



# Catalyzing Innovation

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY  
WASHINGTON DC, MARCH 25-29, 2019



## INDICATORS' ASSESSMENT OF LAND GOVERNANCE IN MOROCCO

Moha El-ayachi, [m.elayachi@iav.ac.ma](mailto:m.elayachi@iav.ac.ma),  
Tayeb Tachallait, [t.tachallait@iav.ac.ma](mailto:t.tachallait@iav.ac.ma),  
Omar Amanar, Tarik Ouachaou,  
Loubna EL Mansouri, [loubna.elmansouri@gmail.com](mailto:loubna.elmansouri@gmail.com)

Institute of Agronomy and Veterinary Medicine, Morocco

**Paper prepared for presentation at the  
“2019 WORLD BANK CONFERENCE ON LAND AND POVERTY”  
The World Bank - Washington DC, March 25-29, 2019**

*Copyright 2019 by author(s). All rights reserved. Readers may make verbatim copies of this document for non-commercial purposes by any means, provided that this copyright notice appears on all such copies.*



## INDICATORS' ASSESSMENT OF LAND GOVERNANCE IN MOROCCO

**Moha El-ayachi, [m.elayachi@iav.ac.ma](mailto:m.elayachi@iav.ac.ma),  
Tayeb Tachallait, [t.tachallait@iav.ac.ma](mailto:t.tachallait@iav.ac.ma),  
Omar Amanar, Tarik Ouachaou,  
Loubna EL Mansouri, [loubna.elmansouri@gmail.com](mailto:loubna.elmansouri@gmail.com)**

Institute of Agronomy and Veterinary Medicine, Rabat, Morocco

### *Abstract*

Land in Morocco constitutes a basic resource seen as the most profitable and assured investment for many investors. Two systems of administration dominate the land tenure system. The first system is based on the abstract deeds managed by the Ministry of Justice to guaranty land ownership and land transactions. The second system is based on Torrent act principles to describe accurately a piece of land in a land titling process. The description consists of determining accurate position of lands, their exact boundaries, their real capacity, and their consistency. It also defines all ownership related to lands. This system respects he principles of adjudication, absolute advertisement, and the convincing force of registration that defines the complete civil state of all titled lands. Land rights are guaranteed in both systems. Many operators are facing challenges in terms of land market transactions and land rights management. The issues are linked to the diversity of the land regulations and the bureaucracy of the involved institutions. Indeed, it is necessary to assess land governance in Morocco. The LGAF tool as the basis of a highly participatory approach analyzing various dimensions of land governance in a systematic way was adopted to achieve this purpose. The goal behind is to identify good practices and build consensus on priority areas for land administration enhancement. The results of the analysis enable stakeholders to address key governance gaps and elaborate a clear roadmap of improving land governance.

**Keywords:** land, deed, torrent, LGAF, governance, assessment, stakeholders



## INDICATORS' ASSESSMENT OF LAND GOVERNANCE IN MOROCCO

Moha El-ayachi<sup>1</sup>, [m.elayachi@iav.ac.ma](mailto:m.elayachi@iav.ac.ma),  
Tayeb Tachallait<sup>1</sup>, [t.tachallait@iav.ac.ma](mailto:t.tachallait@iav.ac.ma),  
Omar Amanar<sup>2</sup>, Tarik Ouachaou<sup>2</sup>,  
Loubna EL Mansouri<sup>1</sup>, [loubna.elmansouri@gmail.com](mailto:loubna.elmansouri@gmail.com)

### 1 INTRODUCTION

Throughout the history of Morocco, the developed land tenure forms have supported the social stability in the history of the country. This effect can be noticed by the role of the collective lands, religious lands, and the state private lands in ensuring the individual rights within large farms of the communities. They are considered as a potential form of protecting families against dispossession of their lands. They also could be a crucial barrier of the development because of their diversity. The form of the estate warranty as instituted by the Torrent system is sporadic, time consuming, and expensive. Many economic operators are facing difficulties in their investment projects related to the land market transactions and land rights management. The difficulties are linked to the diversity of the land regulations and the bureaucratic management of the real estate by many institutions. The State, as a primary landowner, needs to develop an efficient system to increase the security on land and facilitate land administration. This will allow monitoring land market, improving planning in urban and rural areas, enhancing the legal framework of land, and integrating the new technology to maintain land management such as redistribution, consolidation, valuation, and assessment.

