos Conde, former head of the MENA-OECD Governance Programme. The process of review and drafting was led by Alessandro Bellantoni, coordinator of the MENA-OECD Open Government Project, who provided extensive comments to all chapters and harmonised the narrative. Katharina Zügel provided support throughout the review process, the background research and data collection missions, and contributed to the drafting, together with Moritz Ader, Othmane Mechatte and Rym Ghouma. Jennifer Bremer edited the report and ensured the overall coherence of its recommendations. The Review was written by a team comprising: Blagovesta Maneva-Sleyman (Chapter 1 on Centre of Government), Alessandro Bellantoni (Chapter 2 on Civic Engagement), Eva Beuselinck and Silvia Losada (Chapter 3 on Budget Transparency), Sana Al-Attar (Chapter 4 on Integrity), Adam Mollerup and Barbara Ubaldi (Chapter 5 on ICTs and Open Government). Administrative Support was

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Acronyms and abbreviations

ADFM	Democratic Association of Moroccan Women (*Association Démocratique des Femmes du Maroc*)
AMPR	Regional Press Association of Morocco (*Association Marocaine de la Presse Régionale*)
ANPME	National Agency for the Promotion of SMEs (*Agence Nationale pour la Promotion de la Petite et Moyenne Entreprise*)
ATI	Access to Information
CCRC	Advisory Commission on the Revision of the Constitution (*Commission consultative de révision de la Constitution*)
CES	Environmental, Social and Economic Council
CGEM	General Confederation of Moroccan Companies (*Confédération Générale des Entreprises du Maroc*)
CIGOV	Inter-ministerial e-Government Committee (*Comité interministériel e-Gouvernement*)
CMF-MENA	Centre for Freedom of Information and Media for the Middle East and North Africa (*Centre de la liberté de l'information et des médias pour le Moyen Orient et l'Afrique du Nord*)
CMRE	Overseas Moroccans (*Communauté marocaine résidant à l'étranger*)
CNTI	National Council of IT and Digital Economy (*Conseil National TI et Économie Numérique*)
CoG	Centre of Government
CSO	Civil Society Organisation
FDPIC	Federal Data Protection and Information Commissioner
FIDH	International Federation for Human Rights (*Fédération internationale des ligues des droits de l'homme*)
GCR	Global Competitiveness Report
IBP	International Budget Partnership

ICCPR	International Covenant on Civil and Political Rights
ICPC	Central body for corruption prevention (*Instance Centrale de Prévention de la Corruption*)
ICT	Information and Communication Technologies
IER	Equity and Reconciliation Commission (*Instance Equité et Réconciliation*)
IGF	Inspectorate General for Finance
IGM	Ministerial Inspector General (*Inspection Générale Ministerielle*)
INDH	National Initiative for Human Development (*Initiative nationale pour le développement humain*)
LOLF	Organic Finance Law (*Loi Organique relative aux Lois des Finances*)
MAGG	Ministry of General Affairs and Governance (*Ministère des affaires générales et de la gouvernance*)
NDC	National Committee on the Dialogue with Civil Society
NGO	Non-Governmental Organisation
MFPMA	Ministry of Civil Service and Modernisation of the Administration (*Ministère de la fonction publique et de la modernisation de l'administration*)
OBI	Open Budget Index
OIRA	Office of Information and Regulatory Affairs
OG	Open Government
OGP	Open Government Partnership
OGR	Open Government Review
OGSC	Open Government Steering Committee
OLIE	Organisation for the Freedom of Information and Expression (*Organisation pour les Libertés d'Information et d'Expression*)
OMDH	Moroccan Organization of Human Rights (*Organisation marocaine des droits de l'homme*)
PEFA	Public Expenditure and Financial Accountability
PARAP	Support Program for Public Administration Reform (*Programme d'appui à la réforme de l'administration publique*)
PCO	Privy Council Office

PM	Prime Minister
PMO	Prime Minister's Office
PPS	Party of Progress and Socialism (*Parti du Progrès et du Socialisme*)
ROSC	Report on Observance of Standards and Codes (*Rapport sur le respect des normes et des codes*)
SGG	General Secretariat of the Government (*Secrétariat Général du Gouvernement*)
SNPM	National Syndicate of the Moroccan Press (*Syndicat National de la Presse Marocaine*)
TBS	Treasury Board Secretariat
TM	Transparency Maroc
UNCAC	United Nation Convention against Corruption
USFP	Socialist Union of Popular Forces (*Union socialiste des forces populaires*)

Executive summary

A continuous reform path to more openness

Morocco has adopted an incremental approach to reform with a process of political liberalisation that largely preceded the so-called Arab Spring. In this light, political pluralism was recognised while the central position of the Monarchy was equally maintained. Morocco's commitment to openness and participation is most clearly expressed in its new Constitution of 2011, which opens up new possibilities for in-depth governance reform. Implementing the Constitution's principles remains the greatest challenge. The new Constitution and Morocco's ambition to join the Open Government Partnership demonstrate the country's will to commit to a new form of governance which is based on the principles of transparency, integrity and citizen participation. Implementing reforms in a complex set of economic and political circumstances is inherently difficult. In addition it requires whole-of-government co-ordination of numerous parallel initiatives, broad reinforcement of public sector institutional capacity and of the government's civil society partners. Stronger efforts still are needed in Morocco to make Open Government a reality.

Institutional leadership for Open Government

The new Constitution requires that some 20 organic laws be elaborated and implemented; accordingly Morocco can currently be seen as a building site with a number of policy projects and many of these initiatives are related to Open Government. This presents an opportunity to implement Open Government but equally sets a challenge to create synergies among the different reforms and to ensure monitoring of their implementation. With the new Constitution, Morocco reinforced the role of the Head of Government, yet his capacity for strategic co-ordination needs to be further strengthened. High-level commitment, more effective co-ordination mechanisms, a whole-of-government strategy on Open Government and an accountability framework led by the Centre of Government could provide the political support needed to implement Open Government. Morocco's Open Government Steering Committee, comprising both government and civil society, constitutes a good starting point to implement reforms. Clarity of its mandate, political engagement, leadership, capacity and resources will determine its success.

Involving citizens

Citizen participation is a fundamental principle of Open Government. Morocco has a history of dialogue between government and civil society and the new Constitution provides thus even broader opportunities for citizens to participate. It states that Morocco is a participatory and representative democracy, giving citizens the right to propose legislation and launch petitions. Yet, the number of organisations involved in the policy-making cycle seems to be relatively limited which is also due to the digital divide and illiteracy rate. Initiatives such as the website www.sgg.gov.ma, where Morocco systematically publishes draft laws, allows for comments or gives the Ministry for Relations with the Parliament a mandate to include civil society – becoming thereby the Ministry for Relations with the Parliament and Civil Society – and highlights Morocco's commitment to involve citizens. A National Dialogue to implement the Constitution's principles on citizen engagement was recently led. Nevertheless, this dialogue was boycotted by a number of known civil society organisations that organised a parallel initiative. On the other hand, the new Constitution further guarantees Access to Information, an important pillar of Open Government. However, so far, Morocco has failed to approve a law that is endorsed by all of civil society.

Budget transparency

In order to strengthen its public financial management and budget transparency, Morocco has been running reforms for the last ten years. Progress has been achieved in the production and publication of budget data, and it is especially worth noting in this light the production of a citizen's budget and the citizen's guide to the budget. Some of the budget data is published on the website of the Ministry of Finance in an open format. Further publication of the remaining key budget reports could be a relatively low-cost initiative both to improve budget transparency and to increase the completeness and consolidation of budget data. Empowering the legislature, improving the capacity of Morocco's supreme audit institutions and involving citizens more actively in the budget process could also further support Morocco's budget transparency efforts. To consolidate the progress achieved, the revised Organic Finance Law should be adopted.

Promoting integrity

Since its ratification of the UNCAC in 2007, Morocco has undertaken multiple reforms to prevent and fight corruption. The new constitution establishes further requirements relating to integrity and anti-corruption

while creating a number of independent institutions and thereby upgrading the Central Authority for Corruption Prevention. According to the government, a national committee is currently preparing a comprehensive national anti-corruption strategy. This opportunity should be used to strengthen co-ordination mechanisms. A number of policies were adopted to promote integrity. Asset declarations are required in Morocco, yet, to be truly effective, they should be more targeted and enforceable and the capacity of the Court of Accounts, their depository, should be improved. The creation of an online portal for public procurement www.marchespublics.gov.ma is also a positive step, which would also benefit from more comprehensive implementation. The law to protect whistle-blowers and the portal to report corruption cases www.stopcorruption.ma offer opportunities for Moroccans to fight corruption. Still, the follow-up system relating to complaints needs improvement, while the legal framework has been criticised by some CSOs as not providing full guarantee for protection to whistle-blowers. The law on political party financing is also a commendable step and would benefit from its full implementation; so far no sanctions for non-declaration of funds have been imposed. Another important step to reinforce ethical values in the public sector is the development of a Code of Conduct, as mandated by the new Constitution.

ICTs for openness and participation

With its information-society strategy, "Digital Morocco 2013" Morocco has made important investments to use ICTs to support human development, public sector efficiency and private sector productivity. The e-government programme succeeded in the digitisation of a number public services which are made available on the portal www.service-public.ma. Yet, the uptake of online services as well as the use of ICTs for Open Government are still greatly challenged by limited internet access and illiteracy. Morocco established a co-ordination structure to implement the use of ICTs government- wide. This structure would however benefit from a more fluid co-operative approach. Equally, many other initiatives that aim at using ICTs for Open Government could be strengthened. The portal www.data.gov.ma is an important step for providing access to data. A more widespread use of open formats as well as the provision of further information would further serve Morocco's open data approach. Online participation initiatives are an innovative tool to engage citizens, such as the portal www.fikra.ma – launched by civil society – or fikra.egov.ma – set up by the E-Government Unit –, yet transparent follow-up mechanisms are needed to ensure uptake and create trust. Overall, Morocco would benefit from partnering with the private sector and civil society constituents to increase the use of ICTs for Open Government.

Recommendations

Public governance frameworks for Open Government

- Consider the establishment of a two-tiered governance structure supported by a Cabinet Standing Committee on Open Government.
- Empower the current Steering Committee with a clear mandate, decision-making, the right membership, and accountability structures and mechanisms.
- Build centre of government capacity to lead strategic horizontal initiatives.
- Define a whole-of-government strategy for Open Government.
- Develop an accountability framework for the strategic planning and co-ordination of horizontal initiatives across government.

Civic Engagement

- Modify the current draft law on access to information to bring it in line with international standards and push forward its adoption.
- Move, in co-operation with civil society, to develop the implementing structures and procedures for the new law.
- Strengthen the human and financial resources of the Ministry for Relations with Parliament and Civil Society and formalise its institutional links with other line ministries.
- Develop a standard set of guidelines to govern consultation with civil society and other stakeholders, backed with appropriate training and dissemination.
- Work with civil society and other stakeholders to develop a shared understanding of how to conduct inclusive dialogue based on the guidelines.

Fiscal Transparency

- Implement the LOLF and develop a detailed and adequately resourced plan to adopt the new procedures.
- Establish an integrated action plan to strengthen fiscal transparency on a whole-of-government basis.
- Take steps to improve co-ordination and co-operation among the various agencies working on different aspects of fiscal transparency.

Recommendations *(cont.)*

- Build the analytical capacity of the Parliament in budgetary matters with the support of the Court of Accounts.
- Continue the efforts in optimising the completeness and consolidation of budget data and the timely sharing of these data.
- Show greater initiative in expanding civic participation in the budget process.

Integrity and fight against corruption

- Use the public service charter and accelerate work to develop a code of conduct.
- Promote greater co-operation among the various public sector organisations involved in anti-corruption.
- Strengthen and institutionalise ongoing co-operation with civil society and business organisations to mobilise pro-integrity programming.
- Review and fully activate the asset declaration system and develop a plan to move the system fully online.
- Make more effective use of ICTs to report on corruption and anti-corruption measures, with wide and regular dissemination of reports.
- Ensure that the law establishing the new Central Authority for Corruption Prevention respects international standards and endows the Authority with the power to conduct investigations.

New technologies

- Invest in human and financial resources necessary to improve co-ordination and integration of ICTs initiatives across government.
- Expand collaboration with stakeholders in business and civil society to use open data.
- Extend ICTs initiatives to the local level in partnership with local stakeholders.
- Aggressively develop mobile-based and other approaches that enable citizens to participate fully in ICTs for Open Government.
- Develop indicators with broad applicability to Open Government uses of ICTs.

Assessment and recommendations

The process of political liberalisation in Morocco largely preceded the so-called Arab Spring. Unlike most Arab countries, Morocco had set up a multiparty system following its national independence in 1956. Since then, the recognition of political pluralism was linked to the central position of the Monarchy, a fundamental factor in Moroccan politics due to the executive, legislative and judicial powers assigned to the King Mohamed VI. The Moroccan political system strikes a delicate balance between tradition and modernity. The traditional practice of political and economic power by the monarchy through a diffuse network of notables (the *Makhzen*, always present in political studies Morocco) was gradually adapted to the institutions of a modern constitutional system, yet without disappearing.

Morocco's evolution towards political and economic liberalisation in recent decades is remarkable. Authoritarian rule that emerged after independence and which included severe political repression, was followed by democratic progress since the mid 1990's when the deceased King Hassan II facilitated access to the executive for some political parties traditionally opposed to the concentration of powers in the monarch's hands. During that period, a new political narrative inspired Moroccan public life, including such notions as "*le nouveau concept d'autorité*" (new concept of authority), which led to a higher degree of freedom of press and expression, increased governmental accountability and the emergence of a genuine civil society.

This process was intensified by King Mohammed VI, who launched important initiatives. Some of these were of a political nature, such as the Equity and Reconciliation Commission – *Instance Equité et Réconciliation* – IER) and others had a socio-economic connotation, such as the National Initiative for Human Development. Both these initiatives incorporated and put significant emphasis on participation and good governance, the improvement of conditions for women and the recognition of cultural diversity by promoting the *amazigh* culture, which also testifies to this longstanding trend to build a more open society.

The uprisings that characterised the entire MENA region in 2011 were less intense in Morocco, although citizens and civil society organisations participated in the region-wide call for broader and more far-reaching changes than those which had delivered past reforms. Newly established groups such as the "*February 20th Movement*" as well as older associations and well known activists have been adamant in highlighting the crucial role of civil society in the political and social scene of their country. In this context, on 9 March 2011, King Mohammed VI announced the establishment of a Consultative Commission for the Revision of the Constitution. The Commission drafted a new Constitution in a very short period of time which was submitted to referendum on 1 July 2011 and was approved by 98.49% of the voters with a turnout of 72.65% of the voting population.

The new constitution reflected the spirit of the Arab Spring, as shown by the seven fundamental principles listed by the King in his speech, namely: *i)* Morocco's plural identity; *ii)* the rule of law and enlarged civil liberties, and human rights; *iii)* independence of the judiciary; *iv)* separation of powers, parliamentary democracy, the increased role of Parliament and prime minister (the latter becoming head of government); *v)* citizens' role through political parties, pluralism, the role of opposition and civil society; *vi)* a more moral public life; *vii)* good governance, human rights and protection of civil liberties. The new Constitution highlights the principles of participation, pluralism and good governance stated in the first sentence of the Preamble, as well as the recognition of the importance of Human Rights and the fight against all forms of discrimination.

The greatest challenge now facing Morocco, following this long path of reform, is to translate the principles of its new Constitution into fully implemented policies, functioning institutions, and measurable results, including quality services for citizens and business. The multiple parallel initiatives the country is undertaking, including its intention to join the Open Government Partnership, demonstrate its commitment but not yet its capacity to deliver.

Thus, in order to better harness the potential of these initiatives in realising concrete improvements in the socio-economic development of the country, more effective co-ordination mechanisms need to be put in place. These must be able to make better use of synergies among different reforms and ensure monitoring of implementation and evaluation of results, including holding the government accountable to results. To accelerate reform, Morocco can build on long-standing public institutions and an established civil service, but it has to tackle resistance to change and respond to a generalised need to upgrade the skills of its public administration. It must also reach out to Morocco's experienced and active

civil society, to implement demand-driven reforms and deliver public services and to assist the government in tackling illiteracy and gender discrimination, which still impede wide-spread citizen participation in the democratic and economic life of the country.

Public governance frameworks for Open Government

In recent years, Morocco has engaged in important efforts to support democratisation of the country's public life and institutions. The new Constitution enforces principles such as the protection of human rights, democratic participation, access to information, freedom of the press and association, good public governance, transparency and integrity, which are also founding principles of the Open Government initiative. The adoption of the Constitution in 2011 has paved the way for a significant stream of projects and initiatives aiming at bringing to life the Constitution's provisions for good governance. New independent institutions have been created and some already in existence are being transformed; numerous pieces of legislation are being drafted or approved, such as the Law on access to information (*Loi sur l'accès à l'information)* and the Law on advanced regionalisation *(Loi sur la régionalisation avancée),* and an important reform of public administration has been announced.

The Government Programme, adopted and approved by Parliament in January 2012, confirmed a strong commitment to constitutional principles and enabled the identification of actions aiming at delivering on the principles of good governance, integrity, transparency and accountability, taken as foundations for the future development of the country. The programme outlined three basis for policy development and implementation: integrated action, a partnership approach and linking responsibility to accountability. Specific orientations were established giving a content to the commitment to legislative and public administration reform and further aligning efforts towards a responsible and accountable government. These developments pave the way for Morocco to gain eligibility for membership in the Open Government Partnership (OGP).

The choices of implementation mechanisms will determine the success of these measures, as well as how rapidly they can be put into place.

While Morocco has been described by some policy makers and practitioners as a building ground with multiple policy projects ("chantiers"), the linkages among these widespread and simultaneous reforms are not always easily perceived; moreover, implementation efforts often struggle to demonstrate tangible, scaled-up results. A strategic and well-co-ordinated approach is essential to overcome the fragmentation of actions and to spur a much-needed comprehensive vision with a clear

direction and well set priorities. The OGP initiative could represent a genuine opportunity to invigorate the reform process by delineating and committing the government to a set of priority actions that will reinforce transparency, accountability, integrity, and citizen participation. The national anticorruption strategy led by the Ministry of Civil Service and Modernisation of the Administration, in collaboration with the Central Authority for Corruption Prevention, taking on board other sector-based strategies currently in development could serve as the basis for a holistic, government-wide approach to integrity and Open Government.

There is a widely shared understanding, both within and beyond the public administration that Morocco's current inadequate governance structures and weak co-ordination mechanisms stand in the way of achieving tangible results. To settle this issue, the Ministry of General Affairs and Governance has been charged with the development of a national strategy for good governance that will focus mainly on policy coherence and convergence. While this is clearly a necessary and commendable step, more needs to be done. Solid leadership from the top, in addition to strong political support, realistic goals and clear performance indicators are required to institutionalise and operationalise effective Open Government co-ordination mechanisms.

A high-level impulse is needed for reform and accession to the OGP initiative. The Centre of Government has a critical role to play in ensuring strong leadership for the OGP initiative. It is questionable whether Morocco has progressed far enough in its implementation of the Head of Government (*Chef du gouvernement*) to deliver sufficient implementation leadership capacity. In particular, the role of the Prime Minister's Office in strategic co-ordination, integration across agencies, and mobilisation of whole-of-government resources remain to be established.

Morocco could greatly benefit from active participation in the Centres of Government (CoG) network of the OECD, whose members provide valuable examples of centre-of-government organisations that successfully ensure powerful leadership and strategic horizontal co-ordination for whole-of-government initiatives, such as the OGP. Morocco participates in the OECD Public Governance Committee and its subsidiary groups, including the CoG network, and participated in the last meeting held in Santiago, Chile.

A Steering Committee *(Comité de pilotage)* has been created in October 2012 to oversee the implementation of the MENA-OECD Open Government project. It still has progress to make in the involvement of all relevant institutions horizontally and vertically to include civil society and the private sector. In addition to a clear mandate established at the highest level, the Steering Committee must be empowered with the right

membership, decision-making, and accountability structures and mechanisms to engage the public administration and civil society in a truly joint effort. Building on Morocco's demonstrated success in its experimental approach to major reforms, such as the civil service reform and performance budgeting, an appropriately structured and empowered OGP Steering Committee could serve as a laboratory for developing a Moroccan model of government/civil society collaboration on reform[1]. Such a model is urgently needed to overcome the history of mistrust and establish a new governance culture committed to openness and accountability towards stakeholders.

OECD experience shows that an additional requirement for success in major whole-of-government reform is the introduction of a two tier governance structure. The upper tier could take the form of a Cabinet Committee on Open Government demonstrating the expressed top-level political support for OG and setting strategic directions, initially for the OGP but building toward a full OG agenda. The existing Steering Committee would be mandated to support the cabinet committee in planning and implementing the OG strategy and the OGP Action Plan, and would bear responsibility for co-ordination, monitoring and reporting thereby on progress achieved.

The work of the Steering Committee could be further strengthened by allocating sufficient resources, including establishing a technical working group made up of appropriate representatives from the ministries and other bodies, most concerned in OG. The ministries, represented in the April 2014 seminar on public consultation, constitute a good basis for elaborating a technical working group membership. Strong leadership is necessary to ensure coherence of efforts. The effective inclusion of civil society organisations, as active participants in the OGP Steering Committee and ongoing OG work, is fundamental.

Accordingly, a major change in Morocco's governance culture, one that puts Open Government principles into practice across government, requires strong leadership from the centre, backed with implementation structures that have the resources and authority to push reform forward. The following proposals for consideration recognise the importance of building Morocco's centre of government to meet the new demands of the 2011 constitution:

- Consider the establishment of a two-tiered governance structure supported by a Cabinet Standing Committee on Open Government for strategy and direction setting.
- Empower the current Steering Committee (*Comité de pilotage*) with a clear mandate, decision-making, the right membership, and

accountability structures and mechanisms to engage a public administration and a society that can carry out Open Government.

- Build centre of government capacity to lead strategic horizontal initiatives by establishing a structure, within the prime minister's office, with resources and active high-level engagement to carry forward the policy and co-ordination functions needed by this office's expanded responsibilities.
- Define a whole-of-government strategy for Open Government, supported by a time-bound transition plan and a roadmap.
- Develop an accountability framework for the strategic planning and co-ordination of horizontal initiatives across government, with clearly defined organisational and individual roles and responsibilities consistent with the scale of changes required.

Civic engagement

The first article of the new Constitution states that the constitutional regime of Morocco is based on a participatory and representative democracy (*démocratie citoyenne et participative*), the principles of good governance, and the principle of accountability, which very much resemble the Open Government Partnership's (OGP) Declaration of September 2011. Moreover, Art. 7 on the role of political parties as promoters of citizens' participation, Art. 8 on trade unions, Art. 10 on parliamentary opposition, Art. 12 on Civil Society Organisations (CSOs.), and articles 14 and 15 on motions and popular petitions all set optimal conditions for a wide and free engagement of Moroccans in the public life of their country. In addition, the new Constitution empowers the public in the law drafting process by giving civil society the right to propose regulations (www.mcrp.gov.ma/formsc/defaultsc.aspx).

A special reference is to be made to Title 2 of the Constitution on "Fundamental Liberties and Rights," which explicitly guarantees the equality between women and men (Art. 19), freedom of thought, opinion and expression (Art. 25), access to information (Art. 27), freedom of the press (Art. 28), and freedom of assembly, demonstration and association (Art. 29). These articles constitute the backbone of the citizens' political and social participation and make this part of the Moroccan Constitution among the most open and progressive of the MENA countries.

Art. 27, in particular, grants Morocco three of the four points available in the OGP Eligibility Criteria on Access to Information, establishing this right as a constitutional provision. The remaining fourth would be granted if

Morocco passed a law on Access to Information. On this, it is to be noted that both the executive and the parliament proposed their own versions of the law. At the time of this writing, a draft law has been adopted by the state council and will be submitted to parliament for approval. Civil society and the media claim though that they were not given a chance to review this version of the law. Earlier, the Ministry of Civil Service and Modernisation of the Administration had established an *ad hoc* Commission, launched a national consultation on the website of the General Secretariat of the Government (www.sgg.gov.ma), and organised a national conference in June 2013 to which CSOs, academia and the international community were invited to discuss the various aspects of the law. Yet, the latest version is internationally considered to be a step backwards in comparison to the draft law presented in June 2013.

The law is consistent with OECD practices with respect to its scope but would benefit from improvement in the areas of eligibility to file a request, inclusion (i.e. legal entities cannot access this right), delays (which are longer than in the average OECD countries), exceptions (which are too broad and could usefully be clarified) and the penalties regime which discourages the reusing of information. Giving citizens the right to access documents available electronically in files, adopting open format standards and waiving the need to provide a justification for the requests of documents, would be further steps in aligning the current law to global best practices. An alternative law was proposed by the opposition party USFP (Socialist Union of Popular Forces) which maintained the same exceptions but reduced the delays. In general, and in line with the spirit of Art. 10 on the role of parliamentary opposition, a greater co-ordination between the executive and the legislative would allow exploiting synergies, improving the current draft and reaching sufficient political and social consensus to have it transformed into an effective law.

According to CSOs and activists, the main challenge for Morocco is that of transforming the new constitutional provisions into real practices. Both during the national conference on access to information and subsequently, it became apparent that civil society representatives were not satisfied with the space provided for input in the elaboration of the draft law, and especially the lack of transparency of the final preparation of the law following the June 2013 conference.

Overall, Morocco has a long history of dialogue between government and civil society, which produced good results such as the law on Associations of 2002. Some maintain that this was one of the factors underlying the peaceful character of the demonstrations of February 2011. Although civil society is active in several areas and present in the whole Moroccan territory, the scope of organisations involved in the policy-

making cycle seems to be relatively limited to and concentrated in the capital city. The digital divide and illiteracy, more widespread among women and in rural areas, do not favour participation and the government has not yet implemented the ever announced and long-debated regionalisation that would give more power to local authorities to reach out to their constituencies.

However, in this context of transition, there are examples that confirm Morocco's intentions to implement more inclusive policymaking. The recent name change and functions of the Ministry for Relations with the Parliament now includes Relations with Civil Society, is one of these. The Ministry is currently holding an important initiative of national dialogue with civil society, overseen by a National Commission composed of three permanent sub committees, respectively in charge of *i)* giving concrete implementation to the constitutional provisions on civil society participation, *ii)* promoting the role of CSOs (*la vie associative*) by guaranteeing their rights and responsibilities, *iii)* elaborating a National Charter of Participative Democracy. The goals of this ministry are certainly very ambitious, although it seemed that its financial and human capacities might not be sufficient to guarantee their full achievement. This initiative has so far only been partially successful due to the decision by several leading CSOs working in Open Government not to participate because of the perceived control of the government on the process with a partisan bias. It has to be noted, that these CSOs therefore engaged in a parallel non-governmental dialogue. Both of these means of dialogue have presented their findings in spring 2014. The challenges lie now in engaging in a process that brings both groups together to create a national dialogue process that benefits from a greater and more consistent inclusion of all relevant social actors, by increasing the number of CSOs involved and expanding the reach of the consultation by including, for example, traditional and on-line media and the private sector.

The engagement of the independent constitutional bodies, such as the *Institution du Médiateur* (the Ombudsman), can bring distinct and unique perspectives and thus inform policy development in Morocco. The roots of this institution, previously known as Diwan Al-Madhalim, lie in a century-long tradition. The privileged relationship the institution has with the citizens, the scope of the reported issues and their analysis provide for an important source of new ideas and policy proposals. This is reinforced by the role the *Médiateur* plays as *ex officio* member of the board of other institutions, such as the Central Authority for Corruption Prevention (*Instance Centrale de Prévention de la Corruption*) and the National Council for Human Rights (*Conseil national des droits de l'homme*).

Finally, Morocco is relying a great deal on the use of Information and Communication technologies (ICTs) to provide citizens not only with access to information and documents, but also to enable interaction with them, such as through the website www.fikra.ma, which enables citizens to propose reforms. In this regard, it would be desirable that the two-way communication included more systematic follow-up offline and complete and timely reporting on how suggestions have been included. This kind of initiative, can contribute to maintain momentum of the opening process and achieve the desired results, including trust in government.

Decree No. 2.08.229, issued in May 2009, stipulated that draft laws proposed by the government must be published electronically for consultation before their submission to the Parliament (www.sgg.gov.ma). It should be noted that Morocco is one of the very few MENA countries that systemically and centrally publishes all draft laws on-line for comments on the website of the *Secrétariat Général du Gouvernement* (SGG). However, while these initiatives are clearly noteworthy, their impact is still hampered by illiteracy and a digital divide that still affect a vast part of the population. Greater clarity is needed, as to which drafts are to be shared with the public and when this takes place, as draft laws move through the process. ICT and offline systems that use clearly specified and standardised procedures for follow-up to ensure that citizens' inputs are duly considered and to document this process would increase citizens' trust and greatly contribute to the overall shift towards a more open and participatory culture in the country.

Recognising that access to information is fundamental to effective civic engagement; the following proposals for consideration address both sides of this equation:

- Modify the current draft law on access to information to bring it in line with international standards and push forward its adoption.
- Move, in co-operation with civil society, to develop the implementing structures and procedures for the new law including implementing regulations that address concerns regarding the exceptions regime and other issues.
- Strengthen the human and financial resources of the Ministry for Relations with Parliament and Civil Society and formalise its institutional links with other line ministries to enable it to play its expanded role effectively and inclusively.
- Develop a standard set of guidelines to govern consultation with civil society and other stakeholders, backed with appropriate

training and dissemination to inculcate an approach capable of supporting consultations on a wide range of issues.

- Work with civil society and other stakeholders to develop a shared understanding of how to conduct inclusive dialogue based on the guidelines and ensure that such dialogues are inclusive and ongoing, while building trust for long-term collaboration.

Fiscal transparency

Morocco launched a wide range of reform initiatives in the area of public finance over the last ten years. Through the Support Program for Public Administration Reform (*Programme d'appui à la réforme de l'administration publique*, PARAP), the country has mobilised substantial support for implementation since 2003 from the African Development Bank, the World Bank and the European Union. These institutions support the programme based on its assigning top priority to strengthening the efficiency and effectiveness of public finance management. The comprehensive, multifaceted programme includes a wide range of activities, such as training for key actors of Morocco's public financial system, support for administrative deconcentration initiatives, introduction of strategic multi-annual planning, reinforcing the internal audit and evaluation capacity, and assistance in reforming the Organic Finance Law (*Loi Organique relative aux Lois des Finances*, LOLF). After a decade of reforms, the promulgation of the LOLF (which was adopted by Parliament on 25 November 2014), detailing the provisions of the new Constitution for the management of public finances, completes the process of fiscal reforms in the last years, in line with the main strategic objectives of the reform of the Organic Law, which are:

- Updating the content of the LOLF to allow adaptation to the new constitutional arrangements in the area of state finances.
- Strengthening the role of the annual Finance Law as the primary tool for implementing public policies and sectorial strategies, to ensure sustainable economic and social development.
- Improving financial stability, fiscal transparency, simplification and fiscal readability.
- Increasing the role of Parliament in financial control and in assessing public policies, improving the quality of the budget debate.

- Increasing efficiency and consistency of public policies, by improving the quality of public services provided to citizens and the accountability of managers regarding the achievement of objectives, and justifying the financial resources allocated.

It has to be highlighted that the LOLF was drafted taking into account international best practices in the field of modernisation of public management, adapted to the national context. Once the legal framework has entered into force by 1 January 2015, achieving overall coherence between the framework and actual practices will become particularly relevant. Some actors, such as the Court of Accounts or the Inspectors General, currently demonstrate particular proactivity in fine-tuning their organisational strategy with their new roles and responsibilities, which is particularly laudable.

Between 2006 and 2012, Morocco substantially improved its score on the Open Budget Survey administered by the International Budget Partnership (IBP) from 28 in 2010 to 38 in 2012. This score ranks Morocco in 63rd place among the 100 participating countries. Timely publication of eight essential budget documents is considered by the IBP as the core of budget accountability and open budget systems. Morocco published six out of eight of these documents in 2012, one of which – the end-year report − was for internal use only. The omitted documents were the pre-budget statement and the mid-year review. Especially noteworthy is the production and publication of the citizens' budget for the first time in 2012. The enacted budget and the in-year review reports are considered to be of good quality in terms of comprehensiveness of available information. Publishing the end-year report, producing and publishing the pre-budget statement and the mid-year review, and increasing the comprehensiveness of the executive's budget proposal would all be relatively low-cost initiatives to improve budget transparency.

Multiple other areas remain to be dealt with to expand the country's budget transparency. These include aspects such as improving the quality of the citizen budget, increasing the openness of budget data, empowering the legislature in its budget analysis capacity, extending consultation between the executive and the legislators, providing information on budget execution and spending, and further supporting the capacity and mandate of Morocco's supreme audit institutions. With respect to the accessibility and readability of budget information, it is also noteworthy that the government has been publishing some budget documents in Excel-format on its website since 2010, substantially facilitating the work of analysts who want to extract and use this data. A further improvement would entail extending the range of fiscal years for which information is available and using open data formats to facilitate analysis.

Beyond transparency as such, the current situation of actual public participation in the budgetary process offers a range of opportunities for further enhancing Open Government principles via improved mechanisms for citizen participation during planning and budget execution, as well as creating a better feedback loop that engages citizens throughout the different stages of the budget cycle. Morocco's experience with citizens' budgets is still relatively new. It is to be welcomed that the Ministry for Economy and Finance not only launched a citizens' budget, but also published (in Arabic) a citizen's guide to the 2012 Finance Law. Nevertheless, additional efforts could be made to reinforce the actual dialogue with citizens throughout the budget process. In this respect, the emergence of civil society initiatives to broaden the debate on Open Government and fiscal transparency is particularly interesting. These include www.floussna.ma ("*un site citoyen pour divulger les informations sur le budget marocain*"), as well as joint initiatives involving academic institutions, government and international partners, such as the recent conference on open spending[2]. For future activities in this area, the challenge will be to engage citizens beyond urban areas, using appropriate methodologies such as television and radio that can reach the illiterate. An agreement with CSOs to support budget outreach should be considered in order to benefit from their networks on the ground and expertise.

In line with OECD good practices for budget transparency, some of the more salient issues requiring particular attention include *i)* strengthening the role of Parliament by building up its technical capacity to analyse budget documents and ensuring a thorough and timely debate on all budget-related matters, *ii)* providing matching non-financial performance data along with budgetary data, *iii)* improving the comprehensiveness of the budget in terms of full disclosure of, and debate on, all budget components, as well as consolidation of accounts, *iv)* sufficient debate and analysis of revenues (e.g. including local fiscal policy and revenue from fees, fines and parafiscal charges) and *v)* optimal distribution of the reports of the Court of Accounts. All these measures would enhance the robustness of the budgetary exercise and substantially contribute to a continuation and acceleration of transparency and accountability.

The following proposals for consideration represent high priorities within the agenda for increasing fiscal transparency:

- Implement the LOLF and develop a detailed and adequately resourced plan to adopt the new procedures. In addition, due to the progressive entry into force of the LOLF over five years, this gradual implementation may also include the formulation of all the rules and procedures needed to ensure an effective application.

- Establish an integrated action plan to strengthen fiscal transparency on a whole-of-government basis, including the roles of Parliament and the Court of Accounts, as well as the Administration.
- Take steps to improve co-ordination and co-operation among the various agencies working on different aspects of fiscal transparency.
- Build the analytical capacity of the Parliament in budgetary matters with the support of the Court of Accounts.
- Continue the efforts in optimising the completeness and consolidation of budget data and the timely sharing of these data with all relevant actors throughout all stages of the budget cycle.
- Show greater initiative in expanding civic participation in the budget process, implementing in this way the principles adopted in the new Constitution.

Integrity and fight against corruption

Morocco's work in the area of integrity and anti-corruption has shown steady continuity in the past few years. The country has committed to strengthening its fight against corruption following the ratification of the United Nation Convention against Corruption (UNCAC) in 2007. It was also among the first to pass through the UNCAC first cycle of peer reviews. A report published in October 2011, based on the government's self-assessment and on the reviews conducted by peers from South Africa and Slovakia, assesses the gaps that Morocco needs to cover to harmonise its legislation with the principles envisaged in UNCAC and implement a true anti-corruption infrastructure.

The assessment shows that progress has been achieved in terms of harmonising some of UNCAC provisions with the Moroccan criminal code, but there is still room for improvement, for example, in the area of criminalising illicit enrichment. Civil society has raised issues with the inclusiveness of the review process, including opportunities to provide input to the study itself and to meet with the international review team, particularly in view of the team's mandate to assess implementation of anti-corruption measures. The peer team's report is confidential and the UNODC process does not provide for the draft to be made available for comment. A positive indication is that Morocco agreed to the posting of the consolidated report prepared by the UNCAC secretariat on its website, which was not required[3].

Another event that added momentum to Morocco's work in this area came in the middle of the debate on the new constitution, adopted in July

2011. Morocco hosted a regional Multi-Stakeholder Dialogue, organised in June 2011 in Rabat by the Government of Morocco, the OECD and the UNDP, aimed at discussing anti-corruption efforts in the Arab region and ways to put anti-corruption commitments into practice. The discussion was in line with citizens' demand for governments to go beyond the approval of legislation and expression of commitments to the implementation of concrete measures that make governance systems more transparent, accountable and effective.

From the perspective of UNCAC implementation, amongst the key measures in line with the principles of the convention was the establishment of the Central Authority for Corruption Prevention, instituted by Decree No. 2-05-1228 of 13 March 2007 (although UNCAC does not specifically require that one new body should be established to address corruption issues; the responsibility can be shared by many existing institutions). The Authority did not begin its activities until 6 January 2009, however. The innovative structure of this authority institutionalised the principle of inclusive anti-corruption policy making. Its general assembly comprises 44 members, including 16 representatives of governmental authorities (Ministries of Foreign Affairs, the Interior, Justice, National Education, Employment, Health, etc.), 14 representatives of professional organisations (the CGEM, Association of the Order of Moroccan Lawyers, Federation of Chambers of Commerce, Industry and Services, National Order of Accountants, National Moroccan Press Syndicate, etc.), the *Médiateur* and 13 members appointed by the Prime Minister, known as associate members (6 from civil society, 3 from associations working specifically to prevent corruption, and 4 from the academia).

The main mission of the Authority is to co-ordinate, supervise and monitor the implementation of corruption prevention policies, and gather and disseminate information in this field. No investigative and enforcement powers were given to the Authority (this limitation is to be removed in accordance with the constitution approved in 2011, as further discussed below). The Authority has been successful in raising the profile and keeping the issue of corruption on the country's political agenda and in engaging the public administration, civil society and media in this regard; however, its efforts have been severely constrained by the lack of appropriate frameworks and financial and human resources. The scarcity of resources, and especially the scarcity of some specialised technical competencies, could also impact negatively the transition towards the new independent authority, as required by the 2011 Constitution.

The establishment of the Authority was also accompanied by a Moroccan Government Anti-Corruption Action Plan, last updated in 2009 and divided into six areas of strategic intervention: a) establishing values,

ethics standards and moral standards in the public administration; b) institutionalising the corruption prevention strategy; c) strengthening transparency in public procurement management; d) improving the monitoring, control and audit systems; e) simplifying administrative procedures; and f) promoting the participation of civil society in the fight against corruption through education, awareness-raising and communication.. Clearly missing from this approach is the key function of investigation, enforcement, and sanctions.

A number of reforms were implemented in the framework of this action plan. Most notably, in 2008 a set of laws and *dahirs* (royal decrees) on asset declaration were passed, with the aim of penalising illicit enrichment. Law No. 25-92 of 7 December 1992 on Asset Declaration by State civil servants, which required all civil servants to declare their resources, was repealed and replaced by a set of texts targeting civil servants who handle public funds, e.g.: members of the government and their cabinets, members of the Constitutional Council, the Chamber of Representatives, the Chamber of Councillors, magistrates, members of financial jurisdictions, members of the High Authority for Audiovisual Communications, certain elected officials in local councils and Professional Chambers, and certain categories of civil servants or public officials, in particular those involved with public procurement. A governmental decree (Decree No. 2.09.207 passed on 8 December 2009 and published in Official Bulletin No. 5 814 of 18 February 2010) sets out the models for compulsory asset declaration, the required format, and the minimum value of assets to be declared.

The Court of Accounts is the depository of such declarations, which are currently prepared and submitted manually and do not pass through a process of verification. It should be noted that the Court does not have the capacity to analyse all declarations submitted to it given the large number of officials under the obligation to declare. In 2011 the Court undertook an inventory of the declarations to elaborate a list of the people who did declare and those who did not. Procedures to assess a significant selection of them − either by sampling or by a system based on risk indicators − could be envisaged and would greatly contribute to support the on-going cultural shift needed to complete the reform of this critical aspect of Moroccan public administration. Moreover, the task of verification could be supported by civil society, although currently the declarations remain confidential. At the time of writing this report, the Court of Accounts had decided to revise the asset declaration law to make it more targeted and enforceable and established a specific unit within the Court charged with ensuring its effective implementation. The automation of this process and the eventual publication of the information contained in the declarations are also under

consideration. The obligation to declare assets is also enshrined in the 2011 Constitution.

The establishment of e-procurement systems is a sign of positive developments in the area of Open Government, given that, if broadly implemented, such electronic mechanisms increase transparency in tender procedures and entail the possibility for civil society to monitor procurement processes. A set of measures were implemented to promote e-procurement in Morocco**,** in particular the launching of the portal www.marchespublics.gov.ma through which all public buyers should publish their tenders. This portal also is intended to provide information on procurement/purchasing programmes of public entities; all information related to public tenders, standard bidding documents and the award of contracts and their execution, although at this point not all of this information is available on the portal. A supplier database was also launched to allow them to cut red tape by registering only once and then being eligible for tenders. Online submission on the portal is however not yet possible, although it was planned for the first quarter of 2012, because of remaining technical challenges. The low level of technological readiness of Small and Medium Enterprises in Morocco might eventually constitute a problem in the uptake of this service.

The most important contributions of the 2011 Constitution reside in five areas: *i*) the review of institutional arrangements for fighting corruption through an upgrade of the Central Authority for Corruption Prevention to a constitutional level (Article 167), for which a draft law has been prepared to revise the mandate of the authority in line with the constitution, most importantly, changing its mandate to include investigative and enforcement powers; *ii)* the mandatory obligation made to public officials to declare their assets before taking office and after leaving their function (Art.158), including the entrusting of the receipt of declarations and assurance of compliance to the Court of Accounts; *iii)* the development of a charter for public service which defines the good governance principles of the administration at the central and local levels (Art. 157); *iv)* the mandatory disclosure of political party financing (Article 7), and *v)* the management and enforcement of conflict of interest regulations (Art. 36). Furthermore the anti-corruption agenda has been complemented with a wider Open Government agenda as part of Morocco's objective to adhere to the Open Government Partnership (OGP). Among the key principles of the OGP declaration (September 2011), as well as one of the Grand Challenges identified by the Partnership, is increasing public integrity and striving for the highest standards of professional integrity throughout the public administration.

In line with the new constitution, a number of initiatives were undertaken by the Government of Morocco to promote public sector integrity and the fight against corruption. An inter-ministerial committee, led by the Ministry of Civil Service and Modernisation of the Administration, has been established to develop an updated anti-corruption action plan and to design a comprehensive national anti-corruption strategy in partnership with the Central Authority for Corruption Prevention. The Committee has issued an action plan; the strategy however remains under preparation. The Committee indicated to the Review team that the process of development of such a strategy will be consultative and participative; however, a concrete timetable for consultation with all relevant stakeholders is yet to be defined.

In addition, an organic law has been issued on political party finance. Those parties which already disclose their accounts to the court are part of the Court's annual report and partially made available to the public on its website. Nevertheless, no sanctions have been enforced on those parties which did not comply with the law.

In the area of integrity and ethics in the public service, Morocco relies on the statutes of the public service. Although the statute is not a code of conduct *per se*, it contains some provisions similar to those which would be encountered in a code (administrative sanctions for wrongful acts committed in the exercise of the public service). Upon recommendations made by OECD/SIGMA in 2010, Morocco has started working towards developing a code of conduct for public officials while ICPC prepared a draft code for politicians and political parties[4]. However, the latter has not been approved and nor implemented.

A new law on whistle-blowers protection has also been enacted and a dedicated whistle blowing portal www.stopcorruption.ma has been implemented by the Central Authority for Corruption Prevention. The website however is only targeted to Small and Medium Enterprises and several concerns on its effectiveness have been raised by civil society, relating in particular to the lack of follow up on complaints. The activities of the Central Authority are currently restricted as the enactment of its new mandate is not yet completed, thus jeopardising the initiatives that are ongoing[5].

In general, efforts to engage citizens and the private sector in anti-corruption policy making remain limited to *ad hoc* initiatives rather than to a full partnership towards the development of a comprehensive anti-corruption strategy. While consultation processes have been launched around specific initiatives such as the whistle blowing portal, there are no indications on how a permanent participative mechanism will be institutionalised.

Furthermore, transparency initiatives to promote public scrutiny by the civil society remain limited. A recent initiative, though, was launched by the Ministry of Civil Service and Modernisation of the Administration to raise awareness on corruption risks. This awareness campaign, which is targeted to citizens, came under criticism from other governmental and non-governmental stakeholders, including the Central Authority for Corruption Prevention, as they were not consulted for its design and the campaign was not linked to a national strategy to fight corruption. There are as yet no plans to make asset declarations available to the public nor are there any party finance information made available, with the exception of those selected parts to be disclosed by the Court of Accounts.

To conclude, an important effort has been launched by the Government of Morocco to review its legal and institutional framework in the fight against corruption and to promote public sector integrity. The Government now needs to focus, on how to improve co-ordination between all relevant actors and effectively implement these measures and, on how to better involve all stakeholders in the process of design and implementation of integrity measures.

To build on the progress to date and to further strengthen Morocco's anti-corruption and integrity systems, the following proposals for action deserve consideration:

- Use the public service charter and accelerate work to develop a code of conduct, backed with sufficient training and advisory services to strengthen values-based approaches to integrity in Morocco.
- Promote greater co-operation among the various public sector organisations with their role to play in combatting corruption, and promote strong leadership from the highest levels of government.
- Strengthen and institutionalise ongoing co-operation with civil society and business organisations to mobilise pro-integrity programming on a broader front, with consistent messages and mutually reinforcing activities.
- Review and fully activate the asset declaration system and develop a plan to move the system fully online as well as targeting high-risk individuals and positions.
- Make more effective use of ICTs to report on corruption and anti-corruption measures, with wide and regular dissemination of reports to concerned stakeholders and to the general public.
- Ensure that the law establishing the new Central Authority for Corruption Prevention respects international standards and endows

the Authority with the power to conduct investigations, enabling it thereby to become an effective actor in preventing and fighting corruption.

New technologies

Morocco has demonstrated high ambitions for the increased use of ICTs in the public and the private sector. The information society strategy, "Digital Morocco 2013" (*Maroc Numeric 2013*) launched in 2009, outlines the vision of using ICTs to support human development, public sector efficiency and private sector productivity, by developing an information economy that will establish Morocco as a competitive regional technology hub. In line with similar OECD countries, the strategy also sets out a vision for considerable educational efforts to achieve a "social transformation" and an e-government programme to make public services accessible online. The e-government programme focuses specifically on the digitisation of public services, making them transparent, secure, coherent and effective. The programme identifies specific services to citizens and businesses to be digitised, such as the now fully functional online declaration and payment of income taxes. In 2005, Morocco launched the national e-government programme "IDARATI" which includes a call centre for administrative orientation and a portal www.service-public.ma to guide and inform citizens through the most common administrative procedures.

Under "Digital Morocco 2013", the country made considerable investments in the information society, although limited internet access and skills issues remain important challenges compared with other countries in the region. Morocco has demonstrated clear progress in terms of increasing the provision of online services, measured for example by progress in adopting the relevant UN web measure. This is reflected in the national portal www.maroc.ma, which brings together online services from a number of ministries. Although online service uptake remains very low, challenging value added for businesses and citizens, these initial investments provide a good basis on which to build a mature service delivery strategy. The next phase of the program, Digital Morocco 2020, was announced, with a formal launch planned end 2014.

Morocco also pursues Open Government good practices using technology and innovation by providing platforms for citizens and businesses to create social and private value with government tools and data, going beyond the role of end-users for services. In this regard, Morocco has taken its first steps in the work on Open Government Data through the establishment of the portal www.data.gov.ma. This initiative is still in its initial stage and is not yet living up to its potential in generating social and

economic value. There is room for improvement in data standards and more information; moreover, information already available could be published in open format (e.g. the budget data is available in scanned PDF rather than in an open format). Despite these limitations, the portal demonstrates government awareness of the emerging potential to engage civil society and businesses and improving accountability, by making available government data and information in open formats, and through better use of data resources. Concrete efforts to build a closer working relationship among data providers, consumers and data users, could help strengthen the future impact of the portal.

Several ministries are playing important roles in the government's use of ICTs. The Ministry of Industry, Trade, Investment and the Digital Economy has been charged to lead on the information society strategy, the e-government programme and the first Open Government data portal in the region. The ministry also chairs the Inter-ministerial e-Government Committee (*Comité interministériel eGouvernement*, CIGOV). CIGOV works under the cross-governmental National Council of IT and Digital Economy (*Conseil National TI et Économie Numérique*, CNTI), which is chaired by the Prime Minister. Other ministries also play key roles, such as the Ministry of Civil Service and Modernisation of the Administration, in charge of co-ordinating Morocco's bid to join the Open Government Partnership and the National Strategy for Administrative Modernisation, now being developed. The Ministry of Economy and Finance maintains the responsibility for the budget and tax services.

Although these initiatives and the bodies responsible for co-ordination and decision making on ICTs are well established, they do not seem to function as effectively as they should; and as such, they do not lead to the breadth or depth of concrete results that could be achieved.

Morocco could give further consideration on how to extend the co-ordination role of the CNTI and CIGOV beyond formal inclusion of all relevant institutions in achieving more fluid and operational collaboration. Establishing clear leadership and an internal e-government champion in the administration might also be helpful. This would in turn positively affect the implementation of ICT related policies operationally with regards to their coherence and focus on the users of online service delivery, as well as giving the government greater capacity to strategically leverage ICTs for Open Government and more participation.

With respect to the role of ICTs in broader Open Government agenda, both "Digital Morocco 2013" and the more operational "Egov.ma - e-government programme" make some reference to this subject and related objectives. As Digital Morocco 2013 is finalised, the strategic framework

and projects developed to implement it could more explicitly link the use of ICTs to Open Government efforts. As such, there are rich opportunities to extend and enhance co-ordination across existing efforts for Open Government.

The private sector could be an important partner in this effort, given that it appears to hold considerable capacity to advance Open Government objectives, not only technically but also as an interlocutor with the government on improved transparency and participation, particularly with regards to improving the business environment. Engaging the private sector also expands the level and technical range of resources available for government, while boosting the development of Morocco's digital enterprise sector.

Despite a well-developed civil society, non-governmental organisations and activists appear to play only a limited role as drivers and enablers of ICT-supported Open Government policies. The increased government attention to the inclusion of civil society in the context of the new constitution may generate the political commitment to alter this. Although the centre of government is still consolidating its organisation and procedures to fully implement the 2011 Constitution, as well as recent re-organisations, there is still untapped potential to push the Open Government agenda forward more strongly. Consolidating and increasing the capacities of the newly restructured Ministry for Relations with the Parliament and the Civil Society through targeted partnerships with non-governmental stakeholders could be one way to realise this potential.

Morocco has committed to increasing the engagement of citizens and has launched several measures to improve participation, such as www.fikra.ma, discussed above. However, how citizens' voice and how contributions and feedback are taken into account generally remain to be specified and communicated transparently. It appears that current government attention is given particularly to the legal consolidation and adoption of formal rules. While making progressive advancements in the implementation of its new constitution, Morocco will need to extend this legal perspective by giving increasing emphasis on methods adopted to achieve the desired results and impact. This includes more separate attention to horizontal policies, such as the use of ICTs and Open Government, and to more effective and systematic consultation processes. Focusing more on achieving impact and added value would also entail addressing the sparse usage of the internet at the national level, including the low take-up of online services, which is an important barrier to access as well as participation in Open Government processes. With more than half of the female population being illiterate, and only half the population having access to the internet, communication efforts need to be very well targeted,

online and particularly offline also, in order to succeed with engagement and service delivery, for example, in remote, rural areas. Mobile platforms have been successfully used in several OECD and MENA countries to address these issues. Targeted efforts to build ICT capacities and increase its usage within the public administration are also needed, for example through promotional campaigns.

