

المملكة المغربية



المملكة المغربية
الجمهورية



GOUVERNEMENT DU
ROYAUME DU MAROC

Moroccan Government Course of Action against corruption

"The issue of morality of public life, and primarily the administration was and remains an important concern that holds our attention and focuses our thinking"

His Majesty King Mohammed VI.

**Message to the National Conference:
"The promotion of ethics in public service
Rabat, October 29, 1999".**

Table of Contents

- *Introduction*
- *Outcome of Achievements*
- *Plan of Action against Corruption*
 - *Transversal actions*
 - *Sectoral actions*

Introduction

The statement of general policy of the government has made the fight against corruption a firm commitment and a main line of action. The development and subsequent implementation of this plan of actions responds to this commitment.

The plan includes a set of concrete and diverse measures achievable in the short and medium terms.

Corruption is neither a fate that legitimize inaction nor a simple problem requiring a solution.

Indeed, measuring the exact extent of the scourge is impossible. Its underground and opaque nature covers an array of deals, complicities and compromises difficult to identify and prove and, whatever the degree of the scourge, its mere existence gives free rein to systematic suspicion.

Beyond being a misdeed on ethical grounds and an illegal deed, corruption causes considerable collateral damages. It generally pollutes the social and political climate, exacerbates mistrust between citizens and the Administration and undermines the attractiveness of the country to domestic and foreign investments.

In fact, Morocco has a track record of great achievements in terms of the moralization of public life and good governance. Major privatization operations and large infrastructure projects have been conducted in compliance with rules and regulations under a transparent process acknowledged and appreciated worldwide. The Decree on public tenders was revised in 2007 introducing new elements aiming at strengthening ethics and transparency.

Yet the perception of many citizens and some media translates in a poor image of the country in terms of morality of the management and offer of public services. Whatever degree of truth underlying such perceptions, action is needed to curb as much as possible, the scourge of corruption and spreading a environment of confidence conducive to reducing malpractice and psychological blocks , and freeing initiatives of citizens and officials, thus enabling them to act in an environment of

confidence and responsibility.

The Kingdom steadily making way towards the realization of the grand project of democratic and modern society and the new concept of authority promoted and led by His Majesty, King Mohammed VI.

In this context, specifically, corruption should not be allowed to discourage constructive energies and discredit either the services of the State and its institutions. Therefore, the principles of good governance, the imperatives of democracy, competitiveness and accelerated opening of the country to the world require strong action against this scourge that is corruption.

On this last aspect, and according to the government's commitment mentioned above, Morocco has published the United Nations Convention against Corruption (Dahir No. 1.07.59 of November 30, 2003). As a State Party to this Convention, Morocco is expected to honor its commitments under this instrument which are duly taken into account under this action plan against corruption.

As it is universally acknowledged, corruption is a scourge with sources, symptoms and complex effects, specifically social, economic, cultural, administrative and political. Therefore, it is far more important to prevent such misdeeds than sanctioning them.

However, since the damage already exists, it is also important to detect it and take corrective action, to the possible extent. From this point of view, such a complex syndrome calls for multiple therapies, to be applied on the long run and adapted to different times and environments. It is important to undertake a series of actions both immediate and long term, to strengthen the national system of integrity and transparency, taking full account of the steps already taken in this field.

To this end, this paper describes the results of key measures and initiatives and presents the action plan developed to further improve the system in place. New measures envisaged are of two natures : some are transversal, touching all public sectors, and others specific to each of the most concerned sectors by the fight against corruption.

Outcome of Achievements

• To this date, the Government's action on moralization of public life and prevention against corruption has led to a number of measures to achieve the following main objectives:

- strengthening transparency in public management;
- enhancing the sense of responsibility and general interest;
- promoting compliance with ethical values inherent to good governance;
- achieving confidence in the relations between government and citizens;
- developing the institutional framework for preventing corruption;
- improving the transparency of the financial system.