Indeed, it is necessary to analyze land governance system indicators in Morocco in a participatory process to identify good practices and build consensus on priority areas for land administration enhancement. The results of the analysis will enable stakeholders to address key governance gaps and to elaborate a clear roadmap of improving land governance. In this sense, the NELGA North Africa Node undertakes activities to enrich the debate on issues related to land governance in Morocco and North Africa. It has initiated several discussions to choose a convenient tool facilitating land governance assessment. The LGAF for Land Governance Assessment Framework tool as the basis of a highly participatory approach analyzing various dimensions of land governance in a systematic way was adopted to achieve this purpose.

The study has started by analyzing legal aspects of land management and administration. Secondly, a panel of experts was organized to evaluate three indicators related to land governance. The panel had the aim to sensitize many actors on the role of LGAF in the analysis of land policies. It was an opportunity to gather experts from various institutions such as ministries, policy makers, scientists, and professionals.

The conducted study regarding its results highlights that the LGAF has the advantage as a potential tool of land governance analysis in Morocco to offer for specialists and for many stakeholders an instrument of understanding the shortcoming of the land tenure systems and providing solutions to overcome difficulties and institutional barriers.

### 2 THE LAND GOVERNANCE ASSESSMENT FRAMEWORK: A BRIEF DESCRIPTION

The Land Governance Assessment Framework (LGAF) is a diagnostic instrument that helps assessing the legal framework, policies, and practices of land governance and tracking improvement for long term. It was developed as a collaborative process based on recognizing



# Catalyzing Innovation

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY  
WASHINGTON DC, MARCH 25-29, 2019



the increasingly important role of land governance in enabling countries to meet challenges of the 21<sup>st</sup> century. It provides a basis of highlighting made progress in terms of urbanization, and land management to face the increased land demand (World Bank, 2013).

The matrix structure of the LGAF facilitate the analysis of several indicators in an independent manner regarding the specific themes that concretely affect various sectors of land governance. The LGAF process shall be conducted in a short-term activity (4 to 6 months) through a process of successive phases supervised by a country coordinator (World Bank, 2012). It is organized into five main themes to measure performance in the area of land governance, namely: the legal and institutional framework, land use planning, land management and property taxation, public land management, public access to land information, dispute resolution, and conflict management. The five themes are characterized by 21 indicators of land governance (LGI). Each indicator relates to a basic governance principle and is subdivided into dimensions. For each indicator, there are 2 to 6 dimensions, with a total of 80 key dimensions. Each dimension must be evaluated by selecting an appropriate answer from a list of statements and pre-coded proposals.

To assess areas of particular depth for some countries, the targeted LGAF key indicators can be supplemented by optional modules of land governance indicators, such as the large-scale land acquisition module, or forest governance (Figure 1).