Priority proposals up for consideration to strengthen ICTs' contribution to Open Government include the following:

- Invest in human and financial resources necessary to improve co-ordination and integration of ICTs initiatives across government by strengthening the authority of existing governance mechanisms such as CNTI and CIGOV.
- Expand collaboration with stakeholders in business and civil society to take advantage of their complementary expertise and identify opportunities to use open data and ongoing co-operation to implement initiatives that will create growth opportunities and strengthen Open Government.
- Extend ICTs initiatives to the local level in partnership with local stakeholders to improve service delivery, interaction with citizens, and e-government impact.
- Aggressively develop mobile-based and other approaches that enable citizens to participate fully in ICTs for Open Government, regardless of their location, gender, income, or level of education.
- Develop indicators with broad applicability to Open Government uses of ICTs, particularly those that measure citizen use and benefits, and regularly publish consolidated reports that track these measures.

Notes

1. See the discussion on national public governance reform strategies in OECD (2010), *Progress in Public Management in the Middle East and North Africa*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264082076-en.

2. Conference "Open budget, open spending", 9 January 2013 at the Mundiapolis University in Casablanca, held in partnership with the Ministry of Economy and Finance and the Ministry of Budget, in collaboration with the World Bank and the Open Knowledge Foundation.

3. The UNCAC guidelines for review mechanism state that "[t]he State party under review shall endeavour to prepare its responses to the comprehensive self-assessment checklist through broad consultations at the national level with all relevant stakeholders, including the private sector, individuals and groups outside the public sector". See United Nations Office on Drugs and Crime, Mechanism for the Review of Implementation of the United Nations Convention against Corruption Basic Documents, United Nations, New York, 2011. www.unodc.org/documents/treaties/UNCAC/Publications/ReviewMechanismBasicDocuments/Mechanism_for_the_Review_of_Implementation_-_Basic_Documents_-_E.pdf.

4. Instance Centrale de Prévention de la Corruption. See www.icpc.ma/wps/wcm/connect/2bd00b80490003cb95d9f742071e6776/charte+nouveau.pdf?mod=ajperes&cacheid=2bd00b80490003cb95d9f742071e6776.

5. For a more detailed discussion on the Central Authority of Corruption Prevention see OECD (2014), *Reinforcing public sector integrity in Morocco: consolidating institutional capacity to improve anti-corruption and good governance*, OECD, forthcoming.

Introduction

As the world entered the 21st century and confronted new, increasingly global challenges and rising complexity, many governments recognised that old ways of decision-making and governing were no longer adequate. More than ever, they needed the participation of the entire population and stakeholders outside government to solve the complex problems and to steer their countries' destinies, increasingly interdependent with others on a global scale. The concept of open and innovative government became more prominent with the ascent of the world financial and economic crisis in 2008, the resulting social unrest in many regions and countries around the world, and the rising environmental global challenges.

The Open Government Partnership (OGP), formally launched in September 2011, reflected global efforts to make governments work better. It now brings together more than 60 states[1] that have committed themselves to the principles of transparency, integrity, accountability, citizen participation, and improved public services. Many other countries have declared their intention to join the OGP. While all those countries support the objective of open and better government and commit to the same core principles, their contexts, challenges, and starting baselines are different.

An open and robust public governance framework is essential to make reforms happen. Its agility is an important factor in determining the stage of readiness and the timeframe necessary for reaching the Open Government objectives; however, it should be remembered that Open Government is not an end in and for itself, but a means towards a living democratic society that can meet the needs of its citizens.

The Arab Spring was propelled by widespread discontent with the current socio-economic conditions and the lack of basic rights and freedoms. The self-immolation of Mohamed Bouazizi in the Tunisian city of Sidi Bouzid powerfully testified to the reasons behind this discontent, not only in Tunisia but throughout the region: poverty, widespread corruption among public servants and politicians, and the lack of respect for human dignity and democratic rights. The velocity with which popular demands for reform spread across much of the MENA region confirmed the presence of these problems throughout the Arab world.

1. 65 countries as of November 2014.

In Morocco, these expressions of popular discontent with the *status quo*, particularly among youth, took the form of the 20 February Movement. Recognising the special position of the King, protesters in Morocco did not call for a change in the regime, focusing instead on such demands as constitutional reforms, greater judicial independence, recognition of minority rights, and expanded economic opportunities. The government's response was exceptionally rapid, forming a commission to revise the constitution that produced a draft constitution strengthening guarantees for a number of core human rights, and for the first time making the Prime Minister the head of government, and introducing other reforms, as further discussed below. The 2011 constitution was ratified on an accelerated basis by public referendum and became law on 1 July 2011.

The Arab Spring took place during the period of global economic turmoil growing out of the 2008 crisis in financial markets. This crisis and the resulting rise in unemployment, particularly among youth, sparked protest movements across OECD member countries and demands for more open, inclusive, and responsive government decision making. Underlying the discontent in both OECD countries and the Arab Spring countries is a generalised decline in citizens' trust in government and in the commitment of leaders to inclusive growth.

Despite the differing circumstances of the countries of the Arab Spring and OECD members, their governments face the common challenges of regaining peoples' trust and incorporating their inputs and active involvement into policymaking processes. Increased participation of citizens in government decision-making offers a promising path toward meeting citizens' expectations, rebuilding trust between citizens and government, and, not of least importance, securing a more effective policy-making process that leads to higher quality of citizen services and reinforces inclusive and sustainable development.

Morocco's 2011 Constitution opens up new possibilities to accelerate and deepen governance reform in the kingdom. This process relies on an active and multifaceted civil society, an engaged and competitive private sector, dedicated and capable professional public officials, and the committed leadership of the political class at the highest levels. At the same time, the new constitution, adopted as a response to the demonstrations inspired by the Arab Spring, constitutes an implicit contract with the citizens to accelerate the adoption and implementation of reform as a reality. In 2011, its deliberate pace could be seen as carrying the country forward to reform in the long term. In 2014, greater and more visible results from the reforms carried through into implementation seem needed to meet expectations raised by the new constitution.

Morocco has formally applied to join the Open Government Partnership (OGP), but has not yet met the conditions for eligibility, lacking one point out of the twelve required to qualify (with a potential of sixteen). There is strong support for joining the OGP among government, civil society, and Morocco's international partners. There is also general agreement that the most opportune step to reach eligibility now is to adopt an Access to Information (ATI) law, which is also consistent with the new constitution. At this writing, a draft law is under consideration within the government, although it has not yet been submitted to the parliament.

This is therefore an appropriate time to consider preparations for the next step in the OGP process, which is the development of an OGP Action Plan. Such a plan typically focuses on a limited number of ambitious reform measures – ideally, no more than a dozen – that the government is confident of being able to implement within the OGP Action Plan's two-year timeframe and that therefore, they are appropriate commitments for an international forum such as the OGP. As such, the OGP plan should be seen as a component within the broader set of Open Government measures constituting Morocco's reform agenda.

This Open Government review addresses the latter, broader agenda for Open Government reform, identifying potential actions to strengthen Open Government in Morocco, including actions that could be selected as commitments in a future OGP Action Plan.

A similar consideration applies to the question of how best to organise for Open Government, an issue addressed in the review's first chapter, on the centre of government. Morocco has formed an OGP steering committee as is required of all countries seeking to join the OGP, with membership from government and civil society. The mandate of this structure could be extended to assist in co-ordinating Open Government initiatives more generally. Participants in an Open Government co-ordinating body should be broadly representative of the issues on the agenda, however, which are likely to go beyond the limited set of priority measures selected for the OGP Action Plan. The appropriate membership for a broader consultative body, from within government bodies as well as civil society, should reflect the priorities in the government's overall Open Government strategy.

This review is intended to assist the Kingdom of Morocco and its partners, both domestic and international, in completing the next steps of the OGP process, including qualifying for membership and then preparing an OGP Action Plan committing the government to specific measures to strengthen Open Government in Morocco. The methodology used reflects the OECD approach to Open Government, which in turn is based on the OECD's Guiding Principles for Open and Inclusive Policy Making and its

extensive experience in working with member and non-member governments to conduct Public Governance Reviews. This report also continues the collaboration between the OECD and the OGP, under which the OECD is supporting OGP member countries and candidate countries to join the OGP system, develop OGP Action Plans, and carry them forward into implementation. In addition to Morocco, this co-operation is currently proceeding in other countries in the Middle East and North Africa, Latin America, and Southeast Asia.

Open government brings together a range of concerns related to how government interacts with citizens and other stakeholders. Box 1 summarises the main features characterising an Open Government.

Box 1. **Characteristics of an Open Government**

Transparency

- Laws, decrees, regulations, and other official documents are readily available.
- Government datasets, including budget information, are provided in downloadable and machine-readable formats.
- Procurement actions, including requests for quotations and the results of procurements, are readily available on a timely basis.
- Information on the work of government is available in disaggregated form (e.g., by location) on:
  - service quality (e.g., health, education)
  - voting records
  - official reports.
- Individuals and organisations may request information and receive it in a timely manner.
- Government officials are available to the press and, within reason, to ordinary citizens.

Citizen participation

- Proposed laws and regulations are available to citizens for comment well in advance of their adoption.
- Citizens and organisations have opportunities to participate in developing draft laws and regulations, and government provides information on how it has incorporated and/or responded to citizen input.

Box 1. **Characteristics of an Open Government** (*cont.*)

- Citizens participate in the review of public services on an ongoing basis, including through formal mechanisms for regular oversight, such as review boards.
- Complaint mechanisms, such as hotlines and ombudsman systems, are in place and offer anonymity.
- Meetings of official advisory and oversight bodies, including parliamentary hearings, are open to citizens.

Integrity

- Government programmes are regularly audited and the results are available to the public and the parliament.
- The assets of senior government officials are reported and reviewed regularly.
- Regulations are in place to prevent acts of corruption, and to detect and correct them when they do occur.
- When acts of corruption are detected, the perpetrators on both sides are prosecuted and organisations involved suffer negative consequences, such as fines and debarment.
- Laws on corruption are kept up-to-date with changing government activities, practices, and technology.
- Rules on conflicts of interest are in place and applied.

Information technology

- Government websites include extensive information on the government's activities, as well as the information citizens need for official interactions, and they facilitate two-way communication with citizens.
- Government websites use standard formats, are up-to-date, and are easy to use.
- Information is also provided in ways that can be used by citizens who do not have internet access.

Protections

- Systems are in place to protect citizens' privacy and to prevent inappropriate use of data on file.
- Whistleblowers receive protection from retribution.

Box 1. **Characteristics of an Open Government** (*cont.*)

- Lobbyists must register and publically disclose their expenditures.
- Reporters and other members of the press are protected from prosecution for professional activities.
- Reporters' sources are protected from disclosure.

OECD approach to Open Government

The OECD has been at the forefront of international efforts to promote and disseminate Open Government policies and practices for more than 10 years. Since 2001, the OECD has collected and analysed information demonstrating the importance of citizens' participation in the design and implementation of better public policies and the delivery of public services for greater efficiency and citizen satisfaction. In collaboration with senior public officials from member countries committed to improving government-citizens relations, a set of principles was developed to guide implementation of Open Government policies and ensure their success (OECD, 2001; 2009), as shown in Box 2.

Box 2. **Guiding Principles for Open and Inclusive Policy Making**

1. **Commitment**: Leadership and strong commitment to open and inclusive policy making is needed at all levels – politicians, senior managers and public officials.
2. **Rights**: Citizens' rights to information, consultation and public participation in policy making and service delivery must be firmly grounded in law or policy. Government obligations to respond to citizens must be clearly stated. Independent oversight arrangements are essential to enforcing these rights.
3. **Clarity**: Objectives for, and limits to, information, consultation and public participation should be well defined from the outset. The roles and responsibilities of all parties must be clear. Government information should be complete, objective, reliable, relevant, and easy to find and understand.
4. **Time**: Public engagement should be undertaken as early in the policy process as possible to allow a greater range of solutions and to raise the chances of successful implementation. Adequate time must be available for consultation and participation to be effective.

Box 2. **Guiding Principles for Open and Inclusive Policy Making** (*cont.*)

5. **Inclusion**: All citizens should have equal opportunities and multiple channels to access information, be consulted and participate. Every reasonable effort should be made to engage with as wide a variety of people as possible.
6. **Resources**: Adequate financial, human and technical resources are needed for effective public information, consultation and participation. Government officials must have access to appropriate skills, guidance and training as well as an organisational culture that supports both traditional and online tools.
7. **Co–ordination**: Initiatives to inform, consult and engage civil society should be co-ordinated within and across levels of government to ensure policy coherence, avoid duplication and reduce the risk of "consultation fatigue". Co-ordination efforts should not stifle both initiative and innovation but should leverage the power of knowledge networks and communities of practice within and beyond government.
8. **Accountability**: Governments have an obligation to inform participants how they use inputs received through public consultation and participation. Measures to ensure that the policy making process is open, transparent and amenable to external scrutiny can help increase accountability of, and trust in, government.
9. **Evaluation**: Governments need to evaluate their own performance. To do so effectively will require efforts to build the demand, capacity, culture and tools for evaluating public participation.
10. **Active citizenship**: Societies benefit from a dynamic civil society and governments can facilitate access to information, encourage participation, raise awareness, strengthen citizens' civic education and skills, as well as support capacity-building among civil society organisations. Governments need to explore new roles to effectively support autonomous problem-solving by citizens, CSOs and businesses

Source: OECD (2001), Citizens as Partners: Information, Consultation and Public Participation in Policy-Making, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264195561-en , updated in OECD (2009), *Focus on Citizens: Public Engagement for Better Policy and Services*, OECD Studies on Public Engagement, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264048874-en.

Overview of the Open Government Partnership

The OGP was launched in 2011 "to provide an international platform for domestic reformers committed to making their governments more open, accountable, and responsive to citizens" (www.opengovpartnership.org/). This initiative has grown quickly from 8 member countries to 65 as of end 2014, in addition to civil society partners.

The OGP's approach has attracted the participation of many of the world's leading advocacy organisations for democracy, transparency, and good governance. Box 3 provides an excerpt from the OGP's Declaration, summarising its central objectives and principles. The four core principles contained in the declaration, to which member countries must commit, include:

- access to information (government transparency)
- civic participation (including civic engagement)
- integrity (including anti-corruption)
- access to technology to support openness and accountability (including ICTs).

Box 3. **The Open Government Partnership**

Open Government Declaration (excerpt)

As members of the Open Government Partnership, committed to the principles enshrined in the Universal Declaration of Human Rights, the UN Convention against Corruption, and other applicable international instruments related to human rights and good governance:

We acknowledge that people all around the world are demanding more openness in government. They are calling for greater civic participation in public affairs, and seeking ways to make their governments more transparent, responsive, accountable, and effective.

We recognise that countries are at different stages in their efforts to promote openness in government, and that each of us pursues an approach consistent with our national priorities and circumstances and the aspirations of our citizens.

We accept responsibility for seizing this moment to strengthen our commitments to promote transparency, fight corruption, empower citizens, and harness the power of new technologies to make government more effective and accountable.

Box 3. **The Open Government Partnership** (*cont.*)

We uphold the value of openness in our engagement with citizens to improve services, manage public resources, promote innovation, and create safer communities. We embrace principles of transparency and Open Government with a view toward achieving greater prosperity, well-being, and human dignity in our own countries and in an increasingly interconnected world.

Together, we declare our commitment[1] to:

- Increase the availability of information about governmental activities.
- Support civic participation.
- Implement the highest standards of professional integrity throughout our administrations.
- Increase access to new technologies for openness and accountability.

1. The four commitments as here shown are abridged. For the full text, please refer to the source below.

Source: Open Government Partnership (2011b), "Open Government Declaration", www.opengovpartnership.org/about/open-government-declaration.

The OGP sets criteria for country eligibility for membership and, once countries join, requires them to develop biennial action plans to strengthen Open Government.

Morocco's membership in the OGP is conditional on further strengthening the basis for Open Government in the Kingdom, ideally by adopting strong legislation, ensuring access to information. Once this is achieved, OGP participation is expected to catalyse greater implementation of civic engagement and participatory decision making, through the OGP Action Plans, and the consultative processes at the heart of these plans. Whether through implementation of an OGP Action Plan after gaining membership in the OGP or through Open Government reforms implemented outside this process, Morocco has the opportunity to demonstrate its commitment to more open, transparent, accountable and participatory government and to gain valuable benefits in the form of stronger social cohesion, more rapid economic growth, and a more engaged citizenry.

The OGP Action Plan must include a number of specific action commitments that the government makes to strengthen Open Government. The OGP requires that these commitments advance at least one of the OGP's Grand Challenges, which include: *i)* improving public services, *ii)*

increasing public integrity, *iii)* more effectively managing public resources, *iv)* creating safer communities, and *v)* increasing corporate accountability.

Morocco's participation in the OGP and Open Government challenges in the current context

The challenges confronting the government of Morocco as it works to strengthen OG within this new institutional context may be traced to three factors. First, implementation of significant reform is inherently difficult, especially under the complex set of economic and political circumstances now facing Morocco.

Second, the broad menu of reforms needed for Open Government require whole-of-government co-ordination of numerous parallel initiatives, many of which must be carried out across a range of public sector institutions, each with somewhat different OG responsibilities. This is a challenge for any government.

Third, successful implementation in Morocco must be built on broad reinforcement of public sector institutional capacity. Priority areas in this regard include public service reforms that seek to enable public officials to cope with new and more complex tasks, such as ongoing consultations with the public on programme delivery, support to parliamentary deliberations on the budget, and broader information sharing, using both online and offline means. Government capacity development in these areas should go hand-in-hand with the development of government's civil society partners, many of which have only recently come into being and are still building capacity to participate effectively in external dialogue and partnering.

Given these needs, the OGP Action Plan process provides a very timely opportunity to advance the new constitution's commitment to participatory democracy by building experience with public consultation, strengthening consensus on Open Government reforms, and developing a consolidated action agenda for implementation of Open Government in Morocco.

This review recognises that real and sustainable progress in Open Government will require leadership at the highest levels of the Moroccan government, beginning with the Head of Government and the centre of government entities that support the Head of Government's management of government. Full realisation of Open Government in Morocco will entail a fundamental paradigm shift in the very role of the state and in the way it interacts with all relevant stakeholders. Its success will largely depend on Morocco's capacity to set up credible, transparent, and democratic mechanisms to manage a multiplicity of new and long-established actors, both inside and outside government. These include, within government, the

head of government's office and associated structures, the Ministry of Finance, the parliament, and the Court of Accounts. Outside of government, the key institutions include political parties, civil society organisations, the labour movement (including representatives of public sector employees), academia, professional associations, and the business community.

Open Government will provide a renovated governance platform on which to generate, implement, and oversee policies through open and inclusive processes. To succeed, it must take full advantage of both governmental and non-governmental institutions' capabilities to contribute to sustainable national socio-economic development. Continuing to build these new institutions and relationships is a responsibility of the Moroccan government and citizens alike, which must work to build unity of purpose and a constructive alliance for reform to shape the future of their country.

Incremental change as a guiding principle of Morocco's reform process

As compared to its neighbours, Morocco has been characterised by 'soft' political transition over the last decades, reflected in an incremental, gradualist approach in many areas of public policy and governance reform. This tendency for gradual innovation has undoubtedly been reinforced lately by the need to respond to local and international pressure stemming from the current fiscal and economic crises, expressed as the need for more openness in government, more engagement with stakeholders, including the parliament, and action in specific areas, notably integrity, fiscal discipline, and transparency.

Morocco's sustained, incremental approach to reform implies that there is not to be found a sharp break in policy-making before and after the "Arab Spring", as witnessed in some other countries. In the area of fiscal transparency, for example, budget reforms have been ongoing for the past ten to fifteen years, showing a gradual improvement in terms of the comprehensiveness of the budget, availability of information, overall quality of data, and strengthening of the different actors involved in the budget process. The political narrative since the mid-nineties has increasingly embraced the notions of freedom of the press and expression, government accountability, and engagement with civil society.

Observers of the Moroccan reform from the World Bank (2010) to Moroccan academics (Harakat, 2011; Karim, 2012) agree that the overall political environment has endorsed moving forward in a number of areas. Open governance reforms are seen as a valuable component of broader structural reforms, in terms of 'good' governance and as an essential part of social and economic reforms, as well as part of a genuine modernisation

process. In particular, the new constitution underlines the principles of participation, pluralism and good governance, and acknowledges the importance of the separation of powers, an increased role for parliament and the prime minister, rule of law, good governance and the role of civil society. Each of these must be translated into specific measures to strengthen public governance in the five domains addressed by this report: reform management at the centre of government, civic engagement, fiscal transparency, integrity, and the use of ICTs.

Some "Arab Spring" effect is evident in each of these areas. For example, in the area of fiscal transparency, the intensive debate on the citizens' budget – its availability, accessibility, readability and overall quality – can be seen as an extension of the demand for greater openness, although one has to acknowledge that citizens' budgets are a fairly recent novelty for many countries, and a lot of progress is still to be made in this area over the coming years.

Independent audit actors and civil society organisations are still very much at the stage of discovering their full responsibilities and potential for advocating and endorsing healthy accountability mechanisms.

The long-term political commitment to reform the area of public financial management was translated with the adoption of an updated version of the LOLF in November 2014 − which was a pending issue for a long time – preparing for a complete set of subsequent operational policies, or an integrated approach in terms of capacity building for all institutions involved. At the same time, one has to acknowledge that the reform agenda is rather heavy and encompasses many components; hence, the major challenge of ensuring a balanced roll-out at all levels.

Organisation of the Open Government Review

This review begins with a discussion of the support to Open Government reforms in the centre of government. It then focuses in turn on each of the four pillars of the OGP, including: *i)* expanding dialogue through civic engagement, *ii)* increasing availability of information about government activities (focusing in this review on budget transparency), *iii)* strengthening mechanisms for government integrity, and *iv)* using technology as a tool for Open Government and accountability. A concluding section of each chapter brings together the main proposals put forward for consideration in developing the action plan.

Each of these five chapters begins with a summary of Open Government as applied to that topic, focusing on the relevant public governance principles developed by the OECD, and a brief review of Morocco's progress in that area, examining reforms prior to the new Constitution. It then turns to the agenda for the coming period, taking up a number of subtopics within each chapter. Each subtopic discussion begins with an assessment of the strengths and gaps in Morocco's performance relative to the OG principles listed as the basis for proposals to strengthen such performance. It then discusses implementation considerations, including how institutions and stakeholders relevant to that area could make greater use of ICTs tools to work more effectively toward reform.

The first chapter, on the centre of government, and the final chapter, on the role of ICTs in Open Government, serve as bookends to the discussion, each addressing a topic fundamental to progress in Open Government. Given the whole-of-government change required to achieve Open Government, the leadership and resource mobilisation functions of the prime minister's office are fundamental to success. Whole-of-government reform also can benefit from broad use of ICTs to cut across institutional barriers, facilitating co-operation across organisational units and facilitating communication and collaboration with stakeholders.

For these reasons, the CoG and ICTs chapters devote more attention to institutions and structures. The CoG chapter examines the role of Morocco's senior government leadership institutions, particularly the prime minister's office, in providing strategic leadership and ensuring co-ordination of Open Government initiatives. In view of the unique nature of the ongoing transitional period following the adoption of the 2011 Constitution and the significant changes this introduced to the centre of government, the chapter looks beyond the OGP to address how the additional powers vested in the Prime Minister could be reflected in the structure of that office and its relations with other government units from the perspective of best practice in managing major reforms. To do so, the CoG chapter will first summarise the provisions of the new constitution with respect to Open Government and will then examine the centre of government co-ordination and leadership functions needed for Morocco's Open Government initiative to succeed, concluding with a number of proposals to strengthen these functions as they relate to the Open Government.

The ICTs chapter, for its part, builds on the foregoing issue-specific ICTs discussions in each chapter by examining the overall policy context and structure for ICTs in Morocco. This analysis provides the basis for considering how ICTs could become a more effective tool to build Open Government in Morocco.

A final section brings together the proposals made in each of the five chapters, presenting them in the form of proposals for consideration as OG Action Plan items by the Open Government Steering Committee and its partners. Recognising that − assuming that Morocco takes the necessary steps to gain eligibility to the OGP − it will then need to develop its OGP Action Plan, but this plan should focus on a limited number of ambitious and particularly high-impact measures, and therefore there remains an urgent need to develop a comprehensive action plan that will cement the gains made through the enactment of the 2011 Constitution and other reforms to support Open Government.

Chapter 1

Public governance frameworks for Open Government in Morocco

This chapter clarifies the key functions of the Centre of Government and its role in leading major reforms across the whole administration and different authorities towards the promotion of Open Government. An assessment of the CoG in Morocco is carried out through an overview of Morocco's legal, policy and institutional frameworks for Open Government in light of, among other things, the recent constitutional reform and legislative developments that have followed the Arab Spring. Based on the experience of OECD countries, recommendations are set forth to establish a sound policy framework and to tackle effectively the different challenges faced by Morocco's public governance structure for Open Government.

Introduction

The commitment of Morocco to become a member of the OGP supports the ongoing process of public sector reforms and confirms its determination to continue building a new and more Open Government that can develop and implement viable solutions to the country's multiple challenges. The OGP initiative constitutes a genuine opportunity and provides an effective platform to address priority reforms furthering the principles of transparency, accountability, integrity, and citizens' participation. The capacity to develop both a compelling vision and an actionable national implementation strategy (the so-called OGP Action Plan) will be decisive for the quality of the final outcomes.

Implementation requires having in place the appropriate legal, policy, institutional and procedural resource frameworks and mechanisms to transform Open Government principles into reality, to carry through OGP commitments and to ultimately succeed in the reforms. In recent years, Morocco has been the arena of major legislative and policy developments and has made significant steps in building those frameworks, thus creating many of the requirements for success, but all parties share the recognition that more remains to be done.

Leadership from the highest levels of the Moroccan government, the "Centre of Government" (CoG), will be critical in achieving the nation's objective of Open Government. There is no precise definition of which institutions comprise the CoG beyond the head of government's office, but it is common to include the office and staff supporting the work of the Council of Ministers (the cabinet office) and units attached to the head of government that have whole-of-government functions. The definition may also extend to one or more of the core ministries. In particular, the Ministry of Finance is often included in the CoG concept, in recognition of the central role played by the budget in guiding and shaping government action. Some authors include other ministries with a government-wide function, such as the ministries of planning, defence, foreign affairs, and interior, and may include the parliament as well (Martin et al., 2013). In most parliamentary systems, including Morocco, the Prime Minister (PM) is considered the head of government (chief executive), while the King is the head of state. It is important to note that in the case of Morocco, the Royal Cabinet plays a significant part in giving the impulse for certain public policy priorities.

For some purposes, specialised oversight bodies with functions cutting across government are also included in the CoG concept, such as the central audit organisation or the civil service commission. In this discussion, the narrower interpretation will be used, encompassing the prime minister, the PM's office, the cabinet office, and the Ministry of Finance.

This chapter addresses two closely related topics with regards to the centre of government and its role in establishing Open Government principles as the basis for governance in Morocco. It begins with a discussion of the centre of government, its organisation, and the principles that shape its role in setting and implementing policy. Building on this base, the chapter then addresses, in more concrete terms, how centre of government institutions tackle the challenge of implementing reforms, particularly those like Open Government, that require action on a broad, horizontal and whole-of-government scale, both within the government and with its external partners. Linking these two topics is the concept of "strategic state," that is, a government that is able to identify needed changes, to define and gain approval for a strategy to make these changes, and then proceeds to implement the strategy, mobilising support on a broad level and overcoming barriers to achieve sustainable reform.

Recognising that taking reforms to scale has been a particular challenge in the MENA region, even when the necessary legal basis and reform frameworks have been in place, this chapter places particular emphasis on what is needed to push Open Government beyond the stage of pilot projects and short-term initiatives.

OECD principles regarding the Centre of Government and its role in leading major reforms

The OECD's Programme Governance Review of Poland provides a good summary of the CoG's role in reform (OECD, 2013).

The key function of the Centre of Government is to act as a central leadership and stewardship hub: its role is to lead and steer implementation of the national vision-based strategy and its policy and programming initiatives effectively, efficiently and coherently across the central administration and with sub-national authorities, and mobilise non-governmental actors from across society in support of the government's vision. CoG institutions act as champions of reform, and promote reform by generating and managing interdependencies across the administration. Collaboration thus becomes the default option, not the exception. CoG leadership can encourage widespread "buy-in" from key actors both within and outside government, so that the strategic vision for the country is implemented effectively and efficiently because it is seen as legitimate and in the country's best long-term interests.

The effectiveness of the CoG in leading major reforms can be considered to require three distinct capabilities:

- **Ability to provide leadership** for overall reform effort, including communicating the need to act, articulating a strategy to guide this action, mobilising political support to move forward, and orchestrating the resources needed for action.
- Availability of **structures within the CoG** that have the capacity and mandate to support these leadership functions.
- Capacity to **co-ordinate** efforts, both inside and outside the CoG and the government as a whole, including the capacity for **change management**.

This discussion addresses how the capability of CoG institutions, in each of these three areas of capability, is deployed to support implementation of Open Government.

The leadership of the CoG is vital to the reform process because most governments in OECD countries in fact operate more as networks of related institutions, rather than as a unitary structure shown on the organigram. Each ministry or other entity pursues its own mandate, has its own organisation, and, often, its own bases of political power. While this networked structure facilitates getting the government's highly diverse work done, it poses challenges when the need arises to tackle a major crisis or introduce broad reforms that cut across institutional boundaries.

The role of the centre of government is fundamental in confronting the challenges posed by major reforms such as those called for by the new constitution. The concepts and proposals put forward in this chapter recognise that Morocco's new constitution introduces significant changes to the way the centre of government is expected to function, but that the new structures and procedures needed to implement these changes are not yet fully in place.

The leadership function of CoG institutions, change management, and the "strategic state"

The remainder of this chapter will discuss how the CoG mobilises leadership, its structures, and co-ordination/change management to promote Open Government now and in the future. The key function of the Centre of Government (CoG) is to serve as the leadership hub for the government as a whole. Its role is to lead the articulation of a national strategy and to implement it through projects and plans in an effective, efficient, and coherent manner, not only through the central government administration,

but also in partnership with regional and local authorities and key non-governmental actors across society, informing and advancing a shared vision of Morocco's future.

The Centre of Government's leadership role

The key function of CoG institutions is to exercise leadership both inside and outside the government. Through the leadership function, the head of government and his/her staff facilitate co-ordination, co-operation, and collaboration to secure a robust consensus on the coherent strategic vision for the country and how the country is to implement this vision. This leadership is necessary for promoting and fostering reforms to achieve the vision, as well as for creating and managing interdependencies among government actors. Such leadership is required to change how the government perceives its own role so that the commitment to collaboration in pursuit of the country's future vision becomes the general norm among the CoG's key partners, both inside and outside government, and not the exception, so that they may act out of a mutually-perceived necessity for collaboration to reach their goals. An effective Centre of Government is crucial to:

- **The articulation of a strategic vision**: The CoG must be able to put together an all-encompassing vision of the long-term future of the country's economy and society and articulate it in a way that ensures that others share this vision. Elements thereof could include, for example, poverty reduction, higher employment, sustainable development, or economic diversification to stimulate growth. Open Government is both a strategic objective in itself and a cluster of essential values that help the CoG advance its vision and achieve results together with citizens and civil society. One of the most challenging tasks for the CoG is to ensure that this whole-of-government vision is taken on board and accepted by a large share of public sector officials and employees.
- **Government responsibility**: The CoG is the "helmsman" of the strategic vision. It is responsible for explaining the general results of its actions and for the general oversight of the actors whom it has mandated to implement it. An open, transparent approach established by the CoG and adopted by all government actors greatly facilitates performance of this responsibility. The Cog's role is not to micromanage, but to implement a system wherein it supervises clearly defined and effective hierarchies of responsibility. For their part, the sector ministries must also show leadership in fulfilling the mandates and policies entrusted to them within the overall framework of whole-of-government commitment.

- **Strategic planning, policy coherence and collective engagement**: The CoG must be able to give specific form to this strategic vision, that is, to make it coherent and render it operational. The starting point is generally a government programme or national development plan that frames the political manifesto of the party or parties in power. Rendering this strategic vision operational requires reaching beyond government however, to mobilise civil society and the business sector. Within government and in its relations with outside parties, the doctrine of collective responsibility[1] is essential in maintaining discipline and focusing on the strategic vision. Thus, collective engagement is a *sine qua non* condition for successfully carrying out this strategy, extending to all public and private actors engaged in it.
- **Communication**: The CoG must be able to communicate the strategic vision and the means used for implementing it. Openness and transparency help foster the feeling of shared goals among the parties involved in both government and civil society. The clarity with which government communicates its objectives and goals, and the strategies it uses to implement them, is of primary importance in ensuring that each actor in the public sector, including for example local authorities, understands the strategic vision, their role in its construction and pursuit, and their responsibilities in demonstrating them to the citizenry and civil society.

As understanding has improved as to how a complex reform agenda can be advanced successfully, the concept of the "strategic state" has emerged.[2] For this chapter's purpose, strategic-state capability evokes the central government's capacity: to lead the articulation and the implementation of a strategic vision for the country's future, to properly identify and effectively respond to the internal and external challenges affecting implementation of this strategy by using decision-making processes based on evidence and the results of strategic foresight; to reinforce the effectiveness of how policies and the provision of public services that seek to meet these challenges are defined; and to mobilise internal and external actors and resources to obtain integrated results that effectively and efficiently meet these challenges. The OECD's concept of a Strategic State emphasises leadership from the centre of government, integrity and transparency, the importance of networks and institutions both within and outside government, the need to draw inspiration for strategy and policies from the experience of local government administrations and citizens, and the importance of effective implementation-monitoring frameworks to assess integrated results and report on progress to the country.

Structures and mandates of the Centre of Government

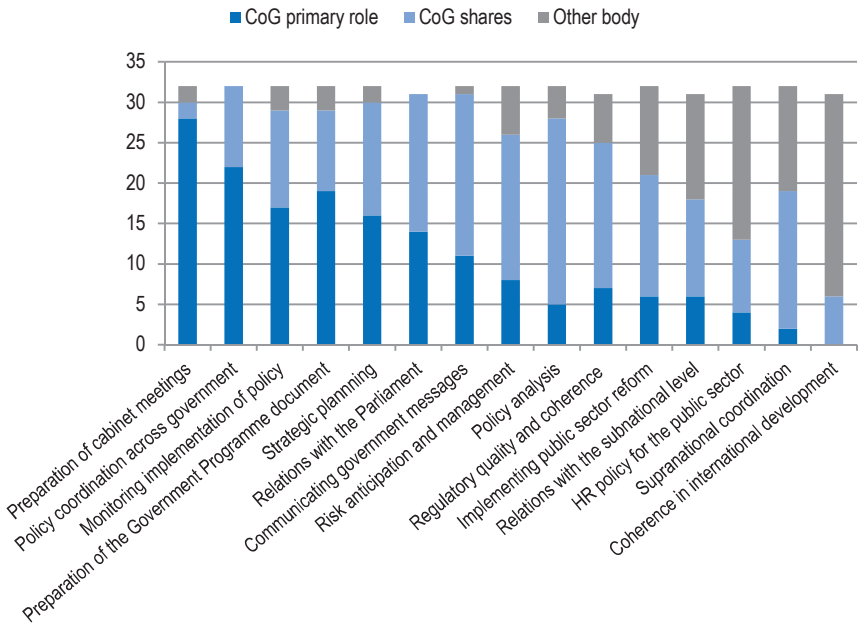
One rarely finds a single entity in OECD member countries that performs all these functions. It is more common to find a small group of institutions that collectively take on the performance of these tasks. The CoG's structure across OECD countries varies significantly, depending on the historic, constitutional, political, and cultural contexts in which it has evolved. Nevertheless, in most countries, the CoG institution(s) provide for the following functions:

- **Direct support to Head of Government.** In most countries, such support does not extend to all the functions described above and is limited to protection and promotion of the Head of Government's position as a leader who is above political battles, whose role is to arbitrate debates, and to guarantee that everyone's interests are taken into consideration. Generally, support to the Head of Government includes the function of strategic communication of government policies and management of the schedule and agenda of the Council of Ministers, which is chaired by the Head of Government. These functions give the CoG units the necessary authority to establish and enforce the Head of Government's strategic priorities. Sometimes such support has partisan overtones; sometimes such support overrides this by combining the partisan aspect with the technocratic and strategic aspects in order to further the Head of Government's exercise of his/her whole–of-government responsibilities.

- **Preparation and oversight of the Budget.** Although the budget is formally the domain of the Ministry of Finance, its essential function, as the main tool for concretising the government's strategy and directing resources to carry it out, makes it essential for the Head of Government and the CoG to manage the budget-setting process. Its role in CoG management goes beyond defining the framework for State revenues and financial operations. It is the principal tool for allocating government expenditures, which determines how significant a portion of the country's GDP is used – more than half in some OECD countries. It is, thus, an important policy tool used by governments, which prioritise strategic policies through allocation of revenues from all sources. It is also an important management tool in that the budget allocates monies to operate State ministries and agencies. The budget provides the basic framework that allows the government to function on a daily basis and to carry out its strategy.

- **Across-the-board co-ordination of whole-of-government multi-sector policies.** These policies include government reforms to introduce more open and transparent government, the strategic management of human resources, the co-ordination for writing draft laws and regulations, and establishing online government. These functions are usually performed by a Ministry of Governance or Administrative Reform, a Ministry of the Interior, and/or a Ministry of Justice. Although this review limits its concerns to Open Government reforms, these do not go forward in a vacuum but are part of the government's broader reform agenda and interact with many of the other reforms at key points. The Centre of Government co-ordinates the inputs of the various ministries and other units involved in complex or strategic reforms.

Figure 1.1. **A linked-in Centre: allocation of responsibilities by function**



Source: OECD (2013), 32nd Meeting of Senior Officials from Centres of Government, Santiago, 23-25 October 2013, session notes.

Co-ordination of parliament, line ministries, authorities, and regions by the CoG

The first effective line of engagement for a CoG is to collaborate with the key sector ministries to plan and develop sector policies and across-the-board priorities to pursue this strategic vision for the country, working to

ensure that these ministries work in a coherent manner. Admittedly, having a State fully involved across the board – that demonstrates sustained coherence in formulating and implementing highly complex, multi-sector policies in the pursuit of a well-articulated overall vision – remains an aspirational goal in many OECD countries. The OECD, recognising how difficult this objective is to achieve, and drawing on the hard lessons of member States' experience in setting, implementing and monitoring national strategy, has developed a capacity to synthesise evolving practices in this area with the aim of assisting States to improve policy coherence and outcomes.

One key to coherence is for the CoG's own units to co-ordinate amongst themselves effectively, which poses challenges even when they are located within the same governmental institution. For example, when a draft law is submitted to the Council of Ministers for consideration and decision, an analysis of the regulatory impacts must be available for their consideration. Likewise, the strategic management of the government's human resources and its fiscal management are closely intertwined, as performance-based budget management requires directors and upper-level managers to be able to use rewards and sanctions to mobilise their staff to pursue the desired outcomes while also respecting the fiscal goals set for their agencies in the National Budget.

The CoG's continuity demands that its institutions be sustainable across electoral cycles. These institutions must be able to resist the vagaries of political cycles so that they may rise to the challenge of implementing long-term strategies and advise incoming governments accordingly. This stability of central functions and the structures that house them will increase the public's trust that the State will seriously take into account the strategic vision articulated, even as it is modified between governments, and that the country will be able, over time, to successfully advance the citizens' shared vision. Furthermore, all CoG institutions and other key actors in government must share a common position on whole-of-government strategic goals in order to achieve strategic results without wasting resources. The public interest has not been served if a governmental institution fails in its efforts to implement a policy set by CoG or if one government entity is able to undermine others in pursuing the State's strategic objectives.

It is in this spirit that the State's internal and external oversight entities should be able to interact with CoG institutions in order to show the government, lawmakers, and citizens that the strategic vision is being implemented according to plan. They must be able to confirm that CoG institutions and the other key public sector actors involved are taking responsibility for the vision and regularly show citizens the implementation progress achieved. In several European countries, the highest control and

verification authority regularly and publicly provides its independent opinion not only on the effectiveness of specific policies, but also on their impact on the progress toward the country's strategic vision as the government has articulated it.

The transformation of Morocco brings with it the need to change the way that Centre of Government operates as well as the strategic aims that it pursues. The application of new, more open and participatory approaches to government operation, beginning with the CoG and extending down to the level of citizen services, is not intrinsically linked to the development of a new strategy but, in the present situation, the two are in fact closely tied together. An important test for the Moroccan government's commitment to change will be whether it devotes the strategic, human, financial, and top-level management resources needed to make Open Government a reality.

Beyond co-ordination: Change management and the concept of "Strategic State"

The governance measures needed to increase government openness and transparency involve altering the way that such core government functions as budget management and regulatory change are carried out. These functions engage all of government from the Prime Minister to the lowest officials. They involve Parliament and the Judiciary as well as the executive. Implementing real change that goes beyond slogans will require effective change management.

More importantly, than new schedules or revised procedures, will be a change in the governance culture. A culture of decision making behind closed doors and negotiation within the elite must be replaced by a culture of openness and active engagement with all of Morocco's citizens. The secrecy that facilitated corruption and favouritism must give way to realisation that the work of government is the people's business. Not only professional technocrats but every citizen brings valuable knowledge and expertise to the process of building a new Morocco. Tapping into this expertise requires that new mechanisms of consultation be designed and implemented, based on the sharing of information previously available only to government.

The remainder of this chapter addresses integrated change management methods aimed at shaping and implementing a multi-sector, whole-of-government strategy for Open Government. The approach outlined below is based on OECD country experience in implementing such complex reforms, which suggests that adopting a coherent inter-ministerial strategy, putting in place mechanisms that build and sustain co-ordination, and taking a whole-

of-government approach will be vital to success in making more open and transparent government a reality in Morocco. Lessons drawn from past OECD Public Governance Reviews, as discussed in the OECD report, "Making Reform Happen", suggest that effective change management can act as the main catalyst for opening up government. This experience further suggests that success in change management depends on strong institutions and leadership, the prioritisation and sequencing in implementation of reforms, and how effectively reform agents are able to interact with interest groups that may oppose changes to public policies.

Successful reform requires building consensus among the key actors, both inside the government and outside it, which in turn depends on effective, two-way communication and co-ordination. Strong leadership at the CoG level is necessary, to change the way public administration sees its own role and to encourage strong involvement by key public and private actors, as well as from citizens themselves. Reformers inside and outside government, representing all of these diverse interests, must be brought to the table under the CoG's leadership to collaborate on ensuring that the country's strategic Open Government vision is well understood and that a broad societal consensus is in place on OG ends and on the means chosen to achieve them.

Co-ordination across government constitutes the key factor for effectively and coherently managing change towards more open and transparent government – as it is in any other public-policy area. Such co-ordination must be based on a strong consensus on the shared vision, the strategies to implement it, the tools to be used, and the roles and responsibilities of each party. A robust OG performance-assessment framework, with clear targets and indicators to measures progress, and a solid system of communicating with citizens will be essential.

These co-ordination functions are generally provided and managed by institutions within the Centre of Government, led by one unit, but engaging with others across the CoG:

- The Centre of Government functions as the focal point leading the definition and piloting of the national strategy. Its role is to mobilise and catalyse the changes demanded by the strategy through an efficient alignment of public agencies. To this end, the CoG must bring together the main actors and their respective capabilities as well as introduce new processes that reinforce responsibility, strategic planning and foresight, collective engagement, and communication within government and with interests outside of government, including civil society.

- The CoG demonstrates commitment itself to Open Government, through testing and adapting *innovative practices,* which contributes directly in achieving the culture change needed and in promoting government-wide openness. Innovation placed at the service of Open Government entails mobilising citizens, companies, and actors from the public sector and civil society in a way that acknowledges the importance of each of their contributions. To this end, the CoG must ensure that the needed IT resources, especially the Internet, are available. These technologies lead to an increased mobilisation of citizens in all aspects of governance, including the provision of public services (improved transactions and electronic information), an inclusive approach in developing policies, and the empowerment of society through a deeper understanding of governmental functions and engagement in assessing them.

An overview of Morocco's legal policy and institutional frameworks for Open Government

Since the early 2000's, Morocco has engaged in an ambitious legislative agenda to modernise the country's legal and governance foundations and to achieve better economic and social wellbeing for its citizens. Morocco has signed important international conventions, such as the United Nations Convention Against Corruption (UNCAC), the International Covenant on Civil and Political Rights (ICCPR), the UN Convention on the Rights of the Child, and the UN Convention on the Rights of Persons with Disabilities, thus reinforcing its commitment to improve the state's performance and to join global efforts to strengthen universal principles. The adherence to international conventions has also proved important in maintaining continuity in reform efforts and consequently in ensuring steady progress.

The Constitution laid the ground for Open Government principles

The new Constitution of 2011[3] introduced important changes and endorsed Open Government principles of good governance, public service integrity, transparency, accountability, participatory democracy, and access to public information. It also laid the ground for significant public policy developments.

The Constitution guarantees[4] freedom of thought, opinion, and expression in all their forms (Art. 25), freedom of public information (Art. 27), and freedom of the press, which cannot be limited by any form of prior censure (Art. 28). The rights of association, union and political organisation, and strike are also confirmed (Art. 29). The state guarantees the freedom of entrepreneurship as well as a free-market economy (Art. 35).

Public services are to be organised on the basis of equal access for all citizens, equitable coverage across the national territory, and continuity of the services' provision, while being held to standards of quality, transparency, accountability and responsibility and being governed by democratic principles and values established by the Constitution (Art. 154).

The Constitution reinforces the principle of transparency by guaranteeing the right to access information to all citizens. More specifically, article 27 targets information held by the public administration, elected institutions, and organisations with a public service mission. This constitutional provision can be limited only by adopting a law that governs such limitation and, then only, in specific circumstances such as the protection of national security and defence, privacy, and fundamental human rights.

The principles of integrity and accountability are given particular attention in the new Constitution, with many articles promoting good governance, probity, and a strong emphasis has been placed on anti-corruption. Article 36 establishes the bases for fighting the multiple faces of corruption and subsequent articles describe provisions to that effect. The principle of citizens' engagement and participation is entrenched in Article 1 of the Constitution, along with the principles of good governance and accountability. Articles 12, 13, 14 and 15 highlight the participation and the contribution of civil society and non-governmental organisations to the development, implementation, and evaluation of decisions and projects initiated by public institutions and authorities.

The Constitution also provides for the creation of independent institutions to guarantee the principles of good governance: the High Authority for Audio-visual Communications *(Haute Autorité de la communication télévisuelle)* (Art. 165), the Competition Council (*Conseil de la concurrence)* (Art.166) and the National Authority for Probity, Prevention and Fight against Corruption (*Instance nationale de la probité, de la prévention et de la lutte contre la corruption)* (Art. 167) together with several other institutions, to protect human rights, human sustainable development, and participative democracy. These independent institutions (Box 1.1) are to be assisted by government institutions (Art. 159) and must report on their activities at least once a year to Parliament, where their reports are to be debated (Art. 160). Article 147 guarantees the independence of the Court of Accounts (la *Cour des Comptes*) as the superior institution of control of public accounts and executive of the financial laws.

Box 1.1. **Independent institutions and authorities created by the Constitution**

The institutions and authorities for the protection of human rights and freedom, good governance, human and sustainable development, and participatory democracy

Authorities for human rights protection and promotion	National Human Rights Council (Art. 161) The Mediator (Art. 162) Council for the Moroccan Community Living Abroad (Art. 163)
Authorities for good governance and regulations	Authority in Charge of Parity and the Fight Against All Forms of Discrimination (Art. 164) High Authority for Audio-visual Communications Competition Council (Art. 166) National Authority for Probity, Prevention and Fight Against Corruption
Authorities for the promotion of human and sustainable development and participatory democracy	Higher Council for Education, Training and Scientific Research (Art. 168) Family and Childhood Advisory Council (Art. 169) Youth and Community Action Advisory Council (Art. 170)

Legislative developments

The Constitution requires that some 20 organic laws be established or amended covering various sectors. Many of these laws aim to reinforce the principles of integrity, transparency, accountability and citizens' participation:

- on the political parties' activities, financial support and control (Art. 7)
- on the citizens' rights to present legislative proposals (Art. 14)
- on the citizens' rights to present petitions to public authorities (Art. 15)
- on the right to strike (Art. 29)
- on the Organic Finance Law (Art. 75)
- on the organisation and functions of government, as well as the status of its members (Art. 87)

- on the democratic management and governance of regions and local communities (Art. 146).

Numerous laws are being drafted or are in the process of being approved to support the Constitution's provisions with the required laws and thereby are introducing the necessary reforms in Morocco's public life and institutions. Amongst the most important for the Open Government initiative are the bills regarding the right to access public information, anti-corruption and integrity enhancement mechanisms and institutions, the transparency of budget procedures, and the modernisation of public administration. These draft laws are currently at different stages of their development. Some of them, such as the draft law on the right to access information (*Projet de loi sur le droit d'accéder à l'information*) and the draft Law No. 113-12 on the National Authority of Probity, Prevention and the Fight against Corruption (*Projet de loi n° 113-12 relatif à l'Instance nationale de la probité, de la prévention et de la lutte contre la corruption*)[5], have already been submitted to an e-consultation through the website of the Government's General Secretariat (*Secrétariat général du Gouvernement (SGG)*[6] (last accessed 1 July 2013). Others, such as the reform of public administration, are still in their early stages and appear to have made little headway. Yet effective public administration reform is an essential condition for the success of Open Government and other reform efforts.

Towards a sound policy framework

The adoption of the Constitution has opened up channels for an important stream of projects and initiatives aiming to bring to life the constitution's provisions to enhance good governance principles. The *Programme of the government*,[7] issued and approved by Parliament in January 2012, confirmed the strong commitment to the Constitutional principles and furthermore reinforced the principles of good governance, integrity, transparency, and accountability as foundational for the future development of the country. The programme outlined three basis for policy development and implementation:

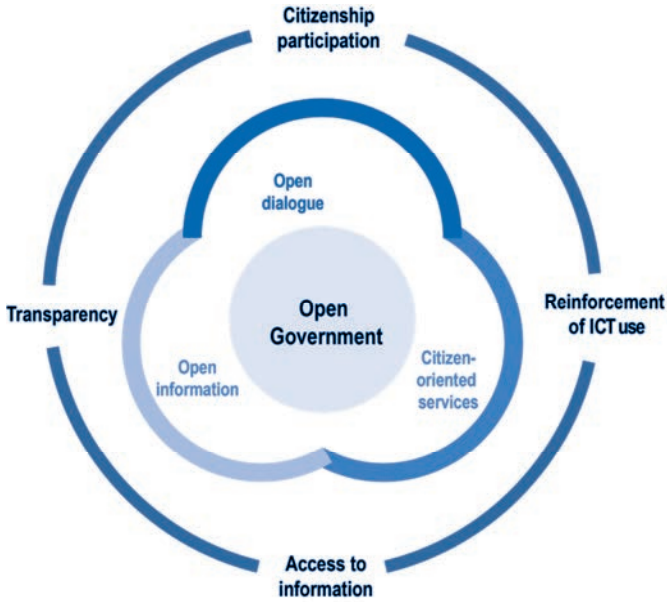
- integrated action
- a partnership approach
- responsibility linked to accountability.

The widespread reforms, often described as a giant construction field, within which there are numerous policy projects ("*chantiers*") underway, aim to advance the country's modernisation and democratisation. However, the linkages and synergy among these extensive and simultaneous reforms are not always easily perceived and the implementation efforts struggle, too

often, demonstrating few tangible results. There seems to be an important link missing in the form of an overall vision and strategy to guide the current reform efforts, one supported by a clear and comprehensive roadmap that outlines the work required, step by step.

Building a strong and holistic Open Government policy framework represents a considerable and challenging task, especially when it comes to the coherence of these policies and their convergence with the public sector reform agenda. Successful public sector reform is powerfully rooted in the Open Government principles of integrity, accountability, transparency and engagement, and policy instruments, such as access to information, open data, e-government, public involvement and consultations, performance management and reporting, privacy protection, etc. The Open Government framework developed by Morocco (Figure 1.2) aptly captures the principles of transparency, citizen engagement, and citizen-driven public services (which are also at the heart of the public administration reform); however, the framework would benefit from explicitly incorporating the principles of integrity and accountability and representing their strong linkages with public sector reform. This is consistent with the country's needs, as some of the biggest challenges faced by Morocco in terms of Open Government and public sector reforms are directly linked to integrity and accountability issues.

Figure 1.2. **Morocco's Open Government Framework**



Source: Morocco (2012), Open Government Partnership: State of Art.

Policy convergence and coherence are of utmost importance to the success of the Open Government and other reform initiatives. Although the concrete cost of policies lacking coherence is difficult to measure, it is known to be colossal, given that the consequences affect a variety of areas with a potential for interactive effects. Therefore, the initiative for public policy convergence and coherence, led by the Ministry of General Affairs and Governance (*Ministère des affaires générales et de la gouvernance,* MAGG), could not be timelier and more appropriate. However, its success is greatly dependent on the existence of a powerful and holistic vision and a strategic policy framework. Strong leadership commitment – and its ability to create working co-ordination mechanisms with all involved partners – is another significant success factor.