The main actions undertaken to meet these objectives aim at :

1 - Strengthening transparency and sense of responsibility through:

- establishing standards of transparent management of the private properties of the State through, namely, the requirement of competitive bids for property sales and public auctions for leasing public land;
- adopting Law No. 61.79 on the liability of public officers in charge of finance, auditors and public accountants;
- adopting Law No. 03/01 on the motivating administrative decisions;
- strengthening legality, morality, transparency and protection of public interest through the provisions of Law 78.00 on the organization of municipalities and the Law 79.00 relating to the organization of administrative entities " Prefectures" and provinces, including :
 - The prohibition for elected officers to take interest with their related entity personally or as agent whether for the benefit of spouses, ascendants and descendants, under penalty of dismissal without prejudice of prosecution;

- The invalidation of the deliberations attended by an elected officer holding interests, either personally or as agent or as a spouse, ascendant or descendant, in the matter under deliberation;

- The generalisation of the motivation of decisions of public officers relating to entities they are entrusted with their supervision;

- The introduction of transparency rules for the election of officers of local government (voting booth, a transparent ballot boxes and opaque envelopes bearing the stamp of the local administrative authority);

- Improving the consultation of minutes by the voters of the elective entity;

- publishing excerpts of deliberations at the headquarters of the county, and in the official bulletin of local communities;

- Referral to regional of accounting jurisdictions on contentious administrative accounts.

- Increased transparency in the management of public procurement (Decree No. :2-06-388, February 5, 2007);

- updating of the Penal Code (section 256.1) to remove any criminal prosecution under certain conditions, against a whistleblower reporting on corruption (Law No. 79-03 amending and supplementing the Criminal Code. BO No. 5248 of 16/9/2004);

- adoption of Law No. 79.03 reinforcing measures for the recovery of misappropriated funds; (Law No. 79-03 amending and supplementing the Criminal Code. BO no 5248 of 16/9/2004);

- adoption of Law No. 06-99 on free pricing and competitiveness (BO n ° 4800 of 1 June 2000);

- adoption of Law No. 15-97, Code on collecting public receipts and debts;
- updating of the tax system in 2000 (reinforcing the declarative system, reform of the Code of Customs and indirect taxes);
- adoption of a new budgetary approach, focusing on results and accountability, and simplification of budgetary procedures;
- enhancing monitoring and auditing activities.

2 Improvement of conditions of access to public services:

Important initiatives have been undertaken to promote a quality approach in government relations with citizens, through the following measures:

- devising an interactive system to assess Customs Tariffs;
- developing applications for tax management, allowing automated monitoring of declarations, payments and control;
- opening of unique regional windows (Regional Investment Centres) that help reduce delays and stakeholders in the process of businesses setting up (Royal letter addressed to Prime Minister January 9, 2002);
- developing and disseminating a directory of the most commonly used administrative procedures;
- Simplification of administrative procedures through the enactment of Law No. 35-06 establishing the Electronic National Identity Card (BO N ° 5584 of 6/12/2007);
- Development of new information and communication technologies within government (establishment of the e-government and effective launching of online projects of public services).

3 - Strengthening the institutional framework for the prevention of corruption through:

- the establishment of a High Court of Justice entrusted with ruling on cases involving ministers (Dahir No. 1-77-278 of 8/10/1977 law of the High Court. BO n ° 3388 bis 10 / 10/1977);

- the abolition of the Special Court of Justice (Law n ° 79.03) and the devolution of its powers to the Courts of appeal to strengthen the requirements of due process, while continuing to adopt the same firmness in the handling of cases of misappropriation and embezzlement of public funds (BO no 5248 of 16/9/2004);

- the creation of the Diwan al Madhalim" Mediator" (Dahir of December 9, 2001) to strengthen the institutional safeguard of the interests of citizens and protection of their rights, while helping to spread the ethics and a culture of public service;

- strengthening the role of the Judiciary Agency on monitoring of cases of misuse of public money;

- the establishment of Regional Courts of Accounts (Act No. 62.99 on the Code of financial jurisdictions. BO n ° 5030 of 15/8/2002);

- Prosecution whenever sufficient evidence available , assuming that a crime of corruption has been committed. Despite these actions, both on the sectoral and horizontal levels, aiming at strengthening the ethics and transparency in public management, more ground needs to be covered. Thus, the Government have agreed, pursuant to its policy statement, an action program along the following lines :

- rooted values and ethical standards for the administration;

- Institutionalization of a preventive strategy to curb corruption;

- strengthening transparency in public procurement management;

- improved monitoring, control and auditing;

- simplification of administrative procedures;

- Education and awareness (awareness campaigns in schools).