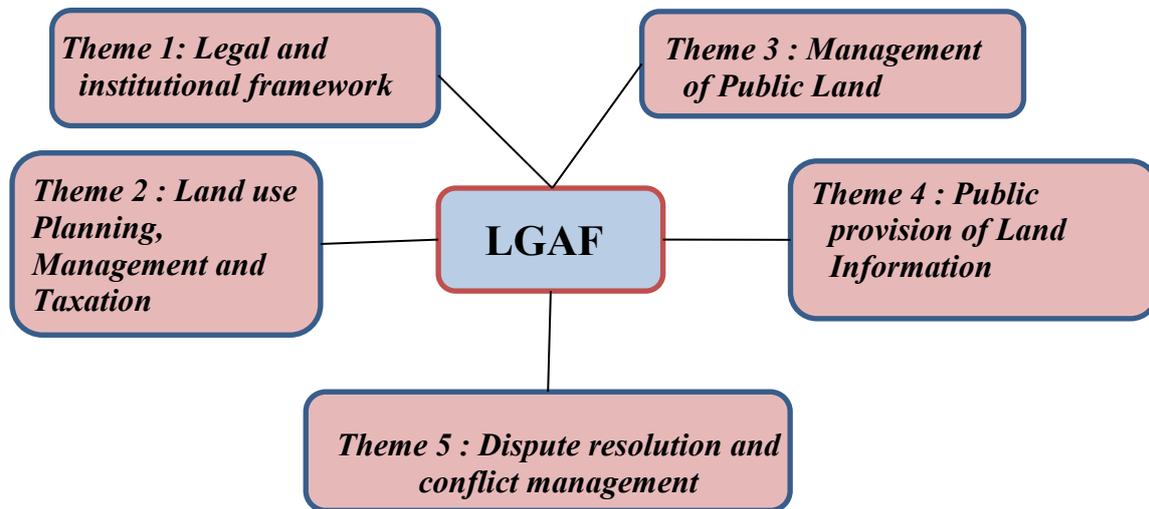


Figure 1: The main themes of land governance

For each dimension within the 80 elements of LGI, a scorecard is produced to present the selecting appropriate response from a list of previously coded options. The affected scores are rated using A, B, C, and D. The score ‘A’ corresponds to the best possible situation while the D score corresponds to the least enviable situation. The score B refers to a moderately good situation, and the score C reflects a need for improvement. Some dimensions will require completing a matrix with statistics or figures to justify the ratings assigned to them. The LGI are evaluated by panels of experts gathering people with a good knowledge of the subject. The experts shared during a panel meeting their knowledge on dimensions to evaluate information and judgments. To enable the panel session to be effective and productive, introductory notes are prepared on each of the five themes that are selected (Table1).

When panelists cannot reach a consensus or if there is a significant lack of data or evidence to make a decision about a particular dimension, the sampling method can be used to determine the score of a dimension. This approach is adopted regarding the time available, the budget and the resource constraints originally negotiated (World Bank, 2012).



LGI-nn	Scoring
Dimension i	
Rating	<p>A - Dimension description is the best option towards a good land governance scenario.</p> <p>B – Dimension description is generally the second-best set of options that make progress towards good land governance.</p> <p>C – Dimension description generally struggles to meet the criteria for good land governance however some attempts are being made.</p> <p>D – There are no attempts in this area that indicate good land governance operates</p>

Tableau 1: scoring process of LGAF (World Bank, 2012)

A study was conducted to describe land governance framework in Morocco. The analysis is based firstly on an analysis of the legal texts of the Moroccan land law arsenal, and the reports of the ministries and public institutions involved in land administration and management. The aim behind the analysis is to present regulations and juridical instruments dealing with each dimension of the LGAF instrument, reinforced by statistical statistics in order to have an overview on the situation of land governance in Morocco. Some dimensions have not been addressed due to a lack of information.

## 2.1 Recognition of a continuum of rights

The current Moroccan land legislation is the result of several legislation systems enacted throughout different periods in the history of Morocco. Several laws are introduced by the French protectorate during the period (1912-1956) and other resources are based on the Islamic law. Moroccan land legislation recognizes individual and collective property rights in both urban and rural areas, as long as these rights do not encroach on the public domain and areas with specific statutes according to a set of laws (Table 2).

Table 2: legal references

Period	Land Law
1912 – 1956	<p><b>Dahir of 31 October 1912</b> related to the Ministry of Habous;</p> <p><b>Dahir of 12 August 1913</b> land registration;</p> <p><b>Dahir of 16 April 1914</b> Urban planning;</p> <p><b>Dahir of 1<sup>er</sup> July 1914</b> on the public land;</p> <p><b>Dahir of 7 July 1914</b> land registration;</p> <p><b>Dahir of 2 June 1915</b> on applied laws for titled houses;</p> <p><b>Dahir of 3 January 1916</b> on the delimitation of the public land ;</p> <p><b>Dahir of 10- 1917</b> on forest conservation and exploration;</p> <p><b>Dahir of 27 April 1919</b> on the delineation of the collective lands</p> <p><b>Dahir of 24 May 1912</b> on the titling of the state real estate ;</p> <p><b>Dahir of 18 February 1924</b> on the delimitation of the collective lands ;</p> <p><b>Dahir of the 1st August</b> on the water regime ;</p> <p><b>Dahir of May 1925</b> related to the notary ;</p> <p><b>Dahir of 25 June 1927</b> on the titling of the private state land declassified from the public land;</p> <p><b>Dahir of 15 August 1928</b> on the legal regime of land cover slick</p>