An institutional framework for steering the Open Government Partnership Initiative

In order to come to life, the legal and policy frameworks must themselves be grounded in a solid institutional framework, comprised of committed and competent public institutions working together under trustworthy leadership to implement the policy decisions and to ensure compliance with existing legislation. As OECD countries' experience demonstrates, firm political will and strong committed leadership are required to develop a government-wide strategy to create the necessary synergy, coherence and convergence at all levels and to steer them towards tangible and meaningful results for citizens.

Each element of the overall policy reform must have its own place within a well-designed whole-of-government strategy, with its own clear and well-communicated objectives and outcomes, defined roles and responsibilities for all key actors, and well-defined accountability measures to engage civil society, the public and private sectors, parliamentarians and citizens across all regions and classes. Achieving this for each policy element constitutes a significant challenge that can only be met if the entire initiative benefits from strategic and informed leadership from within the centre of government. The political and public administration institutions must join forces, each bringing its own management and leadership assets to the table.

A strong statement of commitment from the executive branch is an essential precondition for OG success. However, there is a need for persistent and active leadership to bring together and co-ordinate the diverse efforts of multiple actors and contributors within the Open Government initiative. Creating a Cabinet Standing Committee on Open Government to set directions and establish priorities will confirm political commitment,

reinforce policy leadership, enhance the status of the initiative, and increase its visibility.

Such a standing committee would provide the needed high-level support for the second tier of Open Government reform management. For the OGP, this takes the form of the steering committee (*Comité de pilotage)* established in November 2012 and led by the Ministry of Civil Service and Modernisation of the Administration (*Ministère de la Fonction Publique et de la Modernisation de l'Administration,* MFPMA). This steering committee was established to oversee the implementation of the MENA-OECD Open Government project and is composed of representatives of several ministries. Its functions include the following:

- co-ordinate action and raise awareness of the OGP initiative
- ensure dissemination of information on public governance and on progress achieved by Morocco in meeting the OGP eligibility criteria
- record undertaken actions and propose further activities to meet OGP criteria.

The choice of the OGP leading structure is consistent with the tradition of delegating the steering of strategic horizontal initiatives to the specific ministry, having the mandate judged to be most appropriate for the issue at stake. For example, the MFPMA leads the elaboration of the national anti-corruption strategy, co-ordinates the effort to adopt access to information legislation and it is also responsible for steering the MENA-OECD Open Government project, while the Ministry of General Affairs and Governance (*Ministère des affaires générales et de la gouvernance)* guides the development of a global strategy for governance.

While in theory, and in some circumstances, steering committees and *ad hoc* inter-ministerial commissions or working groups could provide a workable way to proceed, they have been found in many settings to suffer from recurring problems related to the clarity of their mandates, political engagement, leadership, and capacity. To achieve tangible and timely results, these shortages must be addressed from the start by establishing a clear mandate, accountability and co-ordination frameworks, access to resources, and functional mechanisms for follow up and implementation. The current arrangements appear to lack the appropriate frameworks and co-ordination mechanisms for an ongoing and sustained effort of this magnitude, which makes it even more difficult to lead it from the sidelines.

The institutional framework envisaged for Open Government implementation is not particularly conducive to the successful implementation of the initiative beyond the achievement of eligibility for OGP membership and, possibly, co-ordination of a narrowly defined OGP Action Plan. This situation has its roots in the lack of a permanently established centre of government structure in Morocco that can play the role that such structures perform in many OECD countries. Some core CoG roles are at present shared out amongst different entities on a somewhat *ad hoc* basis. The Government's General Secretariat (*Secrétariat Général du Gouvernement,* SGG) prepares the agenda for Cabinet meetings and plays the role of a legal advisor to the government; it ensures the legal conformity of the proposed legislation and its translation into other languages. The SGG's website hosts 15-day postings of most draft legislation for public online comment. While e-posting draft texts for information and consultation purposes is surely commendable, the role of the SGG does not enable it to serve as more than a mailbox, without the obligation or capacity to follow up on comments or proposed amendments or again co-ordinate further communications between the ministry and citizens who have posted comments. There is also no obligation nor current practice in SGG to use other means to consult other ministries, stakeholders or citizens in response to comments or because the nature of the legislation requires it.

Overall, the SGG plays a limited − if any − role in horizontal planning and co-ordination compared to similar offices that are part of a well-ordered CoG in other states, including many OECD countries. The SGG and other units surrounding the Prime Minister are not in a position to perform strategic functions related to whole-of-government's strategic framework-setting, planning and prioritisation, performance monitoring and reporting, and co-ordination of important horizontal initiatives. None of these entities has the mandate nor have they in fact the resources to take on a CoG leadership role for the implementation of Open Government or any other horizontal initiative. It is not overreaching to state that this situation seriously undermines the ability of the Government of Morocco to carry out major reforms and thus contributes in no small measure to the often-noted difficulty of translating sound policy statements into reality on the ground and in the lives of Morocco's citizens and businesses.

The new role undertaken by the Prime Minister as head of government (*le Chef du gouvernement)* responsible for strategic co-ordination creates an opportunity to establish a new model of reform management at the centre of government which can reinforce integration and streamline efforts to achieve a positive impact on interdepartmental collaboration and its ability to produce results.

The capacity to support such a function has to be built through a sustained and proactive effort, however. Some OECD countries, such as Canada and the UK, provide valuable examples of centre-of-government organisations successfully ensuring powerful leadership and strategic horizontal co-ordination for whole-of-government initiatives, such as Open Government.

The Centre of Government (CoG) in OECD countries

Many OECD countries have had experiences with different approaches and have learned the importance of leading government-wide strategies and initiatives from the centre. Given the very horizontal nature of the Open Government initiative, the leadership for developing and co-ordinating the implementation of a government-wide strategy is assumed, in most countries, by the Centre of Government (CoG). This centre plays a critical role not only in developing Open Government strategies and translating them into joined-up policies, but also in establishing the right institutional framework for leading and steering such an important reform agenda. The CoG is defined, named and structured differently in different countries. Box 1.2 offers a summary description of some of the key roles and responsibilities exercised by the centre of government in OECD countries.

Box 1.2. **Centre of Government's roles and responsibilities in OECD countries**

While there is no uniformity in CoG definitions, designs and structures in OECD countries, there are some general trends that allow to sum up the key functions performed by the CoG. In regards to major policy developments and implementations, the Centre of Government's role often encompasses the following:

- to comprehend the big picture
- to strategically assess and position any new policy development or initiative as part of the whole-of-government agenda
- to provide evidence-based and non-partisan advice to government and other elected officials
- to establish the right objectives and priorities
- to plan implementation taking into consideration the environment
- to assess and weigh the risks and to manage them through appropriate mitigation strategies

Box 1.2. **Centre of Government's roles and responsibilities in OECD countries** (*cont.*)

- to communicate initiatives skilfully to build awareness and commitment
- to involve the key stakeholders in decision-making processes in an open and transparent manner
- to create the right accountability, monitoring and reporting structures
- to establish collaborative co-ordination mechanisms between ministries and other actors
- to support ministries in their actions to implement decisions
- to achieve valuable and visible results for citizens.

One of the most important roles played by the CoG is to advise the elected government. In order to have that role well executed, a strong CoG builds solid knowledge of the environment (global, national and local) through continuous environmental scanning and analysis. This knowledge is essential in assessing and managing inherent and external risks to policy initiatives. It also develops a keen sensitivity and connectivity to the issues, values and expectations of key individuals, sectors, and regions. This strategic knowledge is an invaluable asset, which allows the CoG to exercise its co-ordination functions with:

- line ministries, agencies, and Parliament
- civil society and private sector associations and representatives
- sub-national and regional or local/municipal governments
- other national governments
- international organisations.

Co-ordinating horizontal initiatives remain one of the most important challenges for any CoG. It requires sensitive and sensible leadership and management, as an effective CoG is not necessarily synonymous with control, centralised accountability, or imposition of actions on ministries, but rather a symbol of engagement, partnership, persuasion, collaboration, and empowerment. Successful Centres of Government base their actions on the principle of enabling, supporting and empowering line ministries and agencies. They play a key role in line organisations' capacity building by developing together with them values and ethical codes, accountability, people and performance management frameworks, and other internal policies and regulations, and by organising horizontal training and development activities.

These principles apply even more strongly to the growing set of external partnerships that the CoG is expected to mobilise and manage with stakeholders in communities, civil society, and business, as well as internationally, its collaboration being thereby voluntary and it relies on mutual respect and trust.

The structural design and positioning of the centre of government has a significant impact on the way its roles and responsibilities are carried on, as well as on its ability to engage a broad array of stakeholders. It also reflects the expected and/or real influence exerted by the centre. There is no uniformity or established standards in CoG structures in OECD countries. The structures chosen by different states reflect their traditions, democratic cultures, current needs and policies. Box 1.3 describes the centre of government in the Canadian federal administration, where the concept of centre of government, originating in a strong tradition, plays a key role in public governance, policy and services.

Box 1.3. **The Centre of Government's Roles and Structure in Canada**

Canada's centre of government plays a very prominent role in public service administration. Three central agencies — the Privy Council Office (PCO), the Department of Finance and the Treasury Board Secretariat (TBS) — support the work of the Prime Minister and Cabinet and help to ensure consultation and co-ordination across government. Also supporting the Prime Minister is the Prime Minister's Office (PMO), which, unlike the central agencies aforementioned, is a political structure. The PCO is the hub of non-partisan, public service support to the Prime Minister and Cabinet and its decision-making structures.

Through ongoing consultation with departments and agencies, the PCO provides the Prime Minister with comprehensive information and analysis on policies and priorities under consideration. Specifically, it provides information on the organisation of the government and its relations with Parliament and the Crown, the appointment of senior public office holders, the overall spending programme of the government, the functioning of the Cabinet decision-making system, the development of major policies, the management of intergovernmental relations, and other specific issues.

The PCO is headed by the Clerk of the Privy Council, whose role in the Government of Canada is combined with that of Secretary to the Cabinet. The Clerk is a non-partisan public servant selected by the Prime Minister and acts as the Prime Minister's deputy minister and principal source of public service advice. In addition, this person is also the Head of the Public Service, as designated by statute. In this capacity, he or she is responsible for the quality of expert, professional, and non-partisan advice and service provided by the public service to the Prime Minister and the Cabinet. He or she reports annually to the Prime Minister on the state of the public service. The Clerk of the Privy Council has the special responsibility of supporting the continuity of government across election cycles and is the custodian of the records of current and previous ministries.

The Treasury Board Secretariat supports the President of the Treasury Board. As the administrative agency of the Treasury Board, the Secretariat supports the Board, which is a committee of the Queen's Privy Council for Canada. Its legal

Box 1.3. **The Centre of Government's roles and structure in Canada** (*cont.*)

responsibilities are defined under the Financial Administration Act and other statutes. It has a central oversight role in government-wide management practices and a role of ensuring value for money. The Comptroller General, a member of the Secretariat, ensures improved financial management, government-wide. The Chief Human Resources Officer, also a member, is mandated to make human resources management more effective and to reduce overlap and duplication of roles. The Treasury Board Secretariat submits recommendations and provides advice to the Treasury Board on all matters relating to general administrative policy and organisation in the Public Service, financial and asset management policies and procedures, review of annual and long-term expenditure plans and programs, and the determination of related priorities.

The Department of Finance is responsible for the government's macro-economic policy, including tax policy and tax expenditures, as well as the overall fiscal framework, and for analysing the economic and fiscal impact of proposals by any Minister. The Department of Finance supports its Minister and maintains a broad socio-economic analytical capacity.

Source: Privy Council of Canada (2011), "Accountable Government: A Guide for Ministers and Ministers of State – 2011", www.pco-bcp.gc.ca/index.asp?lang=eng&page=information&sub=publications&doc=ag-gr/2011/ag-gr-eng.htm#G1 (last accessed 24 June 2013).

From policy to implementation: addressing the multiple challenges of horizontal co-ordination

Co-ordinating horizontal initiatives present many and somewhat different challenges, but most of them are related to the vertical and even stove-piped nature of government structures. Those vertical configurations reflect the ministerial and sectorial responsibilities. While they have had their *raison d'être* and have served government functioning in the past, this conventional setting has come under re-examination in a new world of constantly growing complexity and interconnectedness. It is often pointed at as a source of duplication and inefficiencies, but also as a barrier to collaboration and co-operation in an increasingly horizontal and multidisciplinary world. The allocation of government resources (human, financial and material), also following a vertical scheme, the standard government configuration thus creates few incentives for horizontal collaboration and co-ordination.

What characterises good horizontal co-ordination and partnership?

While the list of elements defining good co-ordination is long, the following are among its key features:

- clear objectives, well rooted in governmental strategic priorities
- shared vision, strategy and priorities
- agreement on co-ordination management mechanisms (e.g., Memoranda of Understanding)
- well-defined accountability, with clear roles and responsibilities
- regular data and information flow
- open communication channels
- effective resource sharing mechanisms
- progress monitoring and reporting instruments
- pre-established conflict resolution mechanisms to ensure smooth processes, based on shared respect for principles and values.

OECD countries' experiences show that embedding horizontal projects and initiatives into the individual organisations' strategic plans and monitoring, measuring, and reporting on horizontal activities can improve the achieved results. The development of performance measures for horizontal initiatives to hold partners mutually accountable is a fundamental element of any horizontal co-ordination framework. The CoG could usefully develop guidance[8] on horizontal initiatives to reinforce accountability and efficiency of co-ordination and implementation mechanisms. To succeed in this transformation, some countries' public services have developed professional standards for citizen engagement and intra-governmental co-ordination. The Netherlands offers one of the best illustrative examples in having professionalised citizen engagement. It consists in a Code of Conduct with "principles of good consultation" as well as an interdepartmental organisation to support public officials (Van der Wal et al., 2009) (see Box 2.9).

Some governments have mitigated those challenges by strengthening structures, such as a centre of government or a similar institution, to lead and co-ordinate horizontal and government-wide strategies and initiatives. By using specific mechanisms for allocating and managing human and budgetary resources horizontally, they have managed to lessen these difficulties and have achieved satisfactory results. In Morocco, the absence

of this type of structure makes co-ordination of whole-of-government strategies particularly challenging.

The Open Government project is a horizontal initiative *par excellence*. Not only are there multiple stakeholders (internal and external to the government) involved, but the scope and the objectives of the initiative also encompass a very broad range of issues and other ongoing public sector reforms. The project presents a good opportunity to put in place stronger co-ordination mechanisms for decision-making and implementation. Once established using Open Government as a pilot project, these structures could also support, accelerate, and deepen the implementation of other horizontal initiatives.

Organising to implement Open Government in Morocco

There is a widely shared opinion, both within and outside the public administration in Morocco, that the governance structures and co-ordination mechanisms now in place are simply inadequate to the task of implementing broad, horizontal, whole-of-government reform and thus prevent the country from achieving tangible reform results and delivering better services to its citizens.[9] The Economic and Social Council (*le Conseil économique et social*) describes in its report on public services governance, the users' negative perception of the public services and of their relations with the public administration (Conseil économique et social, 2011). It is evident that, despite efforts made, the government has not been sufficiently successful in achieving appreciable results and reversing this perception. The Council points to the absence of a global vision, co-ordinated approach and global governance, as the source of the problem and argues that improved governance will allow for the achievement of much better results with the same resources (Conseil économique et social, 2011).

In order to address the issue, the Ministry of the General Affairs and the Governance (*Ministère des affaires générales et de la gouvernance* [MAGG]) has been charged with the development of a national strategy for good governance. This initiative, if successful, could represent an important step towards establishing a better horizontal vision of the country's priorities and desired outcomes, thus promoting the design of better Open Government policies. The success of the initiative is critical to ensuring a whole-of-government policy development process that is efficient and results-based. It will permit of policies to be located within a holistic frame that makes the interconnectedness of strategic objectives and priorities across government ministries and agencies clear. The development and implementation of the strategy should involve all key stakeholders and demonstrate sound horizontal co-ordination.

On a broader level, there is an opportunity, and a need to develop a government-wide framework for managing horizontal initiatives and related collaborative work to attain policy coherence and further core objectives. The success of such an initiative requires the support, if not the lead, of the centre of government to ensure the needed cohesion in design and implementation.

Morocco's international donor partners and international initiatives such as the OGP have a role to play in creating the space for such an effort, moreover. This report is drafted while the First High-Level Meeting of the Global Partnership for Effective Co-operation is taking place in Mexico. This initiative is part of the Busan aid effectiveness process in which the OECD has played a very active role.

Governments such as Morocco's often have multiple donor initiatives competing for scarce attention, co-ordination, and monitoring resources at the centre of government. The result may be that these already overburdened units become further overloaded, albeit unintentionally, reducing not only the effectiveness of the donors' collective impact on reform but seriously impeding the ability of the units to attend to their core government responsibilities.

Better in-country donor co-ordination could avoid this effect and enable the units discussed above to best address the significant gap in centre of government structures which fragments efforts and thus impedes many major policy initiatives.

The OGP offers an opportunity to experiment with the establishment of a well-designed, knowledge-based structure to direct the development and implementation of a major set of horizontal policies and initiatives from the centre. Such an experiment could itself become an Action Plan item, once Morocco becomes OGP-eligible, and could represent an important contribution not only to the success of those enterprises, but also to the country's strategic governance design and its efficiency and effectiveness. A strategically-oriented and operationally competent centre of government will provide much-needed capacity for strategic foresight and evidence-based decision-making and planning to successfully advance the multiple reforms on Morocco's agenda.

At the same time, it is imperative that the OGP becomes not yet another independent initiative drawing resources away from core responsibilities. To the contrary, the OGP should be fully integrated with and support the broader whole-of-government effort to build an open Moroccan government. The choice before the Moroccan government is whether to broaden the mandate, scope, and organisation of the current steering committee, which cannot provide appropriate conditions and a guarantee for

the elaboration of a proper OGP action plan and its implementation, let alone a government-wide effort. In addition to a clear mandate, the committee has to be empowered with the right membership (including members from civil society), decision-making, and accountability structures and mechanisms to engage the public administration and the society in an important effort towards cultural change.

This approach requires that clear roles and responsibilities, with well-defined mechanisms for accountability, regular reporting on progress, and results be put in place to achieve the desired outcomes. The establishment of a two-tiered governance structure would facilitate the broadening of the steering committee to meet the strategic and operational needs, not only for OGP implementation but for the broader whole-of-government approach that is needed.

The upper tier of this structure would consist of the Cabinet Standing Committee on Open Government referred to above. Its role would be to set strategic direction and establish priorities as well as provide sufficient authority for the next tier, consisting of the steering committee (*Comité de pilotage)* and ideally, a broader technical working group within the government. The latter would be mandated to plan and, following upper-tier review, implement the Open Government strategy, including the OGP Action Plan, and co-ordinate, monitor, and report on its progress back to the cabinet committee and other stakeholders, including donors.

The composition of the committee should ensure broad representativeness and inclusiveness: senior public service officials and representatives of the civil society, independent institutions and the private sector. Designation of respected leaders as OG champions in public administration organisations and non-governmental sectors can enhance commitment to the initiative and stimulate cultural change. The Prime Minister's Office (*le bureau du Chef du gouvernement*), would act as a facilitator between the Cabinet Committee and the steering committee.

As further discussed in the following chapter, a necessary adjunction to this broadening of participation in the OGP steering committee is the formation of stronger structures for collective decision making and action within the external stakeholder groups, particularly civil society and business, but also international partners and professional associations and trade unions that represent the public sector employees.

In this regard, the mixed results obtained in the National Dialogue on Civil Society will hold as lessons for all parties, pointing to the hard work that must be done within civil society and government to develop a *modus operandi* for groups with very different perspectives and to support this with clearly defined protocols as to how consultations will take place, how

invitations will be issued, and how much advance notice must be provided to enable groups to coalesce around common positions before the consultation, etc. Repeated and regular consultations must replace high-profile on-off meetings that are not conducive to reaching agreement on complex issues nor to effective follow-up. Of greater importance, brief and often stylised encounters as such do not lead to the accumulation of mutual trust as commitments are made and kept over time, without which, true consultation is impossible.

Some countries have found that it is useful to organise subgroups within civil society and the government around different issue-sets, whether these be codes of conduct, corruption and access to information, say, or then again education, tax collection, and health. This approach enables focused groups with stakes in specific outcomes and relevant knowledge to establish positions in advance of larger, periodic meetings, but this approach also requires that the larger groups delegate decision making on these issues to the subgroups, rather than simply carrying up the dialogue to each successive level without resolving outstanding issues.

Morocco will have to find its own way to manage a consultative process consistent with the constellation of players and their preferred negotiating and leadership styles. Other countries' models can be instructive inputs to this process, an area where the OECD can be helpful, but there is no predetermined model that can be adopted outright. Inevitably, this process will involve give-and-take, missteps, and false starts before workable procedures are developed and accepted. This reality places a premium on the agreement of all parties to commit to the process itself, including the government as well as civil society, and to approach it not as a zero-sum game, where there is a loser for every winner.

The payoff in developing a model that works for Open Government co-ordination is high, however, given that this model can then be applied to the wide range of issues and sectors where consultation is needed.

While the importance of governance structures and mechanisms for engagement is largely acknowledged, it is sometimes forgotten that horizontal co-ordination relies on dedicated people as much as on formal structure, if not more. Existing technological tools can contribute to enhance and speed up processes to collect, share, and develop new data and information, but the success of collaboration and co-ordination can only be achieved through people and effective working relationships amongst them. Effective horizontal co-ordination requires strong networking skills and the regular and skilful practice of such behaviours as active listening, empathy, respect, co-operation, collaboration, negotiation, compromise, and active learning. Enhancing those skills and behaviours will also contribute to the

overall capacity for service design and delivery and to a citizen-centred culture.

Open Government horizontal co-ordination implies vital engagement of key policy decision-makers and actors. The *Parliament* can play an important role in OG implementation and hence has to be engaged properly. The existence of initiatives and groups such as the *Association des parlementaires marocains contre la corruption* demonstrates the willingness and readiness of parliamentarians to take on a more active role in promoting integrity and good governance.

Morocco's independent constitutional institutions can also make very significant contributions to OG as they can offer unique perspectives, programme tools, and value. For example, the Institution of the Mediator (*Institution du Médiateur* or ombudsman) has a unique relationship with citizens across the entire social and territorial spectrum and is thus well-positioned to identify potential integrity and accountability risks and to advise the government and the public administration on emerging issues. This is reinforced by the role the *Médiateur* plays as an *ex officio* member of the board of other institutions, such as the National Authority for Corruption Prevention and the National Council for Human Rights. The former plays a key role in integrity policy design and implementation. To play those roles, however, the independent constitutional institutions have to be well-equipped with an appropriate functional framework and financial and human resources. Although the Constitution has identified both the need for and the benefit of these independent institutions, the implementation of the necessary structures has yet to be completed.

Civil society organisations (CSO) can also provide valuable perspectives from outside government on issues related to good governance and all other Open Government principles. Some of them, such as Transparency Maroc, have developed much appreciated expertise and valuable programs for education and communication with citizens, as well as government monitoring. Their involvement is critical to the success of the integrity efforts.

Box 1.4. **Achieving value for Moroccan citizens and businesses through administrative procedures**

The simplification of administrative procedures has been identified as a government priority and a strategic lever to reinforce transparency and to improve the quality of services to citizens and to the business environment. Under the auspices of the Prime Minister, a two-tiered governance structure was established:

Box 1.4. **Achieving value for Moroccan citizens and businesses through administrative procedures** (*cont.*)

- a commission in charge of administrative simplification, chaired by the Ministry of Civil Service and Modernisation of the Administration
- sectorial commissions for the simplification of administrative procedures in each ministry.

The mandate of the upper-tier Commission was to ensure the simplification of the horizontal procedures (those across government units), to validate the proposals for vertical procedures presented by the Sectorial Commissions, and prepare synthesis reports and proposals for simplification.

The mandate of the Sectorial Commissions entailed inventorying current procedures and categorising them as either horizontal or vertical, applying rigorous criteria to assess simplification options for the vertical procedures for submission to the Commission in charge, and the preparing periodic reports on the administrative simplification results.

This horizontal process engaged multiple stakeholders through various channels. For example, the forum "Your ideas to simplify administrative procedures" was created on the website Fikra (http://fikra.ma/) to gather citizens' proposals for the improvement of the administration.

The results to date include:

- creation of a database of the most requested administrative procedures and forms (860 procedures and 84 forms)
- simplification of more than 630 administrative procedures for individuals and businesses, now available online on the public administration portal (www.service-public.ma)
- establishment of an orientation and information service via phone and internet
- creation of training programs for executives and professionals responsible for administration simplification across the government.

In addition to the improvement of services to citizens and businesses, the administrative simplification programme contributes to strengthen the Open Government principles of transparency, accountability, and integrity in the public sector and promotes anti-corruption efforts. The establishment of appropriate governance structures and horizontal co-ordination mechanisms, along with broad stakeholder and citizens' engagement, set up the conditions for a successful and important initiative.

The implementation framework: Open Government through open public administration

The effective implementation of Open Government implies an ability to deploy two different and complementary approaches:

- A rules-based approach, providing direction, oversight, and enforcement to promote compliance with the new governance framework.
- A values-based approach, based on building professionalism and changing public service culture to one of openness, integrity, and collaboration within government and with outside partners.

These cannot be separated; relying on the first without equally using the second would entail a very high cost for the long-term outcomes of Morocco's OGP process.

How the OGP initiative is managed is of utmost importance to its success: it must itself exemplify the values and principles of open, transparent, and inclusive government. The Open Government initiative requires, *inter alia,* building strong partnerships, not only to meet the OGP membership requirements, but also, and most importantly, to lay the ground for the success of all public sector reforms and to change the public sector culture from one of secrecy to one of transparency and engagement. This is a colossal task; engaging internal stakeholders within government or external stakeholders can be quite challenging in its own way. Internal stakeholders may resist Open Government for many reasons, ranging from fear of status loss, lack of personal integrity, resistance to changing procedures and established ways of doing things, poor understanding of the benefits, or concern over time and resource requirements for OG operations.

The remainder of this chapter addresses implementation requirements that apply to Open Government or indeed to any whole-of-government reform: mobilising support within the government, working with external stakeholders, building capacity within the public administration, aligning incentives with the desired behaviour, achieving the needed cultural change in the public sector and in public-private interactions, holding managers responsible for results, and generating data for decision making.

Experience suggests that Open Government faces the greatest level of resistance from mid-level government. At the policy level, there is likely to be sufficient support for Open Government, provided it has high-level support. At the local and regional levels and on the front lines of service delivery, public sector employees are more likely to be engaged already in collaborating with other agencies and working with stakeholders and

therefore more comfortable with expanding such collaboration (although one should not overstate the current level of such collaboration nor exclude the effect of the various personal issues cited above).

It is at the middle level, where consultation and collaboration across agencies are new, that a shift to Open Government imposes the highest costs and yields the least directly visible evidence of benefits. Mid-level officials are generally rewarded for performing a fixed menu of tasks, in accordance with set guidelines and expectations, not for being creative, forging new ways of doing things, or building new partnerships. Their work rarely involves regular contact with citizens or colleagues from other agencies and they may even have been discouraged from such activities in the past. The concerns of mid-level government personnel, whether legitimate or otherwise, cannot be overlooked if OG implementation is to progress smoothly (or at all).

For their part, external stakeholders are highly diverse, including civil society associations, professional associations, the private sector, the media, and citizens. They do not by any means all share a commitment to Open Government nor do they agree on what it entails, desirable policy directions to pursue, or programme implementation. Consultation is inevitably messy, but the alternative of picking and choosing among external stakeholders to assemble a group of like-minded organisations for consultation can lead to a process breakdown, which Morocco has already experienced.

In this regard, conflicts among stakeholders are likely to be at least as difficult to manage as conflicts between stakeholders and the government. There are a number of workarounds for situations where external stakeholders are as factionalised as they are in many MENA countries, including Morocco, such as holding a series of consultations with different groups. For the long term, however, it is generally preferable to establish ground-rules for consultation that require an ongoing commitment by all parties to an inclusive and mutually respectful process where all nonviolent viewpoints are recognised as valid. Overall, good understanding and knowledge of the environment, transparent choices and early stakeholders' involvement are key for an effective management of the engagement process.

The Government's ability to fulfil its promises, to implement strategic initiatives, and to sustain progress depends on the capability of public administration to execute the implementation strategies. This capability is defined by the capacity (knowledge, competences and motivation) of the public service workforce to respond to the new requirements of a fast changing context. In the last decades, most of the public administrations in the OECD and other countries have been going through significant and

profound reforms. In a fast evolving environment, characterised by new technologies, important economic and social uncertainties, demographic challenges, and increased citizen expectations, the public administration is required to navigate throughout all ambiguities and to manage constant change while facing change itself as well as higher levels of scrutiny than ever before and pressure for major transformation and reinvention. The *value for money* slogan is omnipresent and public administrators have to demonstrate to their country that they produce and add real value.

There is a long-standing commitment in Morocco to reform the public administration. The legislative text governing the administration (*Statut général de la fonction publique*[10]) was established in 1958 and went through multiple amendments. It is well-recognised that both the spirit and the letter of the governing text are outdated and that it is time for a radical change in order to respond to the new context and to the new expectations citizens have with regards to public services and its administration. The public sector reform has made several unconvincing starts on such reforms, underscoring the challenges. There now appears to be a renewed interest in modernising the public administration; the OGP provides an additional impetus for that indispensable change. Morocco's public administration counts many knowledgeable and committed employees willing to make a better contribution to their country's progress. Strong leadership and sustained commitment and efforts are needed to steer the transformation and to offer the right conditions for the public administration's talent expression and growth.

In 2013, the government of Morocco officially launched the elaboration of a public administration modernisation strategy. A comprehensive document outlines the context and the objectives of the reform, the selected approach with governance and methodological frameworks. A detailed agenda describes the short-term actions. This is a promising step towards the much-needed public administration reform in Morocco.

Building a culture of engagement, transparency, integrity, and accountability within the public administration is a laborious and challenging process, but the value generated will greatly exceed the investment that is to be made, as the example provided in Box 1.4 demonstrates. As discussed above, the challenge is double: the public administration must both change its own culture and enable cultural change within society (applying the well-known principle of "reform the reformer"). Striving to change society to a democratic culture without changing the rudiments of the public administration is a wasted effort and risks further compromising citizens' trust.

Sustainable change starts with an examination of the guiding values and principles of public service and its stakeholders. Values-based and citizen-oriented public administrations, both these cultures deliver better value for money and better outcomes to their population than those based strictly on control and compliance. Morocco's public administration reform programme is currently developing a public administration code of values and ethics. This is a key step for the modernisation of the administration and the reinforcement of Open Government principles.

Fundamental public administration reform implies reviewing public sector employment schemes. Revisiting and reinforcing the merit principle in public sector recruitment and retention processes provides an important stage for the reinforcement of Open Government principles in public administration management. Those principles also imply displaying new human resource management competencies, knowledge, and skills. Data mining and strategic analysis skills are needed more than ever in the era of "big data" and information deluge. Strategic planning, evaluation, and project management knowledge and competencies are required in many jobs − not only in leadership and management positions. An Open Government is a connected government – in every way – delivering services to all citizens through traditional and contemporary means. Mastering engagement and networking skills and new technological advancements, including social media, is a key requirement in the delivery of modern and open public services. People management competencies are very highly valued as human capital is the main capital of contemporary public administrations. The public administration reform has to acknowledge this new reality and set up the right policies and mechanisms in order to ensure its capacity in the long term.

Open Government requires transparency with regards to public service management and achievements. Accessing standardised information about ministries' performance and the evolution thereof is currently not an easy task in Morocco. There is no common government-wide tool to measure performance and to report on it. Integrity and accountability principles can be reinforced by the development and adoption of an accountability framework defining the key objectives and expected outcomes of each organisation and its management during each planning cycle.

A well-designed accountability framework facilitates the measurement of organisational achievements by using key performance indicators and measures based on sound data and evidence. It also provides opportunities for benchmarking and for strategic cross-government analysis that enables priority setting and planning, as well as detection and early resolution of emerging issues. Accountability frameworks, such as Canada's Management Accountability Framework[11], the UK's Capability Review[12], the EU's

Common Assessment Framework[13] and the New Zealand's Performance Improvement Framework[14] offer potentially valuable examples of organisational accountability frameworks and performance management instruments. Morocco has made a strong start on introducing performance measurement at the local level based on contracts, providing a base to build accountability mechanisms at a higher level.

Open and transparent governments make extensive data public as information about public administration. For example, OECD countries, such as Australia, Canada, New Zealand, the UK and the USA, publish online public administration human resources aggregated data (workforce demographic profiles, remuneration and benefits, results of employee engagement surveys, etc.):

- Australia: Australian Public Service Commission: www.apsc.gov.au/stateoftheservice/.
- Canada: Treasury Board of Canada: Public Service Employee Survey: www.tbs-sct.gc.ca/pses-saff/2011/engage-mobil-eng.asp.
- New Zealand: Human Resources Capability Survey of Public Service Departments: www.ssc.govt.nz/sites/all/files/hrc-survey-2011.pdf.
- United Kingdom: Office for National Statistics, Civil Service Statistics: www.ons.gov.uk/ons/publications/all-releases.html?definition=tcm%3A77-21840.
- United States: US Office of Personnel Management: www.opm.gov/feddata/.

One of the main challenges reported by public administrations implementing OGPs is the lack of resources and time. Public administrators and employees can perceive as an additional burden the reform of public administrations in parallel with OGP implementation. In fact, those initiatives are inseparable and provide a unique opportunity to make the right decisions and to select and prioritise truly important actions. The Open Government initiative leads to improved effectiveness and efficiency in public services, including better use of resources, thus, freeing energy for high priority developments.

The OGP approach to public engagement offers an example of how Open Government principles can generate tangible value for a country's economy and social wellbeing. In the new, highly complex, and knowledge-demanding context in which they find themselves, governments cannot be the source of solutions to all issues; they have to rely on their citizens' knowledge, expertise and creativity to develop new and innovative policies

and services. Citizens who are engaged and committed to the public interest constitute important capital for their country in many ways, insofar as they can become the creators and implementers of public policy. Thus, from consulting citizens who only acted in the capacity of listeners, advanced public administrations are now moving to the co-creation and co-production of public policies, goods, and services with their citizens. Engaging citizens in the co-design and co-delivery of public services has a tremendous potential to achieve the desired citizen-centred services orientation, to eliminate possible duplication, to improve services' quality, and to increase users' satisfaction.

Morocco has already generated various initiatives to engage citizens in anti-corruption efforts (www.stopcorruption.ma) and in the development of draft legislation (www.sgg.gov.ma), to give two examples. The project of elaborating a Public Services Charter (*Charte des services publics*), as prescribed by the Constitution, is another important step to reduce the gap between the administration and citizens. The Charter will establish a set of rules to shape good governance of central public administration, regions and other territorial communities, and public organisations (Art. 157 of the Constitution).

A joint transitional strategy and roadmap to guide the Open Government initiative and public sector reforms would be of tremendous value and provide both a clear direction and a sense of priorities to streamline efforts − everything cannot be a priority, at the same time, for everyone.

The improved quality of public services (including their integrity and accountability) is the single most important intermediate outcome of the Open Government initiative. The results of the ambitious reforms to improve governance, transparency, integrity, accountability, and engagement and "resetting" the public administration on the basis of new rules must be designed to lead to better public services and in an increased trust in the public administration and government, and not as ends themselves. Morocco is confidently engaged in pursuing those outcomes. Building on the momentum and creating the synergies needed to reach those goals represent critical tests and an opportunity to demonstrate national leadership in shaping the road of democratic transformation.

Recommendations

Morocco's government is engaged in an across-the-board modernisation of the country's public life and institutions. Sound, legal, policy and institutional frameworks are being drawn out to support the implementation of important reforms and significant efforts have been deployed to advance the change agenda. Open Government principles provide a strong

foundation for streamlining those efforts, but these principles must be reflected into concrete changes on how government does business and in the quality of services it delivers. Strong leadership commitment will continue to play a decisive role for the success of the initiative. Advancing the reforms at a faster pace is very important to maintain momentum and demonstrate continuing progress. Improved institutional and implementation frameworks will significantly enhance the final outcomes. Key recommendations to advance with the OGP developments are:

- Consider the establishment of two-tiered governance structure and the creation of a Cabinet Standing Committee on Open Government for strategy and direction setting.
- Empower the current Steering Committee (Comité de pilotage) with a clear mandate, the right membership, decision-making, and accountability structures and mechanisms to engage the public administration and society in an important effort towards the managerial and cultural changes conducive to Open Government.
- Promote strong leadership and strategic guidance provided by the Prime minister's office, as they are essential for ensuring the horizontal co-ordination and coherence of efforts, and therefore the success of the initiative.
- Build a centre of government capacity to lead strategic horizontal initiatives.
- Develop a whole-of-government strategy for Open Government, supported by a time-bound transition plan and a roadmap.
- Speed up the public service reform as an essential foundation for the rest of the transformations, enabling Open Government and governance improvement; clearly communicate the strategic linkages between Open Government and the public sector reforms.
- Develop a comprehensive engagement and communication strategy to involve stakeholders and citizens in Open Government, including civil society associations, independent constitutional institutions, public sector unions, the private and not-for-profit sectors, regional authorities, etc., and elaborate tested consultation guidelines and procedures to manage productive and inclusive discussions with them.
- Develop an accountability framework for the strategic planning and co-ordination of horizontal initiatives; clearly define organisational and individual roles and responsibilities and incorporate the

necessary changes in procedures and incentives to motivate implementation.

- Conduct risk assessment and impact analysis prior to new initiatives or policy developments, paying attention to various aspects (including regional impact, gender assessment, political economy barriers, etc.).
- Innovate by generating pilot projects to steer new initiatives – do not wait for the perfect time, law or policy, to start implementing key principles and producing results.

Notes

1. The doctrine of collective responsibility is considered a key principle of parliamentary democracy. Its core principle is that a government decision, once taken, is considered to be a decision of the whole government. A minister must not vote against the decision, nor may a minister or senior official speak against the decision; moreover, it is assumed that the party and coalition members in the Parliament support the decision unless and until there is a vote of no confidence. See Gay and Powell (2004).
2. The OECD defines a Strategic State as one in which the government sets and steers a national long-term vision-based strategy and identifies internal and external challenges through evidence-based decision-making and strategic foresight. A strategic state applies the following tools and practices: 1) leadership by Centre-of-Government institutions; 2) co-ordination and alignment of administrative institutions; 3) integrity and transparency government-wide, 4) institutional networks inside and outside government, 5) learning from sub-national initiatives and from citizens, 6) effective implementation strategies, and 7) monitoring of performance to make reform happen.
3. www.sgg.gov.ma/Portals/0/constitution/constitution_2011_Fr.pdf.
4. Some limitations exist.
5. The latest draft law is Law No. 12.133 which is currently up for discussion in Parliament.
6. www.sgg.gov.ma/.

7. www.pm.gov.ma/fr/fichier.30.48.programme+gouvernemental (last accessed 23 July 2013).

8. The "Horizontal Internal Audit of Compliance with the Policy on Management, Resources and Results Structures", developed by the Treasury Board of Canada Secretariat, presents some interesting recommendations for the management of horizontal initiatives, www.tbs-sct.gc.ca/report/orp/2013/hiacpmrrs-vihcpsgrrtb-fra.asp (accessed 27 June 2013).

9. Interviews conducted during the OECD-MENA peer-review mission in June 2013.

10. Ministère de la Fonction Publique et de la Modernisation http://www.mmsp.gov.ma/uploads/documents/SGFP.V.Fran%C3%A7aise.pdf.

11. www.tbs-sct.gc.ca/maf-crg/index-eng.asp.

12. www.civilservice.gov.uk/about/improving/capability.

13. www.eipa.eu/en/pages/show/&tid=67.

14. www.ssc.govt.nz/pif.

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Chapter 2

Civic engagement in Morocco

This chapter deals with the fundamental role played by citizen's involvement in shaping government decision-making, which is a core component of Open Government. It presents the OECD approach to Open Government and analyses the evolution of citizen's involvement in Morocco, looking into the two waves of reform that took place respectively before and after the Arab Spring. The assessment includes various aspects of citizen's engagement such as access to information, civil society in Morocco, as well as the national dialogues, which were conducted to implement citizens' participation. The opportunities of using ICTs to foster participation are equally outlined. The recommendations call for strengthened efforts to implement the principles of the new Constitution which define Morocco as a participatory democracy.

Introduction

Greater citizens' involvement in shaping government decision-making is fundamental to Open Government. The general lack of opportunities for Moroccan citizens to affect policy-making and to achieve government outcomes meeting their needs, undoubtedly contributed to the emergence of the 20 February protest movement in 2011, during the first weeks of the Arab Spring. It is therefore a development to be welcomed that Morocco's revised constitution, approved by referendum in June 2011, strengthens human rights guarantees in Morocco and provides a stronger basis than the earlier constitution for active participation of citizens and civil society in the cultural, social and political life of their country. Nevertheless, a real impact will depend on the transformation of these principles into concrete actions and a culture of governance adapted to the new Constitution's concepts.

Given the importance of this achievement for the future of citizens' engagement, this chapter will therefore begin with a brief discussion of the constitutional provisions in this area, before turning to review OECD principles on civic participation, Morocco's recent experience in citizens' engagement, and areas where its provision could be strengthened, with particular reference to access to information.

Morocco's new constitution includes major provisions that strengthen civic engagement principles, beginning with the statement in the Preamble that the democratic process is considered irreversible and is based on the principles of participation, pluralism and good governance. Universal human rights as well as international humanitarian law are also explicitly mentioned in the text calling for them to be promoted and preserved through the constant effort to fight all sorts of discriminations. The Preamble ends with the statement that international conventions are superior to national legislation, a formulation unique in the MENA region.

In particular, among the first articles in the Constitution there are several that reinforce the principles of openness and citizens' participation articulated in the Preamble. Article 1 is of particular importance as it states that the constitutional regime of Morocco is based on participatory and representative democracy (*démocratie citoyenne et participative*), the principles of good governance, and the principle of accountability. These principles align with the tenets of the Open Government Partnership's (OGP) Declaration of September 2011. Articles 6 and 7 specify that the branches of government (*pouvoirs publics*, i.e. the executive, legislative and

judiciary) and the political parties will promote citizens' participation in the political, economic, cultural and social life of the country.

Art. 12 on Civil Society Organisations and articles. 14 and. 15 on motions and popular petitions together set conditions supportive of broader engagement of Moroccan citizens in all phases of public policy development. Such a strong endorsement of civic engagement in policy making is unprecedented in the MENA region and inspiring for anyone reading it. The older constitutions of the OECD countries, for example, do not reach this level of clarity in describing the role and prerogatives of their peoples and of public institutions to support them. The new Moroccan Constitution also empowers civil society to play a direct role in the legislative drafting process.

The fundamental liberties and rights set out in Title 2, including equality between women and men, freedom of thought, opinion and expression, access to information, freedom of the press and freedom of assembly, demonstration and association, build on Title 1's conceptual framework for citizens' participation with concrete provisions that enable it to happen. Art. 27, ensuring access to information, gave Morocco 3 of the 4 possible points in this category under the OGP Eligibility Criteria. Providing such a right in the constitution goes beyond the provisions of several OECD countries. To earn the fourth point, however, Morocco must pass the law on Access to Information, now being prepared for what should be the final submission to the Parliament.

Title 12 reinforces these principles through its stress on Good Governance (*de la Bonne Gouvernance*). It spells out the specific institutions and agencies (*institutions et instances*) deemed necessary to protect and promote citizens' rights and liberties, good governance, sustainable human development and participative democracy. Of particular relevance to the OGP commitment to citizen service quality, Art. 54 assures equal access of all citizens to public services and calls for Open Government standards for quality, transparency and accountability. Art 158 is in particular aligned with the international principles of openness for it constitutionalises the need for everyone, elected or appointed, entrusted with a public function (*exerçant une charge publique*) to present a declaration of assets, as defined by the law. Title 12 of the Constitution ends by specifying a list of institutions, which guarantee the respect of these norms.

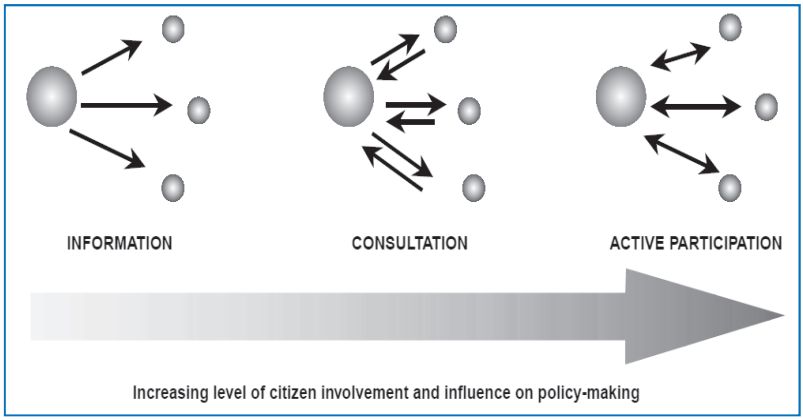
The OECD approach to Open Government

The OECD Guiding Principles for Open and Inclusive Policy Making (listed in Box 2 in the introduction to this review) are built on the belief that Governments, in order to fully reap the benefits of active interaction with

their population, should inform and consult them and actively engage with them not merely as subjects but as partners. These relationships are defined by the OECD as follows (OECD, 2001):

- **Information** is a **one-way relationship** in which government produces and delivers information to be used by citizens. It covers both "passive" access to information upon citizens' demands and "active" measures by government to disseminate information reaching them. *Examples include*: access to public records, official gazettes, and government websites.
- **Consultation** is a **two-way relationship** in which citizens provide feedback to government. It is based on the prior definition by government of the issues on which citizens' views are being sought and require provision of information. Governments define the issues for consultation, set the questions and manage the process, while citizens are invited to contribute their views and opinions. *Examples include*: public opinion surveys and comments on draft legislation.
- **Active participation** is a **relation based on partnership** with government, in which citizens actively engage in defining the process and content of policy making. It acknowledges equal standing for citizens in setting the agenda, proposing policy options and shaping the policy dialogue – although the responsibility for the final decision or policy formulation rests with government. *Examples include*: consensus conferences and citizens' juries.

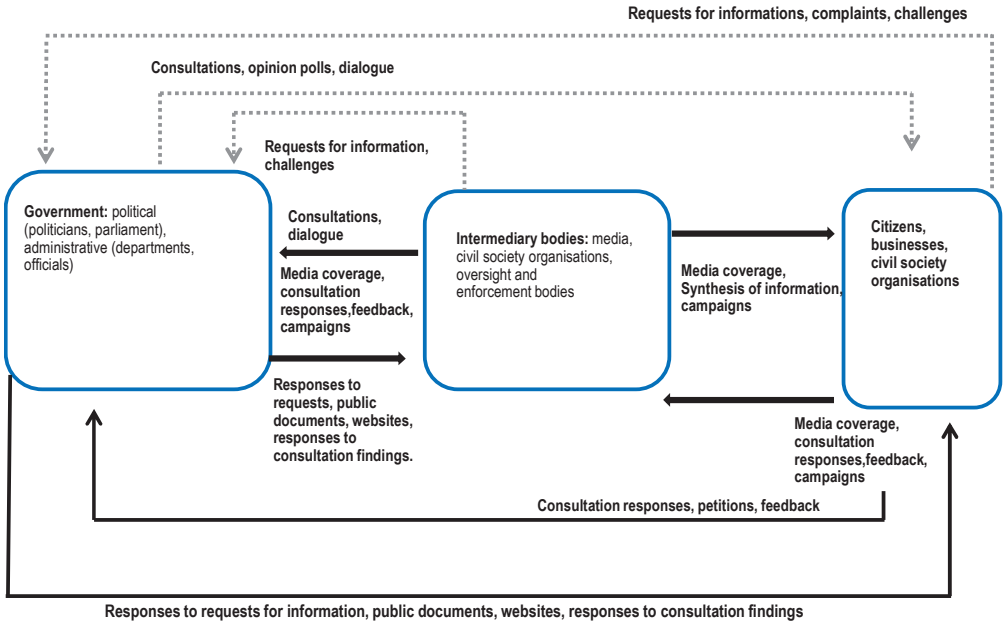
Figure 2.1. **Defining information, consultation, and active participation**



Source: OECD (2001), *Citizens as Partners: Information, Consultation and Public Participation in Policy-Making*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264195561-en.

Based on more than a decade of policy analysis, data collection and elaboration, OECD member countries have shown that Open Government policies can be used successfully to improve the efficiency and effectiveness of public administration, increase the transparency and accountability of the public sector as a whole (government and public administration alike). These improvements open the door to positive effects on citizens' trust and hence on good governance and democracy, promote economic development and ultimately generate growth, in part by allowing free access to Public Sector Information (PSI) though open data initiatives.

Figure 2.2. **On information flows in an Open Government system**



Source: Bremer, J. (2014), "Information flows in an ideal Open Government system", unpublished.

To manage consultation and co-operation in an effective manner, it is essential that government, CSOs, and other stakeholders establish and use a set of consistent guidelines that translate the above principles into practical procedures. Box 2.1 presents a number of factors that should be taken into consideration in designing a specific consultation and tailoring the overall guidelines to the needs of a particular case.

Box 2.1. **Understanding key factors in citizen participation**

Citizen participation can take a wide variety of forms depending on the presence and extent of many key features.

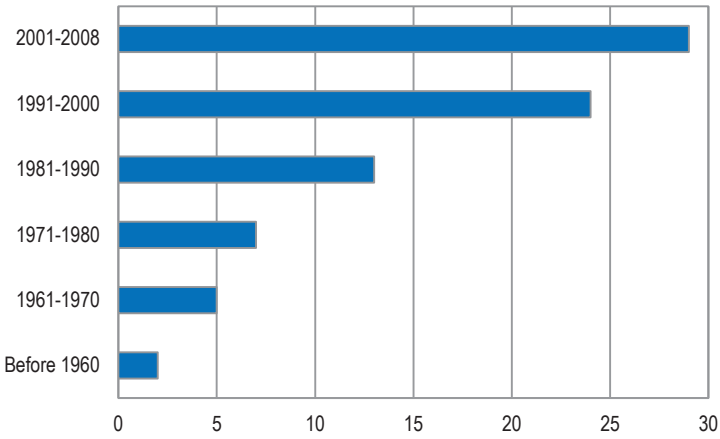
- **Size**. Size of process can range from a few participants to hundreds or thousands, and online processes potentially involve millions.
- **Purpose**. Processes are used for many reasons: to explore an issue and generate understanding, to resolve disagreements, to foster collaborative action, or to help make decisions, among others (NCDD, 2008).
- **Goals**. Objectives can include informing participants, generating ideas, collecting data, gathering feedback, identifying problems, or making decisions, among others.
- **Participants**. Some processes involve only expert administrators or professional or lay stakeholders, while others involve selected or diffuse members of the public.
- **Participant recruitment**. Processes may use self-selection, random selection, targeted recruitment, and incentives to bring people to the table.
- **Communication mode**. Processes may use one-way, two-way, and/or deliberative communication.
- **Participation mechanisms**. Processes may occur face-to-face, online, and/or remotely.
- **Named methodology**. Some processes have official names and may even be trademarked; others do not employ named methodologies.
- **Locus of action**. Some processes are conducted with intended actions or outcomes at the organisational or network level, whereas others seek actions and outcomes at the neighbourhood or community level, the municipal, state and national levels, or even the international level.
- **Connection to policy process**. Some processes are designed with explicit connections to policy and decision-makers (at any of the loci listed above), while others have little or no connection to policy and decision-makers, seeking instead to invoke individual or group action or change.

Source: Nabatchi, T. (2012), *A Manager's Guide to Evaluating Citizen Participation, IBM Center for Business of Government*, www.businessofgovernment.org/report/manager%e2%80%99s-guide-evaluating-citizen-participation.

Access to information

The right to access governmental information has been recognised as a necessary legal foundation for transparency, accountability and citizens' participation in public affairs and is one of the OGP eligibility criteria. Freedom of Information (FOI) or Access to Information (ATI) laws are aimed at allowing access to citizens, and in many countries also to institutions, to information and data held by public entities in order to guarantee maximum transparency of government operations and, more recently with the international open data movement, to encourage their reuse by private individuals and companies in order to generate economic value. Nowadays, the right to access public information is guaranteed by law in all OECD countries.

Figure 2.3. **Number of OECD countries with law on access to information**



Source: OECD (2009), *Government at a Glance 2009*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264075061-en.

