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The changes underway in the Arab countries – opportunities for local and regional democracy

Current Affairs Committee
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Summary

This report takes stock of local and regional democracy in the countries of the southern Mediterranean, in particular Morocco and Tunisia, and describes the opportunities for co-operation against the background of the current political changes. It underlines how important it is for the Council of Europe to support the ongoing process of democratisation and, in particular, the expansion of local and regional democracy.

On the basis of the legal instruments available and the experience of European towns and regions in implementing them, practical proposals are put forward with a view to boosting the capacity of towns and regions to respond to the needs and aspirations of their citizens, especially young people.

The report reflects the situation in February 2012.

¹ L: Chamber of Local Authorities / R: Chamber of Regions
ILDG: Independent and Liberal Democrat Group of the Congress
EPP/CD: European People's Party – Christian Democrats of the Congress
SOC: Socialist Group of the Congress
ECR: European Conservatives and Reformists Group
NR: Members not belonging to a political group of the Congress
NPA: No political affiliation



The changes underway in the Arab countries – opportunities for local and regional democracy

RESOLUTION 342 (2012)²

1. The changes resulting from the Arab Spring in the countries of the southern Mediterranean, in particular Tunisia and Morocco, open up great prospects for democratic development at local and regional level. These countries' authorities and societies have the chance to seize a historic opportunity and the Congress of Local and Regional Authorities of the Council of Europe must contribute to this process in the context of the Organisation's policy towards neighbouring regions.

2. With regard to Tunisia, the Congress:

a. welcomes the democratic changes, in particular the free elections held in October 2011 to form the Constituent National Assembly tasked with drafting a new constitution and establishing an interim government, but notes the dismissal of mayors, the dissolution of municipal councils and the transfer of responsibility for local governance to "special commissions";

b. hopes that the new constitution will include the democratic principles of local self-government and that the local elections due in 2013 will be conducted in accordance with the principles of local democracy and see strong citizen participation and involvement;

c. welcomes the authorities' commitment to consider no longer favouring coastal areas over areas in the interior by reversing the traditional breakdown of government investment of 70% and 30%. It hopes that this process goes hand in hand with the strengthening of local authorities, their powers and their financial autonomy so as to ensure integrated development.

3. With regard to Morocco, the Congress also welcomes the reform process started by King Mohammed VI in January 2010 and set out in the "reform package", including the report on advanced regionalisation, following the protests in March 2011. It welcomes the revision of the constitution and the draft organic law intended to provide the basis for reorganisation of local and regional government. The Congress hopes that this will be based on the democratic principles of local self-government and application of the principle of subsidiarity, and that the forthcoming local and regional elections are conducted in accordance with the principles of local and regional democracy and see strong citizen participation and involvement.

4. In general, the Congress believes that the main challenges in terms of local and regional democracy in Tunisia and Morocco are as follows:

a. the establishment of a legislative framework based on democratic principles, norms and standards;

b. the ending of the practice of supervision of local and regional authorities and an increase in their powers and their financial autonomy, combined with the transfer of resources corresponding to those powers;

c. the training of local and regional elected representatives and their staff;

d. the transfer of experience in terms of administrative practices in the management of local and regional authorities and good governance;

e. the adoption of the measures needed to bring about the participation of citizens, in particular women and young people, at local and regional level.

². Debated and adopted by the Congress on 16 October 2012, 1st Sitting, rapporteur: A. Koopmanshap, Netherlands (L, SOC).

5. The Congress welcomes the drawing up by the Council of Europe of 2012-2014 priorities for Morocco and Tunisia under its neighbourhood co-operation, which will receive European Union support. It is pleased to be involved in these priority actions and undertakes to play its part in co-operation with the countries of the southern Mediterranean to the full.

6. In the context of the Council of Europe's policy towards neighbouring regions, the Congress therefore calls on its own bodies to:

a. consider how decentralised co-operation can be used for supporting decentralisation policies and for strengthening local and regional governance to ensure effective service delivery;

b. establish co-operation with the ministries responsible for local and regional authorities and other relevant government bodies to promote the democratic principles of local and regional self-government in administrative practices, in particular concerning the transfer of powers and financial resources at local and regional level, as well as participation and empowerment of women in access to elected office and participation by citizens, notably women and young people; co-operation should also be established with the professional associations working in the fields of promoting democracy, citizenship, local development, young people and employment;

c. offer its know-how in the observation of local and regional elections, in particular the forthcoming local, provincial and regional elections in Morocco (in 2012) and the forthcoming local elections in Tunisia (probably in 2013);

d. offer, in co-operation with the European Commission for Democracy through Law (Venice Commission), its know-how and experience in the preparation and organisation of elections, to enable the forthcoming local and regional elections in both countries to take place in the best possible conditions;

e. invite municipalities in the two countries to take part in the European Local Democracy Week co-ordinated by the Congress;

f. develop co-operation with associations of local and regional authorities, in particular the Assembly of European Regions (AER) in this area through joint initiatives aimed, in particular, at exchanges of experience for elected representatives;

g. develop and expand co-operation with the associations of local and regional authorities in Morocco and Tunisia to assess the needs of municipalities and encourage them to become involved in the Congress' work, in particular by offering a special status with the Congress to a delegation of elected local and regional representatives from each country;

h. co-operate with the relevant bodies to raise awareness among local and regional authorities, governments and national parliaments about existing Council of Europe instruments on local and regional democracy, notably the European Charter of Local Self-Government (ETS No. 122) and its Additional Protocol on the right to participate in the affairs of a local authority (CETS No. 207), the Reference Framework for Regional Democracy, the Code of Conduct for the political integrity of local and regional elected representatives, the Revised European Charter on the Participation of Young People in Local and Regional Life, the European Charter for Regional or Minority Languages (ETS No. 148) and the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education,³ in particular by holding round tables and seminars, etc;

i. encourage the creation and continuation of partnerships, capacity development programmes and City Diplomacy activities by European towns and their associations with their Tunisian and Moroccan counterparts, which focus on the strengthening of local and regional governments to improve service delivery to citizens and make it more effective;

j. in the context of these activities, promote education for democratic citizenship and human rights education at local and regional level and raise awareness among local and regional elected representatives and their staff of the importance of such education;