These actions will be supplemented by the initiatives implemented by various administrations targeting the same goals.

The new national system of prevention and fight against corruption is outlined in this document consists of:

- a matrix showing the transversal action;
- a matrix consisting of sectoral actions.

***Matrix of transversal actions
against corruption***

1 - Rooting the values and standards of ethics and morality:

Actions to be undertaken	Type of action	Status
<p>United Nations Convention for the Fight against Corruption</p>		<ul style="list-style-type: none"> - Signed the 09-12-2003. - Approved by the Government Council on 2-03-2006. - Ratified on 09-05-2007 - Published 17-01-2008.
<p>Review of the Law on Declaration of Assets:</p> <ul style="list-style-type: none"> • The scope of the revised law will cover the sensitive positions and officials particularly vulnerable to corruption. • Monitoring of enforcement should be decentralized 	<p>Dahir, organic laws and laws</p>	<ul style="list-style-type: none"> ▪ - Publication of Dahirs and laws on disclosure of assets in BO n ° 5679 of November 3, 2008: <ul style="list-style-type: none"> Dahir 1.08.72 20 October 2008 on the situation of members of Government and the composition of their cabinets ; Dahir 1.08.73 20 October 2008 establishing the High Authority of Audiovisual Communication; Organic Law No. 50-06 complementing organic law n ° 31-97 relating to the House of Representatives; Organic Law No. 51-06 complementing organic law n ° 32-97 on the House of Councillors ; Organic Law No. 49-06 complementing organic law n ° 29-93 relating to the Constitutional Council. Act No. 52-06 completing the law n ° 62-99 relating to the Code of financial jurisdictions; Law No. 53-06 amending and supplementing Article 16 of Law Dahir No. 1-74-467 of 11 November 1974 concerning the special

Actions to be undertaken	Type of action	Status
		<p>status of magistrates; Law No. 54-06 on the imposition of mandatory reporting of certain assets of elected municipal councils and certain categories of civil servants and public officials;</p> <ul style="list-style-type: none"> ▪ Act 48-07 supplementing the Penal Code. <p>- Approval by the Government Council meeting April 14, 2009 the draft decree on the establishment of the model of mandatory reporting of assets and receipt of deposit and the minimum value of the property to be declared.</p>
Approval of Bill on Money Laundering	Project of Bill	<p>- Publication of Act n ° 43-05 relating to the fight against money laundering, published in BO n ° 5522 of May 3, 2007,</p> <p>- Publication of Decree No. 2.08.572 Establishing the Unit of Financial Intelligence, BO n ° 5698 of January 8, 2009,</p> <p>- Installation, April 10, 2009, the Unit of Financial Intelligence .</p>
The adoption of the Law on concessions and delegated management of public services	Project of Bill	Law 54.05 on the delegated management of public services published in Official Gazette No. 5404 of March 16, 2006.

Actions to be undertaken	Type of action	Status
<ul style="list-style-type: none"> - Generalization of competitiveness to select future civil servants - Generalization of competitiveness for appointments to positions of responsibility 	Draft decree	Draft decree setting a general examination rules and professional examinations for appointment of civil servants (Ministry of Modernization of Public Sectors).
<ul style="list-style-type: none"> - Implementation of the provisions relating to staff mobility 	<ul style="list-style-type: none"> Draft Bill Draft decree 	<ul style="list-style-type: none"> -Bill No. 50.05 Amending and supplementing Dahir of 24 February 1958 on Civil Service, under consideration in the House of Councillors, -Draft Decree implementing the Bill on Civil Service concerning the redeployment and administrative positions (Ministry of Modernization of Public Sectors) .