**Table 2: legal references**

Period	Land Law
	<b>Dahir of 06 February 1937</b> on the delimitation of the collective land ;
<b>After the independence (1956)</b>	
1960 to 1970	<b>Dahir of 25 June 1960</b> on the rural housing development; <b>Dahir of 30 June 1962</b> on the rural land consolidation ; <b>Dahir N°1.63.288 of 26 September 1963</b> on the contrôle process of the real estate transactions conducted by land owner of rural properties ; <b>Dahir N°1.69.29 of 25 July 1969</b> on the collective land located in the perimeter of irrigation ; <b>Dahir N° 1.72.277 of 29 December 1972</b> on the transfer of the private state land to the agriculture land owner; <b>Dahir of 30 September 1976</b> on the inclusive process for forest development ;
80ies	<b>La loi n° 7.81</b> related to the expropriation ; <b>Dahir du 30 Novembre 1983</b> related to the temporary use of certain parcels ;
Current era	<b>Law 25.90</b> related to the allotment, housing, and subdivision; <b>Law 12.90</b> related to the urban development ; <b>Law 30.93</b> related to the profession of land surveyors and survey engineers ; <b>Law 18.00</b> related to the statute of co-property; <b>Law 44.00</b> related to the sale of land under constructions ; <b>Law 51.00</b> related to the renting access of the real estate ; <b>Law 05-01</b> modifying the <b>Dahir 29 December 1972</b> related to the private state land ; <b>Law n°16.03</b> related to the profession of Adoul ; <b>Dahir of 3 February 2004</b> related to the familial code <b>Law 14.07</b> related to the land titling ; <b>Law 39.08</b> related to the land right code ; <b>Law 32.09</b> related to the notary profession ; <b>Dahir n° 1.09.236</b> of 23 February 2010 related to the endowment lands (Habous) ;

The recognition of the rights guaranteed by the Constitution (Article 35) has been relatively unstable since 2011, after the introduction of Law 39-08; land rights code. Article 2 stipulates the obligation to verify the right of ownership every four years, to protect land right from any possible spoliation due to third party registration. It recognizes private ownership based on unopposed occupation on unregistered lands known as Melk. These unregistered private properties must be proved by a deed act known as (Moulkiya) or an act of transfer of ownership that can be carried out either by an act adoulaire or by a private registered deed, or by a notarial act (Article 5 of the Dahir 4 May 1925). Collective lands, Habous properties and Melk estates may be subject to land registration (GIGNOUX, 2017). (LGI 1)

Similarly, formal legislation does not recognize the rights of urban informal groups, where the creation of "slums" and the extension of those existing at the time of the promulgation of the present dahir are prohibited in municipal cities and their suburbs as well as within the delimited urban centers and their peripheral zones, except by a granted exemption granted the temporary housing according to the article 3 of the Dahir 8 July 1938 (LGI 1).



## 2.2 Respect for and enforcement of rights (LGI 2)

Most demarcated and registered land are in urban area. Land registration, certification and cadastral operations are formal procedures in the process of registration of existing land in Morocco. The National Agency of Land Conservation, Cadastre and Cartography achieve currently more than 5,400,000 land titles, more than 159,400,000 digitized plans. The official statistics of the agency in December 2017 show that more than 20.41% of the land is registered and delimited mainly in urban areas (LGI 2-ii and LGI 2-iii). The registered collective land area represents 4.5% of the total national territory, which is about 21.1% of the collective lands of the Kingdom (ANCFCC, 2017)