³. Recommendation CM/Rec(2010)7 of 11 May 2010.

k. promote, in co-operation with local and regional authorities in the countries of the southern Mediterranean, action in the above-mentioned areas through existing co-operation platforms and networks such as the Council of Europe's North-South Centre, the Euro-Arab Cities Forum, the Standing Committee for the Euro-Mediterranean Partnership of Local and Regional Authorities (COPPEM), the Arab Towns Organization (ATO) and the Euro-Mediterranean Regional and Local Assembly (ARLEM) of the EU Committee of the Regions, with which the Congress has observer status, as well as United Cities and Local Governments (UCLG);

l. share its experience of transfrontier co-operation with the local and regional authorities of border areas in Tunisia and Morocco, in order to assist these authorities in realising the benefits of such co-operation;

m. offer the experience and know-how of the Congress for the finalisation by the Moroccan Parliament of the draft law on advanced regionalisation, before its adoption;

n. offer the experience and know-how of the Congress to the Tunisian National Constituent Assembly's Committee Responsible for Local Government to ensure that local democracy is properly defined in the new constitution.

7. The Congress calls on its members to pursue these objectives.

8. As local and regional authorities in European countries have great experience and a whole range of best practices in the areas of local and regional governance, citizen participation and sustainable urban development, they are able to offer their counterparts in Tunisia and Morocco technical know-how and institutional support.

9. To this end, the Congress calls on European local and regional authorities to:

a. establish co-operation with their counterparts in the countries of the southern Mediterranean to determine the latter's needs and offer know-how on democratic governance and the management of local and regional authorities, in particular through twinning schemes, study visits and training programmes;

b. step up decentralised co-operation with Tunisian and Moroccan local and regional authorities through the existing European and international networks of local authorities mentioned above which have already launched Euro-Mediterranean projects, and give impetus to the partnerships.

The changes underway in the Arab countries – opportunities for local and regional democracy

RECOMMENDATION 325 (2012)⁴

1. The political changes sweeping the countries of the southern Mediterranean provide a unique opportunity for establishing democracy in which the political, economic and administrative decentralisation of power to authorities closer to grass-roots needs – municipalities and regions – is of vital importance.

2. In this context, the Council of Europe has a duty to support the process and, in particular, the expansion of local and regional democracy. It has a range of legal instruments setting out the principles and standards for the development of local and regional democracy, as well as extensive experience of implementing them in administrative practices and the management of local and regional authorities.

3. In this connection, the Congress of Local and Regional Authorities of the Council of Europe welcomes the action of the Parliamentary Assembly in Morocco and Tunisia, in particular the observation of elections, and calls on it to encourage those countries' national parliaments to draw up legislative frameworks for local and regional democracy and adopt democratic principles of local and regional self-government, based in particular on the European Charter of Local Self-Government (ETS No. 122) and its Additional Protocol on the right to participate in the affairs of a local authority (CETS No. 207), the Reference Framework for Regional Democracy and other relevant Council of Europe legal instruments. The legislative frameworks should, in particular, deal with increased powers and the financial base of local and regional authorities, as well as participation of citizens, in particular women and young people, at local and regional level.

4. The Congress also welcomes the drawing up of 2012-2014 priorities for Morocco and Tunisia under the Council of Europe co-operation policy towards neighbouring regions, which will receive European Union support. It is pleased to be involved in these priorities.

5. Underlining the importance of taking due account of the local and regional dimension of the Council of Europe's policy towards neighbouring regions, the Congress calls on the Committee of Ministers to:

a. promote among the national governments of the countries of the southern Mediterranean the democratic principles of local and regional self-government in administrative practices, in particular concerning the transfer of powers and financial resources, as well as participation by citizens, in particular women and young people, at local and regional level;

b. promote the standards established by the above-mentioned Council of Europe legal instruments and the Code of Conduct for the political integrity of local and regional elected representatives, the Revised European Charter on the Participation of Young People in Local and Regional Life, the European Charter for Regional or Minority Languages (ETS No. 148) and the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education;

c. consider the possibility of opening the European Charter of Local Self-Government for accession by the countries of the southern Mediterranean, in particular Morocco and Tunisia;

d. promote decentralised co-operation and, where possible, provide financial support for projects by European municipalities and regions for their counterparts in the countries of the southern Mediterranean, in particular training programmes for elected representatives and their staff;

e. ensure, in the framework of its 2012-2014 co-operation programmes with Morocco and Tunisia, that activities concerning combating corruption and money laundering pay particular attention to these problems at local and regional levels.

⁴. Debated and adopted by the Congress on 16 October 2012, 1st Sitting, rapporteur: A. Koopmanshap, Netherlands (L, SOC).

6. In addition, the Congress calls on the Council of Europe's European Commission for Democracy through Law (Venice Commission), in the context of its expert appraisals of the constitutions and legislation of the countries of the southern Mediterranean, to make sure that the right to local self-government is recognised and the democratic principles and standards of local self-government are included.

7. Lastly, the Congress calls on European Union bodies, including the Committee of the Regions, through the Euro-Mediterranean Regional and Local Assembly (ARLEM), with which the Congress holds observer status, to contribute to the development of democracy in the regions of the southern Mediterranean, in particular by:

a. stepping up co-operation with municipalities and regions in the southern Mediterranean to determine the latter's needs and transfer know-how on democratic governance and the management of local and regional authorities, in particular through training programmes for elected representatives and their staff and through study visits;

b. developing initiatives and activities involving exchanges of experience and the promotion of local and regional implementation of public policies, as well as exerting their influence in connexion with the renegotiation of the European Union's neighbourhood policy and the definition of a Mediterranean macro-region;

c. devising ways of adapting decentralised co-operation to the various forms of local and regional public policies and fostering measures to reinforce and support the national decentralisation policies of the countries of the southern Mediterranean;

d. enabling local and regional authorities and their representatives from the countries of the southern Mediterranean to play a full part in renegotiating the European Union's neighbourhood policy for 2014-2020;

e. fostering a European Neighbourhood Policy (ENP) modelled on European regional policy and the allocation of structural funds and, in this context, studying the possibility of drawing up and implementing local and regional development plans, based on the twinning model.