2- Institutionalization of the preventive strategy of fight against corruption

Actions to be undertaken	Type of action	Status
Establishing an entity entrusted with monitoring and preventing corruption.	Draft Decree	<ul style="list-style-type: none"> - Publication of Decree No. 2-05-1228 of 13 March 2007 establishing the Central Entity for Corruption Prevention, published in BO n ° 5513 of April 2, 2007 (CECP), - Publication of Decree No. 2.08.627 of October 15, 2008 appointing the President, members of the Plenary Assembly and the Secretary General of the CECP, - Launching of CECP on December 2, 2008,

Actions to be undertaken	Type of action	Status
- Provision of public phone numbers, fax numbers and email addresses, to file their complaints or report on acts of corruption	Operational measure	Measure implemented by CECP
Institutional implementation of the law on competition	Draft Law	<ul style="list-style-type: none"> - Publication of Decree No. 2.08.556 of October 15, 2008 appointing the President and members of the Competitiveness Council, - Launching of CC on January 6, 2009,

3 - Increased transparency in public procurement management:

Actions to be undertaken	Type of action	Status
Adoption of the text on public procurement: <ul style="list-style-type: none"> • increase transparency in procurement and contract implementation • Establish the display via Internet of tenders and their results • Motivate in the minutes the discarding of offers. 	Draft Decree	<ul style="list-style-type: none"> . Decree No. 2.06.388 published in BO n ° 5518 of April 19, 2007. - The establishment of Moroccan portal on public procurement www.marchespublics.gov.ma
. Developing a corpus of laws relating to procurement by local authorities.	Draft Decree	▪ Under study

4 – Improving monitoring, control and auditing :

Actions to be undertaken	Type of action	Status
Establishing a system of internal control and audit and enhancing the role of the General inspection departments of Ministries	Draft Decree	Submitted to approval
<p>Strengthening the principle of accountability:</p> <ul style="list-style-type: none"> • drafting and dissemination reports on sector activities <p>National Commission to simplify operational procedures</p>	<p>Operational measure</p> <p>Draft Decree</p>	<p>Submission of annual achievements and sectoral plans to the Prime Minister</p> <p>Under development</p>

5 - Simplification of administrative procedures:

Actions to be undertaken	Type of action	Status
The waiver by the new electronic identity card, of the birth certificate, certificate of residency or certificate of nationality in all administrative procedures.	Draft Bill	<p>- Law 35-06 establishing the national identity card electronically published in BO n ° 5583 of December 3, 2007.</p> <p>- Decree No. 2-06-478 issued to BO 5591 bis December 31, 2007</p>
Establishment of counseling centers and informing citizens about administrative procedures.	Operational (e GOV)	Launching of call center C2A in the program IDARATOUK
Public information and procedures on users via web sites and other media.	Operational (e GOV)	Launching of National Portal e.maroc and Administration portal Service-public. ma in the program IDARATOUK, April 17, 2006
Requirement for Public entities to display the list of procedures, including documents required and deadlines.	Circular of the Prime Minister	Ongoing

Actions to be undertaken	Type of action	Status
Acceleration of Project e-Government.	Operational (e-GOV)	286 teleservices online
Approval of the draft law on electronic signature	Draft Law	The law on electronic exchange of legal data, published in the BO n ° 5584 of December 6, 2007.

6 - Education, awareness enhancing and communication:

Actions to be undertaken	Type of action	Status
Publishing a collection of texts of legal provisions concerning the fight against corruption	Operational measure	Under development
Development of a pedagogical kit and launching of awareness campaigns in schools and vocational training units	Operational measure	Booklet published, 5000 copies Booklet-ANNACHIA "الناشئة" 3000 copies
designing a campaign against the negative consequences of corruption	Operational measure	Campaign being developed,
Provision in curricula of a component on integrity and professional and moral rigor.	Operational measure	Ongoing process of integration into multi-year plans of training
Communication on this plan of action and interaction with civil society (associations, professional groups, etc.) For performance monitoring.	Operational measure	Organization of a roundtable and meetings on the action plan in collaboration with the World Bank and OECD.
Development of charters of ethics and professional conduct by several Ministries.	Operational measure	Being extended

***Matrix of sector actions
against corruption***

1 - Rooting the values and standards of ethics and morality:

Actions to be undertaken	Type of action	Status
Adoption of the Law No. 04/04 enacting various provisions relating to housing and urban development, including those relating to the responsibility of different stakeholders.	Draft laws	. Sector; Housing
Standardization and reform of accounting firms, brokerage firms, local governments, pension funds and public service concessions.	Draft laws	Sector: Economy and Finance
Appointing of a prosecution judge for receiving complaints relating to corruption and collecting relevant data.	Operational measure	Sector: Justice
Creation of a central unit responsible for centralizing judgments in cases of corruption and to highlight the principles of jurisprudence.		
Strengthening the unit responsible for monitoring the enforcement of judgments and coordination with the Prime Minister on the matter.		
The reform of local taxation for the harmonization, simplification and transparency of the local tax system.	The 47.06 Law on local taxation published in the 5583 BO Interior 03-12-2007	Home Affairs
Strengthening the national unit in charge of Education in human rights	Operational measure	Education