The Moroccan land system follows two regimes: a regime governed by the principles of Islamic law and customs, and another system of land registration introduced by the French protectorate in 1912. The Moroccan legislation recognizes common property rights or co-ownership by an arsenal of legal texts composed of laws, dahirs, and decrees, mainly Law 18.00 which applies to the ownership of buildings divided into apartments or floors of which the property belonging to several persons is subdivided into lots. A lot could consist of a private and a common quota. An essential element of good governance regarding condominiums is not only the right to live in, but also the recognition of collective rights, with a clear methodology for the management of the common parts (Article 4 of Law 18.00) and the constitution of trade unions and attributions of trustees (Articles 13 and 20 of Law 18.00). In order to ensure the full enjoyment of their property rights, this is respected by the development of the co-ownership by-law according to articles 9 and 51 of this law. In the same way in rural areas, common property is presented mainly by the lands of rural consolidation, governed by the Dahir June 30, 1962. (IGF 2-v). The loss of rights resulting from a land use change gives rise to compensation. Indeed, Article 21 of Law 7.81 on expropriation for public utility and temporary occupation states that in the case where there are usufruct rights, use, housing or other similar rights, only one compensation is fixed by the registry of the administrative court with regard to the total value of the building. The various interested parties exercise their rights over the amount of indemnity (IGF 2-vi).

In the inspired regime by local customs, the right of ownership of unregistered property is based on peaceful possession and public notoriety uninterrupted for 10 years against a third party or 40 years of parents (IGF 3-ii). Proof of the right of ownership of unregistered property is the presentation of a deed act called "moulkiya", under which twelve ordinary witnesses (IGF 3-i) confirm the regular possession of the person claiming ownership of the property in front of two "Adouls" (IGF 3-vi) (Mejdoubi and Bachelet, 2016). It is therefore an act of notoriety, drawn up in the authentic form, by which sufficient witnesses affirm that a person has possession of a real property for a certain period (GIGNOUX, 2017).

In addition to land registration fees ranging from 4 to 6%, the landowner must pay fees to the land conservation. Many taxes must be paid from the phase of land acquisition to housing. As soon as the land is acquired, the landowner must pay the registration fees. In this context, he has the choice between two rates. The first, usually used, is the reduced rate of 4%. In fact, the registration code makes it possible to benefit from this rate provided that it undertakes in writing in the act of acquisition of the land to build its dwelling within a period not exceeding 7 years. In return, he consents to the benefit of the State a first rank mortgage to guarantee the complement of the tax which passes to 6% if he does not respect his commitment. If the owner respects this delay, he obtains the release of the State free of charge. Otherwise, he is obliged to pay the supplement, ie 2% extra, in addition to late penalties since the date of acquisition of the land. In addition to the registration, the landlord must pay the land registration fee (Benchanna, 2017) (LGI 3-iii, LGI 3-iv).



## 2.3 Clarity of Mandates and Practices

The multiplicity of institutional actors involved in land management leads to a problem of coordination and convergence. This multiplicity of official institutional actors intervening in the control and the management is related to the diversity of the Moroccan land structure encompassing the Ministry of the Economy and Finance, the Ministry of the Interior, the Ministry of Habous and Islamic Affairs, the Ministry of Equipment and the Office of the High Commissioner for Water and Forests and the fight against desertification (LGI 26-i).

As a result of this situation, several constraints and dysfunctions are linked to public land management mechanisms and procedures. Indeed, the multiplicity of institutional entities involved in the management of the public land, in proportion to the land tenure in this area, raises the issue of coordination (IGF 26-iv) and the convergence between these management entities and non-unification vision in terms of land mobilization (IGF 26-ii, IGF 26-iii).

## 2.4 Land Use Planning, Land Management and Taxation

In a best land management system, land use and management regulations are used primarily to avoid or reduce non-optimal or undesirable uses. They must be reasonable to avoid pushing a large part of the population into informal settlements. Regulations of this kind must therefore be formulated by ensuring public participation in the development process. This makes the role of public inquiry an essential element in the preparation of urban documents and land use plans, whether in urban or rural areas (Article 25 of Law 12.90 and PDAR Article 3 of Dahir 1.6.063 of 25 June 1960 concerning the development of rural settlements). The survey enables citizens to be informed about the project and express any observations within a specific period (LGI 7-i), (LGI 7-ii)

The change in land use is accompanied by potential gains and benefits in case of infrastructure development such as roads or other investment projects including land valuation, marketing and reconciliation of production. In other cases, land-use changes may negatively affect public profit, for example in the case of the construction of highways that marginalize cities (LGI 7-iii).