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EXPLANATORY MEMORANDUM⁵

I. Introduction

1. The political changes sweeping the countries of the southern Mediterranean are of historic importance and provide a unique opportunity for the establishment of democracy. The transition to democracy is leading into a complex period which is likely to replace existing dictatorships with new, more democratic regimes, in which political, economic and administrative decentralisation of power to authorities closer to grassroots needs – municipalities and regions – might be the key to success.⁶ The questions that arise are how power will be distributed, and whether it is possible to advance towards democracy without decentralisation of power to local and regional authorities and citizens, the very levels where the demands that have brought about the changes had their origin.

2. The role of local and regional governments in the democratic make-up of North African states is relevant, not only because they represent the physical space in which the protests originated and were sustained, but also because the same authoritarian and repressive characteristics of central government were often reproduced on a local scale, not leaving the necessary scope for inclusive local and regional development.⁷

3. Recent developments in neighbouring countries demand a response from the Council of Europe. In this context, the Council of Europe is defining strategic priorities regarding neighbourhood relations and support policies in respect of Morocco and Tunisia.

4. The most important underlying factors behind the popular uprisings in Arab countries are the rise in unemployment, especially among the relatively young and educated, urban poverty and worsening political and economic conditions in an ever more globalised world in which the regimes in power have lost touch with rapidly developing societies. Citizens of various regions, towns, cities and municipalities have made their voices heard, showing that there is an urgent need to tackle social, political and economic issues and to initiate a new approach to development offering bottom-up, realistic and sustainable solutions.

II. General context of local and regional self-government in the southern Mediterranean

5. The Global Report on Decentralisation and Local Democracy by United Cities and Local Governments⁸ in 2008 already noted substantial advances at the institutional level: no country any longer opposes policies of decentralisation; municipalities are established everywhere and elections are held for local authorities.

6. Decentralisation has seen some advances in the south Mediterranean area, despite a few setbacks. It is still regarded as an administrative technique rather than a political process, more closely related to devolution. Incidentally, laws have been passed in the last ten years in most countries which go further in this direction.

7. Generally speaking, there is an increasing transfer of powers from central government to local authorities, even though this does not always come with the necessary transfer of resources. At the same time, control by central government over local authorities is also exercised by participation of relevant ministries in setting priorities, planning policies, implementing and managing services and budgetary forecasting for local authorities. The existence of designated posts in certain countries is evidence of this.⁹

⁵ This explanatory memorandum (adopted by the Current Affairs Committee on 20 March 2012) is based on a study prepared by the Council of Europe consultant, Ms Neila AKRIMI, Project Manager, International Co-operation Agency of the Association of the Netherlands Municipalities (VNG International).

⁶ Santonja PAQU: "North African Regions and Cities: awaiting their own spring" (to be published in *Les Cahiers de la Co-opération Décentralisée*, Cités Unies France, Paris).

⁷ http://www.cidob.org/en/publicaciones/notes_internacionales/n1_38/las_regiones_y_ciudades_del_norte_de_africa_esperando_su_primavera

⁸ Ibid.

⁹ http://www.cities-localgovernments.org/gold/gold_report.asp?orgtype=®ion=&theme=&type=&L=en

⁹ GOLD Report 2008, http://www.commed-cglu.org/IMG/pdf/GOLD_Med_Resum_exe_ANG-2.pdf

8. In the present context of rapid development, the management of local and regional affairs is no longer the sole purpose of decentralisation; it also aims to encourage local and regional governments to participate in fulfilling major community functions. In this way, these governments can help to promote solutions designed for sustainable development at their level. The two projects of the moment, actual transfers of powers and financial and human resources on the one hand and the establishment of a culture of participation and transparency on the other, are the priority areas of political initiative in each country. To this end, the exchange of experience and know-how would be advantageous, having regard to the wide range of situations in the region. Part of the responsibility falls to states, which will have to formulate decentralisation policies to reach long-term goals, which for the most part have been agreed at international conventions.¹⁰

III. Specific Moroccan and Tunisian contexts

9. The high degree of centralisation of power which has prevailed in Morocco and Tunisia for decades has limited the effectiveness of development and the process of democratisation initiated in both countries. The Arab Spring revolutions have been **a call by citizens for greater involvement in the destinies of their countries and their towns**. New types of regional and local development projects in Morocco and Tunisia therefore now embody the principle of participation by citizens and local governments. The Arab Spring context has renewed and strengthened civil society and put local democracy onto the political agenda of political authorities and forces. In Tunisia, unlike Morocco, organised civil society is a recent phenomenon and is not yet sufficiently involved in local development and urban management. Nevertheless, the processes driven by democratic transition are irreversible and will inevitably lead to a strengthening of civil society and local governments. As yet, however, the organisational structures are often unsuitable and need to develop.¹¹

10. The Arab Spring rebellions in **Tunisia** resulted in the overthrow of the former regime and the free elections of 23 October 2011, forming the **National Constituent Assembly** with responsibility for drafting a new Constitution and establishing a caretaker government. The 1959 Constitution refers to local and regional authorities: "Municipal councils, regional councils and the structures to which the law gives the quality of local authority, manage local affairs according to the terms set by law".

11. It is regrettable that these changes have also led to the removal of mayors and to the dissolution of municipal councils. Local governance is now provided by officials pending municipal elections, which will be held in 2013 at best, with a risk that local life will be depoliticised.