At the time of writing, Morocco's government has adopted a new draft Access to Information Law. The approval of this law is the last step of a long process that started on 26 March 2013 with the publication on the internet site of the General Secretariat of the Government (www.sgg.gov.ma) of a first draft for comments. CSOs, activists and common people extensively commented on it, showing their receptiveness to public consultation initiatives and also the perceived relevance of this specific piece of legislation for the ongoing democratic transition of the

country. In order to extend the discussions to as many people as possible and to give full visibility to the inputs received and to the way they were incorporated in the final version of the law, the Government organised a public meeting on the right to access information on 13 June 2013 (Colloque National sur le Droit d'Accès à l'Information), in which the OECD was invited along with all relevant international organisations working in this field, representatives of civil society, academia and private sector. The meeting ended with a list of recommendations discussed and agreed by all the participants and given to the government to be taken into consideration for the final version of the law.

The current text of the draft Law No. 13-31 of 31 July 2014 does not seem to have taken into consideration most of the comments made by both Moroccan stakeholders and the international community to the first and second drafts of the law. Moreover, the process that led to its formulation was allegedly not open and transparent as promised and several national CSOs are clearly voicing their disappointment for this, along with numerous international observers.

As far as the content of this last draft is concerned, national and international observers (including UNDP, the Centre for Law and Democracy, Transparency Maroc and REMDI) tend to agree that it represents a step back from the previous versions. In particular, the focus of their criticism is on the narrow scope of the law, the too vague regime of exceptions, the restriction of use of the information eventually obtained and the elimination of the National commission on Access to information, whose role was only partially replaced by the *Médiateur*.

As to the scope of the law, it is indeed relevant to stress that Art. 4 limits the right to file requests for information only to Moroccan citizens and legal residents, hence excluding foreigners and national institutions. When in countries similar limitations exist, they are usually justified on the ground that they are aimed at avoiding an excessive burden on national administrations and aimed at reducing the potential danger of disseminating important information outside the national frontiers. Years of implementation of more permissive ATI laws in OECD countries indeed prove the opposite and show that these sorts of restrictions should be avoided as they give the wrong signal to citizens while neither significantly increasing the amount of requests received nor having any relevant negative impacts on national security. Moreover, such an approach would seem incoherent with Morocco's current strategy to boost its economy by opening it to foreign capitals and attracting more international investors.

As shown in Table 2.1, OECD governments differ in the coverage of the various levels of government by freedom of information laws. While nearly all governments ensure access to information generated by the central government and the executive, only about five out of seven ensure access to information generated by subnational units − such as provinces − and only half provide assured access to information at the legislative, judicial and other bodies levels. In this context, the new Moroccan law performs better, with the right to access information applying to the executive branch, with no exception, including subnational bodies and the legislative power.

Table 2.1. **Breadth of central government freedom of information laws (2010)**

Levels of government/ number of OECD countries	
Central government	31
Subnational	25
Executive power	31
Legislative power	16
Judiciary power	16
Other bodies	18

Source: OECD (2011), *Government at a Glance 2011*, OECD Publishing, Paris, http://dx.doi.org/10.1787/gov_glance-2011-en.

Another element of criticism is the requisite for requesters themselves to be directly concerned by the information and data they want to access. Moreover, they are required to state the use they intend to do with the obtained information and data, with pending legal consequences if the use be eventually different from what had been stated in the demand. In fact, the draft law provides for criminal penalties of up to three years of prison should the information be used in this way.

These aspects are considered so important by the drafters that different aspects of them are restated in articles 6, 14, and 15. The limitation that these clauses impose on the right to access, use and reuse of information, which is at the heart of international good practices and seemingly well represents the spirit of Art. 27 of the Constitution, is clear, and in contradiction with the orientations of previous drafts. This goes also against Morocco's current effort to develop open data policies and encourage the private sector to take advantage of them.

Negative reactions have also been provoked by the new regime of exceptions, as foreseen in articles 7, 9 and 19 of the new draft law. As shown in Figure 2.4, of the seven categories within the class test and the five within the harm test, it is common for OECD countries to apply most of these tests, but no country includes all and none of them apply all twelve. The way Morocco has applied them is not fully clear by a first reading of the law, and it appears that on at least two of the restrictions they were not applied at all, but the overall opinion is that the result is a regime that is too vague and restrictive and, even more importantly, might be subject to broad interpretations that could be used to excessively limit citizens' rights.

Figure 2.4. **Depth of central government freedom of information law**

Categories of the Class Test / (number of OECD countries)	Categories of the Harm Test/ (number of OECD countries)
• **Information that can harm:**	• **Information that can harm:**
• National Security (30)	• People (29)
• International relations (28)	• International relations and défense (29)
• Personal data (27)	• Commercial competitiveness (28)
• Commercial confidentiality (28)	• Economic interest of the state (25)
• Public order (26)	• Law-enforcement agencies (24)
• Internal discussions (23)	
• Health and safety (21)	

Source: OECD (2011), *Government at a Glance 2011*, OECD Publishing, Paris, http://dx.doi.org/10.1787/gov_glance-2011-en.

A positive aspect of all earlier drafts was the requirement to create an *ad hoc* body to oversee the implementation of the law (i.e. the National Commission on Access to Information). In this latest version of the law, there is no such provision, some of the powers previously given to the National commission are now confided to the *Institution du Médiateur* (the Ombudsman), which, according to its rules, has a special delegate in charge of facilitating access to administrative information. The delegate has however not been nominated yet. While using the Ombudsman to oversee the implementation of ATI law is in line with OECD good practices, as shown in Box 2.2, the power given to it however does not seem to be sufficient to fully comply with this task. The *Médiateur* should, according to its rules, present special reports to the Head of Government with propositions and recommendations to improve access to information. In particular, in earlier drafts the National commission was in charge of developing a strategy for the implementation of the provisions of the law and of its supervision. It was also required to make recommendations to amend laws, which were conflicting with the spirit and provision of the new law. The elimination of these powers seems to weaken the chance of a

successful and homogenous implementation across the public sector and levels of government.

Like most of the OECD countries, it is noteworthy that the Moroccan Constitution of 2011 provides restrictions to the right of Access to Information such as the right of protection of personal life and data.

According to CSOs and the international community, the main challenge for Morocco in building civic engagement is to transform the new constitutional provisions for freedom of expression and access to information into concrete practices in line with its provisions. If this law is finally approved − as it is or incorporating some of the suggestions of Moroccan CSOs and international observers − it will be important to reinforce the human and financial resources of the *Médiateur* to allow it to perform these new duties. Moreover, it will have to closely collaborate with all the authorities that play any role concerning Access of Information, in particular the High Authority on Audio-visual Communication, which is charged by the Constitution with overseeing the correct implementation of the right to information and freedom of expression in the area of audio-visual media ("*dans le domaine de l'audiovisuel"*).

Box 2.2. **Information Commission/ers and other oversight bodies and mechanisms**

At a global level, there are four main types of oversight bodies for access to information laws, with some assigning the role to existing entities and others having established a specialised entity.

Creation of specialised entities:

- **Information Commissioner** (United Kingdom, Slovenia, Serbia, Hungary, Scotland).
- **Commission/Institute** (Mexico, France, Portugal).

Assignment of responsibility to an existing organisation:

- **Ombudsman given oversight upon the right** (Sweden, Norway, Bosnia, New Zealand).
- **Other body given oversight upon the right** (South Africa, Turkey).

The global trend tends towards one of the first approaches, that is, the establishment of either Information Commissioners or Information Commissions (indeed, there is very little difference between the two; essentially it is a question of whether one or more individuals are charged with the role of Commissioner, but apart from that the functions of these offices remain the same).

Box 2.2. **Information Commission/ers and other oversight bodies and mechanisms** (*cont.*)

Typical powers and functions

There are a number of functions which are common to the information commissioners surveyed and to other information commissioners. These include the following:

- receive and review complaints from requestors:
  - review contested information
  - consult on matters of public interest
  - conduct on-site inspections.
- order release of information (binding)
- monitor compliance with the law, including proactive disclosure
- train public officials
- guide public authorities on interpreting and implementing the law
- raise awareness among the public and provide advice
- recommend how to strengthen access through existing and proposed legislation
- other powers:
  - submit *amicus curiae* briefs and appear as an expert in other court processes.
  - exercise free rein in co-ordinating with other state bodies to ensure that administrative procedures and structures maximise compliance with the right to information
  - engage in international co-operation to be up to date on the latest global developments in the law and practice of the right to information.

Source: "Right to Info, Information Commission/ers and Other Oversight Bodies and Mechanism", www.right2info.org/information-commission-ers-and-other-oversight-bodies-and-mechanisms/information-commission-ers-and-other-oversight-bodies-and-mechanisms#_ftn3.

Box 2.3. **The right to transparency: Common European legal standards and the OAS Model Law on Access to Public Information**

The recognition of a public's right to information implies that "everyone" is entitled to access.

Any person making a request for information in writing, by electronic means or orally to any public authority shall be entitled:

- To be informed whether or not the public authority in question holds a record containing that information or from which that information may be derived.
- If the public authority does hold such a record, to have that information communicated to the requester in a timely manner.
- To an appeal where access to the information is denied.
- To make an anonymous request for information.
- To make a request without providing justification for why the information is requested.
- To be free from discrimination based on the nature of the request.
- To be provided with the information free of charge or at a cost limited to the cost of reproduction.

The administration cannot reject a request on the grounds that the request is not based on a specific reason for requesting the information. Disclosure can only be prevented if the administration shows the existence of a prevailing public or private interest in keeping the information confidential. The burden of justification is on the public authority.

Scope

- As for the first issue, freedom of information should, in principle, regard all documents and information held by public authorities, regardless of their pertinence to a specific administrative procedure or to the executive power, constitutional and statutory authorities, non-state bodies which are owned or controlled by government, and private organisations which operate with substantial public funds or benefits.
- As a general rule, transparency regimes apply to all of the sectors/areas of public intervention.
- Transparency rules are a fundamental right. As a consequence, they should also apply to regional/territorial entities.

Box 2.3. **The right to transparency: Common European legal standards and the OAS Model Law on Access to Public Information** (*cont.*)

Object

According to some legislative acts on transparency, the right of access concerns "documents", whereas, according to other regulations, the right of access concerns "information". In abstract terms, the two notions are different. The former right allows the requester to view a document and extract a copy of it. The latter right allows the requester, in addition, to ask the administration to disclose whatever information it has, even when it is not included in a document.

Exceptions

The right of access to documents, like other fundamental rights, meets some limitations. The discipline of exceptions represents the most crucial part of FOI regimes. In case exceptions to the disclosure of information are applied, they must be clear and narrow and must be legitimated and strictly necessary in a democratic society. The requester must be informed of the reason and legal provision of why the information is not given as well as the possibility to appeal of the decision.

The aim of exemptions is to ensure that disclosure of information held by public authorities does not harm relevant public or private interests. Two issues must be addressed:

- grounds: protection of legitimate public or private interests
- legislative constraints on administrative discretion: absolute exemptions: the harm test; relative exemptions: the balancing test.

Processing of requests

Time: requests of access should be processed "promptly" or "without undue delay" and, in any case, within a reasonable time "which has been specified beforehand". In most FOIAs, the time limit is short: 5 days in Estonia; 10 days in Portugal; 15 days in the Czech Republic, Finland and Poland and at EU level; 20 days in Slovenia and the United Kingdom.

Format: access should be granted by effective and appropriate means.

Fee: it is generally admitted that administrative authorities may charge a reasonable fee for a request; a distinction should be made between access to documents that are already available and access to information that involves research, elaboration or processing on the part of the administration.

Give reasons and indicate remedies: no administration can deny access to a requested document without justifying its decision. Any refusal should mention the legislative exemption upon which it is grounded and clarify why the disclosure would harm the legitimate public or private interests protected by the exemption.

Box 2.3. **The right to transparency: Common European legal standards and the OAS Model Law on Access to Public Information** (*cont.*)

Publication

The general principle is that documents should be made accessible by institutions from the outset unless an exception to the public right of access clearly applies. In all of the European legal orders taken into consideration, there are transparency provisions that impose on the administrations a duty to publish information of public interest.

A precondition for the effectiveness of publication is the use of the Internet. Publication on paper in official bulletins or journals does not sufficiently fulfil the duty of the government to promote access to public information; publication on institutional websites is also necessary. The elaboration and publication of registers is another essential prerequisite. Each public authority has to publish a register containing all of the categories of documents and information held on its website. Each register should provide a "guide to information", giving details of: *i)* the information routinely published and directly accessible by means of the register; *ii)* how the remaining information can be accessed on demand; and *iii)* whether a charge will be made for providing access to information.

The selection of information to be published should not be entrusted solely to the concerned administration. Rather, it involves a process of gradual specification and harmonisation, which requires a unitary supervision by an *ad hoc* competent body or government unit.

Source: OECD (2014), Spain: From Administrative Reform to Continuous Improvement, OECD Public Governance Reviews, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264210592-en.

Status of civil society in Morocco

Morocco benefits from a vibrant civil society with approximately 90 000 associations[1]. Following the global pattern for civil society, most of these organisations work on local social issues such as education, health, sports, and local economic development. Despite their historical role in asserting human rights, the number of CSOs working on these issues remains relatively low, although it has reportedly increased over the past three years following the Arab Spring and the reforms introduced, further discussed below. The Civicus survey, conducted in 2010, found that 1.4 percent of respondents reported belonging to an organisation working on human rights, the same as the percentage reporting membership in a labour union.

This result is consistent with the study conducted for the 2013-14 National Dialogue on Civil Society by the High Commission for Planning, (High Commission for Planning, *Enquête nationale auprès des Institutions Sans But Lucratif*, 2011) which found that in 2007, 1.9% of nearly 45 000 of the associations surveyed (871 associations) were working in the field of legal rights, defence of citizens and consumers, and policy (*droit, défense des citoyens et des consommateurs et Politique*). The rate shown in the Civicus study exceeded membership in political parties (1%), however, but fell below the rate of the one for professional associations (2.3%). The Planning Commission study also found that a large majority of associations worked on the local or provincial level, with only 5% working at the regional level and 8% at the national level.

The growth of civil society has been rapid since the late 1990s, reflecting the successive waves of policy opening described below. The Planning Commission study found that four out of five associations had been formed since 1997, with 42% formed during the 1997-2004 period and 40% between 2005 and 2007. Only 0.5% were formed prior to independence.

This study also found that CSOs working in the rights and policy fields were smaller in numbers but somewhat larger in terms of members than those in other areas, on average, with a total of nearly 500 000 members and a mean of 798 members, more than twice the overall CSO average mean of 341. The median was nearly identical to the average for all CSOs, however (80 vs. 78), indicating the presence of a small number of large CSOs. Only 18% of such NGOs had paid employees, however, employing a total of less than 500 people (478 full-time equivalents); they reported full-time to be equivalent to over 7000 volunteers.

Data is not available for the period after the Arab Spring and the latest round of reforms, which would be expected to have encouraged the growth of policy-oriented CSOs in both number and size. CSOs in the rights and policy areas reported that their largest problems were in the areas of finance and access to equipment and other infrastructures. Only a third of these CSOs reported having at least one computer in 2007, indicating a serious gap in ICT use. Among CSOs working in all fields and having at least one computer, only 35% reported having access to the Internet.

Historical roots: the Moroccan context for building civil engagement

Morocco has experienced an incremental path towards democracy that has been recognised by national and international observers, who consider it to have originated during the last years of the reign of King Hassan II in the 1990s. A combination of factors is usually seen to be the origin of this first

wave of reforms, namely the importance of properly managing the imminent royal succession and the climate of democratisation that had followed the end of the cold war. In this spirit, King Hassan II focused his actions on few but key issues: greater participation of political parties, and especially of opposition parties, and CSOs in the political life of the country; more power to Parliament; greater attention to human rights, including a particular focus on the condition of women, and on the fight against corruption.

In this period, the Constitution was also amended twice (in 1992 and 1996) which testifies to the vitality of the reform movement throughout this decade. In particular, as far as civic engagement is concerned, it is worth noting that thanks to the concept of *Alternance*, which allowed opposition parties into government, the role and influence of citizens' movements and CSOs greatly increased, especially in the areas of human rights and gender issues. In the context of human rights, the creation of the *Conseil consultatif des droits de l'Homme* in 1990 (later *Conseil national des droits de l'Homme*, CNDH[2]) and the new open discussions on state abductions paved the way for the broader national reconciliation efforts of King Mohammed VI and the creation of the *Instance d'Equité et Reconciliation* (IER); while the *Parti du Progrès et du Socialism* (PPS) in collaboration with the *Association Démocratique des Femmes du Maroc* (ADFM) and several other women's CSOs engaged in intense discussions on the reform of the *Mudawana* (the family code) and the Plan of Action for the Integration of Women in Development.

Actions taken during these years started a process that bore its full fruits under the reign of King Mohammed VI. In particular, with the creation of the IER and the public acknowledgement of the state's involvement in the disappearance of political adversaries and in the violations of human rights committed during the past 50 years, the king gave a strong signal to his people that accountability and transparency were not simply abstract concepts but principles to be put in practice first and foremost by the monarchy itself. The choice of broadcasting on television the testimonies of the relatives of the victims (22 000 according to official sources) and the conspicuous number of indemnities paid to them confirmed the impression that the commitment of King Mohammed VI to uphold the universal principles of human rights was finally being followed by concrete actions. The establishment of Transparency Maroc, the Moroccan association accredited by Transparency International, in 1996 (and recognised as an association of public interest in 2009) and the Central Authority for Corruption Prevention in 2007, again as promised by King Mohammed VI, contributed to the general perception that Moroccan democracy was becoming more open and participatory.

Box 2.4. **Transparency Maroc (TM)**

Transparency Maroc is a non-governmental organisation established in Morocco in 1996. Although it was not able to gain formal recognition until 2009. TM manages an extensive array of programs, with active outreach on its website as well as over Facebook and Twitter. In the first half of April 2014 alone, its Facebook page reported a training session for investigative journalists, a "Weekend Solutions" workshop in Rabat, plans to recruit an expert in public finance, a report on a specific corruption issue, raised in the TM national council's April meeting, and a link to TM's website on Access to Information. TM currently holds the regional MENA seat on the UNCAC Coalition co-ordination committee. TM has developed a Strategic Plan for 2012-16, building on the Transparency International plan, which sets out six priorities:

1. To develop the power and capacity of citizens and partners involved in the fight against corruption [by] making the fight against corruption a cause for the people and the masses and particularly by enabling a large number of people to participate in the fight against corruption, providing more support for them and more space and safety to expose corruption.
2. To contribute to the effective implementation of anti- corruption programs in large institutions and businesses, both public and private, to mobilise resources for improving transparency in public procurement and in management of public goods, and to encourage systems for receipt of complaints from individuals and legal entities concerning actions by the private sector.
3. To work towards greater progress against impunity, establishment of an independent and fair judicial system, and the effectiveness of institutions that fight corruption, including through advocacy for judicial reform and monitoring of the implementation of international anti-corruption standards, particularly the UNCAC.
4. To promote behaviour and pro-integrity attitudes among young scholars and future leaders, with the objectives of building their respect for ethical values and their ability to resist corruption, as well as promoting research on corruption and mobilising new information and communication technologies, including social networks, in the fight against corruption.
5. To strengthen the ability to work together both within the organisation and together with other partners in the fight against corruption.
6. To develop the organisation's responsiveness, performance and impact at all levels by promoting whistle-blowing [against corruption].

Source: Transparency Maroc (n.d.), "including the Stratégie de Transparency Maroc 2012-2016",
www.transparencymaroc.ma/TM/sites/default/files/Strat%C3%A9gie%20de%20Transparency%20Maroc%202012-2016.pdf.

However, although these changes were not simply cosmetic, their implementation and – more importantly – their impact on the life of Moroccan citizens has been limited at best. This general social dissatisfaction with the pace and outcomes of the ongoing reform efforts was often exacerbated by the choice of King Mohammed VI of cancelling some of the modest institutional reforms initiated by his father and returning to previous non-democratic practices. A case in point was the widely criticised decision not to nominate, as head of government, the leader of the party that had won the elections (e.g. the nomination of Mr. Driss Jettou in 2002). Yet, the King showed great conviction in supporting national socio-economic development based on the principles of participation. This was particularly evident through his flagship project, the National Initiative for Human Development (INDH) that was implemented at the local level through tripartite committees including representatives of CSOs, in addition to elected officials and civil servants. However, notwithstanding its great royal support, the important financial investments and the numerous projects launched by the INDH, the opinions on its impact are divergent (Maroc Press, 2013) including the official report of the CES (Environmental, Social and Economic Council) which stressed the validity of the goals of the INDH but denounces the lack of data on its impact and its integration in the activities of the government.

While putting greater emphasis on its achievements, similar concerns were also raised by the second report[3] of the Observatory on Human Development, in 2011. Overall, it must be noted that from 2005, when the Initiative was launched, to 2012, the ranking of Morocco in the UNDP Human Development Index has substantially gone unchanged (130), poverty and unemployment remain a national priority, especially in rural areas, and illiteracy, although declining, is still generally high and even higher among women (national illiteracy level at 30% and 41% for women in 2011 according to UNESCO) (UNESCO, n.d.).

The second wave of reforms and the impact of the "Arab Spring"

A complex mix of social dissatisfaction and impatience with the slow democratic transition across the whole MENA region gave rise to the Arab Spring, which erupted in Tunisia and quickly spread, reaching Morocco on the iconic date of 20 February 2011, adopted as the name of the protest movement that followed. Thousands of citizens, especially students and unemployed youth, took to the streets of Rabat, Casablanca, Tangier, and Marrakesh to demand democracy, with emphasis on the need for a new constitution that would grant more power to the parliament relatively to that of the King, more jobs, better opportunities for education, improved public

services in general, and a more effective fight against corruption. These demonstrations were spontaneous, peaceful and by and large independent of political parties, paralleling what was happening in Tunisia and Egypt.

The King reacted quickly, on 9 March 2011, to these protests with a televised speech to the nation (Ministry of Foreign Affairs, 2011) in which his remarks were set within the context of the ongoing regionalisation process, which he cited as the motivation for introducing changes to the nation's constitution. He announced the creation of an ad hoc commission (*Commission Consultative de Revision de la Constitution* – CCRC) tasked to draft a new text inspired by seven principles:

1. Morocco's plural identity
2. rule of law and enlarged civil liberties, and human rights
3. independence of the judiciary
4. separation of powers, parliamentary democracy, increased role of parliament, and the prime minister becoming head of government
5. citizen's role through political parties, pluralism, role of the opposition and of civil society
6. morality in public life
7. good governance, human rights and protection of civil liberties.

The speech ended by stressing the importance of setting up a participatory and inclusive process to draft the new constitution and asked the commission to consult with political parties, trade unions, youth organisations, and CSOs in general. Although criticised for bypassing national democratic institutions, such as the Parliament, and for the lack of transparency in the selection of its members, the membership of the CCRC included renowned university professors specialised in constitutional law, members of CSOs with a clear focus on protecting human rights (*Organisation marocaine des droits de l'homme – OMDH,* and *Fédération internationale des ligues des droits de l'homme – FIDH*) and the group then addressed the task before them in a professional manner.

The result of this process was announced by the King on 17 June 2011 and then submitted to national referendum on 1 July 2011. Moroccans approved the new text with 98.49% of the votes in favour and with a participation rate of 72.65% of the voting population, as declared by the Constitutional Council on 18 July 2011. There would appear to be international consensus that the new constitution addresses a number of the issues raised by the protest movement insofar as it commits the kingdom to the ongoing democratic transition, recognises the centrality of universal

human rights, and affirms the role and prerogative of Moroccan citizens (nationally and abroad). It also attempts to adjust the balance of powers between the monarchy and the government more in favour of the latter, for example stating the principle that the King nominates as Head of Government the candidate of the party that wins the elections. At the same time, the new constitution maintains the central role of the King in the institutional life of the country, confirming his power to singlehandedly dismiss any member of government, to dissolve Parliament and to appoint the judges of the Supreme Council of the judiciary power (*Conseil superieur du pouvoir judiciaire*).

Current initiatives to engage with citizens and CSOs

Overall, Morocco has a long history of dialogue between government and civil society, which produced good results such as the law on Associations of 2002. Some maintain that this was one of the factors at the origin of the peaceful character of the demonstrations of February 2011. However, the scope of organisations involved in the policymaking cycle seems to be relatively limited and concentrated in the capital. Digital divide and illiteracy, more widespread in rural areas, do not favour participation and the government has not yet implemented the long-debated regionalisation that would give more power to local authorities to reach out to their constituencies.

In the present context of transition, a number of recent events confirm Morocco's intentions to implement more inclusive policy making, while others illustrate an evolution in the opposite direction according to Moroccan civil society. It is crucial then to underscore the need to build a stronger consensus across the diverse elements within civil society and between government and CSOs as to how best carry this process forward.

Box 2.5. **Benefits of consultation**

- **Transparency and access to information**: Public consultation can increase the transparency of the rule-making process because stakeholders have access to the process itself, as well as to timely and relevant information about the proposed legislation. Consultation therefore contributes to equal access to information.
- **Added value**: The public is a rich source of instant and updated information. It is the driver of innovation, and public consultation enables policy makers to make use of the public's precious experience and knowledge.

Box 2.5. **Benefits of consultation** (*cont.*)

- **Alienation and connectivity**: Public engagement in rule making can raise support for regulations, as citizens feel connected to the policy-making process. Disenchantment with politics bears the risk of declining support for reform, and for undermining public confidence and trust in national political institutions.
- **Increased compliance**: Engaging the public and striving for consensus can help increase the social acceptance of regulations. It can contribute to greater compliance and, therefore, reduce enforcement costs.
- **Regulatory literacy**: Stakeholders will learn about the complexities of setting regulations, finding compromises and trade-offs. Open Government illustrates to the public the constraints and limitations faced by authorities. Public consultation therefore promotes public education on rule making, and provides stakeholders with a chance to increase their regulatory literacy.
- **Anticipating the impact**: Public consultation is necessary to anticipate the likely impact of the regulation on stakeholders, contemplate unintended consequences and consider alternatives to the proposed regulatory option.
- **Managing conflict**: Public consultation provides a mechanism to manage conflicts at an early stage. Engaging the public in rule making is one tool for mediating among various interests in society and increasing awareness of compromises.
- **Pursued public interest**: Quality regulations are based on public interest. Yet, public interest is not static – but a dynamic concept that needs to be continuously defined. Naturally, the definition and pursuit of public interest can only take place through a dialogue with the public.

Source: OECD (2014), "Regulatory Consultation: A MENA-OECD practitioners' guide for engaging stakeholders in the rule-making process", OECD, Paris.

The recent change in name and functions of the Ministry for the Relations with the Parliament incorporating Relations with Civil Society – becoming now the Ministry for Relations with Parliament and Civil Society – is one sign of progress. The Ministry took the lead on the dialogue initiative with civil society that started in March 2013. It was formally closed in March 2014 by a National Committee, which has been overseen the whole process. Its results have been presented in June 2014. The National Committee on the Dialogue with Civil Society (NDC) was established to organise regional meetings and sessions for public consultation with civil society organisations and key stakeholders. The NDC

consists of 64 members in total (including 36 members from civil society and academic institutions). It is charged with collecting opinions and ideas from key stakeholders on the role of civil society organisations in light of the new constitutional framework, namely, the constitutional provisions on participatory democracy and the enabling environment for non-profit organisations and international donor organisations working in Morocco. In addition, the NDC is also expected to prepare a draft national charter on participatory democracy that will contribute to the institutionalisation of a partnership between civil society and the government.

The functions of the National Committee are to:

1. Manage the national dialogue on civil society and the new constitutional prerogatives.
2. Prepare a general report on the progress of the national dialogue.
3. Adopt and endorse the final output documents of national dialogue.

It bears noting that these functions do not extend the dialogue process into implementation, calling into question the arrangements for participation at that stage. The work of the NDC is supported by three working committees:

1. Committee on provisions of the constitution: oversees and supervises the organisation of assessment activities and analysis of the provisions of the constitution in relation to civil society organisations and their work. The committee is also responsible for identifying principles, defining frameworks and making recommendations on application of the provisions of the constitution to civil society.
2. Committee on regulatory policy: supervises the activities related to the study of rights and roles of civil society organisations in Morocco within the legal and regulatory framework, and in accordance with the new constitution. The committee is also responsible for determining adequate measures to ensure equal opportunity, transparency and access to information for civil society.
3. Committee for the national charter on participatory democracy: responsible for the development of a national charter for participatory democracy, based on the identification of principles, values, and best practices. The committee will also work on ensuring that the charter is consistent with the human rights charter, stipulated in the National Constitution and compliant with international conventions on human rights, and on drawing the

connection between representative democracy and participatory democracy in order to achieve wider participation of citizens in public affairs.

Box 2.6. **Outcomes of the National Dialogue with Civil Society**

Figures related to the National Dialogue:

- more than 7 000 associations participated in the different activities of the Dialogue
- more than 10 000 actors ranging from civil society to experts participated in the National Dialogue
- 18 regional meetings related to the Dialogue were organised
- 10 meetings at the province level were organised at the initiative of the civil society organisations
- 13 academic and scientific meetings, 5 of them were international
- 4 meetings with the Moroccan diaspora.

Based on these platforms and the recommendations of the National dialogue, the Ministry for Relations with Parliament and Civil Society prepared three draft laws to enshrine the new Constitutional rights, to guarantee a strong involvement of civil society in public affairs, and to establish the principles of participative democracy as stated in the Moroccan Constitution. These draft laws are: a draft organic law related to the right to petition, a draft organic law related to the right to parliamentary motions, and a framework law related to public consultation.

Similarly, following the recommendations of the national dialogue on civil society and the new Constitutional prerogatives, a comprehensive review of the legal framework governing freedom of association (in particular the *Dahir* of 1958 as it was amended) was initiated. As a result, and according to the new Constitution's provisions promoting freedom of association and civil initiatives, the Ministry elaborated a draft law (code of civil society organisations) aiming to reform the legal environment, consolidating and strengthening civil society governance.

These legislative texts have been transferred to the General Secretariat of the Government in August 2014.

It is noteworthy to mention that following the recommendations of the national dialogue, the Minister for Relations with the Parliament and Civil Society implemented the following mechanisms:

- The preparation of a draft decree related to the creation of a permanent inter-ministerial committee in charge of coordinating governmental actions, monitoring and assessing public policies associated with civil society (reviewed by the Council of Government on 5 November 2014).

Box 2.6. **Outcomes of the National Dialogue with Civil Society** *(cont.)*

- The preparation of a civil society national charter based on the recommendations of the national dialogue.

Following the directions of King Mohamed VI, the date of the 13th of March was declared a national civil society day. As part of the recommendations of the national dialogue, this day will be an annual occasion to honour civil society organisations and actors and value their actions and achievements.

Source: The Moroccan Minister for Relations with Parliament and Civil Society (2014), "Program of the closing conference of the national dialogue on civil society and the new constitution", http://hiwarmadani2013.ma/eng/news/30.html.

The goals of this ministry are evidently very ambitious, suggesting that its financial and human resources capacities may not be sufficient to guarantee their full achievement. Moreover, the whole national dialogue might benefit from a greater and more consistent inclusion of all relevant social actors in the process. In fact, it is of great relevance to stress that an important part of Moroccan CSOs is currently boycotting (*Forum des Alternatives Maroc*) the national dialogue organised by the Ministry as well as the national civil society day. These associations, which go under the name of the Dynamics of the Appeal of Rabat (*Dynamique de l'Appel de Rabat des Associations Démocratiques*), accuse the government of several things, among which, of undermining the independence of the Moroccan third sector and of being selective in the choice of which CSOs will be involved in the national dialogue, hence marginalising those that criticise its political agenda.

In order to stress their disagreement on the methods used, but not on the importance of public consultation and civic engagement, the Dynamics has therefore organised a parallel dialogue with civil society, explicitly excluding the government. According to the organisers, 20 regional meetings were held, attended by more than 5000 activists, and they received the endorsement of more than 3500 associations and networks covering the entire country and all relevant areas, from gender to human rights, from cultural and linguistic minorities to youth and environment associations. These meetings culminated in a national conference (E Joussour, 2014) with the participation of more than 2500 people that took place on 15 April 2014 and produced a document containing detailed proposition on how to improve the capacity of citizens and CSOs to play an independent, democratic and constructive role in their relation to the government (Liberation, 2014).

Box 2.7. **La Dynamique de l'Appel de Rabat**

The book "Dynamic of the Appeal of Rabat for a Strong and Independent Civil Society", summarises the discussions and conclusions of the dialogue organised from April 2012 to April 2014.

The report express the opinions of the participants in this alternative dialogue (among which Transparency Maroc and Forum des Alternatives Maroc) on the following main areas:

1. the democratic values and human rights, with a focus on the role of the CSOs in the construction of a democratic Morocco
2. how to implement the dispositions of the Constitution that concern the CSOs
3. CSOs legal, financial and fiscal framework.

As the Government of Morocco and its CSOs partners proceed to put in place ongoing mechanisms for dialogue, the example of Brazil's approach to such continuing dialogue may be particularly useful. Their long experience, spanning more than 50 years, has seen the use of national conferences as a dialogue mechanism gradually expanding in both the range of issues tackled and the ways in which the government has used conferences to shape policy.

Box 2.8. **National conferences to engage citizens in policy making: The example of Brazil**

National conferences are not a recent development in Brazil; the first National Health Conference was held in 1941. Since 1988, conferences have become increasingly deliberative in nature rather than just consultative. Moreover, the types of policies and programmes addressed by national conferences have become broader than mere health, social welfare and human rights (which were outlined in the 1988 Federal Constitution). Between 1988 and 2009 national conferences were held in relation to 33 public policy areas. National conferences are preceded by municipal/regional and state conferences, and are, generally, organised by federal ministries responsible for implementing the public policies and the respective policy councils. The results of municipal/regional and state conferences inform national conferences, in the sense that they provide inputs from what was debated locally and regionally. On a municipal/regional level, people directly involved with the services are heard, civil society also, and local councils participate by formally appointing their own delegates to national conferences.

National conferences in Brazil are categorised as either consultative or

Box 2.8. **National conferences to engage citizens in policy making: The example of Brazil** *(cont.)*

deliberative (i.e. decisions of the conferences must be followed and implementedby government legislative amendments). A study of participation in 34 national conferences between 2003 and 2006 found that 68% were consultative and 32% were deliberative. These 34 national conferences have involved more than 43 500 persons, or an average of 1 450 persons per conference – but have ranged up to approximately 3 000 persons at the 1st National Conference on Policies for Women and the 12th National Conference on Health. As national conferences are preceded by sub-national conferences focusing on the same subject, the actual number is significantly higher. In relation to the composition of national conferences, 55% of participants are representatives of citizens, 37% are representatives of governments and 8% are observers, members of the National Congress or international organisations. The majority (88%) of participants may be elected through sub-national conferences focusing on the same subject, with the remainder (12%) participating because of their position within or outside government. A total of 8 047 decisions were taken at national conferences between 2003 and 2006, or an average of 270 decisions per conference. Of these, 45% were to be implemented by a single federal ministry and 55% by 2 or more federal ministries (da Silva, 2009).

Pogrebinschi and Santos (2010) examine the issues deliberated on by civil society in dozens of national conferences held between 1988 and 2009. They find that national conferences have shaped approximately 20% of complementary and ordinary laws (2 629 out of 13 245). Of the 369 constitutional amendment bills currently under deliberation within the National Congress, 179 or (49%) are propositions arising from national conferences. Moreover, 566 (4% of total) bills and 46 (13%) constitutional amendment bills explicitly mention the final reports of the conferences. For example, the Unified System of Social Welfare (Sistema Único de Assistência Social) was created as a direct result of the 4th National Conference on Social Welfare in 2003. The National Cultural Plan was included in the 1988 Federal Constitution in 2005 as a direct result of the 1st National Culture Conference. The 13th National Health Conference (Conferência Nacional de Saúde) in 2007 led to the approval of the National Health Plan 2008/2009-11 (Plano Nacional de Saúde 2008/2009-11) establishing the objectives and benchmarks to be achieved and overall practices for the Federal Ministry of Health.

Source: OECD (2012), *OECD Integrity Review of Brazil: Managing Risks for a Cleaner Public Service*, OECD Public Governance Reviews, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264119321-en.

Another relevant example, comprising the ongoing work of the Government of Morocco to implement inclusive reform processes and the challenges associated with such efforts, is the National Dialogues on the

Global Reform of the Justice System. A noteworthy feature of this process is the orientation of its design in facilitating engagement with all relevant stakeholders, from citizens to public officials, from legal experts to business associations. This has translated into a fairly complex structure, led by a High Committee for the National Dialogue (*Haute Instance du Dialogue National sur la Réforme Profonde et Globale du Système de la Justice*) composed of renowned experts from the public sector and civil society. Their work is supported by a more operational office in charge of the organisation of dialogue (*instance chargée du dialogue*) and by thematic committees to inform the discussion with substantive proposals. The whole exercise is set in the framework of an Ethical Code and in a list of pre-agreed conditions for all meetings aimed at guaranteeing the full participations of all the invitees, constructive criticisms and tangible results. An online platform (http://hiwar.justice.gov.ma/QCMHiwar/fr/Default.aspx) allows citizens to provide comments even if they cannot attend the various official meetings.

At the time of writing, the dialogue is still ongoing and has not yet produced its final recommendations. The methodology used is definitely inspired by international best practices, has a comprehensive nature and is inclusive in terms of participation. The most relevant test for this dialogue, as well as for the national dialogue with civil society and all other ongoing attempts to implement open and inclusive reform processes, will be its capacity to produce actionable recommendations, aligned with the inputs provided by the citizens and implemented transparently so as to demonstrate to the participants and their constituencies that their voice has indeed been heard.

Many CSOs representatives and activists have begun to voice concerns regarding the real purpose of these initiatives and the value-added of the consultations. It is the responsibility of the Government to make the case for their validity, keeping in mind that the trust Moroccan citizens are investing in the post-constitutional reform process constitutes political and social capital that was quickly built up with the approval of a unanimously ratified constitution, but that can likewise be lost rapidly if the government does not stand up to its own commitments.

This experience demonstrates the importance of establishing a set of country-specific guidelines for consultation, both in-person and online. Such a set of guidelines must itself be developed using a consultative approach that includes field testing in a number of different contexts and opportunities for comment. Effective consultation requires repeated opportunities for essentially the same group of people to work together over time on a given issue. If there is only one opportunity to exchange views, sufficient opportunities for feedback and follow-up are unlikely to be available,

undermining trust. Sequential dialogue also enables the participants to get to know each other and supports more productive discussions based on work carried out between sessions, ideally in small working groups with participants from different institutions.

Box 2.9. **The Netherlands: Code of Conduct for professional consultation**

A 2006 Cabinet policy on "Inspraak Nieuwe Stijl" established a code of conduct for professional consultation, which contains 10 principles:

1. Indicate the person responsible for the final result and have this person commit to the process.
2. Develop a procedural plan ahead of time and publish it.
3. Know and mobilise all of the parties to this policy.
4. Organise the relevant information together and make this transparent.
5. Be a discussion partner worthy of trust.
6. Communicate clearly, in a timely manner, and using contemporary means.
7. Be clear about the roles and the expected results in terms of advice.
8. Obligations for advisers may be requested in terms of the quality and energy given to their advice.
9. Be responsible for follow-up.
10. The consultation does not represent an end in itself. An added value must be foreseen; however, if the government abstains from consultation, it must justify doing so.

Source: OECD (2009), *Focus on Citizens: Public Engagement for Better Policy and Services*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264048874-en.

Having a set of well-known and agreed-upon guidelines and procedures also saves time, as the various parties gain an understanding of how dialogues will proceed, what is expected of them, and what they can expect in turn. This enables new dialogues to go straight to the substance of the matter with a minimum of time spent discussing how to proceed. Box 2.10 describes procedures developed for e-consultations in the US and France, but procedures are needed for both online and in-person consultations.

Box 2.10. **E-consultation procedures**

In the USA, the Administrative Procedure Act of 1946 requires that agencies put proposed regulations through a notice-and-comment process open to all members of the affected public. Before agencies can issue a final regulation, they must respond to the public comments, make sure that the final regulation is a logical out-growth of the proposal and the public record, and is not arbitrary or capricious. The public record is used by the courts in settling any challenge to the regulations brought by the affected public. Online regulatory information is currently difficult to access and navigate, in part because several websites publish portions of that information at different stages in the rulemaking process. To promote transparency and to help aggregate information, OIRA (Office of Information and Regulatory Affairs) issued a memorandum directing agencies to use the Regulation Identifier Number (RIN) on all relevant documents throughout the entire "life cycle" of a rule The US expects that this requirement will help members of the public to find regulatory information at each stage of the process and will promote informed participation. The goal is to provide more convenient, public-centred ways of obtaining input on regulatory proposals.

The Office of Management and Budget is considering the use of Web 2.0 technologies (the eRulemaking Programme and Regulations.gov) to facilitate the public comment process. Greece has developed a website for electronic deliberation (www.opengov.gr). All draft laws are posted in a blog-like format, and the public can submit comments article-by article. Several MENA countries are also publishing draft laws via the internet. Also, the Kuwaiti national assembly website publishes all draft laws (www.kna.kw/clt/tenders_suggestion.asp). The public can follow the work of different commissions online. In Bahrain consultation over the Internet enables citizens to access all bylaws. The website answers frequently asked questions, and publishes Parliament's reports and activities (www.nuwab.gov.bh/Pages/default.aspx). Also, this portal allows members of the public to give their opinions on the services provided by the website.

In France, consultation over the Internet occurs on the initiative of individual ministries, which are responsible for content, the practicalities of transmission and, where applicable, the publication of a summary of results. Internet discussion forums have addressed wide-ranging reform proposals, rather than specific texts. They generally supplement consultation with established boards or commissions. In 2008 a dedicated portal for assessing ongoing and archived forums (including a summary of all contributions) was set up to make it easier to access these forums. Furthermore, all ongoing or planned public debates can be followed on the Vie-publique.fr website, which includes provisions for mapping activities throughout France in its entirety. This is a recent facility which has yet to prove its worth.

Source: Hunt, A. (2008), "ERulemaking: Promoting Transparency and Participation in the U.S.", paper presented at the OECD, October; OECD (2010), *Better Regulation in Europe: France 2010*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264086968-en.

Within this multifaceted context, Morocco's commitment to join the OGP might provide an excellent opportunity for both the government and the entire third sector to engage again in a more constructive and inclusive dialogue. In fact, one of the requirements of all OGP members is the drafting of a national action plan on Open Government reforms in consultation with citizens, CSOs and the private sector. Morocco could seize this occasion to launch a new initiative aimed at reviving the current consultation practices and establish a new pact of collaboration with its constituencies.

Tunisia followed this path for its first OGP Action Plan and used the recommendations contained in its OECD Open Government Review to establish an initial set of reform proposals that were later discussed in several online consultations and during town hall style meetings. This process was aimed to make sure that all inputs were duly considered and possibly included in the final Plan. OECD and OGP experts, policymakers from other OGP countries, and representatives of CSOs that had participated in national consultations were asked to take part in this process and provided valuable suggestions. Morocco could consider taking inspiration from this good practice coming from the MENA region and take advantage of the OGP accession process to improve the overall perception of the government's willingness to openly and transparently engage with its citizens and CSOs on public sector reforms.

Civil society networks

OECD experience, as discussed above, has shown that the formation of networks within the CSO community has proven to be a highly useful strategy to multiply their impact and facilitate dialogue with the government. A noteworthy experience in this regard in Morocco is REMDI, the Moroccan Network for the Right to Information (*Réseau Marocain pour le Droit d'Accès à l'Information*; see Box 2.11). REMDI, formed in 2010, brings together 16 organisations working in this area to advocate for an access to information law.

Box 2.11. **REMDI (Moroccan network for the right of access to information)**

REMDI is a network that brings together many of the leading Moroccan civil society organisations that work to promote access to information in Morocco. Its major activities at present focus on promoting the adoption of a law to implement the provisions contained in the 2011 Constitution.

Box 2.11. **REMDI (Moroccan network for the right of access to information)** (*cont.*)

REMDI's membership includes the following organisations (in alphabetic order by official name in French):

- Moroccan Association for Investigative Journalism (*Association Marocaine pour le Journalisme d'Investigation*)
- Regional Press Association of Morocco (*Association Marocaine de la Presse Régionale* (AMPR)
- Centre for Freedom of Information and Media for the Middle East and North Africa (*Centre de la Liberté de l'information et des Medias pour le Moyen Orient et l'Afrique du Nord* (CMF-MENA)
- Democracy Centre (*Centre de Démocratie*)
- Federation of Kenitra Associations (*Fédération des Associations De Kenitra*)
- Forum on Moroccan Alternatives/ E-Joussour Portal (*Forum des Alternatives Maroc / Portail E-Joussour*)
- Moroccan Consumers Forum (*Forum Marocain du Consommateur*)
- Tomorrow Forum for Democracy, Citizenship and Development (*Forum Al Ghad pour la Démocratie, la Citoyenneté et le Développement*)
- Justice for the Right to an Equitable Process (*Justice pour le Droit à un Procès Equitable* (*Adala*)
- Moroccan Education Observatory (*Observatoire Marocain de l'Enseignement*)
- Development Portal (*Portail Tanmia*)
- Organisation for the Freedom of Information and Expression (*Organisation pour les Libertés d'Information et d'Expression* (*OLIE*)
- Moroccan Network of Associations of Parents of Schoolchildren (*Réseau Marocain des Associations des Parents d'Elèves*)
- Moroccan Network for the Defence of Public Goods (*Réseau Marocain de Défense des Biens Publics*)
- National Syndicate of the Moroccan Press (*Syndicat National de la Presse Marocaine* (*SNPM*)
- Transparency Morocco (*Transparency Maroc*).

Source: REMDI (2014), www.remdi.org/ (accessed 16 august 2014).

Such networks greatly facilitate discussions between government and civil society and strengthen protection against exclusion of organisations from such discussions. Box 2.12 provides an example of such a network from the European Union. In this case, the network is two-tiered, with each country managing its own network and being represented by one of its members at the Europe-wide level.

Box 2.12. **CONCORD**

Thanks to its network structure, divided per country and thematic areas, Concord successfully manages to gather and aggregate the inputs from all its members[4] and use them to influence policy decisions taken in all EU institutions that deal with development co-operation and aid.

The work of the Confederation is carried out by the members, split into specific *working groups* depending on their experience. These groups feed the political debate and contribute towards improving the formulation of European policies affecting development co-operation and humanitarian aid.

Source: Concord (2014), "The European NGO confederation for relief and development", www.concordeurope.org/.

In this regard, it is encouraging that the study conducted by the High Commission for Planning to consider the state of Moroccan civil society in 2007 found that more than 40% of CSOs working in human rights and policy reported belonging to a network (354 out of 871 surveyed), compared to only 22% for civil society overall. Collective action by CSOs was found to be much rarer, however, with only 3% of all CSOs reporting partnerships with other CSOs and only 12% reporting any kind of partnership.

The use of ICT to favour civic engagement

Finally, Morocco is very heavily relying on the use of information and communication technologies (ICTs) not only to provide citizens with access to information and documents, but also to expand interaction with them. A good example is the website www.fikra.ma, which allows Moroccans to express their ideas and make proposals on administrative simplification, e-government services, and improvement of the public administration in general. In addition, Decree No. 2.08.229, issued in May 2009, stipulated that draft laws proposed by the government must be published electronically on the website of the *Sécretariat Général du Government* (SGG) for consultation before submission to the Parliament (www.sgg.gov.ma). It should be noted that Morocco is one of the very few MENA countries that systemically and centrally publishes all draft laws on-line for comments. An

issue has arisen recently regarding how and when revised drafts are to be shared as the legislative process goes forward, however. The central Moroccan government website maroc.ma regroups all online possibilities for citizen participation under the header "e-participation" (including the fikra site of the SGG, and links to the national dialogue, etc.). Currently, an informal multiparty group (including representatives from ministries and civil society) is developing the principles and identifying the main responsible actors for a single e-participation hub.

Another example illustrating the efforts of the Moroccan administration when it comes to access to information is the Information System of the Ministry of Economy and Finance, which was improved leading to the creation of an economic, financial and social database – MANAR – open to various stakeholders and to the public. This database has the following features: access of external users through a simple registration; access to the last updates and news of MANAR via the home page; management of "favorites" in the "my space" area; possibility to send and follow-up information requests. The latter allows to target and to understand the evolving needs of users for access, research and data retrieval.

The use of social media as a means to spur the public is increasing in the Arab world, including Morocco. Morocco is around average in terms of Facebook penetration, with around 16% of the population connected to the social media site, less than half the penetration achieved in, for example, Tunisia (DSG, 2013). Most Moroccan Facebook users have a preference for French or Arabic interaction, although 14% indicate other languages (English disregarded), indicating a challenge even among the digital natives to accommodate this preference in public service delivery. Overall, although social media platforms as potential engagement channels are becoming more feasible in Morocco, they continue to remain rather exclusive and should still be considered complementary to other engagement platforms.

While these initiatives are clearly noteworthy, especially because they are extended not only to nationals but also to Moroccans living abroad, their impact is still hampered by the lack of mechanisms to overcome the barriers of illiteracy and internet access, both still affecting a vast part of the population, so that participation can remain inclusive.

Box 2.13. **YourSAy: Active engagement of citizens in strategic policy making in Australia**

In 2010 the South Australian government used the reviewing of the state's Strategic Plan for development to launch a broader approach to engage local communities and citizens in one of the largest community consultation programs

Box 2.13. **YourSAy: Active engagement of citizens in strategic policy making in Australia** *(cont.)*

in Australia, called "YourSAy". The use of internet technologies and social media played a pivotal role in enabling this. While "YourSAy" was conceived as an experiment, the government now considers the close interaction with its communities an indispensable part of the policy making process.

Back in 2010 the discussions – led by an appointed Community Engagement Board – targeted a representative selection of 10 000 people. Today more than 12 000 people are part of the online community, approaching 1% of the state's population. The online community establishes and organises new ways of interacting with the government – engaging by making the interaction a social experience. The project has furthermore engaged local champions or "ambassadors" in different areas, such as health, culture or the environment through webcasted video conversations in order to increase attention to the Strategic Plan.

The team behind the consultation process initially engaged into deeply understanding the people they were seeking to engage with, in order to understand how to encourage them to participate. The key element was to demonstrate that the plan was relevant to people and important in shaping their future life. The capacity to match the different segments' ways of communicating was one essential part. However, reaching out to "new people", not previously engaged, requires more than simply splitting them up into segments. The leading staff must have a capacity to analyse the input, conduct project management and create a culture of good communication and service delivery.

The online engagement proved to be instrumental. For example, through hosting an online conversation with the Minister of Education, the government received a significant deal of valuable and new feedback to improve their policies as well as the Strategic Plan. And web dialogue on different social media sites, such as Facebook, continued independently after the organised consultations were concluded. Although still largely unexplored, the government of South Australia seems to have drawn some first important lessons on how to advance engagement through social media.

Source: South Australia's Strategic Plan Audit Committee (2012), *South Australia's Strategic Plan, Progress report 2012,* http://saplan.org.au/yoursay ; http://www.unpan.org/PublicAdministrationNews/tabid/115/mctl/ArticleView/ModuleID/1467/articleId/35360/default.aspx.

Ensuring proper skills among citizens, designing the right processes to facilitate engagement, and tailoring the communication channels to the very different needs and opposite situations of the Moroccan population – be it men-women, urban-rural, rich-poor or high-low educated – requires both ambition and incremental progresses. Tailoring communication channels to the local contexts have in some OECD countries implied engaging with

intermediaries such as local grocery store chains, local libraries or post offices, to mention only a few kinds of partnerships across sectors. Other countries have used mobile platforms, in combination with physical meetings, and educational installations such as "information buses driving around in the country" to communicate to its constituency (OECD, 2013).

Moreover, follow-up remains to be improved to make sure that not only are citizens' inputs duly considered but that full evidence of the process is provided. This would in turn increase citizens' trust and greatly contribute to the overall shift towards a more open and participatory culture in the country.

Box 2.14. **Virtual consultation**

Morocco has a large diaspora community, numbering nearly 3.5 million, according to the Ministry of Moroccans Living Abroad and Migration Affairs (MMLAMA), and encompasses over 10% of the national population[1]. The existing mechanisms of diaspora engagement, while positive, remain insufficient if they are not integrated in a broad-based strategy and premised in

an inclusive legal framework for positive engagement. MMLAMA has developed a strategy and an action plan with five strategic action areas, one of which includes communication.

According to the MMLAMA website, to "better target and meet the expectations of CMRE (*Communauté Marocaine Résidante à l'Etranger*, Moroccans residing abroad), a communication strategy will be implemented with the contents, forms, methods and means that reflect the needs, aspirations and value systems of CMRE. This strategy has as major objectives the strengthening of ties between Moroccan citizens abroad and their homeland, the realisation of community policy, the providing of CMRE services with essential information and regular monitoring of events and changes experienced by our country in various fields".