Where an act of the public utility is enacted for the expropriated properties, it has been published in the official bulletin (BO) and submitted to the concerned city to be available for consultation within a period of two months (Articles 9-10 law 7.81). Beyond two months, there is an opportunity to declare a new public utility (LGI 7-iv)

## 2.5 Effectiveness of Land Use Planning Procedures

Morocco has known for several decades, a strong continuous demographic growth. This is more profitable to cities than to the countryside because of the rural immigration. The urbanization increase is due to the internal population growth of cities as well as to the tendency of the countryside population to leave towards neighboring cities. Urban growth generates specific problems related to housing, local public services, basic infrastructure and public amenities (GRIDAUH, 2002). According to articles 19 and 20 of law 12.90 related to town planning, the purpose of the management plan is to define the allocation of the different zones according to the main land use such as inhabitant zone, industrial zone, commercial zone, tourist zone, market gardening zone, agricultural zone and forest zone. In addition, it defines the rules of land use and the housing. According to article 59 of the previous law, the building regulations set safety regulations that the buildings must respect and the conditions they must meet in the interest of hygiene, circulation, aesthetics and public convenience, including the size, volume or size (IGF 7-iv)

## 3 AN IMPLEMENTING INITIATIVE OF THE LGAF PROCESS

The Land Governance Assessment Framework (LGAF) is designed by the World Bank in 2009 to assess the status of land governance at a country or sub-national level. LGAF is based on



# Catalyzing Innovation

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY  
WASHINGTON DC, MARCH 25-29, 2019



highly-participatory and country-driven approach and follows a deliberative process. The process aims to identify good practice and reach consensus on priority areas for reform and for the testing, evaluation, and roll-out of new approaches to address key gaps in land governance.

The essential part of implementing the land governance framework is through the panel sessions. In this regard, a panel was held to evaluate and rating a set of dimensions of the instrument by bringing together professionals and specialists in land governance in Morocco. The included dimensions require a large discussion and debate among the panelists to set up a consensual and reasonable assessment. In this context, the NELGA North Africa network undertook a discussion debate through a panel to enrich the debate on issues related to land governance in Morocco and Africa.

### 3.1 Purpose of the panel

The purpose of the Panel is to evaluate a set of three indicators related to land governance. Because of their qualitative nature, the choice of land-governance indicators focused only on three indicators that require expert evaluation. Such indicators are:

- Efficiency in the urban land use planning process: land use plans and regulations are justified, effectively implemented, do not drive large parts of the population into informality, and are able to cope with population growth (**LGI 7**);
- Clarity of mandates and practice: institutional mandates concerning the regulation and management of the land sector are clearly defined, duplication of responsibilities is avoided and information is shared as needed (**LGI 26**);
- Equity and non-discrimination in the decision-making process: policies are formulated through a legitimate decision-making process that draws on inputs from all concerned. The legal framework is non-discriminatory and institutions to enforce property rights are equally accessible to all (**LGI 27**).

The other indicators based on quantitative data have been the subject of a bibliographical review. The Panel of Experts was an opportunity to carry out a pedagogical and professional exercise. It had the aim to sensitize many actors on the role of LGAF in the analysis of land policies, and to verify the contribution of LGAF and its feasibility in land policy assessment missions.

The LGAF Panel was attended by 22 experts from different institutions including: representatives of Ministry of Land Planning, Urban Planning, Habitat and Politics of the City, Surveyors Enterprises, National Order of Surveying Engineers, the National Order of Notaries, IAV Hassan II, and faculty members of the National Institute of Urban Development and Planning. The Panel was an opportunity to share experiences and knowledge among experts in the fields of land and urban planning. Participants' interventions focused on developments and innovations in national land governance strategies. Participants also highlighted some persistent problems and dysfunctions in the above-mentioned areas. The workshop agenda was devoted to evaluating land governance indicators. The evaluation sheet of the three indicators was shared with the participating experts for assessment. An evaluation sheet based of the LGAF scorecard related to the selected 3 indicators was shared in digital format with the panelists. Each member shall rate a corresponding dimension.