12. At the regional level, there are positive signs in terms of strengthening regional capabilities. For several decades, whole regions in Tunisia were kept out of the national development process, which was based mainly on the coast. The White Paper on regional development in Tunisia (2011) recommends turning the traditional pattern of investment round, setting 70% for areas in the interior and 30% for the coastal areas, with strengthening of local authorities.

13. In **Morocco**, the process of regionalisation was started well before the Arab Spring. It was announced by King Mohammed VI in January 2010 and finally set out in the "reform package" in March 2011. A new Constitution was announced in June 2011 and approved on 1 July 2011. Increasing in size from 108 to 180 articles and based on the principles of participation, pluralism and good governance,¹² it sets out citizens' freedoms and fundamental rights.¹³ Regarding local and regional governments, it stresses that participatory machinery will be established by local councils to encourage participation by citizens and associations in formulating plans for development (Article 139).

14. The organisation of the country's territory will be based on a model of advanced regionalisation prepared by the Regionalisation Consultative Committee (2011), to which the Congress of Local and Regional Authorities contributed in 2010 at the request of that committee.¹⁴

15. The RCC report establishes regional authorities as "privileged partners of the state to co-ordinate and integrate the approaches, plans and programmes of other subnational authorities, respecting the autonomy and legal equality of the latter and their respective powers".¹⁵ Prefectorial, provincial and municipal councils

¹⁰ Ibid.

¹¹ VNG International (2011): Support to democratic local governance for peace building in the MENA region 2011, p. 6, 9, 10, 16, 4.1

¹² Government of the Kingdom of Morocco, National Portal of Morocco (2011): Full text of draft new Constitution

¹³ Government of the Kingdom of Morocco, National Portal of Morocco (2011): Full text of draft new Constitution: Title II, Liberty and Fundamental Rights, Articles 19-40.

¹⁴ Congress of Local and Regional Authorities (2010): Territorial reform in Morocco. Contribution by the Council of Europe Congress of Local and Regional Authorities to the work of the Regionalisation Consultative Committee (RCC).

¹⁵ Kingdom of Morocco, Regionalisation Consultative Committee (2011): Report on Advanced Regionalisation, Volume I: General approach, p. 6.

will therefore work out “their own development plans, programmes and projects, consistent with the approach taken by the regional council and approved by the state”.¹⁶ At the same time, although the report includes some very timid advances¹⁷ in regional self-government in proposing a fresh redistribution of powers, these do not particularly affect the regional assemblies, which do not see their powers increased. The report gave rise to a draft organic law on regionalisation which is currently before parliament.

16. The general problem for local democracy in Tunisia and Morocco is the framework of national governments’ supervision of local authorities, supported by the argument that the latter are not ready for real self-government. So progress towards local democratic development calls for a radical change of mentality and of attitude in relation to governance and local authorities.

A. The current Moroccan context

17. Morocco has not undergone a revolution. As from 20 February 2011, it witnessed the rise of a spontaneous, unorganised movement – often influenced by what was happening in the region – based on freedom of speech and carried forward by young people and associations. Moreover, Morocco has launched a **process of reform** which is still unfinished.

18. The **last local elections in Morocco** took place on 12 June 2009. They were won by the new political party, the Authenticity and Modernity Party (PAM). The party in power, the Istiqlal (PI), came second. The turnout of 52.4% was the lowest in the history of local elections in Morocco.¹⁸ The steps taken guaranteed the impartiality and transparency of the elections, which took place without too many irregularities, but some negative aspects have yet to be dealt with, such as the ethnic aspect and the use of funds.¹⁹

Constitutional and legislative context

19. Morocco is a constitutional monarchy with three levels of local and regional government. The country is divided into regions (or wilayas) subdivided into provinces, which manage affairs in rural areas, and prefectures, which manage affairs in urban areas.²⁰ The third level is made up of urban and rural districts.

20. The new Constitution emphasises that the **governors** (or walis) of regions and of provinces and prefectures represent central government in local and regional communities. They are appointed by central government, and must ensure that government laws and decisions are applied and that the work of devolved departments of the central administration is co-ordinated and well managed. Even so, the new advanced regionalisation report stresses that development plans and programmes are co-ordinated among all local and regional communities, with assistance from the walis. Rural districts are headed by the presidents of the municipal councils, who are elected by those councils. The councils, however, are elected by direct universal suffrage.

21. With regard to the **self-government of local and regional communities**, the government has adopted several decentralisation consolidation programmes since the 1990s. Local authorities exercise both their own powers and powers delegated by the state, which are defined in the 2002 Communal Charter.²¹ Their own powers relate to economic and social development; finance, taxation and communal property; town and spatial planning; the establishment and management of local public services and community amenities; the preservation of public health and hygiene; protection of the environment and social and cultural amenities and activities. The Charter recommends speeding up the transfer of powers to local and regional communities and that any transfer of state powers or responsibilities must be accompanied by the transfer of corresponding resources. The regionalisation report makes a “royal appeal for the drafting by the government of a devolution charter”.²²

Financial autonomy and supervision

22. Despite a reform of local authority taxation and accounting,²³ the **financial autonomy** of local authorities is still limited, even in the context of the new Constitution.²⁴ Regions and other subnational

¹⁶ Idem, p. 15.

¹⁷ <http://www.regionalisationavancee.ma>

¹⁸ TEIM (2009): Electoral Report: Morocco / Local Elections 12 June 2009, p. 6.

¹⁹ Idem: p. 9.

²⁰ United Cities and Local Governments (2008): Country profile Morocco, p. II.

²¹ Law 78-00 embodying the Communal Charter, local public services.

²² Kingdom of Morocco, Regionalisation Consultative Committee (2011): Report on Advanced Regionalisation, Volume I: General approach, p. 24.

²³ VNG International (2011): Support to democratic local governance for peace building in the MENA region, p. 16.