In this context, the Moroccan Commission on National Dialogue and New Constitutional Prerogatives http://hiwarmadani2013.ma launched virtual consultations for civil society organisations of Moroccans residing abroad. This represents an unprecedented opportunity to encourage dialogue with civil society of Moroccans residing abroad on the implementation of the Constitution to promote a strong and fair law-making process, and, ultimately, greater confidence in the Constitution as a blueprint for future legislative reform through inclusive participation.

Source: Ministry in Charge of Moroccans Living Abroad and Migration Affairs (2012), http://en.marocainsdumonde.gov.ma/.

Box 2.15 discusses additional areas where ICTs could support closer co-operation with the CMRE community.

Box 2.15. **ICTs to engage overseas citizens through voting and financial co-operation**

Around 3.4 million Moroccans reside abroad, which corresponds to about 10% of the country's resident population (MMLAMA, 2014). The Internet could be an effective tool to increase their political engagement as well as to engage them in stimulating economic growth and societal development.

Overseas Moroccans (CMREs) wishing to vote in the November 2011 parliamentary election were required to designate a proxy at the Moroccan embassy if they were not able to travel to Morocco. Electronic voting could simplify the processes and stimulate greater voter turnouts. To cite the example of France, its partial legislative elections in 2013 introduced the possibility of voting via the Internet for citizens residing abroad. The opportunity was heavily used: over 65% of French citizens who voted overseas did so over the Internet. Adoption of such a policy would be consistent with the current plan, which cites the "royal will for adopting a phased approach to Moroccans residing abroad to practice their full citizenship and ensure their effective participation in different fields of national life".

Overseas Moroccans send financial remittances home that account for 6.8% of Morocco's GDP (estimated 2013 data from World Bank Migration & Remittances Data, April 2014). Most of this money is used to buy consumption goods, but there might be scope to offer Moroccans abroad the possibility to invest in innovative business projects or to contribute to civil society organisations. A national variant of investment platforms such as Kickstarter (US), KissKissBankBank (FR), Seedmatch (DE) or Kiva.org (international) could provide domestic entrepreneurs with an alternative opportunity to mobilise funds and it could give CMREs the opportunity to invest directly in promising Moroccan business ventures. If successful, it would help divert national spending away from consumption goods towards investments.

Similarly, there might be opportunities to fund charitable projects through assistance from CMREs. Existing platforms such as Betterplace.org (DE) openly share good practices and provide assistance in establishing trusted links between donors and projects. The fund-raising platforms should not be operated by the public sector, both because the commercial risks attached should not be borne by the public and because it remains questionable whether Moroccans have as yet developed sufficient trust in the government's commitment to manage and channel such financial resources in an appropriate and transparent manner. Although mobilisation of such voluntary contributions should not be managed by the government, the government could nonetheless play a supportive role as initiator of a dialogue with non-governmental actors to promote such a platform, possibly through the already established Ministry for

Box 2.15. **ICTs to engage overseas citizens through voting and financial co-operation** (*cont.*)

Moroccans Living Abroad and Migration Affairs.

The above approaches promoting CMRE involvement in investment and social projects in Morocco are consistent with the MMLAMA strategic plan, sets priority 3 as "mobilising the CMRE for the development of Morocco" and specifically calls for action in both of these areas.

Source : Ministry in Charge of Moroccans Living Abroad and Migration Affairs (2012), http://en.marocainsdumonde.gov.ma/ ; Morocco World News (2011), " The vote of Moroccans living abroad : Unfulfilled expectations", www.moroccoworldnews.com/2011/10/12148/the-vote-of-moroccans-living-abroad-unfulfilled-expectations/.

Recommendations

- Transform the new constitutional provisions for freedom of expression and access to information into concrete practices.
- Adoption of the law on access to information is a critical step and not the least because it will enable Morocco to join the OGP. More importantly, it will reinforce the legal framework for citizens' participation.
- Concerns were raised about the capacity of the current version of the law to guarantee the right of citizens to access public information. A revision of the law would seem in order, based on the suggestions of CSOs and international observers.
- The new draft law on access to information no longer includes a strong institutional structure to oversee its implementation. The role and powers given to the *Médiateur* seems insufficient. It will be important to ensure that it receives appropriate human and financial resources to accomplish its tasks. Morocco could also consider increasing them by including responsibilities over the implementation of the law and on ensuring that concerned institutions have the needed capacities and technical means to answer citizens' demands.
- Such a structure (currently the *Institution du Médiateur*) should co-ordinate with the High Authority on Audio-visual Communication so as to better define their respective domain of responsibilities to avoid overlaps.

- Morocco should also build on the recent initiative to enlarge the responsibilities of the Ministry for the Relations with Parliament and Civil Society by increasing its capacities to perform these new functions. In particular, Morocco should reinforce the number and competences of its staff and formalise its institutional links with other line ministries to enable it to support ongoing consultation processes. This would give greater impact and credibility to its initiatives.
- Establish a set of principles and guidelines to manage consultation with civil society in Morocco, so as to develop a set of expectations and mutually agreed upon mechanisms for effective dialogue.
- Work with civil society to build the capacity for inclusive dialogue that permits diverse viewpoints to be represented and promotes the development of the levels of trust and comity that are essential for long-term collaboration, both within civil society and between civil society and the government.

Notes

1. This figure is provided by the International Centre for Not-for-profit Law; other sources give lower estimates, however. The *Civicus/Espace Associatif* report produced in 2011 cites estimates of 30-50 000, based on data from the Government General Secretariat and the website of the *Tanmia* organization (Azzedine Akesbi (2011), "Civil Society Index for Morocco", http://civicus.org/downloads/CSI/Morocco.pdf.
2. www.ccdh.org.ma/fr/presentation/presentation-du-cndh.
3. www.ondh.ma/sites/default/files/documents/synthese_fr.pdf.
4. For members see: www.concordeurope.org/members.

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Chapter 3

Budget transparency in Morocco

Given the importance of the state budget to direct government policies, budget transparency is a crucial aspect of Open Government. The OECD has developed principles for budget transparency and best practices for the budget preparation process. The chapter assesses budget transparency in Morocco against these principles and standards, starting with an overview of the gradual reforms over the last decade which were brought together in a new Budget law, presently waiting for approval. The section includes Morocco's performance on the Open Budget Survey and an assessment of Morocco's institutions in support of transparent financial management. The recommendations point to reforms that could further strengthen budget transparency in Morocco and consolidate the efforts undertaken.

Introduction

Budget transparency, based on the complete and timely publication of essential budget documents and regular reporting on expenditures, revenues, performance and audits, is an essential building block of budget accountability and of an open budget system. As such, it can substantially contribute to the broader goal of Open Government, as well as help to achieve more immediate aims such as participation in the Open Government Partnership (OGP) and address its five "grand challenges".

Budget transparency is a key element for the proper functioning of a public finance management system and in restoring public trust of citizens and businesses, because citizens can assess how their government is able to act strategically, and how Open Government data can be used to anticipate possible economic crises. The annual budget law is a crucial document for reinforcing Open Government. Therefore, the provision of timely, reliable, and relevant budgetary information to decision makers can contribute to improving the quality of choices and achieving objectives of the financial management system, such as overall budgetary control, better policy selections or the best allocation of resources. All this will contribute to meet the government's economic and social objectives, enhanced operational efficiency of the administration and value for money. Additionally, budget transparency can be a useful tool in order to be accountable to citizens, Parliament and taxpayers.

This chapter analyses the key features of budget transparency in Morocco, reflecting upon past, current, as well as possible future practices and principles. Transparency is closely interlinked with mechanisms for the active participation of line ministries, the parliament, the Inspector General, the ministerial Inspector General, the Court of Accounts, CSOs and citizens in the budget process, and accountability – that is, how public officials are held responsible for fiscal policy and management. As discussed by Khagram et *al*. (2013), broad participation and accountability are ambitious and demanding goals and can best be built on a solid foundation of fiscal transparency.

Over the past last decade, Morocco has made ongoing efforts to develop an effective system of good fiscal governance. Several public financial management reviews (e.g. ROSC, CFAA, PEFA etc.) confirm the wide scope of the reform package of the last ten years and point to the potential

impact of these reforms. The country has progressed towards the establishment of institutions and a legal system capable of ensuring democracy and the proper management of its public finances. As demonstrated by the improvement in Morocco's performance on the Open Budget Survey, discussed below, these reforms have resulted in an improvement in Morocco's budget transparency. However, Morocco should take advantage of the new Constitution and the new Organic Finance Law (*Loi Organique relative aux Lois des Finances*, LOLF), in order to improve its budget transparency. Considering that, the consequences of low budget transparency include insufficient overall budgetary control as well as the ineffective or inappropriate use of public funds, including corruption and other procedural abuses. Unsatisfactory budget transparency may also reduce the willingness of international donors to provide financial support to developing countries.

Morocco has been engaged for several years in the path of structural reform to modernize the country's economy, strengthening its competitiveness and the development of social solidarity. The new Constitution leads the series of reforms, through the consecration of the principles of separation and balance of powers, increased decentralisation and strengthened principles of good governance. The promulgation of the LOLF, detailing the provisions of the new Constitution for the management of public finances, is the culmination of the process of fiscal reforms in the last years, of which more details are presented below.

Within the framework of the OGP eligibility criteria, Morocco's performance on the Open Budget Survey, organised by the International Budget Partnership (IBP), covers the formal assessment criteria for the budget transparency component. IBP launched the Open Budget Survey as a comprehensive analysis that evaluates whether governments give the public access to budget information and provide opportunities to participate in the budget process at the national level. To easily measure the overall commitment to transparency by the countries surveyed and to allow for comparisons among countries, IBP created the Open Budget Index (OBI) on the basis of their survey. The OBI assigns a score to each country based on the information it makes available to the public throughout the budget process.

The discussion presented here takes a broader approach in assessing Morocco's budget transparency, going beyond the score on the Open Budget Index (OBI) to take into consideration the IMF's code of good practices on fiscal transparency and the OECD good practices for budget transparency so as to provide a more complete basis for strengthening Morocco's budget transparency.

It should be emphasised that these different systems are fully consistent with each other, although they may place slightly different emphasis on some points relatively to others, or present the information somewhat differently. In any case, the OGP explicitly recognizes the variations in countries' efforts to promote openness in government, depending on the national priorities and circumstances, as well as citizens' aspiration. In the case of Morocco, the new Constitution and the LOLF should be identified as windows of opportunity to further strengthen the country's commitment to budget transparency and to translate this commitment into concrete improvements in practice.

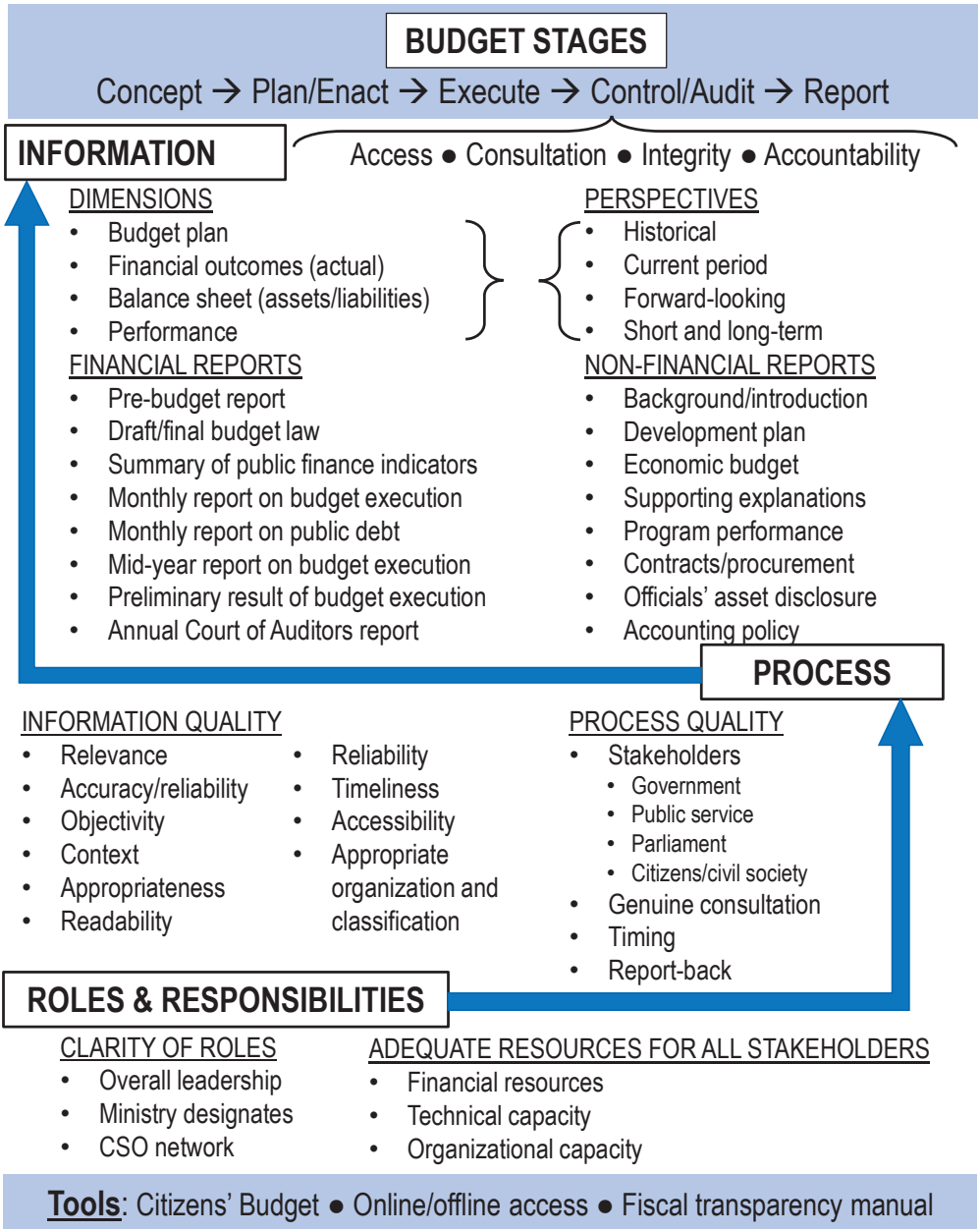
OECD principles for budget transparency

OECD principles for transparent budgeting

The management of the budget cycle from formulation through execution up to control has been among the primary areas of work for the OECD since its inception more than 50 years ago. This work has resulted in extensive analysis of different national budgeting systems and experience to extract best practices and more fundamental principles of how essential budget management functions should be performed. This section briefly summarizes the main points, drawing on the OECD Best Practices for Budget Transparency (OECD, 2002). These are grouped into four categories to facilitate discussion: a) preparation of the national budget, b) preparation of other budget reports, c) disclosure and accounting practices for the budget, and d) practices to promote integrity, control, and accountability in budgeting. The key points in each area are first summarised within this section and then briefly discussed.

To aid in integrating the overall process of open budget development, a schematic process of the key features of the budget process is provided in Figure 3.1. The schematic process begins with the five main steps in the budget cycle and proceeds through to the final control stage, highlighting the importance of ensuring access to information, citizen participation through consultation, and integrity at each stage in the process, as well as overall accountability to stakeholders for both process and results. The diagram highlights best practices in the three main aspects of the budget process, beginning at the bottom with the foundational requirement for clearly defined roles and responsibilities, adequate resourcing of the various actors, and the use of tools that support openness, such as the citizen's budget. Clearly defined roles enable the carrying out of an open process that produces high-quality information for decision making and meets the quality standards for the process itself.

Figure 3.1. **OECD Open Budget Principles**



Establishment of this strong foundation enables the government to elaborate a budget process that meets high quality standards, both in terms of the information generated and in terms of how it is produced, particularly as concerns stakeholder involvement. A high-quality budget process serves as the basis for the production of the various documents required for budget openness across the budget cycle. These documents are of two main types: documents presenting the government's current, planned, and projected financial operations, such as the end-year report, and non-financial documents, such as information on program outcomes, the economic context, and officials' asset disclosure.

Overview of OECD best practices for the national budget preparation process

The OECD budget preparation guidance highlights two main points. First, it would be adequate to reinforce the scope of the Parliament's role during the budget cycle. To this end the Parliament should be provided with sufficient budget documents and explanatory information and an appropriate timeframe – at minimum three months – for complete review of the draft Finance Law. Both financial and non-financial information must be provided, including not only explanations that make the meaning of the budget numbers clear but also complementary information, such as the linkages to the government's economic development plan and the macroeconomic assumptions underlying the budget, which give meaning to the numbers and support informed decision making. Additionally, a debate prior to the government's preparation of the draft budget might be organised. This debate would examine the main lines of action that the government intends to incorporate into the draft budget law, providing a multi-annual perspective of the budget and a complete picture of the country's actual economic situation, including the balance of the social security fund, the level of debt, overdraft, and deficit, as well as the financial situation of local governments and State-owned enterprises. The incorporation of the budget into the broader economic framework, by linking together the Economic and Social Development Planning and the budget, has to be strengthened along with links to medium term programming, a key tool in the process, as well as a shift from a fiscal year horizon to a multi-year perspective.

Second, best practices for the national budget increasingly recognize the need for information on programme outcomes and performance, generally provided through a performance-based budget. Although standard budget practice still calls for presenting the means-based budget, the Parliament should be able to see the link between these expenditures and the outcomes they are producing, which are what the citizens are eventually interested in.

This emphasis on programme outcomes (reduction of illiteracy, families moved to decent housing, etc.) carries forward throughout the budget cycle, as further discussed below, culminating in performance audits as a necessary complement to financial audits to measure and verify the outcomes reported, as well as the expenditures and procurement actions.

The establishment of a performance-based budget, such as currently pursued in neighbouring Tunisia, would increase the efficiency of public policy, supporting the pace of projected development within the context of economic and financial balances, as well as promoting a better allocation of resources and improving the performance of public expenditures and the clarity of budget targets, providing greater transparency to the aims being pursued by the government. Additionally, it will be important to develop and use performance information in the budget process to measure results, improve the quality of information and persuade politicians to use it in the decision making process.

The new LOLF proposes to develop the annual Finance Law in reference to a rolling three-year plan, which is updated annually, and to strengthen the framework for public financial management (PFM) and improve coherence between sectorial strategies while preserving the financial stability of the state. Moreover, and to achieve the new PFM approach, it proposes, on the one hand, the definition and determination of responsibility while explaining the operational objectives and expected results of operations, and on the other, granting more flexibility to managers in managing the funds that are meant to achieve previously defined objectives.

In order to enable accountability and assess the achievements in terms of performance objectives, performance audits will be conducted and submitted to Parliament. To this end, government departments will work to develop a Ministerial Project Performance accompanying the draft Finance Law which presents data on their strategies, programs, objectives and performance indicators. Each department will also be required to prepare a Departmental Performance Report attached to the bill settlement that year, and compare each program accomplishments with the initial estimate. These reports are consolidated in the Annual Performance Report prepared by the Ministry of Finance and presented to Parliament during the budget approval process. In addition, it is necessary to use the feedback obtained in the budgetary process, which should be drawn from the results of performance audit and evaluations. Therefore, the performance audit framework should be updated with an increased focus on outcome indicators and with a better integration in the formulation of the annual budget.

The budget process requires that each party play its role. Recognising that the national budget law is its key policy document, the government should prepare a budget that is comprehensive and encompasses all government revenue and expenditure, so that trade-offs among different policy options can be assessed.

For its part, the Parliament must, at least, review and approve the budget prior to the fiscal year start.

The preparation of the budget requires the government, its partners, and the Parliament to have the information that is prepared in a clear and consistent manner. This information should be submitted to Parliament as part of the budget proposal or as documents that accompany its submission, covering each of the following:

- a detailed commentary on each revenue and expenditure programme
- non-financial performance data, including performance targets, for expenditure programmes where practicable
- a medium-term perspective illustrating how revenue and expenditure will develop during two years at least beyond the next fiscal year; consisting in a national planning document containing relevant budget information. Under the international benchmark, governments generally focus on the next three or more years, and include information on the macroeconomic and budgetary forecasts, the overall development objectives together with strategies and sector related budget allocations; capital projects are sometimes privileged at the expense of current expenditures
- a reconciliation with forecasts of earlier fiscal reports, explaining all significant deviations
- a comparison of actual revenue and expenditure during the past year and an updated forecast for the current year for each programme, as well as comparative information for any non-financial performance data
- the amounts of revenue and expenditures authorised in permanent legislation, along with other revenue and expenditure
- expenditures in gross terms (not net of related income)
- a clear separate accounting of earmarked revenue and user charges, regardless of whether particular incentive and control systems allow the collecting agency to retain some or all such receipts.

Governments that follow best practices for their budget format and supplementary information classify expenditures by administrative unit (e.g. ministry, agency); they include supplementary information classifying expenditure by economic and functional categories; state the economic assumptions underlying the report and discuss tax expenditures; and include a comprehensive discussion of the government's financial assets and liabilities, non-financial assets, employee pension obligations and contingent liabilities.

These essential practices are applied to develop each of the main budget reports. Given that members of Parliament, their staff, civil society, and members of the general public vary widely in their knowledge and understanding of the budget, documents submitted along with the formal budget proposal/draft law and those provided over the course of the year to update Parliament and citizens on expenditures as the year progresses must provide the background information and explanations essential to understanding and interpreting the budget.

Open Government budget preparation requires broad consultation and extended debate on both the sources and uses of funds as to enable the public and the Parliament to consider critical budget issues and choices. Budget documentation should specify the objectives of fiscal policy, the underlying macroeconomic assumptions and the main identifiable risks. Moreover, the terms of revenue collection and monitoring of approved expenditures should be clearly established.

The information needed in each of the main budget reports, which, like the national budget submitted to Parliament, must provide the background information and explanations essential to understand and interpret the budget as it evolves throughout the year. Six core budget documents provide this information, each of which has its own uses for policy making and follow-up on implementation of the government programme over the course of the year: the pre-budget report, the monthly reports, the mid-year report, the end-year report, the pre-election report, and the long-term report. Other documents may be required to respond to changes in the government's programme, to the economic and financial situation in the country, or other events having a material effect on the budget and its implementation.

The **Pre-budget report**, such as preliminary reports to the Finance Law or other background reports, provide context and stimulate debate on the budget strategies and priorities, as well as present a concise and readable overview of the main issues and budget priorities. This document encourages debate on the budget aggregates and how they affect the economy and create appropriate expectations for the budget. It should be released no later than one month prior to submitting the budget proposal to

Parliament and should explicitly state government's long-term economic and fiscal policy objectives and intentions for the forthcoming budget and, at least, the next two fiscal years. Additionally, it should highlight total revenue, expenditure, deficit or surplus, and debt, and clearly specify and discuss the underlying economic assumptions.

Monthly reports show progress in budget implementation and should be released within four weeks of the end of each month. These reports include revenue and expenditure for each month and year-to-date, compare forecasts of monthly revenue and expenditure for the same period and show any in-year adjustments to original forecasts separately. As needed, they may include brief commentaries and explain any significant divergence between actual and forecast amounts. They follow the same level of detail as the budget law, classifying expenditures by major administrative units (e.g., ministry, agency) and presenting supplementary information to break down expenditures by economic and functional categories; including information on the government's borrowing activity.

The **mid-year report** provides a comprehensive update on budget implementation, including an updated forecast of the budget outcome for the current fiscal year and, at least, the next two fiscal years. It should be released within six weeks of the end of the mid-year period. It reviews economic assumptions underlying the budget and the impact of any changes on the budget; it includes a comprehensive discussion of the government's financial assets and liabilities, non-financial assets, employee pension obligations and contingent liabilities; and discloses the impact of any other government decisions, or other circumstances, that may have a material effect on the budget.

The **end-year financial report** is the government's key accountability document. The execution of the budget is subject to an annual audited financial statement. This statement allows Parliament and citizens to see how the budget was actually implemented. It is often released late due to the delay in its preparation and verification. Ideally, this report should be released within six months of the end of the fiscal year and be audited by the Supreme Audit Institution. The report should show compliance with revenue and expenditure levels authorised by Parliament and any in-year adjustments to the original budget separately. It should therefore mirror the presentation format of the budget and include non-financial performance information, including a comparison of performance targets and actual results achieved where practicable. Comparative information on revenue and expenditure levels during the preceding year as well as for any non-financial performance data should be included, together with expenditures in gross terms, an accounting for ear-marked (designated) revenue and user charges separately. As with other documents, it should classify expenditure by

administrative unit (e.g. ministry, agency) and present supplementary information classifying expenditure by economic and functional categories. Finally, it should include a comprehensive discussion of the government's financial assets and financial liabilities, non-financial assets, employee pension obligations and contingent liabilities.

The **pre-election budget updates** serve to illuminate the general state of government finances immediately before an election to foster a more informed electorate and stimulate public debate; the feasibility of producing this report may depend on constitutional provisions and electoral practices. Optimally, this report should be released no later than two weeks prior to elections and should include the same information as the mid-year report, taking special care to assure the report's integrity. These updates may be required by a law on fiscal responsibility or similar legislation. Their goal is usually to improve the quality of the electoral debate by providing an objective statement on the government's financial situation and an overview before the elections. They generally are the task of the Ministry of Finance, without the formal involvement of other ministers.

Finally, the **long-term report** assesses the long-term sustainability of the debt and of the government's fiscal policies. It should be released at least every five years, or when major, substantive changes are made in revenue or expenditure programmes. Its analysis should assess the budgetary implications of demographic change, such as population ageing and other potential developments over the long-term (10-40 years). All key assumptions underlying the projections contained in the report should be made explicit and it should present a range of plausible scenarios. The analysis of the sustainability of the debt carried by international financial institutions such as the IMF and the World Bank constitute examples of these reports. The intergenerational equity or the weight of the debt burden on future generations are the key elements of these reports.

Best practices for preparing and presenting the budget

Specific disclosures and accounting policies underlie sound and open budgeting. They should be implemented in parallel with the requirements for integrity and accountability in a transparent budget process. Six areas have proven particularly challenging for open and transparent budget documentation and therefore require special attention to accounting and disclosures: economic assumptions, tax expenditures, financial liabilities and assets, non-financial assets, employee pension obligations, and contingent liabilities. These may be summarised as follows:

- **Economic assumptions**: Disclose explicitly all deviations from the forecast of key economic assumptions underlying the budget, including GDP growth, growth composition, the rate of employment and unemployment, the current account, inflation, and interest rates; provide a sensitivity analysis of the impact changes in economic assumptions have on the budget.
- **Tax expenditures** (estimated costs to tax revenue of preferential tax treatment for specific activities): disclose the estimated cost of key tax expenditures and, to the extent practicable, discuss tax expenditures for specific functional areas together with the discussion of expenditures in those areas.
- **Financial liabilities and financial assets**: Disclose all liabilities and assets in the budget, the mid-year report, and the end-year report; disclose monthly borrowing in monthly reports; classify borrowings by currency, maturity profile, whether interest is fixed or variable, and whether callable; classify financial assets by type (cash, marketable securities, investments in enterprises and loans); list investments in enterprises individually; list loans advanced to other entities by major category reflecting their nature; disclose historical information on defaults for each category; value financial assets at market value; disclose debt management instruments, such as forward contracts and swaps; include a sensitivity analysis showing what impact interest and exchange rate changes would have on financing costs.
- **Non-financial assets**: Disclose non-financial assets, including real property and equipment; recognise non-financial assets, if using full accrual-based accounting and budgeting, which will require valuation of such assets and appropriate depreciation and which must be fully disclosed; if full accrual basis is not adopted, maintain a register of assets and provide summary information drawn from it in the budget and mid-year/end-year reports.
- **Employee pension obligations**: Disclose employee pension obligations in the budget and mid-year/ end-year reports, showing the difference between accrued benefits from past service and the contributions government has made towards those benefits; disclose actuarial assumptions underlying this calculation and value assets belonging to employee pension plans at market value.
- **Contingent liabilities** (liabilities whose budgetary impact is dependent on uncertain future events, such as government loan guarantees, insurance programmes, and legal claims against the

government): Disclose all significant contingent liabilities in the budget and mid-year/end-year reports; where feasible, disclose total contingent liabilities and classify them by major category; disclose historical information on defaults by category; list and describe any contingent liabilities that cannot be quantified.

It is to be expected that most parliamentarians will lack the in-depth accounting expertise needed to understand complex but vitally important financial issues such as employee pension obligations. It is therefore of fundamental importance to an open process that the relevant information be presented professionally, consistently, and clearly so that the parliamentarians can make difficult decisions with confidence and stakeholders can participate in the process in a meaningful way.

Building on sound accounting processes and adequate disclosure, the budget processes must directly and effectively tackle issues relating to integrity and accountability. The ability of Parliament and other stakeholders to support greater integrity depends on whether Parliament has the staff and other resources to track the budget throughout the budget cycle. It is imperative in this regard that the supreme audit institution (the Court of Accounts in Morocco) plays the role of an active partner for Parliament in providing the necessary information to its members to assess control and integrity. Proposals to strengthen this relationship in Morocco are taken up in the section on the possible action items below and are based on OECD best practices for integrity, on an in-depth analysis of budget transparency recently completed by the OECD (OECD, 2013), and on the following discussion and assessment of Morocco´s budget institutions.

Best practices for integrity, control and accountability should address four areas:

- **Accounting policies** provide a summary of relevant accounting policies with all reports, describing the basis of accounting applied (e.g. cash, accrual) and disclosing any deviations from generally accepted accounting practices (GAAP). They use the same accounting policies in all reports and, if a change in accounting policies is made, they then disclose the nature of the change and the reasons for it, and, as practicable, adjust information from previous periods to aid comparison.
- **Systems and responsibility** are put in place through a dynamic system of internal financial controls, including internal audit. Each report includes a statement of responsibility by the finance minister and the senior official responsible, in which the minister certifies that all government decisions with a fiscal impact are included and

the senior official certifies that the Ministry has used its best professional judgment in producing the report.

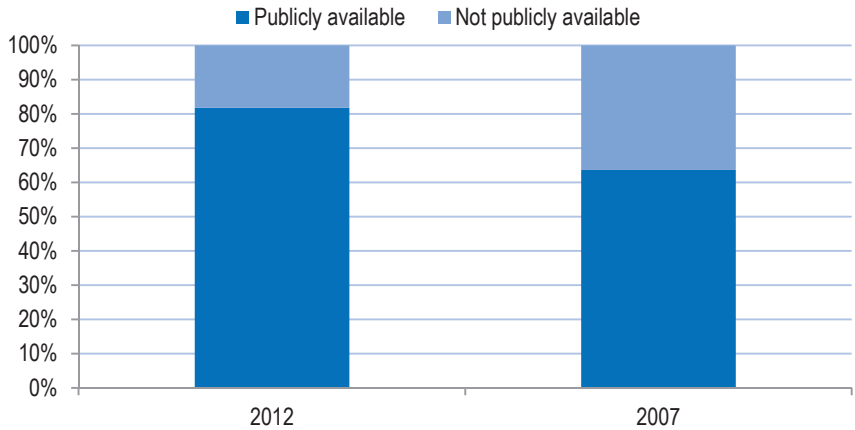
- **Audit of the end-year report** is prepared by the Supreme Audit Institution and submitted to Parliament.
- **Public and parliamentary scrutiny** is facilitated by ensuring that Parliament has the opportunity and resources to examine any fiscal report that it deems necessary and make all fiscal reports publicly available, including on the internet and free of charge. The Finance Ministry should actively promote public understanding of the budget process.

In the same line, but more recently, the OECD published for consultation its draft principles for budgetary governance (2013) which includes a principle stating that budget documents and data should be open, transparent and accessible. In this respect:

- Clear budget reports should be available to inform all stages of policy formulation, consideration and debate, as well as implementation and review. The annual budget document itself, which shows the allocations for each public service area and revenue policy measures under each tax heading, is of central importance. Budgetary information should also be presented in comparable format in advance of the final budget providing enough time for effective discussion and debate on policy choices (e.g. a draft budget or a pre-budget report), during the implementation phase (e.g. a mid-year budget report) and after the end of the budget year (an end-year report) to promote effective decision making, accountability and oversight.
- All budget reports should be published fully, immediately and routinely, and in a way that is accessible to citizens. In the modern context, "accessibility" requires that budget documents be available on-line, and that all budget data be presented in open data formats which can be readily downloaded, analysed, used and re-presented by citizens, civil society organisations and other stakeholders.
- The budgeting process brings together all financial inflows and outflows of government; the use of open, standardised data sets should therefore allow for the budgeting process to facilitate and support other important government objectives such as Open Government, integrity and programme evaluation.

Finally, budget practices and procedures in OECD countries (OECD, 2014), show the recent trends on budget transparency, based on the result of a survey.

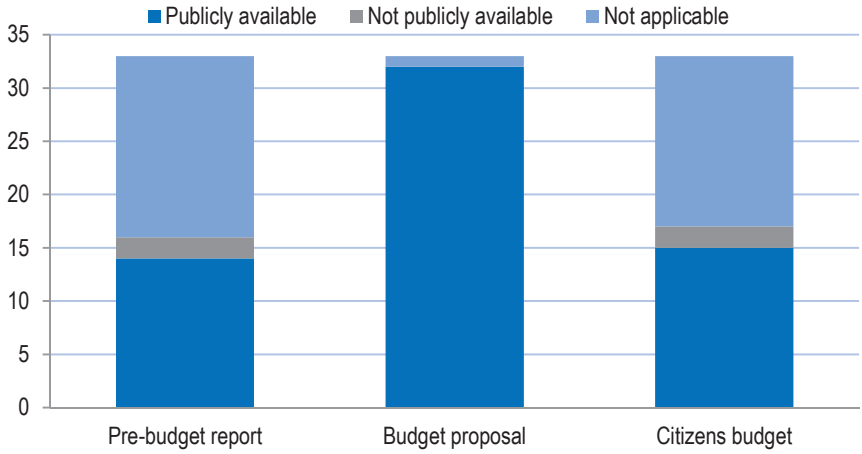
Figure 3.2. **Are the economic assumptions underlying the budget and the methodology used to establish them published/publicly available?**



Note: Percentage of participating OECD countries (33 in 2012 and 33 in 2007).

Source: OECD (2014), *Budgeting Practices and Procedures in OECD Countries*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264059696-en.

Figure 3.3. **Publicly available budget documents**



Source: OECD (2014), *Budgeting Practices and Procedures in OECD Countries*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264059696-en.

Before turning to the examination of Morocco's budget institutions and how they might be strengthened, it is appropriate to note that there is a range of good practices in budget transparency, rather than a single mandated standard. States and international organisations differ in the stress placed on different aspects of budget transparency, for example, or the specific measures to which they assign priority.

For example, Box 3.1 presents the four broad principles articulated by the International Monetary Fund as the basis for public finance practice, based on their code and manual of public finance transparency (IMF, 2007a ; 2007b).

Box 3.1. **The IMF's Transparency Code of public finances is based on four broad principles**

- The clear definition of roles and responsibilities. There must be a clear distinction between the activities of the public sector and commercial activities. Public finances must be managed within a clearly defined legal and institutional framework. Within the public sector, the division of the functions of decision-making and management must also be clearly defined and made public.
- Transparency of budgeting procedures. Budget figures must be presented so as to facilitate analysis and enable the public authorities to be held responsible for budget performance. Budget documentation must specify the budget policy's goals, the macroeconomic hypotheses underlying them and the main identifiable risks. The approved procedures for collecting revenues and monitoring expenses must be clearly established.
- Public access to information. The public must be fully informed of the past, present, and forecasted activities of government administrations in terms of budget. The country must commit to distribute information on public finances within an appropriate timeframe.
- Guarantee of integrity. The budget information must satisfy the agreed to quality norms and be subject to independent examination.

The International Budget partnership (IBP) defines fiscal transparency as the timely publication of eight essential budget documents, being the essential building blocks of budget accountability and an open budget system throughout the full budget cycle (International Budget Partnership):

- The **pre-budget statement**, which should include the assumptions used in developing the budget, expected revenue, expenditure, and debt levels, and broad allocations among sectors.
- The **executive's budget proposal**, which should provide a detailed declaration of the policies and priorities that the government intends to pursue in the upcoming budget year, including allocations at ministry and agency level.
- The **enacted budget**, which is the legal document authorising the executive to implement the budgeted policies measures.
- The **monthly or quarterly in-year reports**, which should report on revenues collected, expenditures made, and debt incurred.
- The **mid-year review** should cover any changes in economic assumptions affecting approved budget policies.
- The **end-year report** should summarize the financial situation at the end of the fiscal year, including an update on progress made in achieving policy goals of the enacted budget.
- The **annual audit report** should be prepared by an independent body and cover all activities undertaken by the executive.
- The **citizens' budget** should provide a simplified summary of each of the different budget documents.

In addition to the timely availability of the above cited documents, other aspects contribute to the quality of budget transparency, such as clarity, reliability, comprehensiveness and accessibility of budget documents. The processes by which these documents are produced are also fundamental to open governance and should include extensive opportunities for Parliament, citizens, and civil society groups to participate in meaningful ways. Increasingly, the use of performance based budgets incorporating methods that link expenditures to outcomes and results is seen as an essential part of budget transparency. Citizens need to know not only what was spent, but how it was spent and what they got for their money.

The impacts of enhanced budget transparency can be multiple, from increased democratic legitimacy, to strengthened participation and accountability and to reinforced trustworthiness both domestically and in international settings. The following sections will discuss how Morocco is performing on the different elements of budget transparency introduced here.

Assessment of budget transparency in Morocco: achievements and remaining challenges

Morocco launched a wide range of reform initiatives in the area of public finance over the last decade. Several public financial management reviews (e.g. ROSC, CFAA, PEFA etc.) confirm the wide scope of the reform package of the last ten years and point to the (potential) impact of these reforms. As demonstrated by the improvement in Morocco's performance on the Open Budget Survey, discussed below, these reforms have resulted in an improvement in Morocco's budget transparency, but there is still more to be done.

Gradual reforms over the last decade: an overview

In 2005, the IMF produced its Report on Observance of Standards and Codes (ROSC) for Morocco. This report lauded Morocco's fiscal system for its reliability and support by legal safeguards. The IMF welcomed, in particular, the legislative and regulatory provisions included in the 1998 amendment of the Organic Budget Law (*Loi Organique relative aux Lois de Finance*, LOLF), as well as the improved clarity of fiscal and accounting standards, accessibility of financial information, control over expenditure preparation and execution, and financial data quality.

The ROSC also pointed to several remaining issues to be addressed: the highly centralised nature of the fiscal system, the primary focus on control, and the limitation of fiscal consolidation essentially at the central government level, excluding a number of governmental institutions and social security agencies, as well as omitting consolidation of local governments' fiscal position into the overall statements. Coordination between budgetary and extra-budgetary activities was identified as a particular area of concern, as extra-budgetary activities such as the special treasury accounts were barely addressed in the budget law[1].

Furthermore, the IMF noted that the format used to present budget breakdowns detracted from both clarity and readability, that only a part of the central government's financial assets were disclosed, and that official commitment to timely dissemination of (consolidated) fiscal data was deficient, covering only the timing of the draft budget law and the budget review law (although these legal deadlines were not always adhered to, but serious efforts were being made to close this gap). In addition, the budget

1. In the latest budget laws, the country integrated a separate report on the special treasury accounts.

was not embedded in a medium-term planning framework nor was a medium-term fiscal sustainability assessment prepared.

Priority, short-term improvements at that time included progressive expansion in budget coverage, accounting modernisation, reporting on budget execution and fiscal risk evaluation. Performance-oriented budgeting and reconciling *ex ante* and *ex post* controls were identified as longer-term goals.

The World Bank's Country Financial Accountability Assessment of Morocco (2007) confirmed the scale of the reforms in public financial management at that time, including greater use of performance-related data, increased application of ICT, deconcentration, timelier reporting, greater balance in the use of *ex ante* and *ex post* controls, and strengthened audit – all important steps to reinforce fiscal transparency. The report recommended continued emphasis on timely end-of-year consolidated reporting, where some progress was also noted, and the need for closer collaboration among the two central government audit agencies: the Ministerial Inspector General (*Inspection Générale Ministerielle*, IGM, which performs audits within ministries) and the Inspectorate General for Finance (*Inspection Générale des Finances*, IGF). To achieve such co-ordination, the report recommended that the IGF be assigned a coordinating and catalysing role. Finally, the report called for reviewing the Organic Budget Law of 1998 to integrate the reforms adopted so far, so as to ensure an up-to-date, comprehensive legal framework.

The 2009 Public Expenditure and Financial Accountability (PEFA) Report, also produced by the World Bank, recognised further incremental progress, notably the availability of detailed fiscal and budget information to the public, including on the websites of the Ministry of Finance and Parliament. Gradual progress was noted in transparency through the reduction in the share of the budget in ear-marked Special Treasury Accounts from 13% in 2003 (IMF, 2005) to 10% in 2008. Initiatives to extend and formalize a multi-annual perspective for the budget overall and by sector were mentioned as well, including the designation of pilot ministries for application of medium-term expenditure frameworks, though actual negotiation of budget issues within an explicit multi-annual perspective remained limited. The report also found little progress on issues highlighted earlier, such as consolidation of budget data and lags in financial reporting on public enterprises.

Significant improvements in internal audit implementation, frequency, and methods were also realised between 2005 and 2007. The Court of Accounts (*Cour des Comptes*) met the global INTOSAI standards in terms of mandate, powers and independence and became more fully engaged in its

role as external auditor of the management and use of public funds, reporting to King and Parliament. Regional courts had been established in 2004. Remaining difficulties in the audit function included the limited accessibility of mandatory audit reports and the lack of parliamentary debate and formal arrangements for follow-up.

The report also noted that delays in the preparation of annual financial statements were substantially reduced in 2008, available information for programme-related spending remained limited and procurement complaints were not yet being systematically recorded. In the economic and financial report accompanying the Finance Law, and structured sensitivity analysis of the revenue regarding the economic activity, evolution is presented from 2012 on.

More recently, opening up the state budget to citizens has started to figure more prominently on the reform agenda and in reform assessments. A recent World Bank blog identifies increased citizens' participation as one of the pillars of the current governance reform programme. It is important to underline here that Morocco's new Constitution, adopted in 2011, explicitly enshrines basic principles of participatory democracy and the right of access to information. Formal laws and policies in this area are still under construction and constitute a high priority in consolidating and advancing budget transparency, as further discussed below.

Morocco's performance on the Open Budget Survey

Morocco's score on the International Budget Partnerships index puts it in the lower half of the rankings. Substantial improvements were made between 2006 and 2012, however, raising the score from 28 in 2010 to 38 in 2012. Between 2006 and 2012, Morocco rose from the 8th percentile to the 37th of 100.

The IBP assigns primary importance to the timely publication of eight essential budget documents as the core of budget accountability and open budget systems. Morocco published six out of eight of these budget documents in 2012, one of which was for internal use only, however (the end-year report). It did not publish the pre-budget statement nor did it publish the mid-year review. The IBP assessed the enacted budget and the in-year review report as being of good quality and based on the comprehensive information provided.

This finding points to three steps that would increase budget transparency at a comparatively low cost: publishing the end-year report, producing and publishing the pre-budget statement and the mid-year review, and increasing the comprehensiveness of the executive's budget proposal.

While highly desirable, these measures would not, however, secure Morocco additional points toward qualification for OGP eligibility. Morocco has already achieved the maximum score of 4 points for the budget transparency component based on its publication of two essential documents, the Executive's Budget Proposal and the Audit Report.

Overall, Morocco's performance on the 2012 OBI shows substantial progress in several areas since 2006:

- classification of the budget (administrative, functional and economic)
- identification of tax and non-tax revenues
- macro-economic forecasting (though lacking a sensitivity impact analysis)
- linkage between budget and policy goals.

At the same time, with a global score of 38 on the index, Morocco's performance indicates that multiple areas offer opportunities to reinforce budget transparency remain:

- strengthen programme-level and multi-year budgeting techniques
- include more information on extra-budgetary funds, transfers and government's (non)financial assets, expenditure arrears, and contingent liabilities
- increase overall quality and availability of complete information in different budget reports, especially the pre-budget statement, the mid-year review and end-year report
- reinforce the quality of the citizens budget (e.g. variation of dissemination tools, availability of citizen budgets at the different stages of the budget cycle and systematic consultation of citizens)
- empower the legislature by developing its capacity for budget analysis
- extend consultation between the executive and the legislators
- further expand support for the capacity and mandate of Morocco's supreme audit institutions, dissemination of their reports and appropriate follow-up.

Gender Responsive Budgeting (BSG)

On the initiative of the Ministry of Finance (MoF), Morocco has gained a significant experience in producing Gender Impact Reports. The consideration of gender in the budget formulation aims at ensuring equality and improving the efficiency and consistency of public policies through a better allocation of resources. The objective is to align the policies, strategies, programmes and budgets with the political commitments on gender equality, human sustainable development and fight against exclusion.

Operationally, the progressive approach that has been adopted has allowed Morocco to acquire analytical instruments based on specific budget guides and enriched by a battery of synthetic indicators allowing the monitoring and evaluation of public policies in terms of gender.

The programme has been awarded the first prize of the United Nations for the public service in 2014, for the "promotion of gender in public services" in Africa, recognising thereby the efforts made by the MoF. This distinction is a consecration of an uninterrupted momentum that began in 2002 with UN Women to develop the integration of the gender perspective in the budgetary process.

Initial conclusions from the assessment

Morocco has made ongoing efforts to develop an effective system of good fiscal governance, implementing a range of budget modernisation initiatives over the last decade, all contributing substantially to increased budget transparency, via improved budget comprehensiveness, more effective budget execution and reporting, and gradually strengthened audit mechanisms. Moreover, several modernisation initiatives are still under way.

Two key challenges are discernible. Firstly, the need to consolidate the progress made in reforms to date, following the adoption of the LOLF in 2014, firmly anchored in the new Constitution, its adequate implementation, including the required regulatory development. The revised LOLF offers a solid basis for boosting good practices for budget transparency. Secondly, the continued development of actionable policy reforms should be encouraged, together with their translation into operational guidelines and practices and their support with sufficient technical and managerial capacities for wide-scale implementation. Through these two actions, the government of Morocco can assure solid budget transparency practices throughout the budget cycle.

All in all, Morocco has shown a continued effort over the last decade to evolve towards increased budget transparency, though progress in some sub-areas has lagged.

The new LOLF

The implementation of the LOLF from 2014 to 2017 was planned in the frame of the programme *Hakama*, managed by the Ministry of Foreign Affairs and Governance and funded by the World Bank. In addition, the French agency for the international technical co-operation on economic and financial technologies (ADETEF) will support the process.

A new Organic Financial Law was adopted by Parliament in November 2014. The draft was passed with amendments by the House of Representatives in July 2014 and by the House of Counsellors in September 2014. It will enter into force by 1 January 2016 (except certain provisions that will enter into force gradually up to January 2020).

Therefore, the implementation of LOLF aims to be progressive over five years to reflect management capacity of the public administration and ensure the conditions necessary for the success of the reform.

The redesign of the LOLF is at the heart of the reform of public finances as it is a crucial element in the evaluation of public policies. This revision is based on the establishment of a consistent approach to evaluate the responsibilities and results of the public action through indicators. This will produce a reinforcement of the control by Parliament of the public expenditure through the information on the actual budget execution and implementation of public policies.

It has to be emphasised that before the adoption of the new Law, a pilot reform was launched in four departments, namely the Ministry of Economy and Finance, the Ministry of Agriculture, the Ministry of Education and the High Commission for Water, Forests and Fight against Desertification. These departments are encouraged to structure their budgets according to the programme, to state the performance process according to the programme and to develop projects by performance. According to the government, a second wave of prefiguration has been launched in five new ministerial departments namely, of the Ministry of Foreign Affairs and Co-operation; of Justice and Freedom; of Equipment, Transport and Logistics; of Health and the department of Vocational Training.

The main strategic objectives of the reform of the LOLF were:

- Updating the content of the LOLF to allow adaptation to the new constitutional arrangements in the area of finances.

- Strengthening the role of the annual Finance Law as the primary tool for implementing public policies and sectorial strategies to ensure sustainable economic and social development.
- Improving the financial balance, budget transparency, and simplification and fiscal readability.
- Increasing the role of Parliament in financial control, in assessing public policies and improving the quality of the budget debate.
- Increasing efficiency and consistency of public policies, improving the quality of public services provided to citizens and the accountability of managers regarding the achievement of objectives justifying the financial resources allocated.

The draft LOLF was developed taking into account international best practices in the field of modernisation of public management, adapted to the national context. These proposed reforms include the following three issues:

- Strengthening the performance of public management.
- Strengthening financial principles and rules and deepening budget transparency.
- Increasing parliamentary control over public finances.

To strengthen budget transparency, the reform proposes to explicitly introduce the principle of budget honesty in order to reinforce the validity of the assumptions that govern the preparation of the Budget, confirm the quality of forecasts and resource loads based on the information available at the time of their establishment. In addition, the budget accounts will be enriched by the introduction of accrual accounting and cost analysis in order to monitor the overall cost of public services.

The Law, with some 70 articles is structured in eight titles:

- definition and content of the Financial Laws
- presentation of Financial Laws
- scrutiny of the voting of the Financial Laws
- regulation of the Budget
- various provisions
- particular provisions
- entry into force

- final provisions.

The first articles deal with some general principles of the financial laws, such as the unity, universality or the annuity principle. Notwithstanding the latest, the Law also foresees, in article 5, the budget to be prepared on the basis of a three-year macroeconomic scenario and budget programming, from 2018 on. This programming is reviewed every year for its suitability to the country's financial, economic and social situation. The aim is to determine the development of the total resources and expenses of the State over three years, based on factual and justified economic assumptions.

Further, the Law makes reference (Article 10) to an assessment of the credibility of the resources and expenses foreseen in the annual budget on the basis of data available during its preparation and projections made therefrom. However, no details are given on the body in charge of this evaluation, nor to any other detail of the mandate. In many countries, this remit is given to Independent Fiscal Institutions, as detailed in the Box 3.2.

Box 3.2. **Building new Independent Fiscal Institutions**

The OECD Network of Parliamentary Budget Officials and Independent Fiscal Institutions (PBO Network) meet to share experiences on substantive budgeting issues, as well as institutional arrangements and working methods. PBO members have consistently taken the lead in identifying, building consensus on, and disseminating good practices – culminating in the development of a first set of OECD Principles for Independent Fiscal Institutions. Drafted with input from the Working Party of Senior Budget Officials and approved by the OECD's Public Governance Committee in May 2013, the Principles are already being implemented by established and emerging IFIs in Member and non-Member countries alike.

The Principles are grouped under nine broad headings:

1. local ownership (i.e. taking into account local needs, capacity constraints, a country's legal framework, political system, and budgeting culture)
2. independence and non-partisanship (ie. appointment process and term lengths, freedom to hire and dismiss own staff)
3. mandate (i.e. clear links to the budget process)
4. resources (i.e. commensurate with mandate)
5. relationship with the legislature (i.e. mechanisms to encourage appropriate accountability to the legislature)
6. access to information (i.e. guaranteed in legislation)

Box 3.2. **Building new Independent Fiscal Institutions** (*cont.*)

7. transparency (i.e. reports and analysis published and freely available, website)
8. communications (i.e. fostering informed constituencies that value fiscal transparency and responsibility)
9. external evaluation (i.e. review of selected pieces of work; annual evaluation of the quality of analysis; a permanent advisory panel or board; or peer review by an IFI in another country).

More generally, the principles highlight the core values that the IFIs seeks both to promote and to operate under – independence, non-partisanship, transparency, and accountability – while demonstrating technical competence and producing work of the highest quality that stands up to public scrutiny and informs the public debate. The Principles further aim to assist countries to address the challenges in designing an enabling environment conducive to the good performance of an IFI and to ensure its long-run viability.

The Principles do not seek to be overly prescriptive in terms of the functions of independent fiscal institutions which vary according to local needs, although certain functions are recognised as typical, such as the role in economic and fiscal projections; analysis of the executive's budget proposals; monitoring compliance with fiscal rules or official targets; or the cost of major legislative proposals.

United Kingdom Office for Budget Responsibility

The United Kingdom's Office for Budget Responsibility (OBR) was established in 2010 and operates with a staff of 20 to 25. It is tasked with producing the official forecasts for the economy and public finances. Previously, such forecasts were prepared by HM Treasury, the Finance Ministry. However, they had established a reputation for unreliable and "optimistic" forecasts. The creation of this independent body was designed in part to increase independence in the area of economic and fiscal forecasts.

The OBR is under the Executive but is a legally separate arms-length entity, with its own oversight board. It does buy some administrative support services from Treasury (for example human resources and finance services, set out in a Service level agreement) and from the Attorney General's Office with which it now shares accommodation (for example, IT support, also set out in an agreement).