2 - Improved monitoring, control and auditing :

Actions to be undertaken	Type of action	Status
Controlling and monitoring of private projects receiving grants from the state.	Operational measure	Habitat
Systematic audit of projects under the responsibility of the Housing Ministry.	Operational measure	Habitat
Improved financial reporting standards through the adoption of international accounting standards for public interest entities.	Operational measures	Economy and Finance
Development of the accounting profession and the auditing of financial information.		
Implementation of effective and efficient control mechanisms of financial statements prepared by public interest entities.		
Implementation of Law No. 69-00 on the Reform of financial control over state enterprises and other public entities relating to the legal publication of annual accounts of public institutions and the normalization of the Charter on the operating of Audit committees of public entities	Draft Law	Economy and Finance
A system of video surveillance of sessions of exams for driving license.	Operational Measures	Equipment and Transport Ministry

Actions to be undertaken	Type of action	Status
Sector: Establishing a system of automated reporting offenses relating to speed limits, fixed and mobile radars.	Operational Measures	Equipment and Transport Ministry
Setting up of joint monitoring teams, composed of officers from the Ministries of Transports and Justice (officers legally enabled to prosecute including corruption offences)	Operational Measures	Equipment and Transport
Development of internal control of the management by locally elected representatives.	Operational Measure	Home Affairs
Introduction of monitoring and permanent control in all sectors and this, for an effective and efficient fight against corruption.		

3 - Simplification of administrative procedures:

Actions to be undertaken	Type of action	Status
Publication of a detailed manual of administrative procedures for the Ministry, local authorities and local entities.	Operational measure	
introducing a new national electronic biometric identity card.	Law 35-06 published in BO n ° 5583 of December 3, 2007	Home Affairs

Actions to be undertaken	Type of action	Status
Substitution of the new National ID card to some legal documents	. Article 7 of the Law 35 – 06	Home Affairs
Modernization of local administrative structures and the use of new information technologies and communication (orientation towards e-municipality, province, region).	Measuring operational	
Development manuals of procedures for various tasks performed by local communities and their publication in the Official Bulletin		
. Development and structuring of the client oriented windows in all administrative units in direct contact with citizens, while taking into account the illiterate.	Operational measure	
Updating of the procedures manual and the code of marketing.	Operational measures	Habitat
Generalization of single windows and simplification of procedures and documents required of citizens.	Operational measures	Habitat
Inventory and review of procedures. Computerization of certain procedures On line services on the Register of Commerce and tenders management Creation of windows for public assistance at the courts.	Operational measures	Justice
Updating, publishing and dissemination of procedures for awarding public contracts, licenses, permits, approvals... Reform of the test for driving license. Publication of the list of the documents to be submitted by applicants.	Operational Measures	Equipment and Transport
Simplification of administrative procedures to encourage investment in education.	Draft Bill	Education
Strengthen skills Regional Academia of Education and Training as part of the Decentralization Action.	Operational Measures	

4 - Education and awareness:

Actions to be undertaken	Type of action	Status
<p>Launching of a satisfaction survey of key users / customers and partners of the Ministry. This particular survey is to assess the quality of services provided.</p>	Operational Measure	Economy and Finance
<p>Strengthening education and training programs on Channel 4 television. Celebration in schools of the world day against corruption and diversification of activities related thereto. Extension via the website of the best initiatives in the fight against corruption.</p>	Operational Measures	Education
<p>Organization of awareness campaigns for civil servants and judges .</p>	Operational measure	Justice
<p>Capacities building of locally elected representatives through training and awareness enhancing, mainly in the field of transparent management of local public affairs (Preparation of master plans for national and regional training in support of local elects.)</p>	Operational measures.	Home Affairs
<p>Implementation of concrete actions targeting citizens, using advertising, mass media, the press or make it the subject of Friday prayers sermons.</p>		