²⁴ Silverstein (2011): Weighing Morocco’s new Constitution.

authorities have their own financial resources and resources allocated by the state. Income from municipal taxes is not enough. Some national funds have been established to eliminate shortfalls in human resources, infrastructure and amenities, and the regional solidarity fund serves to ensure the fair allocation of resources and to minimise disparities between regions. Each region will contribute to the latter fund; then the state will increase its transfers so as to strengthen the regions' capacity for action and initiative.

23. Since 2002, steps have been taken to reduce state **supervision**: time-frames and the number of actions subject to approval have been reduced, and governors have been given greater powers of approval. However, despite several financial reforms, the results are disappointing and local authority finances remain fragile.

24. Although the Communal Charter of 2002 and 2008 strengthens the specific powers of local authorities, mayors are still subject to the authority of the governor or wali.²⁵ Governors, as representatives of the state, give effect to the resolutions of provincial, prefectorial and regional assemblies and see that laws are enforced. Moreover, the King intervenes directly, for example in local town planning, and certain decisions are subject to approval by the **supervisory authority** before entering into force. The advanced regionalisation report stresses that relations between the state and local and regional authorities must be based on partnership and regulation rather than on supervision.²⁶

Human resources

25. Morocco's advanced regionalisation report aims to enhance the executive and management capacity of local and regional authorities. This will involve, *inter alia*, an agency made available to regional councils to give them technical support, and raising the standard of administration in other local authorities.²⁷ The level of professional skills among local council staff is still too low; fewer than 7% of them are senior executives.

Participation by women

26. The Constitution guarantees **equality for men and women** and recognises women's political rights.²⁸ Women have the right of access to all jobs in the public sector. It is apparent that there are more women in decision-making posts in the public sector. The quota principle is not in the new Constitution, but has been introduced at the regional and national electoral level. Since 2008, the Electoral Code and the Communal Charter have been improving the political representation of women, *inter alia* by setting up a consultative commission, the Equal Opportunity Commission. The new Constitution also guarantees the rights of groups with specific needs and underprivileged social groups. Thanks to these reforms, women won 12% of the seats in the 2009 municipal elections: out of 20 458 women candidates, over 3 400 were elected.²⁹ In 2003, there were only 127 women candidates. Nonetheless, there are very few women local councillors.

Participation by young people

27. The initiative in the protests came from highly qualified young people and was organised through social media. Many associations and NGOs, often with a social or development-oriented purpose, are active. The "street movement" joined forces with them. The young were assisted by organisations such as the Moroccan Association of Human Rights (AMDH).

Co-operation and partnerships

28. The Communal Charter stresses that "the municipal council shall undertake all **co-operation, association or partnership activities** likely to promote the economic, social and cultural development of the municipality, with the administration, other public legal entities, private economic and social agencies and with any other authority or foreign organisation", thereby referring to agreements for twinning and decentralised co-operation. The new Constitution confirms that local and regional authorities may form groupings with a view to pooling resources and programmes.³⁰ Association or partnership agreements and

²⁵ TEIM (2009): Electoral Report: Morocco / Local Elections 12 June 2009, p. 8 and United Cities and Local Governments, Country Profile Morocco, p. II.

²⁶ Ibid.

²⁷ Ibid.

²⁸ In particular, the political rights of women are: the right to vote in elections, the right to stand as candidates in elections, freedom of thought, of all forms of expression and of association, freedom to join a trade union or political organisation and the right to strike.

²⁹ National Democratic Institute Washington and TEIM (2009): Electoral Report: Morocco local elections 12 June 2009.

³⁰ Government of the Kingdom of Morocco, National Portal of Morocco (2011): Full text of draft new Constitution

agreements for decentralised co-operation and twinning with foreign local authorities are still subject to approval by the supervisory authority.³¹

Prospects for democratic change to good governance and local development

29. Like other countries in North Africa and the Middle East, Morocco is going through a phase of **social change** marked by a transition from social demands to political demands. This is a spontaneous, unorganised movement, often influenced by what is happening in the region and by the model built by young people in Tunisia and Egypt, particularly by the change brought about in the power structure as a whole within these states. However, the repercussions of this process have not been as radical as in Tunisia, Egypt, Libya or Yemen.

30. The **territorial structure** of Morocco is based on the principles of free administration, co-operation and solidarity. It ensures that the people concerned participate in the management of their affairs and encourages their involvement in integrated and sustainable human development. To this end, regions and other subnational authorities participate in implementing general state policy and in devising local and regional policies through their representatives in the Chamber of Counsellors.

31. **Participatory machinery** for dialogue and consultation will be set up by regional councils and the councils of other subnational authorities to encourage the involvement of citizens and associations in devising and following up development programmes. In this connection, citizens and associations will be able to exercise the right of petition to request inclusion on council agendas of questions within their competence.

B. The current Tunisian context

32. The popular uprising that culminated in the fall of the Ben Ali regime came from the cities, where social tensions were most acute. **Local and regional development** looks like the keystone of the change hoped for by the people.

33. The **last local elections in Tunisia** were held on 9 May 2010, with the Democratic Constitutional Rally (RCD) party, now dissolved, winning about 90% of the seats. About 83% of the population voted. By law, the next local elections should be held at the end of the first half of 2012, but completion of the work of the Constituent Assembly in 18 months makes it unlikely that they can be organised before 2013; they should embody the principles of decentralisation and strengthening of the autonomy of local authorities, assuming a revision of the Organic Law on municipalities and regions and a reform of local taxation. Many basic services are now beyond the reach of citizens, who distrust the local authorities, which are seen as powerless, insignificant, lacking legitimacy and unreceptive to citizens and civil society.

Constitutional and legislative context

34. Tunisia has a presidential system of government, which is to be redefined by the new National Constituent Assembly. **The organisation of the country's territory has been highly centralised for a long time.** At present, it includes 24 governorates (or wilayas), which are themselves divided into delegations and sectors (imadats), and 264 municipalities. The municipalities cover two-thirds of the country, while the remaining one-third consists of rural areas administered by governorates and represented by rural councils, which are unelected and lack their own resources. There is no specialised system of taxation. Regional council budgets receive a share of the Joint Local Authorities Fund (FCCL), infrastructure subsidies from the Regional Development Programme (PRD) and appropriations transferred by ministries. A transfer of powers for the benefit of the local and regional level has been started, strengthening devolved administration and initiating a process of decentralisation, giving municipal councils many specific powers. In reality, however, municipalities do not have exclusive capacity to exercise these powers, or the resources or discretion needed.

