

MOROCCO: PRESSING FOR PROGRESS ON ANTICORRUPTION

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The debate on corruption has featured prominently in the Moroccan public sphere for more than a decade now. The kingdom's relatively free press and its vibrant civil society, the latter perhaps best embodied by one of the oldest and most dynamic chapters of Transparency International (founded in 1996), have no doubt helped raise the profile of the anticorruption agenda. The kingdom falls in the middle of most governance indicators for both the Maghreb and the MENA region as a whole, and domestic polls reveal a fair amount of concern among the citizenry about the extent to which corruption is perceived to be a problem.

Morocco Governance by the Numbers

Morocco remains hampered by modest ratings on global governance indicators, which have not witnessed significant improvement over the past few years. In Transparency International's *Corruption Perception Index*, Morocco's rating was 4.7 in 2000. It stood at 3.2 (79th position) in 2006. For 2007, Morocco was ranked at 3.5, or 72nd position. According to the *Global Corruption Barometer 2006*, 60 percent of respondents stated that they had to pay a bribe in the past twelve months. Around 62 percent consider the government's action in the fight against corruption to be ineffective or nonexistent and only 20 percent find it effective.

Over the last two to three years, the government has taken a number of important measures to step up its engagement to fight corruption. The ratification of the United Nations Convention against Corruption (UNCAC) on May 9, 2007 is a testimony to the government's responsiveness to the global wave of advocacy and awareness-raising in this realm. The treaty is both a declaration of intent and a commitment to making progress on a wide array of issues.

On the domestic front, Morocco has equipped itself with a broad array of legislative instruments, many of which remain at the draft stage. Whether this law-making effort will translate into concrete results is an open question. Critics see these laws as a form of window-dressing to fend off local and international criticism, while supporters see them as key steps in the right direction.

In March 2007, parliament passed a law on money laundering and financial crime that prohibits the use of the financial system for criminal purposes, as well as addressing the transfer of funds stemming from illicit sources. The law punishes offenders with prison sentences and large fines. A new financial investigation unit answering to the Office of the Prime Minister has been established with a mandate to receive, analyze and disseminate information on suspicious transactions, and collect data on money laundering operations.

A government decree on public procurement was enacted on February 5, 2007. The decree increases the time allowed for the submission of large bids, requires online publication of all call for bids notices and bidding process results, and to some extent, establishes the preeminence of quality over price for consultant service contracts. However, some crucial points remain to be addressed, such as the establishment of an efficient and independent mechanism for alternative dispute resolution.

In November 2006, the Government adopted a draft decree establishing the Central Body for the Prevention of Corruption (*Instance Centrale de Prevention de la Corruption*), as well as a draft law requiring certain categories of civil servants to disclose their incomes and assets. While both pieces of

legislation represent important steps forward in Morocco's struggle against corruption, they remain to be officially voted into law.

The legislation establishing a central body creates a unit within the Prime Minister's Office tasked with playing an important coordination function. Its mission would include collecting and disseminating information relating to corruption; helping to coordinate policies along several dimensions at both the central and sub-national levels; educating and sensitizing the public to corruption related issues; and serving as the focal point for monitoring progress in implementing the United Nations Convention against Corruption (UNCAC). It would not play a role in the investigation and prosecution of corruption, which would reside with the traditional authorities—presumably first and foremost with the Ministries of Interior and Justice.

Experts and members of civil society have noted that the Moroccan legislation raises a number of important questions. If the primary function of the "Central Body" is that of coordination, then the complex governance structure envisioned under the decree—which includes a plenary assembly, executive commission and general secretariat—may prove to be too detached and elaborate. This function needs to be embedded directly under the prime minister and/or cabinet and reflect their central authority for the line departments to take it seriously.

A second issue surrounds the independence of such an agency. As noted above, the decree envisions an elaborate governance structure, which is presumably intended to help protect the central anticorruption body against political interference and manipulation. Yet the entire edifice upon which it is established—a ministerial decree—provides relatively little legal protection against the central body's mandate and governing practices being modified or even abolished if the prime minister finds them inconvenient. It is also uncertain how much influence the plenary assembly and executive commission will have upon the overall functioning of the body. The secretary general will be appointed by the prime minister and tasked with assisting the president of the central body, creating a dual reporting relationship that could be awkward. The prime minister approves the organization of work procedures and budgets. The issue of who is responsible for overseeing staffing is not made explicit in the underlying regulations, although Article 11 notes that the president can appeal to external experts and service providers.

The draft law on income and asset declaration could consider extending the scope to assets owned separately by wives and children. A more important change would involve making the disclosures public, in the case of senior officials, to allow for more public fact checking. To avoid problems of conflict of interest, it is important that supervisors be made aware of the income and asset disclosure statements for their senior staff, particularly those handling important and/or sensitive portfolios.

Although imperfect, such legislation marks an important effort on the part of the government to address a set of issues that are important for the country's overall development trajectory. In light of the government's commitment to reform, as well as Morocco's lively press and relatively open dialogue between government and civil society, the anticorruption agenda will undoubtedly continue to evolve.