The OBR's core functions are established by legislation including the responsibility to provide the official economic and fiscal forecasts to the Chancellor of the Exchequer. However, neither the Government nor the Parliament have a right of direction over OBR analysis and the OBR takes full responsibility for the content of its publications and other pronouncements. OBR's work requires close communication with government departments,

Box 3.2. **Building new Independent Fiscal Institutions** (*cont.*)

particularly to get the information and data needed for their forecasts. To safeguard their independence, OBR makes information on such contacts publically available.

Source: OECD (2014), *Spain: From Administrative Reform to Continuous Improvement*, OECD Public Governance Reviews, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264210592-en.

Article 20 states that in order to maintain the balance of the State finances as provided in article 77 of the Constitution, the net borrowing shall not exceed the sum of total investment expenditure and of the reimbursement of the principal debt for the financial year. In many countries including the United Kingdom, the principle of a "golden rule" is in place. The golden rule is a guideline for the operation of fiscal policy that states that the Government will borrow only to invest and not to fund current spending. Many countries define the rule not annually but over the economic cycle. This allows a higher stability and the predictability of the public investment, avoiding pro-cyclical fiscal policies.

Articles 21 to 24 regulate the special budgetary status of the autonomously managed State Services, while articles 25 to 30 strengthen the rules for the special Treasure accounts. Both cases represent exceptions to the general rules applicable in the budget. The Law improves the existing regulations of the cases, including explicit provisions on submission to Parliament of the draft operations programmes, together with the draft budgets of the responsible ministry.

On Accounting, general rules are set up, such as the distinction of the three accounting systems (budgetary, financial and cost accounting). Several principles are established, *inter alia*, the true and fair view (Art. 31.4), the accrual basis (Art. 33) and the audit mandate of the Court of Accounts.

Article 36 indicates that the Budget Law of the year consists of two parts. The first part fixes general data related to financial balance, and includes the authorisation of collection of public revenues and loan issuance; provisions related to public funds that the budget law can create, modify or remove; provisions related to state expenditures for autonomously managed state services and in special Treasury accounts; provisions related to the public debt recovery, control the use of public funds, and the pecuniary and personal liability of state services administrators, if applicable; overall evaluation of the general budget revenues, budgets of the autonomously

managed State Services, and the categories of special Treasury accounts; expenses ceilings of the general budget by section of all the budgets of the autonomously managed State Services grouped by operational expenses, investment expenses, and the special Treasury accounts by category. The balance table is presented in a way that makes the overall elements of budgetary balance and the need for financing visible. The second part includes the general budget expenses by chapter, the expenses of the autonomously managed State Services by service, and the special Treasury accounts by account.

The general budget resources shall be presented by subdivided chapters, and when it is appropriate by service, and by nature of revenues (Art. 37). The expenditures are divided in Operating, Investing and expenditures related to public debt services (Art. 38), but it is also presented by programmes (Art. 38). In each ministerial department or institution, a supervisor is assigned by programme and is in charge of defining its objectives and indicators as well as of ensuring the monitoring of its implementation. The targets and indicators of a particular programme shall be included in a performance efficiency draft prepared by the ministerial sector or the institution concerned. This draft shall be submitted to the Parliamentary committee concerned together with the draft budget. The programmes are divided in projects or operations (Art. 40) and further, in budget lines (Art. 41). A specific section in the budget shall be opened to cover any incidental expenditure to fulfil an urgent need or not specified when preparing the budget. This kind of budget allocation, commonly known as Unexpected Expenses and Earmarking Provisions, should be used under strict criteria. An earmarking provision necessary to maintain spending within pre-established levels, is a prudent mechanism for fiscal risk management, even in the presence of unexpected events or changes in priorities in the course of the fiscal year. It is also an essential component of top-down budgeting. Still, an earmarking provision may generate some moral hazard risks, if line ministries see it as an opportunity to obtain additional resources in the course of the year. To minimize these risks, the rules to allocate the earmarking provision should be clearly stated and enforced throughout, starting with a clear definition of eligible contingencies. A procedure to analyse proposals, which assesses the true nature of contingencies and assures that opportunities for redistribution within a sector are exhausted before tapping from the reserve may be especially necessary in this regard, in line with the recommended OECD practice.

The Law also regulates the submission of the annual financial law to the Parliament, including the documentation to be provided, and the approval process, as detailed further below.

Finally, regarding the budget liquidation, a specific annual Law should be approved. This Law shall include, the accounting result of the year, and should be sent to the Parliament on the first quarter of the second year following the year of execution of the budget. This temporal gap looks excessive to allow timely accountability. Ideally this report should be ready before the end of the following year. The Law shall be accompanied, among other documents, by:

- An annual report on performance efficiency prepared by the Ministry of Economy and Finance, summarising and consolidating the performance reports prepared by the various sectors and institutions.
- A report on the evaluation of performance efficiency.
- A report on the resources reserved for local groups.

Institutions for budget transparency

For the achievement of budget transparency, strong and capable institutions are the necessary counterpart to sound laws and procedures. Seen through the lens of Open Government, these institutions extend beyond the central government to include the Parliament, civil society and other stakeholders, and the supporting role played by international donors. Within the central government, the prime minister's office and other centre-of-government elements play a decisive role, as discussed in Chapter 1 of this review. This section will therefore focus on the Ministry of Finance, the Inspectorates General, and the Court of Accounts to complete the consideration of core public institutions for budget transparency, and will then discuss the Parliament, civil society, and the role of international donors.

Committed public institutions

The Ministry of the Economy and Finance (MoF) has a fairly well elaborated website, with documents related to the budget law for 2014, a number of background documents regarding the revision of the LOLF (last documents date back to May 2012), and a range of financial and economic statistical data. Although the available information is substantial, the most recent documents are not always obtainable and the data format is not always useful (mainly in pdf format), except some information, related to economic and financial statistics, can also be available in Excel format. The website also provides an overview of the Ministry's departments, with a succinct description of the role and responsibilities of each department and in some cases additional background documents and reports. Additionally,

the MoF has put in place valuable initiatives such as the citizen budget and the publication of a citizen guide on the Finance Law, from 2012.

With respect to budget transparency, the MoF's budget department, the Inspectorate General (*Inspection Générale des Finances* or IGF), the ministerial Inspectorate General (*Inspection Générale Ministérielle* or IGM), and the independent Court of Accounts are the key actors.

The MoF's budget department (*Direction du Budget*) is responsible for managing public expenditures. The department has played an important role in promoting budget transparency through its continued effort over the last decade by expanding available fiscal information, consolidating data, intensifying the use of ICT for budget management, and providing technical input for the revision of the LOLF. The budget department has received considerable international technical assistance to support its introduction of necessary innovations over the last decade that are enabling Morocco to move gradually toward international budget transparency standards. Recent initiatives on the part of the budget department include further budget rationalisation through the elaboration of stricter criteria governing new autonomous services (*Services de l'État gérés de manière autonome* or SEGMA), limitations on the number of Special Treasury Accounts (STA), and development of a citizens' budget, beginning in 2012.

- The Inspectorate General corps (IGF) was created by law in 1960, defining its attributions, missions and prerogatives in the field of control and audit. It currently has 85 staff members (of whom 65 are inspectors). The IGF has the authority to: carry out audits of cash and accountancy services, cash and assets, public accountants, and generally state executives, local councils, state-owned enterprises and institutions and other state organisations.
- Oversee the management of public accountants, funds appropriators, controllers and any other administrators to ensure that their operations are carried out in accordance with law and regulation, that their reports are accurate, and that all material information is disclosed in their accounts.
- Evaluate how operations are managed, whether they have achieved their objectives, the means used to reach assigned objectives, the cost of products and services, and their financial and economic effects.
- Audit state-owned institutions and enterprises under state management.

- Audit the management of any state or local council providing a public service.
- Audit companies, unions, associations or any enterprise, and generally any person benefiting from financial assistance from the state or a local council.
- Audit and publish assessments of projects financed by foreign governments or international or regional financial institutions, within the scope of bilateral or multilateral co-operation agreements.
- Conduct evaluations of public financial or budgetary policies, upon the request of the government or the Finance Minister.

The planning of audits by the IGF depends on the importance of the activities to be audited (e.g. the education or health sector), previous audit findings, special requests from the MoF or government, or on issues raised in the media and parliamentary debate.

The ministerial Inspectorate General (*Inspection Générale Ministérielle* or IGM), is one of the mechanisms of monitoring and control of the government, reporting to the related Minister. Its mandate is to regularly report on the operation of services, performing audit missions, performance evaluations, inquiries and studies, aiming at improving the quality of public services, and having vertical responsibility for audits within ministries.

In particular, its mandate is the following:

- Control the implementation of administrative and financial management, to promote rationalisation and safeguard the public interest, fighting against abuse of power and waste of public funds. In practice, few audits and evaluations are performed, and the follow-up of recommendations is not systematic.
- Promote a culture of transparency, ethics, equity, efficiency and citizenship in the public administration, as well as moral values.
- Cooperate with the Court of Accounts, the IGF and the central body for corruption prevention (ICPC).

Due to the current interaction between the IGMs, the Court of Accounts (which like the IGF has a government-wide mandate) and the IGF, a co-operation agreement proposed between the IGF and the Audit Court to improve co-ordination between these agencies is under development.

The IGF is very much aware of the need to strengthen its technical capacity, especially in view of the rising importance of *ex post* control and performance audits related to the increased focus on outputs and

performance of programmes. For that purpose, the IGF has developed strategic alliances with international bodies such as the World Bank and other International Organisations, including twinning processes (e.g. with inspectors in France and Portugal); developed a 5-year organisation strategic plan including a training plan; and carried forward the development of "poles of excellence" within the organisation, supporting technical specialisation within the audit, inspection, evaluation and research functions. In order to increase its impact, the organisation is also developing follow-up matrices for its recommendations.

The IGF is also investing in broader strategic alliances within Morocco. For example, a memorandum of co-operation was recently signed with the ICPC (*Instance Centrale de Prévention de la Corruption*) and it has provided training on fiscal crimes to the police and the justice department. The IGF also recognizes the impact of the new Constitution and how its own interaction with Parliament might change as a consequence. For example, a project is being developed to incorporate performance audit results in the budget law documents transmitted to Parliament. The IGF believes that an important next step in its organisational development is to improve the organisation's accessibility to citizens through better information sharing and the creation of opportunities for citizens to report potential anomalies, etc.

The Court of Accounts is the country's supreme audit institution, created in 1979 and incorporated in the Constitution since 1996. Its mandate covers both financial and performance audit. The Court's independence is formally recognised by the Constitution, which mandates publication of the Court's annual report and informs Parliament of its findings. The Court's judges are appointed by royal decree and the organisation has a separate budget, therefore benefiting from a high level of financial autonomy and independence. Since 2003, the Court also has a mandate to carry out field visits if deemed appropriate. Nine regional Courts of Accounts were created in 2004 to improve audit of local governments and public enterprises. In total, the Court has more than 300 judges, half of them operating at the local level.

Since 2008, more emphasis has been placed on following up on the Court's recommendations. Since 2011, moreover, the Court has not only to publish a report summarising its work, but also full individual audit reports. The Court is still working to incorporate the new requirements introduced by the 2011 Constitution into its operational guidelines, such as audit of political parties' finances, assets disclosure, and the increased emphasis on performance audit and public policy evaluation. Overall, the Court recognizes that these innovations place heavy new demands on the organisation that bring with them substantial capacity-building challenges.

To address these needs, international alliances are being established with international counterparts (such as the supreme audit institutions of the United Kingdom and France, for example) to develop the Court's capacities and to explore how the staff skills can be strengthened to meet their expanded role and responsibilities.

Both the Court of Accounts and the Inspectorates General demonstrate a highly proactive approach to fine-tuning their organisational strategy in line with their established and newly expanded roles and responsibilities. Coordination among them as key actors is still a challenge, as well as continued capacity building. The impact of continued regionalisation also requires further follow-up.

The potential role of parliament

The 2011 Constitution strengthens the role of Parliament bringing it more in line with what is expected in a constitutional monarchy, even one such as Morocco's in which the crown continues to play a significant role in legislation and government oversight, including the power to dismiss the Parliament. Parliament's responsibilities to review and approve the annual budget law and to monitor public expenditure are among the most important avenues for actions to open up government. Looking beyond Parliament's central role in legislation, its ongoing interactions with the government, the public, the Court of Accounts, and others create extremely important opportunities to shed light on government performance and to hold the government accountable for its fiscal performance.

In order to fully assume this role, however, the Parliament is dependent on the documents and other information provided to it by the government, as well as by citizens and other stakeholders. The budget documents presented to Parliament have been progressively broadened and are now quite extensive, although the OBI rightly indicates that there remain opportunities for further progress, as discussed previously. Over and above the quantity of information, which is broadly satisfactory, the user-friendliness of this information is an additional and important concern. This depends on the standardisation of data presentation, the analysis accompanying the budget (such as the multi-year perspective on fiscal data, for example), the timeliness of data presentation, and other factors. These are areas that still need to be strengthened.

In addition to that, the importance of its capacity to process and act on all the information available has to be highlighted. The budget analysis capacity of Parliament's members and staff would benefit from further development, along with the expansion of the resources available to it to perform this critically important role.

It will be important to build the capacity of parliamentary staff by conducting a series of training programmes and allocating funds for appropriate expertise and hardware to support parliamentary budget analysis and review. In addition, to enhance the role of parliamentary committees by giving them more material and human resources to enable them to fully accomplish their mission. Furthermore, strongly encourage the members of Parliament to participate in these committees to build a culture of active parliamentary oversight of the Executive, for instance, by linking non-attendance with significant remuneration penalties.

Additionally, it is important to ensure the best possible public visibility for parliamentary work by all appropriate means (the press, Internet, radio and television), by providing current and understandable information to citizens.

While the review and adoption of the annual Budget Law lies at the centre of Parliament's role in budget transparency and accountability, Parliament is a key actor throughout the budget cycle. As referred to earlier in this chapter and elsewhere in this report, gradual political change implies an expanded role for Parliament in several areas, of which PFM is only one area. It increases Parliament's formal role throughout the budget cycle and alters the public's expectations regarding its added value in this process.

Morocco should reinforce the scope of the Parliament's role during the whole budget cycle. Therefore, to achieve this objective, regarding the time available for reviewing the Draft Budget Law, it should reinforce the effectiveness of the draft budget law filing date by requiring, in case of a late filing in Parliament, a parliamentary debate which could lead to a vote of no-confidence for the government and set the same filing deadline for both the draft budget law and all its supporting documents.

The parliamentary review of the draft budget may cover details of the revenues and expenditures proposed, after reviewing the macroeconomic forecasts and fiscal aggregates – an approach that is often referred to as "top-down budgeting".

There are factors for the effective exercise of the role of Parliament.

First, relevant and timely nature of the information brought together in the budget documentation submitted to Parliament. Secondly, Parliament must have sufficient time to consider the draft budget. Thirdly, Parliament must possess the right framework to enable it to effectively carry out the functions assigned to it. Such a framework includes:

- A system of commissions or committees that ensures a detailed review of the budget. A budget committee must consider the macroeconomic forecasts and the overall fiscal policies, while

specialised sectoral committees examine expenditures in the areas of competence of the different ministries.

- The ability to examine the general fiscal policies as well as the details of revenues and expenditures.
- The ability of Parliament to publicly question ministers and officials.
- Competent staff assisting in the analysis of the draft budget or of the budget execution reports.

The debates in Parliament and the reports of parliamentary committees should be distributed or made available to the public. More generally, the studies conducted by the OECD and the World Bank Institute suggest that the efficiency of the parliamentary committees in fulfilling their roles of review and control depends on a combination of factors relative to the institutional organisation, on the one hand, and to the skills and behaviour of the members of the committee, on the other. These committees also appear to be more effective when working in a non-partisan environment.

While the Constitution opens the door to a more empowered Parliament, this remains to a large extent a goal rather than a concrete achievement at present. Parliament's increased powers go beyond its established function as a controller, monitoring government expenditure and fiscal performance (although there remains room for improvement in how it plays that role).

Going forward, Parliament's role will increasingly include that of a genuine evaluator of the government's budgetary performance, looking beyond the budget numbers to examine if the Government properly delivers public goods and services meeting sound financial management principles and taking into account the citizens' expectations.

This new role extends to consideration of the policies behind the budget and its allocation of state resources, moreover, including asking whether the budget is being spent on the appropriate goods and services to meet the government's strategy and policies, not just whether expenditures are in line with the budget. Taking on these new responsibilities requires a profound transformation process, which will take time but meanwhile must not be put off to an indefinite future. The successful accomplishment of this transformation would undoubtedly have an equally transformative impact on overall budget transparency and government accountability in Morocco. The adoption of LOLF constitutes the most important budget reform of the Parliament in 2014.

Harakat (2011) identifies the current deficiencies of Parliament as comprising institutional, human and logistical deficits. At the institutional

level, four factors contributed to parliamentary weaknesses: the changing political environment, the historic gap between Parliament's formal and actual powers, the lack of effective parliamentary opposition, and the history of imbalances between the executive's institutional power and that of Parliament. These factors contributed to hamper the full deployment of Parliament's role in the budgetary process. At the level of technical or human capacity level and of logistical capacity, gaps include limited knowledge of budgetary issues by members of Parliament and the lack of sufficient assistance from the finance commission in Parliament, such as a specialised budget research office for budget analysis. A smoother exchange of information between audit institutions and Parliament offers an additional opportunity to strengthen its role.

Parliament's website currently provides constituents with a certain amount of information regarding budget transparency. Worth mentioning here is the posting of all documents related to the executive's budget proposal (including the actual budget proposal and additional reporting and analysis submitted to Parliament) and the draft or enacted budget law for several years (though the enacted laws for 2013 and 2014 are not available). This information could productively be expanded, for example by making minutes of parliamentary debates systematically available on the website, posting audits and other reports received by the Parliament, etc.

The new LOLF (2014) details the Parliament increased implication on the budget process from 2015 on, strengthening the role of Parliament in the budget debate through the enhancement of information provided by the Government, the revision of the voting modalities of the annual Finance Law and the clarification of the right of amendment. In this context, the project proposes to involve Parliament in the early stages of preparation of the draft budget law and make available accurate and quality data to enable it to exercise its oversight role of public policies and conditions of their implementation, and it is proposed to simplify the practice of parliamentary law amendment process.

Concretely, the MoF shall submit to the two finances committees in Parliament, before the end of July each year, the general framework for the preparation of the Financial Law, including:

- economic situation
- execution of the current budget until the end of June
- economic and Fiscal policy data
- overall budget programming for the next three years (only from 2018 on).

This general framework is subject to discussion, but without being followed by a vote. In many countries, similar two-step procedure for the approval of the budget exists (e.g. the European Semester process). However, the fact that the Parliament does not have to pass the general framework, somehow weakens the role of the Legislative branch in the process.

The MoF, under the authority of the Head of Government, is responsible for preparing the draft financial laws, in line with the guidelines discussed in the Council of Ministers, in accordance with article 49 of the Constitution. The draft shall be submitted to the House of Representatives by the 20 October at the latest. Then the two houses of Parliament have scarcely two months to review, amend and approve the law, before the end of the year. This schedule is rather tight following the international benchmark, which tends to provide at least 3 months for the procedure, having an impact on the time available for the analysis of the documentation provided.

Following article 48, the draft Budget Law for the year shall be submitted to the office of the House of Representatives by 20 October of the current fiscal year. It is accompanied, *inter alia*, by the following documents:

- introductory note of the budget law including data on the investments of the general budget and the financial and economic effects of the proposed tax and customs provisions
- the economic and financial report
- a report on the sector of public institutions and State-owned enterprises
- a report on the autonomously managed state services
- a report on special Treasury accounts
- a report on tax expenditures
- a report on public debt
- a report on the performance-based budget taking into account the gender aspect
- a report on human resources
- a report on compensation
- a note on the expenditure related to the common expenses
- a report on public property mobilized for investment

- a note on the regional distribution of investment.

The draft may also be accompanied by a report on the consolidated accounts of the public sector. The draft shall thereafter be referred to the committee in charge of finance for review.

Voting shall take place on the provisions of the financial law, article by article. However, any one of the two Houses of Parliament may conduct an overall vote on the second part at the request of the government or the office of the House (Art. 53). With respect to expenditure of the general budget, a vote shall be conducted for each title and for each chapter within the same title (Art. 55). Concerning the amendments, every additional article or amendment must be justified. In accordance with Article 77 of the Constitution, the government may refuse, after stating the reasons, additional articles or amendments aimed at either reducing public resources or increasing public expenditures.

In accordance with article 75 of the Constitution, if voting on the financial law for the year does not take place by 31 December, the government shall open, by a decree, the appropriations necessary for the function of public facilities and carrying out the tasks assigned to them based on what is proposed in the budget submitted for approval. Once the government has presented an amended draft to the Parliament, it has to vote it in a maximum period of 15 days (Article 51). Finally on the extent of parliamentary authorisation, the Law regulates the procedure for budget modifications throughout the fiscal year.

In accordance with article 76 of the Constitution the government submits annually a budget review law of the previous year to the parliament. This law should include the results of investment budgets reaching their term. According to article 66 of the draft LOLF, this budget review Law, has to be accompanied, *inter alia*, by:

- The general account of the State supported by the financial statements and other financial data as well as by an assessment of the commitments other than those made in the statements.
- An annex related to excess of appropriations accompanied by all necessary justifications.
- An annual report on performance prepared by the MoF. This report shall summarize and consolidate the performance reports prepared by the ministerial departments and institutions.
- A report on the resources allocated to local authorities.
- An audit report on performance.

However, these new documentation requirements will only enter into force in January 2019.

Civil society as an emerging actor

Civil society initiatives to broaden the debate on Open Government and budget transparency are still somewhat limited, but nevertheless promising. The dynamics observed take the form of several types of initiatives: government efforts to acknowledge the role of civil society and explicitly communicate with the CSOs, civil society's own initiatives, the ongoing academic debate on PFM issues and joint initiatives involving CSOs, academic institutions, government, and international partners. The principles of the new Constitution, furthering openness, transparency, and participation, are certainly an important impetus for this broadening of civil society engagement, although it will not be easy to translate these principles into a concrete agenda.

Greater involvement of CSOs in fiscal issues must overcome multiple challenges, however, including the creation of a community of likeminded stakeholders around an agenda of budget transparency, mechanisms to engage these actors in influencing the agenda and setting priorities for budget transparency, developing sufficient expertise within civil society on PFM-related issues for them to make a productive contribution to the discussion, and identifying ways to expand the scope of participants and communicate the debate to a broad range of citizens.

One should keep in mind the important steps taken by the MoF, such as the launch of a citizens' budget and the publication in Arabic of a citizen's guide to the 2012 Finance Law. Nevertheless, additional efforts could be made to build an ongoing dialogue with citizens throughout the budget process; as it is, the current citizens' budget is perceived by CSOs as a "one-off" communication effort, rather than a process of dialogue. In terms of accessibility and readability of budget information, it is noteworthy that the government has published some budget documents in Excel-format on its website since 2010, substantially facilitating the work of analysts who want to extract and use data. At the same time, data available in a 'usable' format constitute a relatively small share of all data made available, most of which is in the far more limiting pdf-format, which somewhat restricts its usefulness. Beyond transparency as such, the application of Open Government principles offers a number of opportunities to experiment with improved mechanisms for citizen participation during both the planning phase and budget execution, ideally leading to the creation of a feedback loop engaging citizens throughout the budget cycle.

Among the CSOs actively involved in budget transparency in Morocco, the most engaged organisation is *Transparency Maroc* (TM). TM has been active in Morocco since 1996 although it was only able to become a formally recognised organisation in 2009. TM has been closely involved in the work of the IBP (such as the Open Budget Survey) and actively works to disseminate fiscal information, such as the reports provided by the Court of Accounts, as well as critiques of new legislation, such as that on public tendering. Another recent initiative implemented with support from *Transparency Maroc*, is *Floussna* ("our money", which uses the slogan "*un site citoyen pour divulger les informations sur le budget marocain*", "a citizen's site to disseminate information on the Moroccan budget"). *Floussna* uses the Open Spending software to explore, track and provide visualisations on government spending to promote budget transparency. Media have been invited to participate in the discussions, but technical expertise on budgetary issues remains rather weak amongst journalists at this time. Overall, the "open data" approach is still very new for Morocco and its potential has yet to be fully discovered by government and non-governmental organisations.

Joint initiatives involving academic institutions, government and international partners are emerging as well, such as the January 2013 conference on open spending or the annual colloquium on public finance transparency organised by the local branch of Fondafip (*Association pour la Fondation Internationale de Finances Publique*s – *Section FONDAFIP Maroc*). Overall, Morocco has a fairly lively academic debate on public finance, with a regular flow of international articles, internationally published monographs (e.g. Harakat, 2011; Karim, 2012), active participation in the broader public debate, etc. Widely-covered topics include the LOLF, performance-based budgeting, consolidation of budgetary information and budget transparency in general.

An urgent challenge to broader public participation in the budget debate is finding an effective way to make the process more inclusive, reaching beyond the urban areas and the highly educated elite to include Moroccans living in rural areas, women, those with lower incomes, and the illiterate. There remains huge potential to expand this debate to a broader audience in the future, although this is likely to require developing non-web-based tools to communicate budgetary information in an accessible way that can reach a wider public.

The IBP has identified a number of ways to improve interaction between government and civil society throughout the budget cycle, suggesting the creation of government forums for public participation, active communication of the findings from supreme audit institution reports, giving the public an active role in budget hearings, and further developing feedback

mechanisms on budget issues that permit the broader public to communicate on issues of particular interest to them, such as expenditures on health, education, and infrastructure at the local level.

In sum, Morocco's civil society is putting increased pressure on government for openness on budgetary matters, but both civil society and government are still exploring the appropriate ways to move to a more active engagement. The government, for its part, could make a more consistent and intensive effort to provide complete, timely, accessible and readily reusable data and to develop a strategy to incorporate CSOs' contributions in the budget debate. CSOs could give greater attention to developing appropriate tools for dissemination and for organising strategic collaboration with government, balancing co-operation and critical analysis, collaboration and adversary advocacy. Overall, it will be a challenge for both sides to develop an appropriate approach to incorporate further regionalisation and decentralisation in their work to make civic engagement on budget transparency a reality for Moroccan citizens.

Long-term commitment of international donors

In 2003, the Government launched a major public administration reform programme (PARAP), including both a PFM and civil service reform component. Contributing Organisation include the World Bank, the African Development Bank and the European Commission. These institutions' support for the program grows out of recognition that strengthening the efficiency and effectiveness of PFM is one of the top priorities for public governance reform. The multifaceted, comprehensive programme includes a wide range of activities, such as training for key actors of Morocco's public finance system, support for de-concentration initiatives, introduction of strategic multi-annual planning, reinforcing the internal audit and evaluation capacity, and assistance in reforming the LOLF. The support received by IGF from World Bank to strengthen its technical capacity, included *ex post* control and performance audits, twinning processes and the development of a 5-year organisation strategic plan.

Though success in institutionalising budget transparency depends on the strength of internal drivers, donor support for PFM-related reforms provides important backing for innovation and progress in this area. International Organisations can contribute to agenda-setting, technical assistance, seminars, training, and in other ways, but, at the same time, it is crucial to acknowledge that the ultimate responsibility lies with government to move forward on such priorities as a revised LOLF.

Conclusions on institutional actors for budget transparency

The strength of the reform drivers discussed here can be seen in the important achievements that have been realised through the combined efforts of a range of committed actors. Additionally, aligning the budget documentation with international standards and presenting clear information to facilitate the use by members of Parliament, Government, citizens, civil society and others, would improve the decision-making process and involvement of the actors. At the same time, huge potential for further progress remains. Though no "big bang" changes have transformed PFM in Morocco, fundamental reforms have been ongoing over the past decade, new actors are emerging, and existing institutions are playing new roles. The 2011 Constitution and the LOLF provide a starting point for a fundamental review of the role and contribution of governmental and non-governmental actors in spurring budget transparency and civil participation in the budgetary process. As a result of the new LOLF, a reinforced role of the Parliament as a key actor throughout the budget process, would be an important step in consolidating the reform process and it would confirm the shift to a new PFM culture. Also, by putting in place the legislative keystone to the reform, it would enable the process to move ahead to focus more on operational policy documents, building its capacity to fully realize its role and responsibilities, and cementing new institutional roles and relationships, both inside and outside government. Consolidate the emerging "new PFM" culture, implementing the new LOLF and defining operational policies and building capacity, where needed, will be a challenge.

Priorities for the coming period include continuing to build budget transparency, further developing and structuring active civil participation in the budgetary process, and making progress on open data, combining greater data availability with more active use of the data for policy-relevant analysis. All of these processes are still in their early phases.

To accelerate progress toward full-scale implementation, several challenges must also be overcome, including developing inclusive instruments for civil society participation, dealing with the implications of increasing regionalisation for budget transparency, exploring the potential of open data, and finding the right balance for strategic interactions both between civil society and the government and within civil society itself.

For the time being, independent audit actors and civil society organisations have a full agenda before them as they work to discover their full responsibilities and put in place systems for advocating and implementing healthy accountability mechanisms. In addition to this, it should be explored how the different public institutions responsible for the

various aspects of budget transparency can most productively cooperate and learn from each other.

It is to be hoped that the long-term political commitment to reform the area of PFM will see through the swift adoption of an updated LOLF, opening the way to advance development of operational policies and integrated capacity building for all the institutions involved. With a reform agenda at once deep and broad, those responsible will need the active support of the centre of government to achieve a balanced roll-out across the many institutions and levels of government involved.

Recommendations

The objective of budget transparency is to provide relevant and useful information to the debate on fiscal policy options, improving the quality of decision-making, and therefore the performance of the public sector. Morocco has placed ongoing efforts into improving budget transparency over the last years, but it should take advantage of the new Constitution and the new LOLF as opportunity windows to achieve further challenges of budget transparency. Building on the experience of PFM reforms over the last decade and, taking into account the commitment of actors inside and outside government, the following opportunities constitute priorities for the near and medium term.

Budget reporting

Although, there has been an improvement of the detailed fiscal and budget information available to the public, including on the websites of the MoF and Parliament, challenges remain, such as:

- Further strengthening the budget documentation presented to Parliament, in particular the readability and clarity of the information, including the use ICT (Information and Communication Technologies) and the analysis accompanying the budget as well as the timeliness of data presentation.
- Continue the efforts in optimising the completeness and consolidation of budget data and the timely sharing of these data with all relevant actors throughout all stages of the budget cycle.

Multi-annual perspective

The LOLF proposes to develop a rolling three-year plan updated annually. However, the Law establishes that the multi-annual perspective will be in force only from 2018. In the meantime, a pilot reform was

foreseen in four departments, namely the Ministry of Economy and Finance, the Ministry of Agriculture, the Ministry of Education and the High Commission for Water, Forests and Fight against Desertification. According to the government, a second prefiguration wave has been launched in five new ministerial departments, namely: the Ministry of Foreign Affairs and Co-operation; of Justice and Freedom; of Equipment, Transport, and Logistics; of Health; and the Vocational Training department.

In addition, this gradual implementation may also include the formulation of all the rules and procedures needed to ensure an effective application from 2018 on.

Performance budgeting

The LOLF proposes to rely on the principle of goals and results in the PFM, which requires one the one hand the definition and determination of responsibilities while explaining the operational objectives and expected results of operations, and on the other, granting more managerial flexibility in order to achieve previously defined objectives. Therefore, it would be convenient to move in a systematic manner to adopt performance-based budgeting that links budget expenditures to outcomes, and an increased use of performance-related data, as well as matching non-financial performance data with budgetary data. The move towards performance-based budgeting also implies a greater emphasis on *ex post* control and audit relative to *ex ante*.

Parliament

The LOLF strengthens the role of parliament in the budget debate through the enhancement of the information provided by the Government, the revision of the voting modalities of the Finance Law and the clarifying of the right of amendment. However, it should be recommended that several challenges be tackled:

- Build the capacity and strengthen the resources of Parliament to fully realise its role and responsibilities as a key actor throughout the budget process.
- A smoother exchange of information between audit institutions and Parliament offers an additional opportunity for strengthening Parliament's role.
- The information currently provided by the Parliament's website could be expanded, for example, by making minutes of parliamentary debates systematically available on the website, posting audits and other reports received by the Parliament, etc.

Control Authorities

Although the Court of Accounts met the global INTOSAI standards in terms of mandate, powers and independence, and became more fully engaged in its role as external auditor of the management and use of public funds, to report to the King and Parliament several challenges are to be faced:

- Further incorporate the new requirements introduced by the 2011 Constitution about the Court of Accounts' mandate, such as audit of political party finances, asset disclosure, and capacity building in order to increase the emphasis on performance audit and public policy evaluation.
- Although the new LOLF proposes performance audits to be conducted and submitted to Parliament, it would be convenient to ensure that the feedback is used in the budget process, which should remain connected to the results of performance audits and evaluations, in order to improve the decision-making process.
- Strengthen the dissemination and use of audit reports, including follow-up on recommendations.
- Closer collaboration among the central government audit agencies: the Ministerial Inspectors General and the Inspectorate General for Finance, to achieve more co-ordination.

Involving of Civil Society in fiscal issues

- Broaden public participation in the budget debate to make the budget process more inclusive, implementing the framework of principles adopted in the new Constitution to improve interaction between government and civil society.
- Reinforce the quality of the citizen's budget and mechanisms to disseminate it, to build an ongoing dialogue with citizens in the different stages of the budget process, and systematic consultation of citizens, including when planning and budgeting for major capital projects. The current citizens' budget is perceived by CSOs as a "one-off" communication effort, rather than as a process of dialogue.
- Take into account the civil society's own initiatives in the field of budget transparency and set up mechanisms to allow them to influence the fiscal policy agenda, and foster ongoing academic debate on PFM issues.

Additionally, explore how the different public institutions responsible for the various aspects of budget transparency can most productively cooperate and learn from one another. All these measures would enhance the robustness of the budgetary exercise and substantially contribute to continued increased transparency and accountability.

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Chapter 4

Integrity and fight against corruption in Morocco

Integrity and the fight against corruption have gained importance in Morocco in recent years and following the Arab Spring which resulted in the establishment of new institutions and legal frameworks. This chapter analyses Morocco's integrity framework in relation to OECD standards and principles. It includes an overview of the legal and institutional setting underpinning Morocco's strategy on integrity and fight against corruption and its evolution brought by the 2011 constitutional reform. In line with Open Government principles, it discusses how civil society can play a greater role in improving integrity and how ICTs can serve this purpose. The recommendations point towards the need of co-ordination and consolidation of ongoing reforms to strengthen integrity in Morocco.

Introduction

Morocco, similarly to many countries in the region and beyond, is under increasing pressure from citizens to address high and increasingly persistent unemployment, deteriorating social conditions for the most vulnerable groups, and difficult fiscal adjustments. The demonstrations of February 2011 showed that citizens expect the Government to implement reforms to boost economic recovery, improve the social conditions of the population, expand the scope for citizen voice and government accountability, and strengthen the rule of law.

The design and implementation of significant and effective reforms needed to create the conditions for recovery require a high quality policy making process that citizens will trust. If citizens do not feel that the government is working on their behalf, the support for structural reforms will be missing, undermining the very objectives of any reform agenda. Transparency and openness are the conditions for successful government reforms and essential to shape policies that respond to citizens' needs and result in more inclusive economic growth. When designing new reforms, decision makers will need to rely on the buy-in and engagement of the society at large as well as key stakeholders to ensure their effective implementation. Transparency and openness also support policy reform by helping to build this support, particularly at the start of the policy cycle, enabling the government to take decisive political action.

When looking at countries' experiences in implementing public administration reforms in the past decade, the policy cycle does not appear to be linear and shows both progress and setbacks. It is typically composed of several components that each evolve and progress at various paces (OECD, 2010a). Transparency and openness support decision makers in engaging citizens and business in policy making and gaining further strategic insight. Recognition of these concrete benefits from openness is very important at a time when Morocco is working to foster Open Government.

OECD countries' experiences (OECD, 2012) indicate that open and inclusive policy making will support government in three ways:

1. **Generating support and new ideas when designing policies**. When designing policies, governments need to ensure that consultation and support-building are well integrated to provide strong foundations to move forward on the basis of sound policy directions and sufficient support for change. OECD countries have introduced institutionalised consultation mechanisms to promote systematic involvement of citizens in policy making, resulting in greater consensus on how policy should be taken forward and reducing risks of resistance to policy implementation.
2. **Engaging citizens in policy implementation.** Governments use tools such as roadmaps and action plans to communicate the various stages of the process and its outcomes. This will help stakeholders assess and prepare for the costs and benefits of policy changes, which may lead to midcourse corrections to keep policy reform on track toward its objectives.
3. **Sustaining results and promoting accountability**. Transparency on progress made in implementing policies helps governments make the case for reform, despite the difficulties often encountered during reform. Once policies are in place, transparency provides more open channels for governments to demonstrate tangible results and to be held accountable for them.

Open and inclusive policy making means that decision makers are perceived as protecting and preserving the public interest rather than being captured by vested interests or actors pursuing their own gain at the expense of the public. Public sector integrity policies are therefore key drivers for promoting fair, open and inclusive policy making. Integrity tools and mechanisms that prevent corruption and foster high standards of behaviour help reinforce the credibility and legitimacy of the actors involved in policy decision making, safeguarding the public interest and restoring a sense of fairness of policy decisions. This chapter examines how Morocco can accelerate its progress toward greater integrity and suppression of corruption. It begins with an overview of OECD tools developed to strengthen integrity in a wide variety of country situations. It then provides an assessment of Morocco's anti-corruption programming, from its bases in treaty and law to the institutional structures built on this foundation, including strategies for making integrity policy-making more inclusive in co-operation with civil society. Based on this discussion, the chapter examines four specific priorities within integrity policy: developing standards of conduct in the public sector; asset declaration and conflict of interest; whistle-blower protection; and political finance. It concludes with a consideration of opportunities to expand ICTs use to provide real-time information and foster public scrutiny and ends with a summary of recommendations.

OECD principles for fighting corruption

The OECD has been at the forefront in developing policies and tools for the fight against corruption. The OECD's work on corruption accelerated during the late 1990s with the successful negotiation of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions in 1997[1]. Forty countries have now signed onto the convention, including a number of non-OECD countries. The latest of these are Russia and Colombia, which both ratified the convention in 2012. To date, no MENA country has signed the agreement, however.

Box 4.1. **OECD principles for improving ethical conduct in the public service**

1. Ethical standards for public service should be clear.
2. Ethical standards should be reflected in the legal framework.
3. Ethical guidance should be available to public servants.
4. Public servants should know their rights and obligations when exposing wrongdoing.
5. Political commitment to ethics should reinforce the ethical conduct of public servants.
6. The decision-making process should be transparent and open to scrutiny.
7. There should be clear guidelines for interaction between the public and private sectors.
8. Managers should demonstrate and promote ethical conduct.
9. Management policies, procedures and practices should promote ethical conduct.
10. Public service conditions and management of human resources should promote ethical conduct.
11. Adequate accountability mechanisms should be in place within the public service.
12. Appropriate procedures and sanctions should exist to deal with misconduct.

Source: OECD (1998), "Recommendation of the Council on Improving Ethical Conduct in the Public Service Including Principles for Managing Ethics in the Public Service", OECD, Paris, http://acts.oecd.org/Instruments/ShowInstrumentView.aspx?InstrumentID=129&InstrumentPID=125&Lang=en&Book.

In 1998 the OECD issued the Recommendation on Improving Ethical Conduct in the Public Service, which sets the basis for an integrated approach in fighting corruption. The recommendation specified twelve principles to guide government action in this area, shown in boxes 4.1 and 4.2.

The fight against corruption requires that these principles be translated into a governmental ethics infrastructure that is carefully designed and implemented with determination. Box 4.2 defines the three essential elements of the ethics infrastructure, which include guidance, management, and control. This concept also recognises that the ideal mix and relative importance of these functions will depend on the cultural and political-administrative environment of each country.

Box 4.2. **The ethics infrastructure**

A well-functioning Ethics Infrastructure supports a public sector environment which encourages high standards of behaviour. Each function and element is a separate, important building block, but the individual elements should be complementary and mutually reinforcing. The elements need to interact to achieve the necessary synergy to become a coherent and integrated infrastructure. The elements of infrastructure can be categorised according to the main functions they serve – guidance, management and control – noting that different elements may serve more than one function.

- Guidance is provided by strong commitment from political leadership; statements of values such as codes of conduct; and professional socialisation activities such as education and training.
- Management can be realised through co-ordination by a special body or an existing central management agency, and through public service conditions, management policies and practices.
- Control is assured primarily through a legal framework enabling independent investigation and prosecution; effective accountability and control mechanisms; transparency, public involvement and scrutiny.

The OECD has conducted extensive research and consultations with members regarding how to develop an effective ethics infrastructure. This work has identified two main approaches in programming for integrity and ethics, the “values-based” approach and the “rules-based” approach.

A rules-based approach emphasises the importance of external controls on the behaviour of public servants, stresses formal and detailed rules and procedures, and relies on monitoring and enforcement, whereas a values-

based approach focuses on guidance and "internal" control, i.e. control exercised by the public servants on themselves stresses improving understanding and daily application of values to improve ethical decision making, and relies on interactive training sessions, workshops, ambitious codes of values, individual coaching, and social pressure to strengthen integrity values.

The OECD has developed a checklist to assess the national ethics infrastructure in both areas, including integrity instruments, processes and structures used to implement it. The checklist is summarised in Box 4.3. The complete checklist can be found in the OECD report, *Toward a Sound Integrity Framework* (OECD 2009a). The checklist may be useful to Morocco's integrity community as it considers how best to strengthen the country's ethics infrastructure.

A valuable lesson learned in the past decade is that the most effective integrity management frameworks combine both approaches by:

- Preventing corruption and reducing integrity violations through mapping integrity-risks and installing counter measures.
- Promoting integrity through stimulating understanding, commitment and capacity for ethical decision making.

Box 4.3. **OECD Checklist for integrity instruments, processes, structures, and conditions for implementation**

Determining and defining integrity

- analysis of risks to integrity
- analysis of ethical dilemmas
- consultation of staff and stakeholders
- code of conduct/code of ethics
- conflict of interest policy
- gifts and gratuities policy
- post-employment arrangements
- non-written standard setting

- *structural measures in the core of the framework*: separating functions (the four-eyes principle); rotating functions; other structural measures

Box 4.3. **OECD Checklist for integrity instruments, processes, structures, and conditions for implementation** (*cont.*)

- *measures in personnel management*: integrity, emphasised in recruitment; integrity as criterion for selection (e.g. background checks); ensuring sufficient diversity among staff; providing employees with clear job descriptions; integrity as criterion for evaluation and promotion; integrity as competency in competency management
- *measures in financial management* (e.g. appropriate procedures for procurement and contract management)
- *measures in information management* (e.g. protecting automated databases)
- *measures in quality management* (e.g. reviewing the quality assessment tool).

Guiding towards integrity

- exemplary behaviour by management
- integrity training
- oath, signing an "integrity declaration"
- integrating integrity in the regular discourse: announcing the integrity policy through internal and external communication; regular discussions of ethical dilemmas in official internal communications; institutionalising regular discussions of ethical issues in staff meetings or individual supervisor/employee meetings; creating an open culture of communication
- coaching and counselling for integrity
- assessing the fairness of personnel management processes: fairness of recruitment and selection; fairness of promotion and reward.

Monitoring integrity

- whistle-blowing system: accessible procedures for reporting misconduct; protection for whistleblowers
- citizen complaint system
- actively searching for individual integrity violations: social control by colleagues; daily supervision by supervisors, management control; formal controls (inspection); early warning systems; social control by stakeholders

Box 4.3. **OECD Checklist for integrity instruments, processes, structures, and conditions for implementation** (*cont.*)

- organisational-level mapping of integrity violations and integrity dilemmas: systematic registration of complaints, investigations, etc.; survey-measurement of integrity violations and integrity dilemmas; informal probing for ethical dilemmas and issues among staff.

Enforcing integrity

- informal sanctioning, as a consequence of social control or daily supervision
- fair and appropriate procedures for investigations and sanctions
- appropriate processes for internal and external communication about integrity violations
- instruments in the outer context: mechanisms of external control and audit; mechanisms for public scrutiny (e.g. social witness); ethics laws; laws on party and election financing; rules on lobbying.

Source: OECD (2009a), "Towards a Sound Integrity Framework: Instruments, Processes, Structures and Conditions for Implementation", GOV/PGC/GF(2009)1, OECD, Paris.

Assessment of transparency and anti-corruption programming in Morocco

Overview of institutional and legal bases for integrity and transparency in Morocco

Morocco's work in the area of integrity and anti-corruption has shown that continuous attempts have been undertaken over the past few years. The country committed to strengthening its fight against corruption following the ratification of the United Nation Convention against Corruption (UNCAC) in 2007. Subsequent to a drawing, it was also selected to be among the first to pass through the UNCAC peer reviewing process, participating in the first cycle of countries to be assessed. The UNCAC review report was published in October 2011, based on the government's self-assessment and on the reviews conducted by peers from South Africa and Slovakia, and Morocco gave its approval to post the report on the UNCAC website. It assesses the gaps that Morocco needs to close to harmonise its legislation with the principles envisaged in UNCAC and put in place an effective anti-corruption infrastructure. The assessment shows that progress has been achieved in harmonising UNCAC provisions with the Moroccan criminal code, but that

there is still room for improvement in several areas, such as, the criminalisation of illicit enrichment.

While UNCAC was signed in 2003, it was only ratified in May 2007. At the same time, further measures were implemented such as the establishment of the Central Authority for Corruption Prevention by Decree No. 2-05-1228 of 13 March 2007. The Authority did however begin its activities only on 6 January 2009. The innovative structure of this authority established the principle of inclusive anti-corruption policy making. Its general assembly brings together 44 members, including 16 representatives of governmental authorities (Ministries of Foreign Affairs, the Interior, Justice, National Education, Employment, Health, etc.), 14 representatives of professional organisations (Morocco's leading business association (CGEM), the Association of the Order of Moroccan Lawyers, the Federation of Chambers of Commerce, Industry and Services, the National Order of Accountants, the National Moroccan Press Syndicate, etc.), the Mediator and 13 members appointed by the Prime Minister, known as associate members (6 members from civil society, 3 members of associations working specifically to prevent corruption, and 4 members from academia). The main mission of the Authority is to co-ordinate, supervise and monitor the implementation of corruption prevention policies and to gather and disseminate information in this field. No investigative or enforcement powers were given to the Authority at that point.

The establishment of the Authority was also accompanied by a Moroccan Government Anti-Corruption Action Plan that civil society is still opposed to due to its limited vision, consistency and to a lack of planning and funding. The Action Plan outlines six broad strategic interventions: a) establishing values, and ethical and moral standards in the public administration; b) institutionalising the corruption prevention strategy; c) strengthening transparency in public procurement management; d) improving the monitoring, control and audit system; e) simplifying administrative procedures; and f) expanding education, awareness-raising and communication to promote the participation of civil society in the fight against corruption.

A number of reforms were implemented in the framework of this action plan. Most notably, in 2008 a set of laws and *dahirs* (royal decrees) were adopted on asset declaration, taking steps to penalise illicit enrichment. The earlier law, No.25-92 of 7 December 1992 on Asset Declaration by State Civil Servants, which required all civil servants to declare their resources, was repealed and replaced by a set of texts targeting civil servants at higher risk due to their role in high-level decision making or handling of public funds. This law focused on such categories as members of the government and their offices, members of the Constitutional Council, the Chamber of

Representatives, the Chamber of Councillors, magistrates, members of financial regulators, members of the High Authority for Audiovisual Communications, certain elected officials in local councils and professional chambers, and other specific categories of civil servants or public officials, in particular those involved with public procurement.

It should be noted, however, that the obligation to declare assets does not cover assets owned by spouses and descendants. A governmental decree (Decree No. 2.09.207 of 8 December 2009) sets out the models for compulsory asset declaration, the forms required, and the values under which reporting is not required.

Increasing transparency in public procurement has been a key focus of the governments' efforts towards Open Government. The General Treasury led the design and implementation of an e-procurement system aimed at increasing transparency in tender procedures and allowing greater monitoring by civil society of procurement processes. A national procurement portal, www.marchespublics.gov.ma, was launched as a central point for publishing all public tenders online. This portal is also intended to provide information on procurement/purchasing programmes of public entities, background information related to public tenders, standard bidding documents, information on the award of contracts and their execution. This information on the portal is most of the time inaccurate and incomplete. It is to note that a supplier database was also launched to allow for suppliers to cut red tape by registering only once and then being eligible for tenders.

As of the time of this review, however, not all of these functions were operational. For example, online submission on the portal is still not possible, although it was announced for the first quarter of 2012, due to remaining technical challenges. The low level of technological readiness of small and medium enterprises in Morocco is another factor which has hindered the full implementation of e-submission. In parallel to these efforts, the General Treasury has also launched a review of the legal framework governing public procurement in order to embed the principles of transparency and corruption prevention in this framework. Civil society, the private sector and other relevant stakeholders have been invited to participate in this review through a national conference.

The process was finalised with the adoption of the new Decree No. 2-12-349 of 20 March 2013. Even though the decree provides a possible recourse to a public procurement commission, it is unclear to what extent this commission is an independent recourse authority as it is claimed by civil society and recommended by the OECD's Recommendations on Public Procurement.

Support for stronger transparency and accountability institutions in Morocco's 2011 Constitution and subsequent reforms

The 2011 Constitution gives new impetus to anti-corruption programming, based on several articles that promote transparency or explicitly include accountability measures. The most important contributions of the constitution fall under five headings: *i*) development of a charter for the public service which defines good governance principles for administration at the central and local levels (Art. 157); *ii)* mandatory asset disclosure by public officials before taking office and after leaving their posts (Art.158), which has been assigned to the Court of Accounts for implementation, including receipt of declarations and ensuring their compliance. *iii)* management and enforcement of conflict of interest regulations (Art. 36); *iv)* mandatory disclosure of political party financing (Article 7), and *v)* strengthening of the institutional arrangements for fighting corruption by establishing a new Authority for Integrity, Corruption Prevention and Fight against Corruption (Articles 36 and 167). A draft law has been prepared to bring the mandate of the authority into line with the constitution, notably expanding its mandate to include investigative and enforcement powers. The draft law was approved by all members of government in June 2014 and has been transmitted Parliament for adoption[2].

These constitutional provisions are expected to remake the Authority, created with a mandate limited to designing, co-ordinating, and implementing preventive anti-corruption policies, into a much stronger institution for the fight against corruption. Despite these limitations, the Authority has succeeded in raising the issue of corruption on the country's political agenda and in bringing together the public administration, civil society and the media for programming to further this agenda. In particular, it successfully promoted new laws and initiatives, such as the whistle blower protection law. Overall, however, its efforts have been severely constrained by the lack of both appropriate frameworks and the necessary financial and human resources. The scarcity of resources, which especially inhibited the Authority's ability to recruit staff with specialisations needed to tackle corruption, could also impede the transition towards the new independent authority mandated in the 2011 Constitution. Moreover, the authority's current activities are on hold awaiting the adoption of its new mandate, further jeopardising ongoing initiatives.

The government states that in parallel with the institutional development of the authority, an inter-ministerial committee has been established under the leadership of the Ministry of Civil Service and Modernisation of the Administration to develop the 2012-14 anti-corruption action plan and to design a comprehensive national anti-corruption strategy in partnership with

the Central Authority for Corruption Prevention. According to the government, the Committee has issued the action plan, but the strategy remains under preparation. The OECD review team did not have the opportunity to review this plan in detail, as it was not yet finalised when the team visited Morocco.

It is important to note, however, that a number of governmental and non-governmental actors signalled to the review team their concerns regarding the need for more attention to co-ordination among the stakeholders in charge of implementing this action plan. In fact, concrete co-ordination mechanisms had not been defined at that time. Such mechanisms are vital to the success of such a plan and should be embedded in its structure. Given that multiple government stakeholders are involved in designing and implementing integrity and anti-corruption policies, it is of crucial importance to define their roles and responsibilities as well as to specify a mechanism to co-ordinate among them and with civil society, business, donors, and other stakeholders.

There is a particular need for clarity with regard to the roles of three entities with respect to anti-corruption policy, namely the Central Authority for Corruption Prevention, the Ministry of Civil Service and Modernisation of the Administration, and the Court of Accounts (which is assigned to monitor asset disclosure and political parties funding in addition to its core responsibility for auditing government units). A well-defined co-ordination mechanism would, on the one hand, provide clarity on the leadership responsibilities for anti-corruption efforts and, on the other, institutionalise co-ordination among the different actors. Both of these effects should promote stronger ownership by these agencies and their partners for anti-corruption implementation.

While the inter-ministerial committee confirmed its commitment to a participatory and consultative process, a fully inclusive approach would require close attention to the mechanics of consultation, such as a concrete timetable for consulting all relevant stakeholders, which at that point did not appear to be defined.