35. Until now, the governorates have been run by governors as the head of state's direct representatives in the regions and presidents of the regional councils, which are consultative bodies, one-third of whose members are national elected representatives (deputies), the rest being appointed by the governors from among the presidents of rural councils and presidents of municipalities. The municipalities are run by municipal councils elected by direct universal suffrage. The presidents of the municipal councils (mayors) are elected by the municipal councillors.

³¹ Law 78-00, Communal Charter of Morocco, Title VI "The supervision of actions", Articles 68-69, p. 36.

36. The legitimacy of the municipal councils was challenged in 2011, and 212 out of 264 were dissolved and replaced by “Special Commissions”,³² which are incapable of performing their functions properly.

37. As to the regions, the “Ministry for Regional Development”, which had a very short life after the events of January 2011, was revived in November 2011 under the Ministry of Planning and Regional Development and launched an appeal in favour of regionalisation, recommending a break with the past and a **new approach to regional development**.

Financial autonomy and supervision

38. The responsibilities of governors have been boosted since 1989 and cover the fields of economic, social (public health) and cultural development. The governors also supervise the local authorities,³³ so the latter are subject to substantial **(administrative and financial) supervision** by the governors and by central government. The budgets and all provisions on the finances of municipalities therefore took effect only after approval by the supervisory authority. Supervision shows itself mainly in finance, 65% of local authorities’ budgets being provided by central government from the regional support funds for local authorities. This dependency means the state is omnipresent in the local decision-making process.³⁴

39. Thirty per cent of municipal resources come from direct taxation and 25% from indirect taxation. Nearly 25% are revenue from municipal properties or land and 30% are transfers from the state. These budgetary grants are tending to decrease: in 2010, they accounted for only 24%. Moreover, a reform of local taxation in 1997 did not yield an increase in the tax resources of municipalities, which remain small relative to requirements. The proportion of municipal budgets relative to the state budget went from 4.2% in 2000 to 4.6% in 2005 and then fell back to 4.3% in 2010.

Human resources

40. Local authorities suffer from an obvious lack of human resources, with a disproportionate relationship between administrative and operational staff. The predominance of unskilled workers (about 80% on average), with 20% technical and specialised personnel, is a feature of the structure of municipal personnel. A training and retraining drive has been instituted and stepped up since the establishment in 1994 of a national further training and retraining centre for regional staff and municipal elected representatives, now known as the Decentralisation Training and Support Centre (CFAD).

Participation by women

41. The principle of equality of women and men before the law is embodied in the Constitution. The right to vote and to stand as a candidate makes it possible for women to be represented in all political bodies. The 1956 Code of Personal Status (CSP) introduced major reforms: mutual consent of the spouses became a condition in marriage contracts; “jabr” matrimonial coercion was abolished; the minimum age for marriage was set at 17 for women and 20 for men; common-law marriage was forbidden; legal divorce was introduced and polygamy was forbidden. Amendments have introduced general education, free education for children of both sexes without discrimination, the right to adopt and the right to abortion, and compulsory schooling for girls and boys up to the age of 16. Moreover, any voter with a Tunisian mother or father is eligible for the Chamber of Deputies on an equal footing and political parties are required “to outlaw any form of violence, fanaticism, racism or discrimination”.

42. At the local level, the proportion of women councillors rose from 13.3% in 1990 to 26% in 2005 following a decision by Zine el-Abidine Ben Ali, the former President, and his party to increase the representation of women in municipal councils to at least 25% of the seats.³⁵

43. However, in the post-revolutionary context there are threats hanging over these advances when reactionaries can state with complete impunity that they wish to set up the Caliphate and return to polygamy and to ourfi marriage, while intimidating and attacking women in the workplace, in public, in cultural and educational establishments and at day nurseries. Faced with the deafening silence of the government and

³² Under the special mandate, each governor will draw up a database of local figures (teachers, managers, professionals and workers) who stand out on account of their influence and social commitment and enjoy the confidence of the public. There will also be consultation of all local political and social forces in order to supplement the lists with other individuals capable of serving their community.

³³ World Local Authorities, ALMWLA, Tunisia.

³⁴ United Cities and Local Governments (2008): Country Profile Tunisia, p. IV.

³⁵ UNSTRAW & CAWTAR (2009): Strengthening women’s leadership and participation in politics and decision-making process in Algeria, Morocco and Tunisia: Mapping of the situation, pp. 92-93 + p. 115.

of certain political parties, men and women are joining forces in support of women's rights, equality and citizenship.

44. There are institutions and machinery that ensure that the legislation is applied and give impetus to positive action on behalf of women: the Ministry responsible for Women's Affairs, Family, Children and the Elderly (1992) and the Centre for Research, Study, Documentation and Information on Women (CREDIF) (1990). The latter has contributed to gender mainstreaming in development projects by way of statistical analysis, training, definition of tools and practical guides. At the regional level, boards for the advancement of rural women were set up in 2001. Lastly, the state has imposed a 30% quota for the participation of women in public and political decision-making bodies.

Participation by young people

45. Young people were the principal initiators of the uprisings, with the new media playing an active part. Inequalities in regional development and large-scale unemployment were central to discontent among the young and created the levers of revolution. The young are not organised politically, but they played an important part in the revolution, before and after the flight of President Ben Ali and the collapse of the RCD.