### 3.2 The panelists and the panel session

The selection of panelists is done in collaboration with the Network of Excellence on Land Governance in Africa (NELGA) and the Regional Council of Surveyor in Rabat-Salé-Kenitra. A half-day panel was organized by the focal point of the network of excellence on land governance NELGA in collaboration with CRRSK-ONIGT, July 5, 2018 at the headquarters of



the regional council. The panel gathers 22 experts from different institutions such as land surveyors, lawyers, planners, notaries, judges; and other professionals with a perfect knowledge of the subject. It was facilitated by the coordinator of the NELGA network in North Africa. Detailed information on the LGAF instrument and its role in the analysis and assessment of land governance at the global level as well as the dimensions that have been assigned to the panel have been presented. The second part of the panel was devoted to rating the dimensions. Thus, the panelists provide the appropriate notation based on their knowledge about the subject that the dimension is dealing with, along with a commentary that justifies their choice. At the end of the panel, the twenty evaluation sheets completed by the specialists were collected.

After collecting the evaluation sheets and establishing the scorecard of the three indicators, we were able to summarize the panel results. The affected score to each dimension in the table corresponds to the most rated by the panelists. In case of equality between two rates, we assign the best rate to the dimension (Tables 3, 4, 5) .

<b>Table 3:</b> Efficiency in the urban land use planning process: land use plans and regulations are justified, effectively implemented, do not drive large parts of the population into informality, and are able to cope with population growth (LGI 7)					
Dim		A	B	C	D
i	A policy is in place and progress is being made to ensure delivery of low-cost housing and associated services to those in need.		x		
ii	Land use planning effectively controls urban spatial expansion in the largest city in the country			x	
iii	Land use planning effectively controls urban development in the four largest cities in the country, excluding the largest city.		x		
iv	Planning processes are able to cope with urban growth		x		

<b>Table 4 :</b> Clarity of mandates and practice: institutional mandates concerning the regulation and management of the land sector are clearly defined, duplication of responsibilities is avoided and information is shared as needed (IGF 26)					
Dim		A	B	C	D
i	Policy formulation, implementation, and arbitration are properly separated.			x	
ii	The responsibilities of the ministries and agencies dealing with land do not overlap (horizontal overlap)			x	
iii	Administrative (vertical) overlap is avoided		x		
iv	Information on land ownership and use is shared among responsible institutions and relevant parts are freely accessible to the public.			x	

<b>Table 5 :</b> Equity and non-discrimination in the decision-making process: policies are formulated through a legitimate decision-making process that draws on inputs from all concerned. The legal framework is non-discriminatory and institutions to enforce property rights are equally accessible to all (LGI 27)						
Dim		scores	A	B	C	D
i	Land policies and regulations exist and are developed in a participatory manner			x		



# Catalyzing Innovation

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY  
WASHINGTON DC, MARCH 25-29, 2019



ii	There is meaningful incorporation and monitoring of equity goals in land policy			x	
iii	The implementation of land policy is costed, matched with benefits and adequately resourced			x	
iv	There is regular and public reporting indicating progress in policy implementation			x	

## 4 CONCLUSION

Regarding the separation of functions related to the formulation of land policies, their implementation and the arbitration procedures of conflicts that may result from the implementation of these policies, nine panelists confirmed the separation but there is also overlap and conflicts of responsibility that frequently cause problems. Indeed, the responsibilities exercised by the competent authorities (the ministries) in the field of land administration are defined but go beyond the responsibilities of the other agencies of the land sector, thus posing a problem of coherence. In addition to the institutional overlap, there is also an administrative overlap of land responsibilities between the different levels of government and communities, despite the clarity of this distribution and the difficulty of accessing these institutions. It should also be noted that the majority of specialists have stated that in most cases information on land rights is available for the institutions that need it but are not accessible at a reasonable cost.

The process of land policy development is experiencing delays in terms of implementation. The majority of participants agree that Morocco does not adopt a participatory land policy at the large scales. But in the other hand, it has various instruments of land policy that take the public opinion into consideration, namely in land consolidation projects, development plans and development projects. In the same sense, the question of achieving the objectives set is also a problem to consider. More than 50% of panelists agree that there is equity discrimination in favor of land over, depending on land reserves and the location of land open to investment projects. Morocco focuses on sectoral policies and not homogeneous policies, each with a specific strategy linked to a certain area. The costs of their implementation are not quantified, and generally they lack human and institutional capacities, which pushes its policies towards the non-success and the grounding.