Morocco's new constitutional environment and its commitment in joining the Open Government Partnership both make it imperative to define a Moroccan model for consultation that can be applied with minimal variation of tasks such as the one before the committee. As argued in the chapter on civic engagement, such a codified approach helps manage expectations for all parties, including those not involved directly in the consultation, and facilitates effective collaboration.

Consultation and engagement of all relevant stakeholders in strategy design also paves the way for building strong working relationships during

implementation. The Government of Morocco, in line with its Open Government agenda, should contemplate institutionalising a systematic and clearly defined set of ground rules and procedures for engaging with civil society and the private sector which can be applied in developing integrity and anti-corruption policies and in the many other areas where such consultation and collaboration will be needed.

Open and inclusive anti-corruption policy making: engaging citizens and civil society

Citizens as well as civil society constitute important allies for anti-corruption programming. Research by Transparency Morocco indicates, however, that citizens are not convinced of the effectiveness of the Government's efforts in this area. A majority of those surveyed indicated that they do not believe the government's anti-corruption work is having an impact one way or the other, while an additional 15% believe the programs are ineffective. It is not clear whether the high proportion stating that programs are neither effective nor ineffective indicates a lack of knowledge of the programme or simply a belief that they do not matter.

Table 4.1. **Assessment of the government anti-corruption reforms**

		Total	Women
6 out of 10 respondents believe that the actions are neither effective nor ineffective: for them nothing is moving in the direction of improvement.	The government is very effective	7.4	5.4
	The government is little effective	9.2	9.3
	Neither effective nor ineffective	58.8	60.9
15,6 % responded in the ineffective category	The government is a bit ineffective	11	11
	The government is very ineffective	4.6	3.9
16,3 % believe that such action is more or less effective	Do not know	9	9.5

Source: Transparency Morocco (n.d), https://saharadoc.files.wordpress.com/2011/02/59_11.ppt.

Recognising the importance of consulting and engaging citizens as well as the private sector in policy making, the Government of Morocco has launched a number of *ad hoc* initiatives to consult with citizens on specific integrity policies. When revising the regulatory framework for public procurement, for instance, the government invited civil society organisations and the private sector to a national workshop[3]. The private sector in particular was given the opportunity to formulate suggestions on how the new reform could further promote transparency and integrity. At the same

time, concerns were raised on how this feedback was taken into account by the government and how to provide further clarifications to stakeholders on the outcomes of the consultation process. Similar criticism was formulated during the consultation process around the draft whistle-blower protection law (discussed below). These concerns led Transparency Morocco to issue a press statement[4] raising serious concerns over the government's approach to open and inclusive policy making.

Four priority issues for improving integrity in Morocco

While the 2011 Constitution puts in place a stronger institutional structure for integrity programming, and there remains considerable work to be done to fully implement this new structure, as just discussed, a number of specific integrity issues also deserve a place on the government's agenda. This section discusses four such issues, identified as priorities for action: development of an ethical code for the public service; public service and parliamentary asset declaration and conflict of interest; whistle-blower protection; and political finance. This section reviews the current status in each area to identify the next steps to be taken to reinforce integrity protections and systems in Morocco.

Defining the values of the public service and the standards of conduct of public officials

The discussion of OECD guidelines and principles for integrity in the public administration distinguishes between two approaches: those that are based on values, placing the emphasis on the ethics of public servants and norms for their behaviour, and those that rely on sanctions and enforcement. Experience indicates that both approaches in combination have the greatest impact, pulling civil servants and legislators toward integrity while also discouraging them from violating established standard.

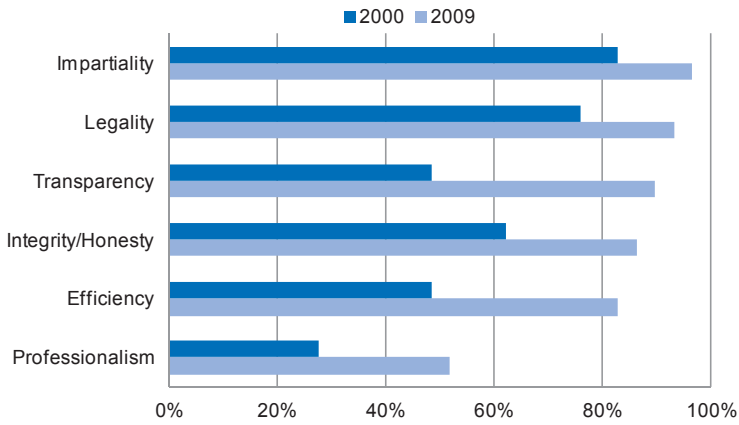
The values of the public service are collectively shared principles that guide judgment about what is good and what is proper. Building a sound integrity and corruption prevention framework therefore requires setting clear standards of conduct that define the values of the civil service and making clear what standards of behaviour are expected of them. Developing an appropriate set of standards of conduct is therefore a necessary step in shifting the balance from one where weak ethical standards are accepted to one where integrity and compliance with regulations become the norm and are reflected in the actions of public servants, officials, and legislators (OECD, 2000). These values and standards can be articulated in different documents, whether in the form of codes of conduct, codes of ethics, charters, or other documents. Regardless of the form, their primary goal is to

give those in public service an understandable and flexible instrument that articulates common principles of the public service and promotes their corresponding actions. Experience in OECD countries and elsewhere shows that the existence of a formal code of conduct contributes to creating a common understanding among civil servants on the behaviour they should observe in their daily work, and what is considered as misconduct.

Designing and implementing a Code of Conduct is recognised by international standards, such as the 2004 United Nations Convention against Corruption, the OECD's 1998 Recommendation on Improving Ethical Conduct in the Public Service and the OECD's 2003 Guidelines for Managing Conflict of Interest, as an effective way to create such a common understanding within public service and, by extension, civil society, business, and citizens alike. Codes also facilitate embedding desirable principles in the daily operations of public service, such as openness, transparency and accountability. OECD countries have increasingly adopted transparency as one of their core public service values (See Figure 4.1).

Figure 4.1. **Evolution of core public service principles in OECD countries**

Percentage of OECD member countries that have included these values in their code of conduct for public service



Source: OECD (2009), *Government at a Glance 2009*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264075061-en.

The new Moroccan Constitution recognised the need for the public service to develop a charter that promotes a culture of good governance (Art. 157). It bears noting that previous efforts in this regard have been unsuccessful, however. This demonstrates that developing a code is not merely a formality or a public relations exercise, but an activity that requires

civil servants and other stakeholders to come to terms with the norms that will fully guide public servants. The development of a charter must therefore be a consultative process that makes a substantive contribution to building a consensus around a higher level of integrity.

Box 4.4. **A Code of Conduct for Tunisian public officials**

In the spirit of the transition that Tunisia has been undergoing since the revolution, the Ministry of Governance and Fight against Corruption (nowadays a Secretary of State) initiated a process to elaborate a Code of Conduct to enhance ethical norms and the relations between public officials and citizens in Tunisia. With this work, that was started in 2012 in collaboration with the OECD, Tunisia also responds to its commitments as a signatory of UNCAC.

An ethics commission with representatives of different government institutions was formed to elaborate a first version of the code. The draft code was finalised in March 2013 and then submitted to consultation. The consultation process was launched with a broad information day during which governance cells, representing all ministries, governorates, the two largest unions in the public sector (UGTT and SNCSP) as well as several civil society organisations, participated. It was followed by workshops inside the different institutions as well as an online consultation via the official public consultation website www.consultations-publiques.tn. This consultation was a useful mechanism, not only by gathering input to finalise the code, but also by initiating a process of communication and dissemination, which are essential for the code to become an integral part of civil servant routine. This is a first step in the direction towards developing a process of systematic awareness-raising on ethical issues inside public institutions. After all inputs were incorporated in a final version, the Code of Conduct for public officials was approved by the Council of Ministers, the Chief of Government, and then published in the official gazette (JORT) on 7 November 2014.

Tunisia's Code of Conduct applies to all public officials, no matter what grade or category, and at the national, regional or local levels. The Code is a result of a consensus reached through consultation. Every public official has to respect its rules. Accordingly, they receive a copy for their own and have to sign it. The Secretary of State for Governance and Civil Service is in charge of overseeing its implementation and organising training sessions.

The Code of Conduct establishes a reference framework in the area of public sector values. It promotes the rule of law and the commitment of public officials towards integrity, transparency, accountability and impartiality. These principles help the public sector to achieve its professional objectives, assume its responsibility and respond to the demands of citizens for a public service characterised by integrity and relations of trust. The Code achieves this in establishing rules of conduct and moral principles which help the public officials deal with situations of conflict.

Box 4.4. **A Code of Conduct for Tunisian public officials** (*cont.*)

The Code is structured around the following themes:

1. The working values of the public sector.
2. The relations between public officials.
3. The public official and his environment (relations with citizens, media and political activity).
4. Conflict of interest, asset declaration and gifts.

Source: OECD (2014), "Renforcer l'Intégrité en Tunisie: L'élaboration de normes pour les agents publics et le renforcement du système de déclaration de patrimoine", OECD, Paris.

Development of a public service charter for Morocco could also support the government's efforts to instil a new vision of public service as part of an Open Government. Thus far, Morocco has placed more reliance on the sanctions approach, based on the standards set for public officials in the statutes of the public service. It should be noted that this statute is not a code of conduct *per se*, yet it includes administrative sanctions for wrongful acts committed in the exercise of the public service. Building on recommendations made by OECD/SIGMA in 2010, Morocco has started working towards developing a code of conduct for public officials. The ICPC has also drafted a code for politicians and political parties (ICPC, 2011). This code has however not yet been approved and implemented.

Asset declaration and conflict of interest

Asset declaration has been recognised as an effective tool to prevent and detect corruption. Such declarations provide information on public officials' assets and income that flag possible conflicts of interest or illicit enrichment. From this perspective, the United Nations Convention against Corruption called on each State Party to endeavour to "*establish measures and systems requiring public officials to make declarations to appropriate authorities regarding,* inter alia*, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interests may result with respect to their functions as public officials"*.

The type of information that needs to be disclosed, who must disclose it, and how the information is to be used may vary depending on the objectives pursued. OECD countries have adopted different models of asset declaration regimes (see the examples drawn from Canada's approach below). Irrespective of the model adopted, experience has shown that certain

conditions must be met to ensure the effectiveness of such declarations in fighting corruption. G20 countries adopted a set of *High-Level Principles on Asset Disclosure by Public Officials* in 2012 to promote common principles for effectively preventing and detecting corruption through asset declarations (see Box 4.5).

Box 4.5. **G20 High-Level Principles on Asset Disclosure by Public Officials**

1. Fair
   - Disclosure requirements should be set forth clearly for the public official and for the general public and should be an integral component of laws, regulations and/or administrative guidelines, as appropriate, governing the conduct of public officials in order to establish shared expectations for accountability and transparency.
   - Disclosure systems should be as comprehensive as necessary to combat corruption but should require only the submission of information reasonably and directly related to the implementation of laws, regulations, and administrative guidelines, as appropriate, governing the conduct of public officials.
2. Transparent
   - Disclosed information should be made as widely available as possible, both within the government and to the general public, in order to facilitate accountability while still taking into consideration reasonable concerns for personal and family safety and privacy and for the laws, administrative requirements and traditions of the Economy.
   - Information about the overall administration of the disclosure system, including information about disclosure compliance rates and enforcement activities, should be made available to the public, in accordance with applicable law, regulation and/or administrative guidelines.
3. Targeted at senior leaders and those in at-risk positions
   - Disclosure should first be required of those in senior leadership positions and then, as capacity permits, of those in positions most influencing public trust or in positions having a greater risk of conflict of interest or potential corruption.
4. Supported with adequate resources
   - Disclosure system administrators should have sufficient authority, expertise, independence, and resources to carry out the purpose of the system as designed.

Box 4.5. **G20 High-Level Principles on Asset Disclosure by Public Officials** (*cont.*)

5. Useful
   - Disclosed information should be readily available for use in preventing, detecting, investigating, imposing administrative remedies for and/or prosecuting corruption offenses regarding conflicts of interest, illicit enrichment, and/or other forms of corruption.
   - Disclosure should be required on a consistent and periodic basis so that the information reflects reasonably current circumstances.
6. Enforceable
   - Penalties and/or administrative sanctions for late submission of, failure to submit, and submitting false information on a required disclosure report should be effective, proportionate, and dissuasive.

Source: G20 High-Level Principles on Asset Disclosure by Public Officials, https://g20.org/wp-content/uploads/2014/12/High_Level_Principles_on_Asset_Disclosure-1.pdf.

As mentioned above, Morocco adopted a set of decrees between 2007 and 2010 that define the categories of public officials who must declare their assets and the type of information that must be declared. The Court of Accounts is the depository of such declarations.

In developing a system for asset declaration, the mechanisms adopted for implementing the reporting, verification, and related advisory services to public officials are arguably as important as the specific reporting requirements and levels set. Morocco's experience demonstrates that putting a high level of asset disclosure into law does not achieve the desired objective if procedures are not in place to verify the information or to address problems revealed by the disclosure. Conversely, a stricter system on paper may in fact be much weaker in practice. For example, requiring too many people to report, so that the system becomes unmanageable, or setting the punishment for noncompliance so high, that it is in fact never enforced, will both lead to less impact on corruption rather than more.

Box 4.6 presents the reporting requirement in Canada's asset declaration system as an example of how one OECD country has defined: who must report, what must be reported, and when they must report it. This summary demonstrates the importance of focusing only on larger monetary amounts and providing very clear guidance, including what does *not* need to be reported.

Box 4.6. **Asset Disclosure and Conflict of Interest in Canada: Who has to disclose, how often, and what must be disclosed?**

Positions targeted: Legislative branch: Members of Parliament; Executive branch: All "reporting public officials" which include, *inter alia*, ministers of the Crown, ministers of state or parliamentary secretaries; members of ministerial staff; ministerial advisers; Governor in Council appointees, and other designated full-time ministerial appointees; Judiciary branch: None disclose; Other: Tax and custom officials, procurement agents, and officials of the Financial Authorities are required to disclose, but the information is not publicly available.

Frequency of filing: Legislative branch: submit disclosures upon entry, annually and upon material change; Executive branch: submit disclosures at entry and upon any material change.

Type of information disclosed: The disclosure system is primarily focused on preventing conflicts of interest. Disclosure requirements are comprehensive with a focus on both business and financial interests for both the legislative and the executive branch.

- **The Legislative branch** must disclose *i)* sources and value of all income; *ii)* assets and liabilities: the value of each asset (movable and non-movable) or liability of the Member and the members of the Member's family including the amount and the source of any income greater than CAD 1 000 that the Member and the members of the Member's family have received during the preceding 12 months and are entitled to receive during the next 12 months, all benefits that the Member and the members of the Member's family, and any private corporation in which the Member or a member of the Member's family has an interest; *iii)* Positions: Any income to be received for a position taken in the 12 months subsequent to leaving office; *iv)* Gifts and funded travel: Any gifts or other benefits that are related to the Member's position and exceed CAD 500, or that total more than CAD 500 from a single source within a 12-month period must be reported within 60 days, including the nature of the gifts, their source and the circumstances surrounding the gift. Travel costs above CAD 500 paid by outside sources (specified in detail) must be reported within 60 days.
- **The Executive branch** must disclose: *i)* sources and value of all income; *ii)* assets and liabilities: A description of the source and nature of all liabilities above CAD 10 000 with sufficient detail to identify the source and nature of the liability but not the amount, and all assets (movable and non-movable) other than certain controlled, exempt assets, or private interests; *iii)* positions: If a reporting public office holder holds a position referred to in the regulation, s/he must disclose this within 120 days of his/her appointment; *iv)* gifts and funded travel: Any single gift to the official or his family above CAD 200 in value, other than from a relative or friend, must be disclosed within 30 days after receipt. If travel has been accepted and is covered by the regulation from any source, the minister of the Crown, minister of state or parliamentary secretary concerned shall, within 30 days after the acceptance, make a detailed public declaration.

Morocco's experience also demonstrates the need to pay close attention on how the system will operate, considering the resources available and the prioritisation of different risk levels. At present, asset declarations by Moroccan officials are prepared and submitted manually, with the result that the Court's resources fall short of what would be required to review or verify the reports. The result is that the reports are not reviewed at all and therefore do not serve either a deterrent or a detection function.

Procedures to assess a significant selection of them, either by sampling or by a system based on risk indicators could be envisaged and would greatly contribute in accelerating the ongoing shift needed to a culture of compliance in the Moroccan public administration. Moreover, the task of flagging possible improprieties could be supported by civil society, but currently the declarations remain confidential. A further approach would be to adopt a system modelled on that of countries such as Brazil which have established a fully automated system for submitting asset declarations.

Box 4.7 examines the system for managing asset declarations in Canada, from the legal structure to the implementation of validation, verification, and disclosure. An important lesson from Canada's experience is the need to establish a trustworthy system for advising officials on how to meet requirements and to bring deficiencies to their attention in a way that encourages them to comply, rather than evade the rules. This type of advisory function is also important to support implementation of a public service code of conduct, especially in its early phases when there are likely to be points that need to be clarified for the implementing agency as well as for the public servants. A system that assumes that any deficiency indicates an impropriety and should be severely punished is a system that is *less* likely to achieve its goal of improved transparency and integrity than one that engenders mutual trust and respect.

Box 4.7. **Asset Disclosure and Conflict of Interest in Canada: how is the law implemented and enforced?**

Legal basis

Asset disclosure in Canada is governed by two laws:

- The Conflict of Interest Code issued by the Office of the Conflict of Interest and Ethic Commissioner covers the 308 House of Commons members (MPs), some of whom are also covered as public office-holders.
- The Conflict of Interest Act covers approximately 2800 individuals, including ministers, parliamentary secretaries, ministerial staff, and senior "Government in Council" appointees, such as deputy ministers, heads of Crown corporations, federal board members, members of commissions, and the judiciary.

Box 4.7. **Asset Disclosure and Conflict of Interest in Canada: how is the law implemented and enforced?** (*cont.*)

Implementation:

The **Office of the Conflict of Interest and Ethics Commissioner** is responsible for the implementation of disclosure mechanisms. This office provides extensive information for public office holders on their obligations on its website, including downloadable forms, and also gives access to the public registry and related reports. For MPs and their staff, the House of Commons website provides similar information, including communiqués, advisory opinions and reports issued under the Code, forms for submitting information, and direct access to the public registry.

Validation & verification of disclosure

- *Legislative branch*: the law does not mandate that the Commissioner routinely check the accuracy of the information disclosed. The Commissioner's Office does in practice check the forms to ensure that MPs do not find themselves in a potentially inappropriate situation. The Ethics Commissioner may then meet with MPs and their families to discuss their responsibilities under the law. If MPs do not comply, the Commissioner prepares a report to the House, which may recommend sanctions. This report is made public after receipt by the parliament.

- *Executive branch*: Routine checks include an advisory role with respect to disclosure and post-tenure employment. If the Commissioner notices that a public office holder has committed a violation, the Commissioner may issue a notice of violation to the public office holder, who is liable to a fine not to exceed CAD 500.

Transparency of disclosure

- *Legislative branch*: The statement of interest is confidential, but a summary with standardised information is published and available online at the following link: http://ciec-ccie.gc.ca/PublicSearchMembers.aspx.

- *Executive branch*: The detailed disclosure form is confidential, but there is a "public declaration" section in the Act listing all items that must be publicly disclosed. These documents are maintained in a Public Registry available online http://ciec-ccie.gc.ca/PublicSearch.aspx.

- *Information on compliance rates* for both legislative and executive filers is made available on-line through the Annual Reports of the Commissioner that also provide data on investigative and enforcement activity.

- *Public access*: individuals' documents are considered confidential and cannot be obtained through the Access to Information Act.

At the time of the writing of this report, the Court of Accounts had decided to review the asset declaration law as a step towards making it more targeted and enforceable and establishing a specific unit within the Court to ensure effective implementation. Automation of the process and eventual publication of the information contained in the declarations is also under consideration.

The Government of Morocco could also allow declarations of certain officials to be consulted upon request or make them publicly available in summary formats that protect the personal data of public officials. Practices in countries differ with regard to making asset declarations publicly available. Making asset disclosure publicly available is however one of the government actions that contribute to achieving eligibility for membership in the Open Government Partnership[5].

In addition, Morocco needs to review the asset declaration form to determine whether the format is adequate to manage conflicts of interest, called for by Art. 36 of the 2011 Constitution. Asset declaration is a recognised way to further this aim. More generally, developing conflict of interest regulation will require defining how these regulations fit within the overall corruption prevention framework by clarifying the relationship with the charter for public service and revising the asset declaration process to make them effective for managing conflict of interest and determining which institution will be in charge of enforcing those regulations.

Whistle-blower protection

Morocco took the important step of adopting a new law to protect whistle-blowers in October 2011. The Law (No. 37-10) provides a legal framework to protect witnesses, experts or whistle-blowers from retaliation when they disclose information on possible cases of corruption, embezzlement or undue influence. Although this law constitutes a good step towards the protection of whistle-blowers, some civil society organisations, such as Transparency Morocco (Transparency Maroc, 2011), argue that the law does not fully guarantee the protection of whistle-blowers –especially when it comes to professional and economic rights – but in fact assigns too much discretionary power to the Prosecutor and the Court to decide whether the identity of a whistle-blower should be disclosed or not. Whistle-blowers thus cannot rely on remaining anonymous if desired and therefore remain in danger of retribution, ultimately discouraging those witnessing offenses from reporting them. In addition, the law does not define how public officials are to report potential abuses in a confidential manner.

Moreover, article 18 of the Statute of the Public Service stipulates professional secrecy and prohibits public officials from communicating any

information they acquire in the course of their work. Civil society and international organisations (the European Council, for instance) request a modification or revocation of this article (European Council, 2013).

However, the law led the Central Authority for Corruption Prevention along with the CGEM and ANPME to establish a dedicated whistle blowing portal, www.stopcorruption.ma, which is intended to serve as a channel for small and medium enterprises to report cases of corruption or embezzlement in government tenders or other dealings with the government. While the effectiveness of this mechanism will be discussed below as an ICT application, it is important to note that the review team was not able to obtain any information on whistle-blowing cases within the public sector by public officials nor on whether such reporting, if it has occurred, has led to investigation or prosecution of corruption. It has to be noted, that under the current status the ICPC does not yet have the power to conduct investigations, which they shall be granted however, with the new law.

Transparency in political finance

Countries in the Middle East and North Africa regions have lagged behind in the transparency of political finance, even though the increasing role of contested elections in the region must be recognised. Many countries lack a legal framework for political finance or have a legal framework that covers only a part of the issue, such as party finance, rather than the whole cycle of political finance.

One of the key innovations introduced by the new Moroccan Constitution is enhanced transparency in political finance. In particular, it mandates development of an organic law to govern political party finance. The law would provide further clarity to parties on the eligibility criteria to receive state funding and on its exact amounts as it would be published within the state budget (*Loi des finances*). It also imposes on political parties the mandatory disclosures of their accounts. The Court of Account would be entrusted to monitor the allocation and use of public funding by parties. The Government of Morocco has taken an important step towards further transparency in political party funding; however further efforts remain to be implemented to make party finances effectively transparent. For instance, only those parties that already disclose their accounts to the Court of Accounts are part of the Court's annual report, which is made partially available to the public on its website, while there is no information on those parties that do not comply with this obligation. In addition, the Court indicated to the review team that no sanctions have been enforced on those parties that have not yet complied with the disclosure obligations of the law. To deepen transparency, further information on campaign finance as opposed to on the funding for parties' daily activities could be made

available to the public as well as information on private contributions. For example, a registry of donations could be introduced to allow citizens to have comprehensive information on the sources and amounts of funding received by parties.

From this perspective, the Government of Morocco could consider further modification of its framework for party and campaign finances. OECD countries' experiences show that effective regulations on political parties must combine several different approaches, as shown in Box 4.8.

Box 4.8. **Summary of major trends and key challenges in regulating political finance in OECD countries in the past decade**

Balancing sources of funding to promote fair competition:

1. Increasing public funding to promote a level playing field between political parties and reduce their dependence on private funding. While different institutional models have been adopted by OECD countries to manage the allocation of direct and indirect public funds, the overall purpose of public funding remains giving parties fair or equal access to financial and non-financial state support. This support may include direct transfers, access to specific state services (e.g. airtime in state media, transport, and government property) and tax exemptions. Almost all OECD countries provide public funding to their parties or candidates, however they face a growing challenge in adequately valuing in-kind contributions and ensuring a level playing field between parties in this regard.
2. Regulating private funding to avoid prejudice to the activities of political parties and ensure the independence of political parties. Certain types of private contributions have been banned in most OECD countries including donations from a) foreign states or companies, b) public authorities including state-owned enterprises, and c) anonymous sources. Regulating private funding remains however a very complex matter as it generates controversial debates on the policy objective that should govern it (e.g. freedom of speech versus protecting the public interest).

Setting limits on expenditures to reduce the dependency of parties on private contributions:

1. Setting spending limits for parties or candidates during electoral campaigns contributes to reducing the overall cost of election, thus limiting risks of undue influence which result from strong dependency on private contributions. However, new ways to circumvent regulations tend to emerge as regulatory loopholes are identified but not addressed (e.g. using membership fees to conceal donations, or rely heavily on loans and consequently on credit institutions).

Box 4.8. **Summary of major trends and key challenges in regulating political finance in OECD countries in the past decade** (*cont.*)

Promoting transparency and accountability of all actors in political financing:

1. Addressing privileged access to State resources by elected officials. State resources can be used by incumbent parties to fund their electoral campaigns and can also be used by elected officials, once in office, to "return the favour" or retaliate against private contributors. A growing number of countries have introduced in their political finance regulations bans and limits on the use of different types of state resources. However a comprehensive approach in limiting privileged access to state resources is yet to be defined.
2. Promoting transparency in political parties' and candidates' accounts by keeping records of donations and campaign expenditures and disclosing them to specific monitoring authorities and to the wider public.

Strengthening monitoring and enforcement of political finance regulations:

1. Establishing a single independent supervisory body to ensure the enforcement of political finance regulation. Although there is no one-size-fits-all model, international standards recognise the need for parties and candidates to disclose their expenditure and income related to electoral campaigns to an independent entity. Experiences in OECD countries show that this entity needs to be given the necessary financial and human resources to effectively undertake its mission. Additionally, its independence from the executive and legislative branches needs to be secured to avoid risks of conflict of interest.
2. In the absence of an independent supervisory body, countries are encouraged, at the least, to have their parties' accounts certified by independent experts. In parallel, political parties in OECD countries are increasingly strengthening internal audits to promote good management of funds and limit risks.
3. Defining effective, proportional and dissuasive sanctions. Experiences show that countries need to ensure the right balance in sanctioning infringements to political finance regulations to ensure that sanctions are proportionate and dissuasive.

Source: OECD (2013), "Investing in Trust: Leveraging Institutions for Inclusive Policy Making", GOV/PGC (2013)2, www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=gov/pgc(2013)2&doclanguage=fr.

Fostering public scrutiny: Using Information and Communication Technologies to provide real time information and promoting public scrutiny

The use of ICTs can be of considerable assistance in realising national ambitions to change this situation and providing solutions that respect the specifics and conditions of the local context. The Anti-Corruption Plan, co-ordinated by the Ministry of the Civil Service and Modernisation of the Administration, explicitly calls for the use of ICTs in several areas. The online guide to government services, service-public.ma, is a noteworthy effort that seeks to facilitate citizens' use of the new channels available, but the overall e-government programme can also be considered to support the integrity and anti-corruption plan. ICTs could also support other measures, such as making publicly available the mandatory declaration of assets required by Law 54 of 2006, although this measure is not within the mandate of the current law.

Morocco has developed a number of portals to promote citizens' participation in policy making or in monitoring the implementation of policies. With regards to integrity and corruption prevention, information and communication technologies have been used by the government for two objectives: *i)* to promote transparency in decision making (e.g., the procurement portal, www.marchespublics.gov.ma, which provides information on government tenders and their awards, and *ii*) to enhance public scrutiny (e.g., the whistle-blower portal, www.stopcorruption.ma), designed to encourage SMEs to report violations and offenses in government tenders or the unified complaint system that the e-government Programme puts at the disposition of every public institution that is interested in deploying it). As these systems develop, it becomes increasingly important to streamline the structure and content and to make greater efforts to ensure that the information presented is reliable, up-to-date and easily understandable. Morocco is at a point where substantial public resources, both financial and organisational, will need to be committed to push these good initiatives begun but not fully implemented in order to achieve the integrity impacts targeted. At present, the public procurement portal, for example, is only partially implemented, leaving the system open to the substantial challenges arising from partial digitisations of procurement processes, which leaves openings to circumvent the new system. Full digital transparency is necessary from announcement of opportunities to decision on suppliers, receipt of goods or services, payment and final accounting to address corruption effectively.

While the expanded use of ICTs through new portal launches is commendable, this approach is not sufficient to demonstrate the government's renewed commitment to openness and transparency towards Moroccan citizens. In particular, the low level of internet penetration in Morocco and the limited access that citizens have to these portals suggests the need for complementary mechanisms, such as mobile-based technologies and anonymous message systems that could be used by a wider segment of the population. This is particularly important in view of the severe difficulties faced by SMEs from petty corruption.

From that perspective, the Ministry of Civil Service and Modernisation of the Administration has launched an awareness campaign, which is targeted towards citizens through various means (billboards, TV ads, radio ads, newspaper, etc.). This type of awareness campaign seems more adapted to the Moroccan context. It was, however, criticised by other governmental and non-governmental stakeholders including the Central Authority for Corruption Prevention as they were not consulted for its design. The use of ICTs can also be extended beyond websites to support openness and inclusiveness in anti-corruption policies by providing up-to-date information on enforcement activities and other measures. In 2010, the OECD worked with the Central Authority for Corruption Prevention to identify how it could collect and disseminate more data on corruption. Due to a lack of resources, the Authority was not able to complete this objective at the time, but as it extends its mandate, it could appropriately also extend its publication of data to meet the needs of a more aggressive effort to control corruption consistent with its new mandate.

Several countries, including Morocco, that experience serious problems with corruption have seen significant initiatives arise from civil society to use ICTs to call attention to, and measure the problem. The use of new technologies has helped to close the information gap regarding the extent and specific character of the problem and to empower citizens to join the fight for integrity. In Egypt, social media based services were developed, such as "Zabatak" (in English, "I caught you") a corruption reporting site with geo-functionality (www.zabatak.com) based on the crowdsourcing platform Ushahidi and supports a number of channels, including first generation mobile phones and SMS (OECD, 2013). In Kazakhstan, recent initiatives to combat corruption included giving citizens the right to record interactions with civil servants on digital devices giving them a channel to report in case of abuse.

In Morocco, examples of such initiatives include the Corruption Observatory of Transparency Morocco which provides periodic reports and assessments on corruption in Morocco and the Mamdawrinch Initiative, based on the international platform, "I Paid a Bribe", which allows citizens

to report online instances of corruption or embezzlement that they have witnessed. The information is then aggregated city by city throughout the country (www.mamdawrinch.com/).

Box 4.9. **Mobile banking to combat corruption: an example from Afghanistan**

Afghanistan has for a long time been troubled by pervasive corruption in combination with high levels of illiteracy and fundamental lack of security in most areas of the country. This profoundly affects the functioning of all parts of society, including also the banking sector, and payments or feed in the public sector. Less than 5% of the 30 million inhabitants hold a bank account, and more than 70% are illiterate. However, around 40% of Afghans own a mobile phone.

Inspired by East-Africa, particularly Kenya where mobile banking (M-Pesa, also a Vodafone partnership) accounts for almost a third of the GDP, the telephone service company, Vodafone, and the mobile banking company, M-Paisa, decided to launch a mobile banking service in Afghanistan in 2009. The service is reported to be accessible in all areas of the country, serving around 97% of the population, enabling money transfers to areas previously cut off from financial services.

First tests conducted in the police force with direct payments made to officers' mobiles allegedly immediately improved the efficiency of the system. By using mobile payments the policy force found out about fake policemen and stopped payment of their salaries which allowed it to cut costs by 10%. At the same time, due to the suppression of middlemen, it enabled the police force to increase salaries by 30%.

The services provided included peer-to-peer money transfers, handling of micro-loans, payments of bills and salaries, among others. The mobile banking system also enables direct transfers of development aid, shortcutting government corruption and slack related to development assistance. With first generation mobile phones and low literacy, SMS and automated voice based (Interactive Voice Response, IVR) services are important enablers to ensure a broad uptake.

Although still struggling to establish partnerships to create an open system of money and transfer, for example, through local shops and partnerships with Western Union – a money transfer agency – the example shows significant advantages of using mobile technologies to support integrity and combating corruption.

Source: Time (2013), *How Afghanistan Is on the Leading Edge of a Tech Revolution*, http://world.time.com/2013/03/02/how-afghanistan-is-on-the-leading-edge-of-a-tech-revolution/#ixzz2Zs5Aydso ; www.roshan.af/Roshan/Home.aspx (accessed 23 July 2013).

In general, efforts to engage citizens and the private sector in anti-corruption policy-making remain limited to *ad hoc* initiatives rather than a full partnership working towards the development of a comprehensive anti-corruption strategy. Although consultation processes have been launched around specific initiatives, there are no indications on how a permanent participatory mechanism will be institutionalised. At the same time, transparency initiatives to promote public scrutiny by civil society remain limited by resources and other constraints.

As the discussion of asset disclosure shows, moreover, ICTs can play an important role in all phases of integrity programming, from reducing the cost and time required to process asset declarations by public employees and parliament members to managing an online procurement system that is more transparent but also more competitive, time-saving, and cost-saving compared to traditional methods.

Recommendations

An important effort has been launched by the Government of Morocco to review its legal and institutional framework to strengthen the fight against corruption and the promotion of public sector integrity. However, for these reforms to be effective, the Government of Morocco must not only expand and sustain its efforts in the long term, but also close the remaining legal loopholes and institutional challenges and undertake greater efforts to communicate results to citizens. The following proposals for action represent areas emerging as priorities from this review:

- Use the Charter of the public service to entrench values of openness and inclusiveness in the public service.
- Promote greater co-ordination and co-operation between entities in charge of preventing and fighting corruption, building on the 2012-2014 anti-corruption action plan to institutionalise the necessary ongoing co-operation and co-ordination mechanisms.
- Institutionalise citizens' participation in anti-corruption policy making to engage citizens as active partners in policy design and implementation.
- Streamline the use of ICTs to enhance public scrutiny by providing accessible, aggregated and easily understandable information. The Central Authority for Corruption Prevention could be the entity charged with collecting and disseminating information on corruption as well as tracking and reporting results of government reforms in

this area, as foreseen in its original mandate and reinforced by the 2011 constitution.

- Review and fully activate the asset declaration regimes with a view toward managing and detecting conflicts of interest and illicit enrichment by:
  - Reviewing the legal framework governing asset declarations.
  - Defining the monitoring mechanism and establishing appropriate sanctions for non-compliance with this obligation.
  - In the context of the adherence of Morocco to the OGP, make the declarations publicly available provided personal data is protected.
- Define a comprehensive approach in promoting transparency in political party and campaign finance.
- Ensure that the law establishing the new Central Authority for Corruption Prevention respects international standards and gives the Authority the power to conduct investigations enabling it to become an effective actor in preventing and fighting corruption.

Notes

1. The late 1990s witnessed a number of major milestones in the fight against corruption. The United Nations passed the Resolution on Action against Corruption, including the International Code of Conduct for Public Officials, on 12 December 1996. The Organisation of American States adopted the Inter-American Convention against Corruption in March 1996. The European Council adopted an Action Plan to Combat Organised Crime on 28 April 1997 and the Convention on the Fight against Corruption involving Officials of the European Communities or Officials of Member States of the European Union on 26 May 1997. The Council of Europe approved the Programme of Action against Corruption in November 1996, including the preparation of a model European Code of Conduct for Public Officials, and which underpins the co-operation of 40 countries in fighting corruption, money laundering, computer crimes and organised crimes, (OECD, 2000).

2. For a more in-depth discussion of the Central Authority for Corruption Prevention see OECD (2014), *Reinforcing Public Sector Integrity in Morocco: Consolidating Institutional Capacity to Improve Anti-Corruption and Good Governance*, forthcoming.

3. Colloque National sur les marchés publics, Rabat, 16-17 avril 2009.

4. "L'association rappelle à cette occasion que la CNUCC érige en règle de base la participation effective de la société civile à la conception et à la mise en œuvre des dispositifs juridiques et institutionnels de lutte contre la corruption qu'elle prévoit et qu'en l'absence de concertation réelle avec les parties prenantes, les réformes unilatérales et précipitées ne peuvent servir l'objectif recherché de mobilisation citoyenne et d'efficience politique contre ce fléau". Press release: "Le projet de loi pour la protection des témoins de la corruption : un texte insuffisant dans son contenu et trompeur dans son énoncé" www.transparencymaroc.ma/uploads/communiques/Fr/70.pdf, Transparency Maroc (2011).

5. As discussed in Annex A of this report, OGP membership eligibility is assessed based on a system that awards points for each of several specific measures. Countries must demonstrate that they have implemented measures totalising 12 out of the 16 possible points, a procedure that recognizes that not all countries can fully comply with all of the practices. Morocco currently lacks one point to meet the standard. It is generally agreed that passage of the Access to Information law is the most feasible approach to meeting the OGP membership standard.

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Chapter 5

Emerging use of ICTS in the public sector, civil society and business in Morocco

ICTs can be an important lever to Open Government creating innovative opportunities to increase participation and transparency. Morocco is currently implementing its e-government strategy and aims to increase the use of ICTs for the public sector. This chapter looks at the contribution to Open Government objectives of the growing use of e-government tools. It contains an overview and assessment of the policy and institutional framework for the use of ICTs for Open Government vis-à-vis OECD best practices. The state of art of digital citizenship and social media use in Morocco are explored, as well as the potential role that Morocco's ICT business sector can play. Further, Morocco's use of ICTs to better tailor the delivery of public services and enhance their transparency is assessed. A series of proposals and recommendations in service of a better ICT use for Open Government concludes the chapter.

Introduction

The decision by the Open Government Partnership to include harnessing the benefits of new technologies as one of four Open Government pillars recognises that ICTs have become an essential factor in governments' communication with their citizens as well as in internal government operations (see Box 5.1).

This chapter examines how Morocco's growing use of e-government tools contributes to its Open Government objectives, as well as civil society's use of ICTs to take advantage of ICTs' ability to create new channels for collaboration and participatory governance that facilitate more direct and larger scale engagement with citizens than is possible using traditional print and face-to-face approaches alone.

The OGP's declaration sets out a number of commitments taking as their point of departure the responsibilities of participating governments to ensure equitable and affordable access by applying a range of approaches. Access to technology and the basic skills needed to use it remain fundamental preconditions for reaping the potential benefits of new technologies, making progress on inclusive growth, and expanding participatory governance.

The chapter also explores the important but often overlooked contribution that Open Government applications of ICTs can make to economic development, a key Moroccan policy objective. ICTs policies and applications have the potential to build the competitiveness of Morocco's business sector, not only in the ICTs sector itself but more generally by improving the business environment, helping to raise the quality of the national workforce, and equipping Morocco's businesses and potential investors with the information they need for decision making.

The chapter also emphasises the steps that will help Morocco meet its Open Government commitment to inclusivity. This will require ICTs and non-ICTs approaches that rely on a broad range of technologies and applications that enable two-way communication with all Moroccans, regardless of gender, level of education, income level, age, language, or location.

Box 5.1. **Open Government Partnership's commitment to the use of new technologies**

Increase access to new technologies for openness and accountability

New technologies offer opportunities for information sharing, public participation, and collaboration. We intend to harness these technologies to make more information public in ways that enable people to both understand what their governments do and to influence decisions. We commit to developing accessible and secure online spaces as platforms for delivering services, engaging the public, and sharing information and ideas. We recognise that equitable and affordable access to technology is a challenge, and commit to seeking increased online and mobile connectivity, while also identifying and promoting the use of alternative mechanisms for civic engagement. We commit to engaging civil society and the business community to identify effective practices and innovative approaches for leveraging new technologies to empower people and promote transparency in government. We also recognise that increasing access to technology entails supporting the ability of governments and citizens to use it. We commit to supporting and developing the use of technological innovations by government employees and citizens alike. We also understand that technology is a complement, not a substitute, for clear, useable, and useful information.

Source: Open Government Partnership (2011), "Open Government Declaration", www.opengovpartnership.org/about/open-government-declaration.

As Morocco defines its own path towards Open Government through higher levels of engagement and transparency, it builds on its initiatives already underway to keep the focus on supporting active engagement with civil society as well as with citizens and the business sector, and on achieving concrete progress toward more effective administration.

Like earlier chapters, this discussion begins with a review of best practices identified by the OECD through its work with member and non-member countries. It then assesses Morocco's ICTs use for Open Government with a view to identifying strategies that will strengthen these initiatives, examining three areas: 1) the policy and institutional framework for the use of ICTs for Open Government; 2) emerging digital citizenship, social media participation, and Open Government ICT strategies to strengthen Morocco's business environment; and 3) implementation challenges to more effective ICT use for Open Government.

OECD best practice for building the information society as a pillar for Open Government

The term "information society" generally refers to the extensive use of information networks and information and communication technologies, including the widespread use of the extensive information and communication products and services that go along with technology adoption. Building an information society requires action to ensure affordable and reliable access to electricity, computers, the internet (including broadband), and telephony, particularly mobile communications.

The OECD completed a two-year process which sought to establish common guidelines for the application of e-government by its member countries. In March 2012 the Public Governance Committee's Network on E-Government mandated the OECD to develop an instrument on e-government that would serve as the OECD principles on digital government strategies with a focus on ICT strategies to bring governments closer to citizens and businesses, in other words, to strengthen open and inclusive governance. These principles, including specific principles to guide action, and recommended action strategies which were approved on 15 July 2014 by the Council, provide an excellent basis for considering how to strengthen implementation of e-government in Morocco.

Over the past two years, e-government experts and officials from the OECD's member countries, including a Task Force composed of OECD member countries of the OECD Network on E-Government, worked to articulate three broad recommendations.

This work reflects the OECD's peer learning and collaborative approach to inter-government co-operation and builds on twelve earlier developed guidance principles on related topics, such as data privacy. The guidance provides a more complete discussion of each of the pillars, principles, and action strategies. Although geared toward the needs of the OECD's member countries, much of it appears directly relevant to Morocco as well. Morocco's use of this set of guidelines would provide an opportunity to develop specific guidance suited to the needs of its ministries and their business and civil society partners. Morocco's intention to adhere to the Recommendation of the Council on Digital Government Strategies creates a good basis for its implementation.

The overarching three axes of the guidelines are shown in Box 5.2.

Box 5.2. **Summary of the three axes on digital government**

The OECD adopted a recommendation for member governments on how to manage digital government. This recommendation is the result of a consultation process with member governments and others. The recommendation recognises the need to use ICTs to improve governance through three broad axes:

1. To "engage citizens and open up government to maintain public trust", governments need to understand new emerging technologies to reap their potential. While this is seen as a risk by some countries, others consider opening up the rich resources of government data and enhancing engagement through social media as public sector imperatives. Securing engagement and trust means protecting citizens' and companies' sensitive information in a data-heavy future driven by powerful analytics.
2. Today, there is no doubt that ICT is a core instrument to advance public sector reform. "Adopting joined-up approaches in delivering public value" is key to ensuring the right level of consensus and common national understanding of strategic goals. The establishment of digital leadership positions although necessary, is not sufficient. Networked and horizontal governance across national and sub-national government institutions can provide the mechanisms for nationwide commitment and local implementation.
3. Governments shared their experiences on how to manage strategic IT projects and "strengthen the capabilities to ensure returns on investments". Large IT projects need to be broken into manageable parts, and strong central management oversight balanced with the use of more agile IT procurement methods. Creating partnerships, listening to and engaging users to ensure quality and value creation, is an essential foundation for success.

Source: OECD (2014), "OECD Recommendation of the Council on Digital Government Strategies", OECD, Paris, www.oecd.org/gov/public-innovation/recommendation-on-digital-government-strategies.htm.

Assessment of ICTs use for Open Government in Morocco

Morocco has made progress in building its ICTs policy, institutional, and physical infrastructure and in developing Open Government applications on this platform; nonetheless, considerable challenges remain ahead.

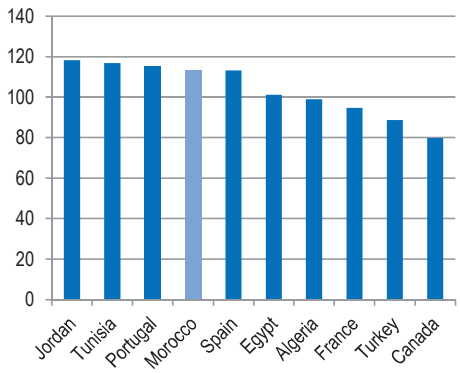
In particular, Morocco is in a position to take further advantage of its extensive use of mobile telephony to deepen Open Government engagement with citizens and civil society. Morocco's mobile penetration had reached 113 subscriptions per 100 inhabitants in 2011, which is somewhat above the

OECD average of 110 and clearly ahead of the average among its peers in the MENA region (100) as well as in the Arab World (96) (see Figure 5.1).

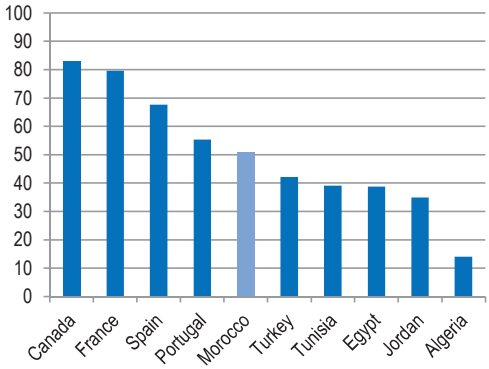
The use of the Internet shows a very different picture, however, with only about half of the population using the internet. Although this is above some of its regional peers, it nonetheless excludes a large share of the population from online services. Cost is among the main barriers: ensuring access to affordable Internet remains a challenge. Despite the encouraging classifications[1] in the 2014 UN E-Government Survey, Morocco has suffered from significantly higher Internet access prices than its regional peers, although prices have recently shown a declining trend (ANRT, 2012; WB/EIB, 2013). The main way to access the Internet is through mobile 3G connections (around 83% of all users).

Figure 5.1. **Comparative usage of mobile and internet technology in Morocco and selected countries**

A. Mobile telephone subscriptions per 100 inhabitants, selected countries (2011)



B. Internet users per 100 inhabitants, selected countries (2011)



Note: Mobile cellular telephone subscriptions are subscriptions to a public mobile telephone service using cellular technology, which provide access to the public switched telephone network. Post-paid and prepaid subscriptions are included.

Source: A: World Bank data (2013), http://data.worldbank.org/indicator/it.cel.sets.p2 (accessed 10 July 2013); B: World Bank data (2013), http://data.worldbank.org/indicator/it.net.user.p2 (accessed 10 July 2013).

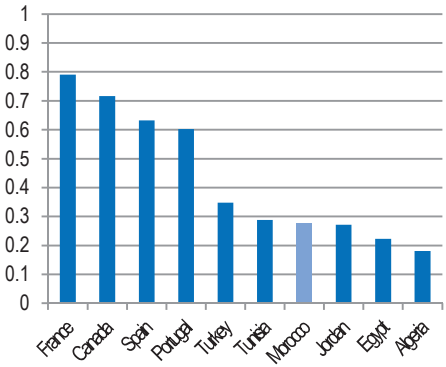
The relatively high numbers reflect Moroccan citizens' active interest in accessing information and communicating. However, Morocco's ICTs development seems still to be constrained by a level of human capital in the sector that appears low relatively to OECD countries (Figure 5.2). With a national literacy rate of only about 56%, a large part of the population is left with little access to written information and communication networks. This

is of particular concern regarding women, given that female literacy reaches only 44%, compared to male literacy of 70% (which is nonetheless also too low to support Morocco's economic growth and inclusion objectives) (2009 figures) (World Bank data, 2013).

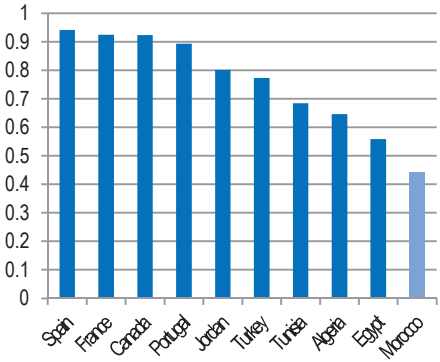
The strength of its physical infrastructure for ICTs also lags its peers in the region as well as global leaders in this area. Both human resource and infrastructure limitations restrict not only the ability of the government to reach its citizens with e-government services, but also hold back the development of its private ICT sector and such critical supporting services as education and research. In order to reap the full benefits of ICTs, Morocco will need to advance in all these areas and therefore the existence of a strong policy environment backed by sound institutional arrangements is vital.

Figure 5.2. **Comparison of Morocco's scores based on UN e-government indicators for ICT infrastructure and human capital with selected countries**

A. UN e-government scores for ICT infrastructure, selected countries (2014)



B. UN e-government scores for human capital, selected countries (2014)



Note: The figure shows two composite indicators ranging from 0 to 1. The Human Capital is weighted by 2/3 adult literacy and 1/3 gross enrolment standard scores. The Infrastructure index is a weighted average of standard scores on internet users, mobile telephone subscriptions, telephone lines, fixed internet subscriptions, and fixed broad band.

Source: UN (2014), United Nations E-Government Development database, http://unpan3.un.org/egovkb/en-us/Reports/UN-E-Government-Survey-2014 (accessed 4 April 2015).

The policy and institutional framework for the use of ICTs for Open Government

ICTs are a vital enabler of Open Government, which is increasingly considered to offer an important part of the answers to many of society's challenges. Although these challenges are not themselves necessarily or directly linked to new technologies, the right use of ICTs can indeed drive forward government performance in meeting these challenges.

OECD countries and others participating in the Open Government Partnership are currently focusing particularly on challenges such as the improvement of public services, a higher level of public sector integrity, and more effective management of public resources (both human and financial). Three key themes have been identified as of particular relevance in developing concrete commitments for the Open Government Partnership Action Plans (OGP, 2013) and in mobilising national capabilities to meet them:

- Providing citizens with open access to technology.
- Driving innovation forward through the use of new technologies.
- Increasing the capacities and skills to use technologies.

Morocco has already committed to bettering its performance in all three of these areas through a wide array of existing public policies covering innovation, the nurturing of the information society and the use of ICTs in the public sector, among others. These policies have a dual positive impact on ICTs for Open Government in the sense that they address both the enabling conditions and regulation and the requirements to extend specific services.

Overall, Morocco has a well-established and capable administrative structure. As discussed in previous chapters of this report, there is a need to strengthen the capacity to manage cross-cutting initiatives within Morocco's centre of government – that is the core group of staff and units that support the head of government. In the new environment created by the 2011 Constitution, the responsibilities of the centre of government cannot be served without further reinforcing both its capabilities for analysis, programme planning and monitoring, and – perhaps most importantly – leadership and co-ordination of programs that cut across multiple institutional units.

ICTs programs for Open Government place particular stress on co-ordinating functions because both interventions for ICTs and Open Government frequently require the engagement of multiple entities. In consequence, their effective implementation requires leadership and co-

ordination of high calibre. Both types of programs also are likely to include engagement with parties outside the public administration, from the parliament to civil society and business, as well as donors. Programs that combine ICTs and Open Government naturally broaden the range of such interactions beyond what is required for either of them alone.

In addressing this challenge, Morocco will need to engage its capable public administration in building a new repertoire of skills, not only for itself, but also for its partners in civil society and business. As discussed in Chapter 2, Morocco has capable civic society institutions, including those in the business sector as well as institutions advocating transparency and integrity, but there is only a limited history of direct, ongoing collaboration among them. Morocco's civil society has good capabilities to use ICTs, particularly social media tools, although it, too, suffers from a shortage of human and particularly financial resources. For its part, Morocco's ICTs business sector, which naturally has strong capabilities in these areas, is in a good position to contribute to ICTs-based Open Government, as well as to benefit from investments in this area.

The Government of Morocco has been working systematically to strengthen the use of ICTs in government for several years. A number of key actors are playing important roles in this work which can be vital to leverage and henceforward transferred to the work on Open Government. This includes strategic oversight from the Royal Court, guidance of the Prime Minister's Office and the Ministry of Civil Service and Modernisation of the Administration, along with important driving activities from key sectorial ministries, particularly the Ministry of Industry, Trade, Investment and Digital Economy. The following section addresses how these resources are deployed through specific policies and strategies adopted for ICTs and Open Government.