Co-operation and partnerships

46. Municipal councils have working parties which deal with "co-operation and foreign relations". Nonetheless, twinning and foreign co-operation took effect only after approval by the supervisory authority. In addition, regional development plans must be in conformity with the national plan.³⁶ As regards municipalities, they lack any municipal development plans and their municipal investment plans (PIC) are subject to close supervision. Intermunicipal links are not yet highly developed. The associations of municipalities provided for by law never worked and eventually disappeared. It is the same with the establishment of multi-purpose supra- or inter-municipal bodies. This was tried once only with the District of Tunis: a public planning and development body for Greater Tunis, in the form of both an association of municipalities and an inter-ministerial commission, which was transformed into the Urban Agency for Greater Tunis (AUGT) in 1994.

Prospects for democratic change to good governance and local development

47. The needs stated by towns are linked with improving the management of urban services, governance and local democracy. The situation since January 2011 has hit **the daily management of urban services** hard, in particular with a sharp drop in municipal resources and the destruction of plant and machinery in municipal workshops during the rioting. The security of municipal buildings and plant and machinery has been affected, as have travel and traffic conditions in towns. The situation has worsened during the last few months and there are difficulties in controlling unregulated urban development.

48. The second type of concern relates to the **development of the tasks and operating methods of municipalities**, which state that they have almost everything to learn about:

- a. the transition to self-government and decentralised operation;
- b. effective, democratic and transparent urban governance;
- c. partnership with civil society and calling on citizens to participate;
- d. production, management and distribution of urban and municipal information;
- e. communication, marketing of their areas and municipal action;
- f. municipal ethics: employees and elected representatives.

49. A substantial number of the managerial posts on municipal organisation charts are unfilled, and human and financial resources do not match the tasks assigned to municipalities.

50. Some municipalities want to redefine and reshape the administration and the elected bodies through institutional audits and reform of local taxation.

IV. Opportunities for support

51. **In Morocco**, the current debates on constitutional reforms cannot be separated from the Maghreb context, or from the fervour and longing of peoples for dignity, freedom, social justice and democracy, nor can they be separated from the systemic crisis of neo-liberalism which is making the situation worse in the

³⁶ Organic Law No. 95-68 of 24 July 1995, amending and supplementing the Organic Law on municipalities.

countries of the South. For its part, the voluntary movement, faithful to its commitment to striving for the indivisibility of democracy and respect for rights, is called upon to contribute through public debate, through the mobilisation of efforts and through proposals and alternatives to enshrining these rights in the constitution as one of the guarantees of their continued existence. Free, open and responsible debate remains the preferred way for civil society to take ownership of **constitutional reforms** and to work out proposals capable of consolidating a state based on the rule of law.

52. This will involve developing a **debate on the future shape of regionalisation** and the issues of social and territorial development, the division of territory (its nature and purposes, political aspects, etc), development opportunities, the role of local authorities and the spirit of inter-regional solidarity.

53. In the context of comprehensive action, the aims in implementing regionalisation would be as follows:

- a. to support **public debates** involving community, political and institutional players focused on the issue of change and capable of generating a political, legal and institutional environment conducive to the establishment of participatory democracy alongside representative democracy, as well as reinforcing citizenship and public and individual freedoms;
- b. **to enhance the capacity of local players** (associations, municipalities and regions) for mobilising efforts in support of local governance in the new territorial set-up and implementation of municipal development plans;
- c. to encourage **initiatives for exchanging and capitalising on good practice** among the various initiatives in the Maghreb Region and the Middle East involved in processes of reform and changing society.

54. **In the short term**, this will involve boosting and creating spaces for debates and exchanges to link up the numerous initiatives, with a view to devising proposals capable of helping to build the constitutional foundations of a democratic state and a state based on the rule of law.

55. The need for Morocco is **to turn demands into positive action** for change through the constitutional establishment of human and socio-economic rights, focusing on the area of public freedoms, individual freedoms and freedom of conscience, as well as gender equality, and combating all discrimination against women.

56. In the medium term, there is **the question of supporting the players in the next local and national elections**, which are due to be held after validation of the future constitution by referendum. There will be a whole exercise in building the skills of political players with a view to improving what politics has to offer, in order to bring it into line with the expectations of the public, in particular the young.

57. The strategic issue of **the role of young people in the future process of regionalisation** and reform of the territorial set-up should be raised again. All the recommendations developed in the debate on regionalisation since 2011 should be taken up again. The issue here is one of institutionalisation and enhancement of the role of young people and of the leaders of their associations in decision-making, the formulation, management and evaluation of local public policies, and the establishment of young people's councils in parallel with elected councils with a view to supervision of local and regional affairs by the people.

58. The issues of **improving the capacity of local and national players** for social and human development are becoming acute, especially with the future implementation of municipal development plans as the road maps for local and regional development. Much therefore remains to be done in support of governance, democracy and local development.

59. **In Tunisia, the limited resources of local authorities**, their allegiance to the party in power, corruption and exclusion of citizens from urban affairs are increasing the exasperation of urban dwellers. This situation has diminished the impact of efforts made by municipalities in the area of urban amenities and services, which took the form of a marked increase in municipal investment and an overall improvement in urban amenity levels. These, however, have not prevented continuing disparities between the cities on the coast and the small and medium-sized towns in the interior. It is of the utmost importance to ensure that **the democratic process takes a strong hold** at the local and municipal level and so limit the adverse effects of the crisis of legitimacy that might affect the temporary municipal bodies (special commissions) and temporary government departments responsible for local and regional development.

60. A few democratic urban governance initiatives, in particular involving local Agenda 21s and sustainable urban development strategies,³⁷ have made it possible to establish processes of dialogue between public and private players and an enfeebled civil society. Nonetheless, their influence has remained limited and has not led to the development of democratic urban governance. Moreover, it is necessary to address the issue of **day-to-day management in the municipalities** and the pressing needs of town and city-dwellers longing for security, public health, cleanliness and normal operation of urban public services, and this against the background of drastic reductions in municipal resources and the large-scale destruction of municipal amenities and machinery (caused by the militia of former President Ben Ali and excesses during the uprising). Given this situation, there is an urgent need for support for urban management, with the following priorities:

- a. development of democratic urban governance;
- b. preparation for future municipal elections and organisation of the transition period;
- c. the emergence of enlightened citizen action;
- d. reduction in disparities in development between cities in the interior and those on the coast and between underprivileged and more affluent neighbourhoods;
- e. the management of crisis situations in towns and cities with serious urban environmental problems and deterioration in buildings and the living environment, due wholly or partly to the rioting.³⁸

61. It is important to involve the Directorate General for Local Authorities (DGCPL) and the Decentralisation Training and Support Centre (CFAD) under the Interior Ministry, the Ministry for Regional Development and professional associations, in particular the Tunisian Town Planners Association and associations working in the fields of promoting democracy, citizenship, local development, young people and employment.