Institutional support, co-ordination, and legal bases for government ICTs initiatives

Morocco's information society strategy, *Maroc Numéric 2013*, is the responsibility of the Ministry of Industry, Trade, Investment and Digital Economy. The strategy is co-ordinated in the National Council of IT and Digital Economy (*Conseil National TI et Économie Numérique*) (CNTI), supported by a dedicated Steering Committee (*Comité de Pilotage des TI et de l'Économie Numérique*), and led operationally by a dedicated management team (*Direction de Pilotage des TI et de l'Économie Numérique*). The CNTI is the government body responsible for strategic co-ordination and decision making for all issues related to the information society and digitisation, including issues such as computerisation of SMEs,

use of ICTs in public services and the security of digital content, among others. Chaired by the head of government, and including both public and private stakeholders, the CNTI has the high-level leadership and mandate to ensure the coherent co-ordination needed to develop the enabling ICT infrastructure for Morocco's society and economy.

Adopting a strategy based on the information society concept, the e-government programmes operating under the National Council rely on an Inter-ministerial e-Government Committee (*Comité interministériel eGouvernement*) (CIGOV) to strengthen co-ordination. CIGOV was established by the Council in 2010; following the CNTI resolution of November 2012, it brings together all ministries under the chairmanship of the Ministry of Industry, Trade, Investment and Digital Economy. Hence, information society work and the e-government portfolio fall under the responsibility of the same Ministry.

Open Government policies and practices are enabled, supported, and to some extent even defined by their underlying regulation, which in Morocco combine models based on the French and Islamic legal and governance traditions. A number of areas hold particular interest for ICTs development, including access to information, privacy protection, intellectual property rights, regulation on digital signatures and e-commerce, as well as general regulation of communications infrastructures.

The availability of secure digital communication is a key underpinning for fully exploiting the benefits of the information society. In 2007, Morocco adopted Law 35-06 on the digital identity card, complemented by Law 53-05 on the exchange of legal data, confirming the validity of secured and verified digital communication. Currently, one certificate-based digital signature solution is reported to be fully functional, offered by Barid Esign under the Moroccan Postal Service (www.baridesign.ma). This covers both public and private online services, mainly in the financial area. Some public online services have adopted digital signatures, such as taxation and customs, although the precise level of integration with the postal digital signature platform is not clear, nor could the review team determine how many citizens had obtained the digital certificates needed to sign digitally. While there would appear to be a large challenge in terms of usability and roll-out of digital signature, Morocco has established a sound legal basis to proceed with its e-government development and implementation.

It should be noted that, according to the government, the number of delivered digital certificates barid e-Sign are of 7000, of which:

- 3000 are used by companies to declare their taxes online (income Tax + VAT)

- 2000 are used by freight forwarders, shipping agents, and custom officials to access the BADR system
- 150 are used by clerks and judges to e-sign criminal records online.

Ensuring functional and competitive ICT sectors and ICT markets is also a key concern with broad implications for nurturing ICTs use across society, to raise industry competitiveness and make public administration more effective as well as achieving the aims of Open Government. The use of ICTs in private business in particular is a lever for growth and increased productivity. Legal frameworks have been established in this regard and they also provide for e-commerce and protection of personal data. Law 09-08 of 2009 on personal data protection aims to ensure trust in the increasing digitisation of data, while at the same time allowing Morocco to remain attractive as a hub for European outsourcing projects. The recent decreases in internet and telephony prices also demonstrate that improvements are being made in the regulation of the telecommunications sector. On a more general note, however, Morocco will need to go beyond the current predominately legal perspective to reach the desired results and impact from the new opportunities opened up by the progressive advances represented by its new constitution.

Policies and strategies for the use of ICTs to support Open Government

While Open Government policies are not as of yet fully conceived and integrated into the use of ICTs, a number of strategic policy frameworks have been developed that set sound directions for Morocco to build on. Key strategy documents that specify the objectives for public sector use of ICTs include "Digital Morocco 2013", issued in 2009 (*Maroc Numéric 2013*) and the "E-Government Programme" dating to 2011 (*Programme eGouvernement*). A more recent initiative that will directly contribute to expanding and updating these policies from a broader public management perspective is the modernisation strategy currently under development in the Ministry of Civil Service and Modernisation of the Administration.

Maroc Numeric 2013

Maroc Numéric 2013, the National Strategy for the Digital Economy and the Information Society, was launched in 2009.[2] The strategy has strong commitment at the highest level of government. Its aims encompass both economic development and public administration objectives, with a clearly-stated emphasis on enabling Morocco to attract technology-related foreign investments and to nurture the development of a competitive domestic market that will encourage innovative ICT-based products and services.

ICTs, as a resilient driver for growth in the global economy, constitute an important sector for the development of open and diversified economies and impel the rise of ICTs use across society. *Maroc Numéric* outlines a vision of using ICTs to support human development, public sector efficiency and private sector productivity, by developing an information economy that positions Morocco as a competitive regional technology hub.

Maroc Numeric 2013 consists of four strategic priorities related to the development of an open society and Open Government:

- **Social transformation**, including enhanced use of ICTs in education, improved access to ICTs for all socio-economic groups, and development of national digital content.
- **User-oriented public services**, including the establishment of an e-government programme with 15 flagship projects to simplify and modernise public services (such as, for example, the extension of the national e-procurement platform).
- **Increasing small and medium-sized businesses' productivity**, including supporting the digitisation of SMEs in areas of economic priority, mobilising influential actors to speed adoption, and generally encouraging and incentivising businesses to use IT.
- **Information technology industry development**, including facilitating the development of local ICT businesses, promoting niches of excellence, and increasing Morocco's competitive position for off-shoring services.

Around USD 613 million (5.2 billion MAD) of public resources have been estimated for the implementation of the strategy since 2009, without taking into consideration private investments. The two main priorities receiving funding support have been social transformation and e-government services with each representing more than 40% of the investments (Ministry of Industry, Trade, Investment and Digital Economy, 2013).

The *Maroc Numéric 2013* strategy specifies a number of tangible objectives that are directly measurable. These include measures on internet access, online service provision, and the size of the Moroccan ICT sector. These measures can to some extent be seen as proxies for accessibility of public services as well as general government openness. Although progress is generally difficult to measure, some progress can be observed in some areas of implementation of *Maroc Numeric 2013*.

Maroc Numéric 2013's activities to promote the imperative but long-term aim of social transformation are designed to strengthen the fundamental basis for Morocco's information society. To achieve this objective, the programme includes activities that ensure better and more affordable access to the internet and build up the necessary skills and capacities, particularly among young people. The GENIE programme (*TaalimTice*) supports this objective by integrating the use of ICTs into Morocco's primary, secondary and tertiary education systems, preparing future generations for the information society. Another key programme, *Injaz*, subsidises the purchase of high-speed internet access and laptops by students enrolled at higher educational institutions, with a particular focus on technical sciences students. This initiative complements the government's overall efforts to reduce ICT prices and increase access to ICTs.

Egov.ma – the Moroccan e-government programme

The Moroccan e-government programme aims to realise a shared vision of integrated front and back offices across the whole of government. While the establishment of the key enabling ICTs infrastructure across the public and private sectors yield great benefits, the responsibility for the roll-out is placed within the sector ministries. The provision of services built on this infrastructure often implies the cross-cutting co-operation and collaborations referenced above in order to organise services around the needs of the users – be they citizens, businesses or employees inside the public administration – regardless of the location of the government entities responsible for producing each component service.

The Egov.ma website serves as a hub for the e-government programme itself, listing the projects underway and providing details on the 95 services operational as of April 2014, as well as services under development. These include 42 services for citizens, 32 for businesses, and 21 designed to meet the internal needs of the government. Although it provides links to the services, its primary purpose is to support the implementation of e-government across the government by, for example, providing information on the status of interoperability and performance data such as response time for the various services (although the data listed do not include usage rates). Egov.ma is governed by the National Committee for E-government (Comité Interministériel e-gouvernement, CIGOV).

There are, in effect, two main hubs for e-government service users, including citizens, businesses, and others such as foreign visitors to Morocco. The Maroc.ma website is in effect the government's home page. This national government portal is also managed by the Ministry of Communication, and the Ministry of Industry, Trade, Investment and Digital

Economy assisted in its overhaul. It provides current news, information on how government is structured, links to ministries, etc. It also prominently displays links to the government's four main service portals.

Of these, service-public.ma is the central portal, designed to help citizens and businesses find the services they are most likely to need. It has adopted the slogan, "*votre partenaire pour les démarches administratives*", ("your partner for administrative services" run by the Ministry of Civil Service and Modernisation of the Administration). The Moroccan government has adopted the "life events" approach to organise its online service provision on service-public.ma. This means that online services are structured around key events in the lives of citizens or businesses, usually highly transactional services. In all, 14 "themes" or clusters of related services are presented, such as key official documents, travel and leisure, housing and construction, taxes, etc.

Table 5.1. **Responsibility for e-government services currently operational**

Government entity	Number of operational services managed
Ministry of Industry, Trade, Investment and the Digital Economy	16
Ministry of Economy and Finance	8
Ministry of National Education	7
General Treasury of the Kingdom	5
Ministry of Employment	5
Ministry of Civil Service and Modernisation of the Administration	5
Moroccan Post	5
All other entities (17 ministries and agencies, averaging 2.6 services/agency)	44
Total operational services	95

Source: OECD calculations (2014) www.egov.ma/e-services-op%C3%A9rationnels, April.

This portal structures the public services, provides informational services and links to other more in-depth and transactional services, that some observers have termed a "souk (bazaar) of services". For example, in the area of housing and construction, the subcategory for gaining access to basic services lists more than a dozen different services, describing what

documents must be presented to get a water connection, say, how long it should take, who to complain to if needed, etc.

Two other portals of particular importance for Open Government are those governing public procurement (www.marchespublics.gov.ma) and public employment opportunities (www.emploi-public.ma/ar/index.asp). (See the budget transparency chapter for a more detailed discussion of the public procurement site).

In all, the e-government programme comprises a portfolio of 95 projects and services with responsibilities for their implementation delegated across the government (see Table 5.1 above). Although progress is being made in terms of online service provision, the actual usage levels of the provided services remains a challenge in Morocco as elsewhere. Engaging users in the design and delivery of services could be helpful in advancing the uptake based on higher levels of citizen trust in public service delivery. Engagement of the users could also be a key component in linking the online service provision to strengthen Open Government. Greater integration of mobile-based services, ideally incorporating a mobile money payment mechanism, would also enable the services to reach citizens "where they are".

Integrating e-government initiatives into cross-cutting administrative reform

In parallel with its online automation efforts, the Ministry of Civil Service and Modernisation of the Administration is currently seeking to develop a strategy to extend e-government within the public sector. The Ministry has analysed current public administration functions in Morocco and identified a public management approach based on separate sectorial approaches to address the lack of overall integration and consistency, insufficient impact in previous projects, and missing capacities inside the public administration (Ministry of Civil Service and Modernisation of the Administration, 2013). The objectives sought through this approach include enhancing the shared vision, achieving higher impact, and exploiting synergies among projects, among others. The strategy aims to institutionalise its work across participating ministries in order to achieve a cross-government vision of better governance based on modernising the administration and how it governs relations with its constituency, notably the users of public services.

To assess the status of public governance, the strategy's first step, the Ministry plans a cross-cutting diagnostic study. Four axes are currently being considered for further examination:

- administrative procedures, assessing simplification, standardisation and digitisation
- human capital, examining public management, skills and competency development
- organisation, analysing outsourcing, support functions, and shared services options
- governance, studying cost transparency, performance dialogue, and stronger impacts.

Although these four areas are closely interlinked to Open Government policies and levers, the Ministry of Civil Service and Modernisation of the Administration has not yet effectively linked these two agendas.

Proposals for consolidating policy commitments on using ICTs for Open Government

Although Morocco's public sector bodies responsible for ICTs co-ordination and decision making are well established, they do not yet function as effectively as they should with greater focus and co-ordination. As such, they do not yet generate all the concrete results that should be achieved. Greater investment in strengthening co-operation and co-ordinating initiatives could optimise the use of resources, achieve synergies and lead to higher impact.

While *Maroc Numérique 2013* and the more operational e-government program, Egov.ma, make some reference to Open Government or related objectives, the strategic framework and the specific project initiatives could better and more explicitly link the use of ICTs to Open Government efforts. As such, there are rich opportunities to extend and enhance impact by co-ordinating the leadership of existing efforts with a view towards Open Government through better use of ICTs. Making progressive advancements in fully applying its new constitution, Morocco will need to move beyond its current legal perspective to place greater emphasis on how to achieve desired results and impact. This will require attention to horizontal policies, such as the use of ICTs and Open Government, and to more effective consultation processes.

To move forward on this basis and to consolidate the political commitments and instruments already initiated, the Government of Morocco might consider the following:

- Ensuring *policy coherence* and links between the existing information society, digitisation and modernisation strategies and programmes, on the one hand, and the Open Government plans to be developed, including the OGP Action Plan on the other. Ensure that the additional Open Government commitments have adequate support within the organisations responsible for the current strategies and programmes, establishing clear and transparent ownership and follow-up.

- Improving *operational co-ordination across the government* in the CNTI and CIGOV by providing a clearer mandate for informal exchange of information and viewpoints among the co-ordinating organisations, including the Ministry of Civil Service and Modernisation of the Administration. This might allow for more fluid and agile exchanges, adding more strategic value in the use of ICTs to the high level commitment demonstrated by the Council and the Committee and linking their activities more closely to Open Government initiatives.

- Supporting governance structures with *budgetary co-ordination mechanisms, human resources, and financial incentives* to collaborate and provide user-centred services, so that joint digital platforms put in place support the sectorial service delivery.

- Extending the work of the governance structure to drive *Open Government policies* down to local levels of government, benchmarking regional programming, tailoring the use of ICTs to local needs and context, and engaging with civil society. Increasing the awareness of the potential value of Open Government in the regions could help extend the impact of both ICTs and Open Government beyond urban areas.

- *Increasing the capacity* of the newly restructured Ministry for Relations with Parliament and Civil Society through partnerships with appropriate non-government stakeholders, clarifying areas for collaboration with the government. These could encompass education, awareness raising and direct service provision, as well as consider methods for co-production and co-financing of projects with actors outside government, including the private sector. Identifying key partners with relevant resources and competencies – as well as more use of open, crowd-sourcing approaches, could help advance the mobilisation of Moroccan resources to fully exploit the potential of ICTs.

Emerging digital citizenship and social media participation

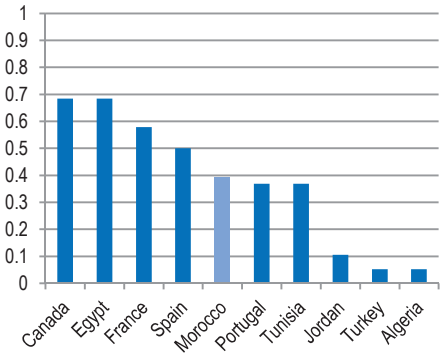
A number of initiatives are taking place that link the government with civil society. With the ratification of the 2011 Constitution, the attention to such activities has increased considerably.

Although governance performance is not linked directly to the use of ICTs, ICTs use can make a major contribution in improving governance. Computerisation of government processes and data, particularly conversion to online platforms, can help create transparent and accountable processes. Such use of ICTs to improve integrity and reliability is well documented (see for example OECD, 2009 and OECD, 2011). The application of ICTs in the public sector in OECD countries has been associated with increases in public sector efficiency and productivity (see for example Dunleavy, 2012), as well as the introduction of services not previously feasible. Some studies argue that the effects of using ICTs in developed economies can be even greater (WB/EIB, 2013). As Morocco's classification in the 2014 report of UN e-government indicators confirms, ICT can also be a key enabler for increasing openness in policy making and regulation, and more generally for engaging in more inclusive and transparent governance processes.

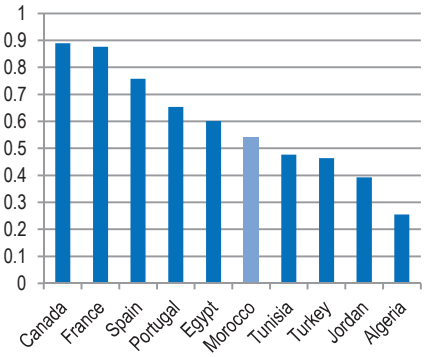
Morocco's progress in civic engagement and civil society use of digital citizenship tools have been extensively discussed in the chapter on civic engagement above. Although some of the implications of that analysis for government's use of ICTs will be addressed in the proposals presented at the end of this section, this discussion will instead address the important but often overlooked question of how government ICTs use can contribute to Morocco's progress in economic development.

Figure 5.3. **Comparison of Morocco's UN e-government scores for participation and online services with selected countries**

A. UN e-government scores for participation, selected countries (2014)



B. UN e-government scores for online services, selected countries (2014)



Note: The figure shows two composite indicators ranging from 0 to 1. The E-Participation measure is an indicator for the government's citizens oriented engagement programmes. The Web Measure reflects an assessment of a country's online presence through four stages: emerging presence, enhanced presence, transactional presence and connected presence.

Source: UN (2012), United Nations E-Government Development database, http://unpan3.un.org/egovkb/en-us/Reports/UN-E-Government-Survey-2014 (accessed 20 April 2015).

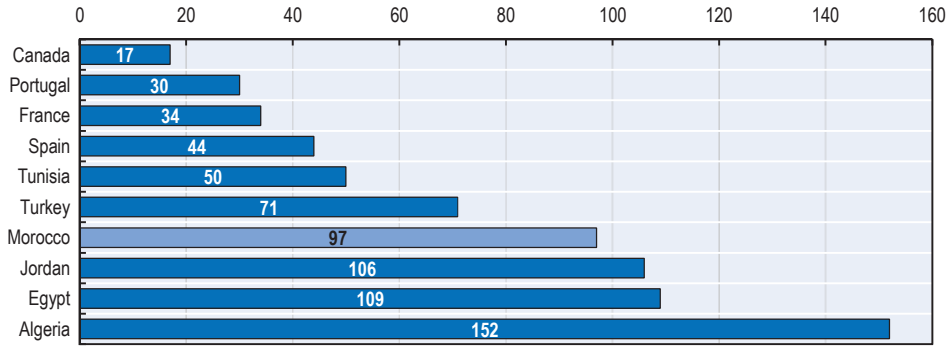
Morocco is already using the Internet to increase effectiveness and provide public services. Nonetheless, good governance measures have generally ranked Morocco behind its peers in the region and in the OECD countries, in terms of government effectiveness, political voice and effectiveness in fighting corruption (World Bank, 2013). The adoption of the new constitution holds out renewed hope that Morocco is on a path to better governance, although it may be too early for these changes to be fully implemented and therefore to be reflected in global assessments. This can be illustrated by looking at Morocco's standing in global rankings of public sector's ability to deliver online services and use social media for increasing participation, where Morocco is in a leading position in the region (see Figure 5.3 above). To date, however, government use of social media services, such as Facebook or Twitter seems to be limited mainly to establishing a presence.

ICTs and strategies for strengthening the Moroccan business environment

Morocco's business environment ranks close to the regional average as measured by the World Bank's Doing Business program, which looks primarily at the regulatory burden on businesses, and by the World Economic Forum's Global Competitiveness Report (GCR), which looks at competitiveness more broadly.[3] On the Doing Business ranking, Morocco falls considerably behind regional peers and trading partners such as Tunisia and Spain, however, indicating the need for further improvements. The GCR reaches a similar conclusion, placing Morocco in 77th place out of 148 countries, falling below Jordan's ranking of 68 and Spain's 35, but above Tunisia on the GCR scale. While Morocco has made improvements in the past few years in a number of areas, for example on the ease of starting up a business; other areas have worsened or remain less conducive to businesses, notably registration of property. As of 2013, Morocco is globally ranked 97 in the World Bank's Doing Business Survey. Morocco's GCR score fell 7 ranks between the 2012/13 and 2013/14 rankings.

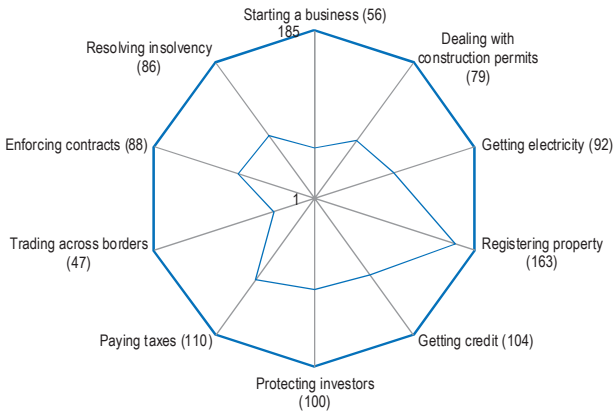
Despite clear progress since 2005, important areas such as access to credit and investor protection remain challenges. Open Government policies and practices can be important levers for simplifying and better addressing businesses' needs and concerns. For example, user-centred, transparent, well targeted online public sector procedures and services for businesses can substantially reduce the time needed to perform essential government procedures and can reduce the risk of corruption.

Figure 5.4. **Doing Business rankings (2013), selected economies**



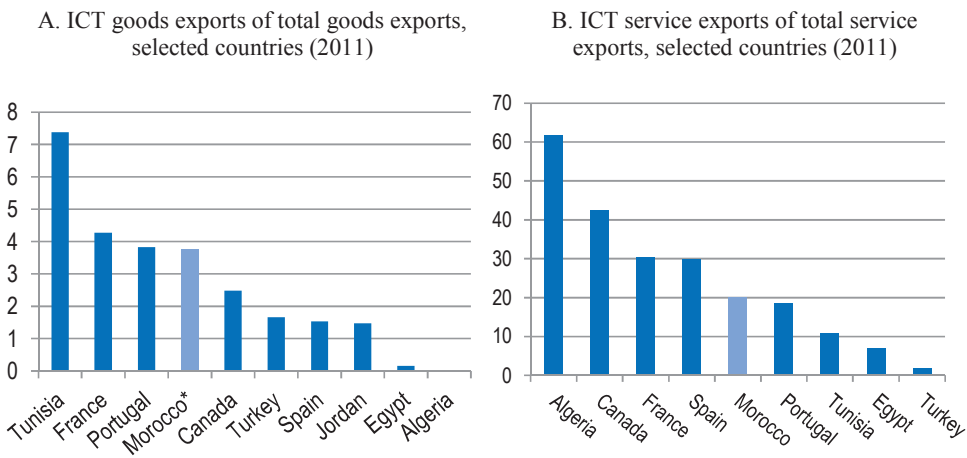
Source: World Bank (2013), *Doing Business 2013*.

Figure 5.5. **The Moroccan business environment, selected topics (2013)**



Source: World Bank (2013), *Doing Business 2013*.

Figure 5.6. **Comparative position of Morocco's ICTs exports**



Note: The figures show the share if ICT relative to the overall exports. As the overall export varies, this share should be interpreted in the context of the export size and industries of each country.

* Data on ICT goods exports for Morocco are from 2010.

Source: A: World Bank data (2013), http://data.worldbank.org/indicator/tx.val.ictg.zs.un?display=default (accessed 10 July 2013); B: World Bank data (2013), http://data.worldbank.org/indicator/BX.GSR.CCIS.ZS?display=default (accessed 10 July 2013).

The use of new technologies is clearly not only a concern of government and civil society; the private sector use of ICTs is essential to push forward innovation, to improve operating efficiency, and to support marketing of products and services, particularly internationally. An open economy with open markets can spur exchanges and innovation across sectors. Government policies play an important role in this regard. In the OECD countries' businesses are using new technologies to increase their productivity, and within specific sectors, to develop ICT services and goods for the internal markets as well as for exports.

As shown in Figure 5.6 above, Morocco is developing a substantial level of export business in both ICTs goods and services, with ICTs services accounting for an estimated one-fifth of total exports in this category.

These figures do not capture the full importance of ICTs in spurring production for the domestic and export markets, however, and in particular they do not address the potential contribution of government data to company competitiveness and investor attraction. Much of the information generated by the government has direct utility to companies, helping them to understand how the job market is evolving, for example, or to track opportunities from tourism to agriculture. The government is also a vitally important customer for local ICTs firms, opening up opportunities to develop new products and services that they can then market to private and international customers, as well as offering a large market that can help start-up ITC firms get to scale.

Proposals for strengthening the main drivers for ICTs use for Open Government

While progress is being made in Morocco, a number of challenges remain to fully reap the benefits of an open, connected and prosperous society, facilitated and strengthened by an Open Government and supportive of economic growth based on capabilities and innovation in ICTs. As discussed above, considerable barriers remain in literacy, basic user skills, access and affordability of ICTs, reducing private sector competitiveness as well as government capacity to adopt ICTs for Open Government. While ICTs are increasingly being used to deliver services, the usage seems to be lagging behind. The Moroccan government has outlined several capacity building programmes to tackle these challenges, while at the same time supporting the drive for Open Government. It is not clear that the scale of these initiatives has reached the level needed to lower these barriers on a national level, however.

To push its transparency and accountability agenda forward, the Moroccan Government has expressed its determination to join the Open Government Partnership, and has highlighted the importance that it places on Open Government policies. While this illustrates a high-level political commitment and a willingness to align national standards with international good practices, Morocco will need to transform these ambitions into operational activities. This is particularly the case regarding the use of ICTs, where the strategic framework for the use of ICTs still needs to be more closely integrated with the work on Open Government. Building on and partnering with civil society and private sector actors, including but not confining to the ICTs sectors, can enhance the government's capacities to move its Open Government forward more quickly and effectively. This can in turn help increase government effectiveness and efficiency as well as Moroccan competitiveness at large, supporting the development of a sustainable economy that can create jobs for young Moroccans.

To address these challenges, while both nurturing and building on the drivers of Open Government policies, the Moroccan government could consider the following measures:

- Continue to *strengthen competitive ICT markets* to further bring down prices making ICTs more affordable and accessible, attracting foreign direct investments and strategic knowledge in the ICT sector and accelerating the development of the Moroccan information society.
- Consolidate the existing work on *digital literacy and ICTs skills*, while exploring further options to accelerate progress in these across all of Moroccan society. Further options worthy of consideration include building co-operation with the private sector to develop ICTs use by selected export-oriented industries; increasing the use of mobile educational platforms, or extending collaborations with civil society and local associations to innovate and scale up solutions and skill-building that will create an inclusive information society for all Moroccans.

Implementation challenges to more effective ICT use for Open Government

The use of ICTs to support Open Government is being developed and implemented in parallel through two overlapping streams of work, one supporting government efforts to improve its performance on good governance parameters such as integrity, transparency and engagement, and the other supporting government-wide performance to achieve general policy outcomes and address grand societal challenges. ICTs can be an

important lever to foster citizen's engagement and integrity as discussed in the respective chapters.

Good governance is essential to translate the government's capacity into concrete achievements reflecting its purpose and policy objectives. Open Government both requires and supports progress on such key governance parameters as integrity, transparency and civic engagement. In each of these areas, improved performance on governance parameters can be supported and accelerated considerably through the use of new technologies.

Transparency is a key precondition for citizens' engagement, political accountability and trust in government. Furthermore, the publishing of government data can be an important driver to increase performance of government operations. The use of ICTs is an essential enabler, reducing costs and increasing accessibility as well as possibilities for reuse of data and information. Morocco's 2011 Constitution fully recognises this, making reference to access to information as a "fundamental right and freedom". Currently, a draft law integrating earlier versions prepared by parliament and the government is in the final stage of consideration before being submitted to parliament. Assuming that a law is adopted in the coming months, there will still be near considerable cultural and practical challenges to be faced to open up government by publishing more public information in a form that encourages wide and effective use. To date, the use of ICTs to support access to information has been limited, although its potential is fully recognised.

The earlier draft laws on access to information both recognised digital information and data as equal to paper-based information and data. The draft law also included a public sector obligation to publish as much information as possible, which will require reliance on new technologies to be implemented meaningfully. This would build on the experience of publishing public tenders on the Moroccan procurement portal, even though this has not yet been fully implemented. Greater access to such key public procurement information as prices of past bids might also serve as a strong driver for increased efficiency in public purchases.

Another element specifically mentioned in the access to information draft law is the establishment of a national open budget portal to improve budget transparency. This would add onto the Moroccan experiments with citizens' budgets, increasing citizens' participation in the budget prioritisation and decision making by the executive. The citizen-initiated site, www.floussna.ma, provides a visually easy-to-use view of the overall priorities reflected in the Moroccan annual budget, enabling social media commentary and as such, creating a forum for budgetary discussion among citizens.

While citizen demands can drive government performance and political accountability, the engagement of private businesses can also give a powerful impetus to make greater openness a reality and increasing accessibility of government data with economic implications. Well organised business, community, and consumer stakeholder groups generally focus on influencing regulations that will affect them, seeking predictability in the laws and regulations that will shape business conditions. As a result, engaging affected stakeholders early in the drafting process is not only a matter of democratic engagement, but of increasing information available to government to increase its capacity to understand how regulations will affect stakeholders.

Box 5.3. **Transparency in Colombia: The Crystal Urn (Urna de Cristal)**

The Crystal Urn (Urna de Cristal, www.urnadecristal.gov.co) is a key initiative of the Colombian government to use ICTs to empower and engage citizens and to enhance political accountability. The government has announced its intention to function as transparently as a "fish swimming in the water of an aquarium," with no possibility left to hide from public scrutiny.

The Crystal Urn covers a number of platforms, including a web portal, radio and television. It thus combines traditional channels with the Internet and social media. Online events, such as Google+ hangouts featuring the country's president and a group of young Colombians selected for their special expertise on the topic, support the ambition to open up government and engage citizens in new ways.

Not all channels of the Crystal Urn are equally well visited and more could be done to increase uptake. But the Colombian multi-channel approach to engagement and transparency is likely to help reach various segments of the population. The effort to combine online and offline efforts promises to be effective in this regard. The platform has been used to increase awareness of and communicate government policies, as well as to engage with constituents. A recent example on simplification of public service delivery was the "anti-procedure crusade" which mobilised more than 70 000 citizens in the pursuit of better user-orientation in public service delivery.

Source: OECD (2013c), *Colombia: Implementing Good Governance*, OECD Public Governance Reviews, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264202177-en.

In line with the above commitments, Morocco is pursuing the use of technology and innovations that provide platforms for Open Government. The aim is to enable citizens and businesses to create social and private value, making use of government tools and data. Morocco has taken its first steps toward Open Government Data through the establishment of the portal

data.gov.ma. The current version provides an initial set of historical data on geo-data, education, labour, finance, health and tourism, provided through the Open Data Licence, enabling free and open re-use. Although both the technical sophistication and the utility of the data indicate room for improvement, with usage rates also low, this is an important step forward. As data standards and the quantity of information available in open format both increase, the effectiveness of this initiative is likely to increase. At present, for example, budget data are available as pdf-files, but not in a fully open format that facilitates analysis.

Even in this early form, the portal demonstrates government awareness of the potentials to engage with civil society and businesses by making government data and information available in open formats, increasing the utility of its investments in data resources, and improving political and administrative accountability. Several other government data sources are conducting their own experiments with open data, such as the national statistical office, the High Planning Commission (*Haut Commissariat au Plan*), and key ministries, notably the Ministry of Economy and Finances. No information on data demand from either civil society or business is available, however, suggesting an area further to be developed to increase the focus on value added from the Open Government data initiative.

This effort would also benefit from adopting clearer standards to guide consistent and high-quality data posting. Box 5.4 provides an example of such guidance from the United Kingdom.

Box 5.4. **Open Government: Public data principles in the United Kingdom**

1. Public data policy and practice will be clearly driven by the public and businesses that want and use the data, including what data are released, when, and in what form.
2. Public data will be published in re-usable, machine-readable form.
3. Public data will be released under the same open licence which enables free re-use, including commercial re-use.
4. Public data will be available and easy to find through a single, easy-to-use, online access point (www.data.gov.uk).
5. Public data will be published using open standards, and following relevant recommendations of the World Wide Web Consortium (W3C).
6. Public data from different departments about the same subject will be published in the same, standard formats and with the same definitions.

Box 5.4. **Open Government: Public data principles in the United Kingdom** (*cont.*)

7. Public data underlying the Government's own websites will be published in re-usable form.
8. Public data will be timely and fine-grained.
9. Release data quickly, and then work to make sure that it is available in open standard formats, including linked data forms.
10. Public data will be freely available to use in any lawful way.
11. Public data will be available without application or registration, and without requiring details of the user.
12. Public bodies should actively encourage the re-use of their public data.
13. Public bodies should maintain and publish inventories of their data holdings.
14. Public bodies should publish relevant metadata about their datasets and this should be available through a single online access point; and they should publish supporting descriptions of the format provenance and meaning of the data.

Source: Data.gov.uk (2012), "Public Sector Transparency Board: Public Data Principles", http://data.gov.uk/library/public-data-principles.

Increasing ICTs support for better service delivery

The use of ICTs is a means to an end; the end being solving societal problems and achieving political objectives. The Open Government Partnership asks its member governments to focus on five "grand challenges" that offer opportunities to apply OG methods to achieve concrete progress in government performance that matters to their citizens. One of these challenges is to ensure access to and effective delivery of essential public services for all citizens in a given country.

Morocco struggles with service delivery in several key areas: ensuring good education for all, providing equal access to quality health services, and making basic infrastructural services available to all, particularly those in rural areas who lack clean water, stable electricity and internet, and modern roads.

ICTs have tremendous potential to support government delivery of public services, an essential government responsibility. Many of these ICTs applications, even those that are predominantly technical, also have the capacity to improve engagement with citizens, government accountability,

and other Open Government objectives. For example, better ICTs monitoring of services failures such as drops in electrical voltage, brownouts, and blackouts also generates information that, shared with citizens and civil society through open data systems, empowers them to understand the dynamic of service performance more fully and to engage in more effective dialogue with the government as to how services can be made more equitable and reliable.

While a complete discussion of this broad topic is not possible in this review, this section outlines in brief how the supply of online services can support government efforts to improve public service delivery over time. Given that it is anticipated that Morocco's first action plan following admission to eligibility in the OGP will focus largely on access to information, there may be room for including specific actions that target information on service delivery at the local level and expanded collaboration with citizens and local CSOs to put this information to effective use in improving service delivery. Such an initiative would clearly fall within the scope of the OGP grand challenges.

Despite the moderate use of the internet in the population, Morocco has an increasing number of e-government services operationally online. This supplements the traditional offline services, delivered either by phone or by physical presence or mail. Recently, as part of the on-going modernisation efforts in Morocco, shared call centres were established in parallel with one-stop shops (*guichets uniques*) in order to meet users locally and address all needs in one place. Despite the high level of mobile penetration, few mobile government services seem to be available. The online service is provided by the national portals, www.maroc.ma and www.service-public.ma, primarily available in French and Arabic, although information and some services also exist in Amazigh, Spanish and English.

The number of online services available is increasing in Morocco, covering a range of different sectors. Very few services are fully transactional and integrated, (see also Table 5.2). This reflects the offline nature of most interactions with government. The physical or phone based delivery channels remain important in order to reach people through the communication channels they are already using. Morocco has understood this, for example in the previous project: *Idaratouk*, using TV-broadcasts to inform citizens about changes in public service delivery.

Table 5.2. **Maturity level of existing online services**

Level of digitisation	Number of services	Share
Informational services	26	4.8%
Interactional services	431	78.8%
Semi-transactional services	51	9.3%
Transactional services	36	6.6%
Integrated services	3	0.6%

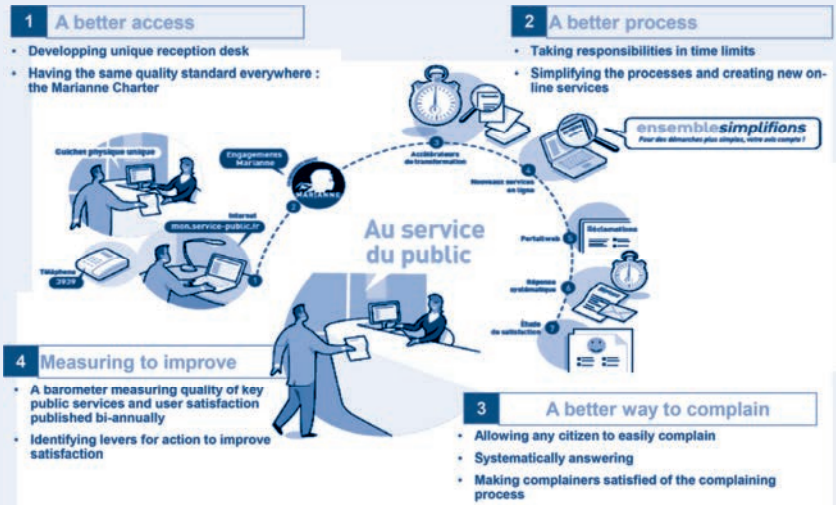
Source: Ministère de la Fonction Publique et de la Modernisation de l'Administration (2013), *Indicateurs relatifs aux sites web et tele-services dans le secteur public 2012*, www.mmsp.gov.ma/carto2012/TeleService.aspx?Lg=fr (accessed 17 July 2013).

One precondition for providing simple and transactional services, through mobile, internet-based or even through more traditional kinds of service counters, is the access to the right information systems and data across government. Being able to process and exchange data between the different parts of the public sector enables users to provide the same information only once, in addition to the possibility of automating a number of services depending on data from different authorities. A coherent and integrated government back-office can help create simple and transparent services of higher quality in the front office. Some countries have adopted a strategy of emphasising back office integration to establish coherence in service delivery (see for example Spain in Box 5.6 below), others have pursued a more frontloaded approach, focusing on quick gains perceived by the users (such as France, see Box 5.5). Simple and easily accessible services are important enablers of higher integrity and accountability in the public sector as well as producers of higher satisfaction among the users.

Box 5.5. **Improving quality through simplification of public services in France**

With the launch of the French reform programme RGPP (Réforme Générale des Politiques Publiques), France focused on the improvement of service quality with a higher level of user-orientation. In order to sustain progress toward these aims, a number of different measures were applied to ensure better access to services, a better service delivery process, better service measures and better complaint access.

Box 5.5. **Improving quality through simplification of public services in France** *(cont.)*



1. *Quantitative surveys based on main life events* are creating the basis to prioritise simplification efforts by providing measures of perceived service complexity and levels of service use by citizens.

2. *Qualitative service process redesign* based on *customer journey mapping*, tracking processes in detail, following the users in order to understand their needs, experiences and feelings throughout the processes.

3. Better understanding the *drivers of satisfaction* within each of the public services delivered, by distinguishing between secondary factors, basic factors (delay to get access to services), driving factors (e.g. information and process) and excellence factors (e.g. staff friendliness).

4. Creating a *public service quality barometer* with both objective quality indicators (e.g. transactional data) and subjective measures (e.g. user satisfaction) to monitor the development of key public service delivery areas.

5. Elaborating *new ways of engaging the users* in the development and improvement of public services and public service delivery, for example through guided focus groups on specific issues or targeted campaigns through the site innover.modernisation.gouv.fr/ (for public servants) or www.ensemble-simplifions.fr/ (for businesses and citizens).

Source: Waintrop, Francoise (2013), Unpublished presentation and www.modernisation.gouv.fr/ (accessed 23 July 2013).

While Morocco is currently considering how to advance its administrative modernisation, some steps have already been taken, particularly with regards to the use of ICTs. With Law 35-06 of 2007 on the Biometric Digital National Identity Card, several modernisation measures were taken, including the promotion of one-stop-shops across all public sector service areas that are user-centred and aimed at enabling both literate and illiterate citizens to benefit from public services. The establishment of online national portals mentioned above complements this, providing a whole-of-government service approach. While Morocco legally has recognised digital signature, it is not clear to what extent it is integrated in the current online service provision at this point, and to what extent it is actually used. Managing the different public service delivery channels in a secure, coherent, and unified manner will be important to ensure trust in online service delivery.

Box 5.6. **Extracting Benefit from Public Data and Information through the National Interoperability Framework in Spain**

In October 2012, Spain published the last of 11 technical interoperability standards, in order to support the National Interoperability Framework as established by Law 11/2007 and further regulated by Royal Decree 4/2010. The technical interoperability standards, application guidelines and other supporting materials are now available on the National E-Government Portal, http://administracionelectronica.gob.es.

The National Interoperability Framework was put in place in order to rationalise exchange of information, reducing costs and eliminating redundancies. The technical standards cover all levels of government and have been developed in broad collaboration between the General Administration, the Autonomous Communities, Local Government (FEMP), Universities (CRUE), and the judiciary (EJIS), under the leadership of the Ministry of Finance and Public Administration. Law 11/2007 granted citizens the rights, first, to choose their preferred channel of service delivery and communication with the public administration and, second, not to provide the same information more than once. In order to realise these outcomes, a high level of interoperability was needed. Within the National Interoperability Framework developed in response to this need, technical standards have now been established to support interoperability:

- Standard catalogues (http://administracionelectronica.gob.es/pae_Home/pae_Estrategias/pae_Interoperabilidad_Inicio.html)
- e-documents (www.boe.es/diario_boe/txt.php?id=boe-a-2011-13169)
- document digitisation (www.boe.es/diario_boe/txt.php?id=boe-a-2011-13168)
- e-files (www.boe.es/diario_boe/txt.php?id=boe-a-2011-13170)

Box 5.6. **Extracting Benefit from Public Data and Information through the National Interoperability Framework in Spain** (*cont.*)

- e-signature and certificate policies (www.boe.es/diario_boe/txt.php?id=boe-a-2011-13171)
- data mediation protocols (www.boe.es/diario_boe/txt.php?id=boe-a-2012-10049)
- data model relationships (www.boe.es/diario_boe/txt.php?id=boe-a-2012-10050)
- e-document management policies (www.boe.es/diario_boe/txt.php?id=boe-a-2012-10048)
- public administration communication network connection requirements (www.boe.es/diario_boe/txt.php?id=boe-a-2011-13173)
- authentic copy and conversion procedures (www.boe.es/diario_boe/txt.php?id=boe-a-2011-13172)
- data models for registry entry exchanges (www.boe.es/diario_boe/txt.php?id=boe-a-2011-13174).

Based on the joint public sector network infrastructure, SARA, services are provided in accordance with the legal standards of the National Interoperability Framework, providing for coherent infrastructure services across all levels of government. This includes, for example, such key services as e-signature (@firma), e-notifications as well as engines for the generation of digital files and forms (G-Inside). With SARA as the heart of the Spanish system of interconnectivity and exchange of information, Spain is currently working to improve the technical interoperability standards to fully ensure the reuse and sharing of public sector information across agencies. With the planned upgrading of the SARA network to IPv6, Spain is preparing its infrastructure for potential use of public cloud computing across the administrations.

Source: OECD (2013c), *Colombia: Implementing Good Governance*, OECD Public Governance Reviews, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264202177-en; referring to Government of Spain, Ministry of Finance and Public Administration and E-Government Observatory (2012), *Technical Standards and Common Services to Facilitate Interoperability in Public Administration*, http://administracionelectronica.gob.es/pae_Home/pae_Estrategias/pae_Interoperabilidad_Inicio.html?idioma=en (accessed 8 April 2013); Government of Spain, Ministry of Finance and Public Administration and E-Government Observatory (2012), SARA – Telecommunication Network of the Spanish Public Administration http://administracionelectronica.gob.es/pae_Home/pae_Estrategias/pae_Interoperabilidad_Inicio.html?idioma=en (accessed 8 April 2013).

Moving beyond putting basic procedural services online, governments are increasingly looking to the core of their public sectors for further opportunities to automate their services and service delivery, even partly. In the Gulf Cooperation Council region, social media tools are increasingly used to improve education in classrooms, through group work and interactive functionality, but also through sharing and commenting on videos and use of other collaborative learning tools (DSG, 2013).

Recommendations

Morocco is making implementation progress in a number of areas, putting in place the ICTs technological base to support Open Government. It has committed to increase the engagement of citizens and has launched several initiatives to improve participation, although it remains necessary to fully establish and implement the capacity and processes that can transparently take into account citizens' voice, contributions and feedback in policy making. Morocco has enhanced its online service delivery and has recognised the importance of key areas such as simplification and accessibility, although considerable challenges remain. Increasing transparency should be an important focus for attention in the public administration, including the provision and ongoing extension of Open Government Data.

In order to accelerate implementation progress and focus on achieving impact and added value, it will be necessary to address the sparse national usage of the internet, including the low take up of online services, which is an important barrier to access and participation in Open Government processes. With more than half of the female population being illiterate, and only half the population having access to the internet, capacity building and communication efforts need to be very well targeted, online but also offline, in order to succeed with citizen engagement and service delivery throughout the country, particularly to reach areas with multiple barriers, such as remote, rural areas. Mobile platforms have been successfully used in several OECD and MENA countries to address these issues.

Morocco could consider a number of initiatives, to consolidate and accelerate the increasing use of ICTs for better government already underway. In order to better use ICTs to better support public services and good governance – including integrity, transparency, access to information, and engagement – the government could consider the following actions:

- *Define and operationalise the commitment to Open Government data* through a specific policy, guidelines and defined responsibilities for publishing information and data across all levels of government and ensuring that sites are kept up to date. The policy

document would clarify the overall targeted goals and assign action responsibility. The guidelines should include particular attention to timeliness contributing not only to increasing accountability and potential for private sector growth, but also in improving the basis for cross-governmental co-operation and collaborations. Creating the right ecosystem, e.g. by establishing partnerships engaging users and key stakeholders, would be one way to assess and increase data demand and then respond by providing the most useful data, hence increasing added value.

- Improving *indicators and measures* of progress in the use of ICTs supporting Open Government policies through a selective focus on policy performance, that is, their impacts on priority government outcomes. Although most countries find it difficult to establish good impact measures on Open Government policies, several indicators could be considered. These would include, for example, publicly available measures of the share of public procurement that takes place through marchespublics.ma; the level of public awareness regarding existing government information, public services and Open Government data across citizens and businesses; the level and richness of engagement through offline and online consultation processes; the share of the population that has access to digital services; the actual usage of the different digital service delivery channels on the different services provided across government; the transaction costs per channel, given the current usage of online services; and the usage of public data made openly available, among others. While impact measures sometimes need to be complemented by process or input/output measures, good data in both areas are essential to assess and ensure continuous improvement. Making information on outcomes and progress publicly available can help accelerate and drive forward a positive dynamic, based on trust in the government.
- Support the different government entities using civic engagement and participatory approaches through the development of common public guidelines on how to encourage, process and integrate citizens' and businesses' participation. Such guidelines should cover all communication platforms, including physical town hall hearings, online consultation portals, web surveys, use of social media, feedback, appraisal and other interaction formats and encourage ministries to develop a plan for ongoing consultation together with stakeholders, rather than organising on-off events. Developing and communicating such guidelines in a transparent manner will be

important to leverage trust in government through increased engagement.

- Consolidate the government's service delivery strategy across all ministries, ensuring greater attention to areas of simplification and increased collaboration based on the Moroccan life-event approach, increasing the marketing attention to existing digital channels with large uptake-potential, such as physical and call based shared service centres, TV spots, and mobile platforms.
- Map and consolidate the governments back office machinery, including the existence and usage of core data in key registries, and particularly exchange and sharing of such core data across agencies. Through a focus on highly transactional services with high costs for user and the administration, the government should examine how best to improve the management and flows of information and data inside the administration.

Notes

1. The UN report of e-Government Survey published in 2014 classifies Morocco as follows:

   Global Index Score =0.5, Rank =82nd

   Web Measure Index Score =0.69, Rank =30th

   E-participation Index Score = 0.8, Rank =17th

2. The next stage of this programme, covering the period through 2020, is currently in preparation and was not available to the review team; hence this discussion considers only achievements under the first stage.

3. www.weforum.org/reports/global-competitiveness-report-2013-2014.

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Annex A

Morocco's path to OGP membership

In order to join the OGP, aspiring members need to obtain 12 points of the 16 available in the OGPs Minimum Eligibility Criteria. Morocco currently has 11 points and needs 1 more to become eligible. To achieve this, Morocco has several options in the areas of: Access to Information, Disclosures Related to Elected or Senior Public Officials and Citizen Participation.

Morocco's score in the Citizens' Participation criteria is based on the country's position in the sub indicator on Civil Liberties of the Economist Intelligent Unit's Democracy Index. This indicator relies on a perception-based survey and therefore may not yet reflect the impact of the new Constitution and the ongoing reforms, which could be recorded in the publication of the next edition in 2014, if not in 2015, considering the time it takes to register shifts in people's opinions. Chapter 2 of this review, Civic Engagement, highlights Morocco's efforts to incorporate the principles of participation in its policy cycle and in the functioning of its administration.

With respect to the criteria of Disclosures Related to Elected or Senior Public Officials, declarations of assets are obligatory in Morocco; however, these are not currently published and are only accessible as part of an official legal investigation. Morocco is considering a reform of its asset declaration system, but this process is still in its early stage and therefore it is unlikely that a new law, which requires widespread political and social consensus, will be drafted and passed shortly (see Chapter 4, Integrity and the Fight against Corruption).

Accordingly, the most promising option in reaching OGP eligibility would be to focus on the OGP criterion Access to Information. In this area, Morocco has 3 points, due to the constitutional provision guaranteeing access to information. If Morocco passes the Access to Information Law, currently in a draft form, it will receive the necessary point (see Chapter 2, Civic Engagement).

Table A.1. **OGP minimum eligibility criteria**

	Morocco's current situation	Points
Access to information	Existence of a constitutional provision • 1 point if the law is passed	3/4
Budget transparency	Audit Report and Executive's Budget Proposal are published	4/4
Disclosures related to elected or senior public officials	Declarations are submitted and accessible only through Court order. (2pts) • 2 points if the Declarations are public.	2/4
Citizen participation	Score of 4.41/10 (between 2.5 and 5) in the Civil Liberty indicator of the EIU Democracy Index 2012	2/4
Total	(12 points needed to become eligible to join the OGP)	11/16

Recommendation:

Pass the Access to Information Law.

Next steps:

Once eligible, to become an OGP member, Morocco will have to send a letter to the OGP Steering Committee and prepare an *OGP Action Plan*.

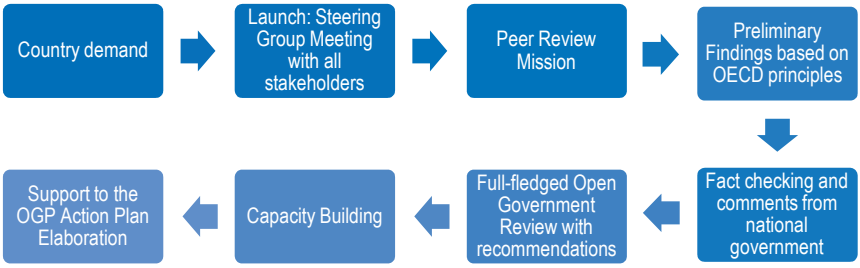
Annex B

Collaboration between the OECD and Morocco on Open Government

This OECD Open Government Review (OGR) is based on the OECD Peer Review methodology (www.oecd.org/site/peerreview/). The application of the inclusive and consultative process of providing peer assessment and advice was initiated in this instance following a request by Morocco for support in the design and implementation of Open Government reforms. This request was built, firstly, in the context of Morocco's participation in the MENA-OECD Governance Programme, aimed at supporting policy dialogue between MENA and OECD countries and public governance reforms in the MENA region, including the OECD Open Government Project, and, secondly, on the basis of Morocco's intention to join the Open Government Partnership.

The OECD has been supporting governance reform in Morocco for more than 10 years, since the launch of the OECD-MENA Good Governance Programme in 2004. The co-operation between the OECD and Morocco on Open Government was formally launched at the first meeting of the Open Government Steering Committee (OGSC) the 8 November 2012. The Steering Group was created to co-ordinate the Moroccan Open Government agenda and the co-operation with the OECD Open Government Project. The Steering Group's membership comprises representatives of the Moroccan government and civil society.

Figure B.1. **Steps in the process through which the OECD OG Project will lend support to Morocco's OG initiative**



The OECD Open Government Review is the result of an in-depth data collection about Morocco's current Open Government policies and practices made by the OECD Secretariat, in collaboration with the Government of Morocco, and complemented with the expert advice from a team of OECD peer reviewers from Brazil and Spain, who attended the fact-finding mission in Morocco and provided substantive inputs in drafting the present report. In addition to the members of the Steering Group, the review team met with representatives of Moroccan local institutions, of civil society organisations (i.e. Non-Governmental Organisations, Trade Unions, Networks, activists, academics, etc.) and of the private sector in a series of extensive interviews. The information gathered has enabled the policies of the country to be benchmarked against OECD good practices, principles and standards. The preliminary findings as well as the final text were shared with the Steering Group for fact checking. The OECD Peer Review process culminated in the present document and a series of capacity building seminars to disseminate the findings and recommendations and support the elaboration of Morocco's OGP Action Plan.

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

The OECD is a unique forum where governments work together to address the economic, social and environmental challenges of globalisation. The OECD is also at the forefront of efforts to understand and to help governments respond to new developments and concerns, such as corporate governance, the information economy and the challenges of an ageing population. The Organisation provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies.

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