62. In order to back up the **specialised commissions** replacing dissolved municipal councils in the management of local affairs, a training and support programme is required to stabilise the country and restore the confidence of the population in all aspects of municipal management and finance and on the issues of “accountability”, transparency, public consultation, partnership with civil society and the private sector, youth employment and gender equality, etc. Moreover, once a new constitution has been adopted and the electoral law has been revised, regional and local elections will make it possible to set up regional councils, local councils (commissions) and municipal councils on a democratic footing.

63. From this viewpoint, **training in local democracy, democratic urban governance and the advancement of citizenship for the members of political parties, civil society associations and independent figures at the local level** is the key to the success of a decentralised democratic, transparent and effective system. This will therefore involve preparing the contribution by municipal and other local players to the new constitution.

64. **In the medium term, a programme of training and institutional support** will be necessary to establish democracy, good urban governance and local development on a lasting basis. This work will be based above all on strengthening decentralisation and institutional capacity, supporting municipality-civil society partnerships and the encouragement of local citizen action.

65. Although it is enshrined in law, the process of decentralisation is still unfinished, not to say embryonic, and is above all undemocratic. Help is therefore needed for the **reform of decentralisation**, which includes reform of **local finances, local elections, the division of territory and local responsibilities and powers**, in particular in the area of town planning, planning and the delivery and management of urban public services. Special attention will have to be paid to inter-municipal and metropolitan planning, as well as to small urban pockets not holding municipal status and lacking political power and financial, technical and human resources.

66. Local capacity may be strengthened by:

- a. **supporting the actual transfer** of resources and powers from central government to municipalities on the basis of sustainable development strategies;

³⁷ For example in Sfax and Tunis.

³⁸ For example, Sid Bouzid, Kasserine, Menzel Bouzaïane, Regueb, Thala, Kef.

- b. **strengthening the capacity of the newly created Ministry for Regional Development**, so that it can take on the role of sponsor of regional and local development, which calls for fresh powers and intervention strategies;
- c. **improving human resources** in order to provide local authorities with qualified staff and to train them for their tasks;
- d. strengthening **good governance**, particularly by action against corruption and in support of gender equality and citizen participation;

67. Participation by **young people** in democracy, which is essential to a sustainable transition, begins with education.

68. Since municipalities are key players in creating a healthy economic environment, they must be able to contribute to **local economic development** and to **reducing unemployment**. Towns and cities in the interior, where the situation gives particular cause for concern, might benefit from priority action (particularly the Central-Western region) and from **exchanges of experience** in the context of **partnerships** with other Tunisian and international municipalities.

V. The tools available

69. The Congress of Local and Regional Authorities has been behind the drafting of several international conventions, such as the **European Charter of Local Self-Government** (1985), which emphasises the role of local authorities as the first level at which democracy is exercised and guarantees the rights of authorities and of their elected representatives, and the Additional Protocol on the right to participate in the affairs of a local authority (2009). The Charter may provide inspiration and support for national governments, but also for associations of municipalities. The Charter applies first and foremost to local authorities, but can also be applicable to regional authorities. In addition, a **Reference Framework for Regional Democracy** (2009) can serve as a model for a country that decides to set up or reform regional authorities and as a compendium of principles for monitoring regional democracy. The Congress encourages the establishment of an appropriate legal framework for local and regional authorities in accordance with the European Charter of Local Self-Government, which is open to non-member states, and could organise seminars on these principles.

70. Other Charters and Codes might also be important for Morocco and Tunisia:

- a. the aim of the **European Code of Conduct for the Political Integrity of Local Elected Representatives** (1999) is to consolidate relations between citizens and local and regional politicians by setting out ethical principles. It calls on national governments and national associations of local and regional authorities to develop these standards and principles in laws and codes of conduct;
- b. the first European Urban Charter (1992) pioneered a new approach in Europe and marked an important stage in the recognition of the urban phenomenon in the development of societies. The **European Urban Charter II – Manifesto for a new urbanity** (2008) proposes a new culture of urban living and encourages regions to build sustainable towns. The increasing urbanisation in Morocco and Tunisia means there is a need to focus on planning and developing towns and cities, especially medium-sized towns, so as to put an end to disparities between social groups by encouraging the smooth running of public services and the protection of public health;
- c. the **Charter for Regional or Minority Languages** (1992);
- d. the **Charter on the Participation of Young People in Local and Regional Life** (2003);
- e. the **Charter on Education for Democratic Citizenship and Human Rights Education** (2010).

VI. Conclusions

71. The next post-revolutionary stages remain crucial to the realisation of democracy and good governance in Tunisia. In the case of Morocco, the organisation of advanced regionalisation and the consolidation of decentralisation and devolution are vital areas of work in developing and modernising state structures and encouraging sustainable and integrated development. The voices raised in the various regions, municipalities and communities underline the need to deal with the real problems and to take an innovative approach to development. It is advisable to plan for bottom-up solutions in order to be in line with realities and to guarantee sustainability in actions and in results.

72. Given the above and the challenges posed by the new situation in Tunisia and Morocco, not only for the two countries but also for the sub-region – an area crucial to peace and prosperity in the Euro-Mediterranean region – the Council of Europe and, with regard to local democracy and good governance, the Congress, as partners in the development of Tunisia and Morocco, are well placed to support those countries on the road to democracy and co-operation.