## 5 REFERENCES

- ADAD, Moulay Abdeslam, SEMLALI, El Hassan, (2015),** *Etude d'un modèle pour les données foncières et cadastrales marocaines à travers le LADM.* The World Cadastre Summit, Congress & Exhibition. Istanbul, Turkey, p20 –25
- ADIDI A. (2016),** *La ville marocaine face aux défis du « développement durable »*, Rabat, 42p.
- ADRARI I., MEROUHAHEL A., (2014),** *Interdépendance des politiques publiques de l'urbanisme et du foncier au Maroc*, Projet de fin d'études présenté pour l'obtention du diplôme d'Ingénieur en Topographie. Institut Agronomique et Vétérinaire Hassan II, Rabat, 115p.
- Agence MCA\_Morocco, (2017),** *Notification of unseccusseful procurement*, Rabat, 1p, disponible sur :



[http://compact2.cg.gov.ma/sites/default/files/notification\\_of\\_unsuccessful\\_procurement-es-04\\_om.pdf](http://compact2.cg.gov.ma/sites/default/files/notification_of_unsuccessful_procurement-es-04_om.pdf)

- BANQUE MONDIALE.** (2012), Cadre d'analyse de la gouvernance foncière : manuel de mise en œuvre, 308p.
- BANQUE MONDIALE.** (2008), « *MARCHES FONCIERS POUR LA CROISSANCE ECONOMIQUE AU MAROC*, Volume 1- Héritage et Structures Foncières au Maroc, Les contraintes structurelles et institutionnelles à l'émergence d'un marché efficient du foncier au Maroc », 40p.
- BENZOUINA, N.** (2018), Présentation du forum AMETOP Entreprises, La gouvernance foncière : vision stratégique pour un développement durable, Forum AMETOP-Entreprises 2018, 19p.
- BOUDERBALA, N.** (1999), Les systèmes de propriété foncière au Maghreb : Le cas du Maroc, Montpellier, CIHEAM, p.47-66.
- CHAHM, F.** (2014), *Processus de mobilisation du foncier au profit de l'urbanisme au Maroc*, Projet de fin d'études présenté pour l'obtention du diplôme d'Ingénieur en Topographie, Institut Agronomique et Vétérinaire Hassan II, Rabat, 130p.
- Comité technique foncier et développement.** (2009), Gouvernance foncière et sécurisation - des droits dans les pays du Sud, [en ligne] France, 127p. Disponible sur : <http://www.agter.asso.fr/IMG/pdf/gouvernance-fonciere-et-securisation-des-droits-dans-les-pays-du-sud.pdf>
- Committee of Experts on Public Administration.** (2006), Definition of basic concepts and terminologies in governance and public administration, [en ligne] New York, United Nations, 15p. Disponible sur le lien : <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan022332.pdf>
- Cour Des Comptes.** (2015), Mobilisation du domaine privé de l'Etat au profit de l'investissement, Rabat, 12p.
- DAOUDI, F.** (2011), Droits fonciers des femmes au Maroc Entre complexité du système foncier et discrimination, Halshs 36p.
- DECROUX, P.** (1977), *Droit foncier Marocain*, 517p.
- DEININGER K., SELOD H., BURNS A.,** (2012), The Land Governance Assessment Framework: Identifying and Monitoring Good Practice in the Land Sector, Banque mondiale, Washington D.C. 168p.
- ELYOUSFI A., ELMADANI M.,** (2013), *Apport des nouvelles lois foncières : Etude comparative*, Projet de Fin d'Etudes présenté pour l'obtention du diplôme d'Ingénieur en Topographie, Institut Agronomique et Vétérinaire Hassan II, Rabat, 90p
- GIGNOUX, S.** (2015), Appréhender le droit marocain de l'immobilier : une approche transversale " droit privé-droit public ", Halshs, 35p.
- GLTN.** (2000), *Common Definitions of the Global Land Tools Network*, ONU-Habitat.
- GLTN.** (2017), *land governance : A review and analysis of key international frameworks*, ONU-Habitat, 70p.
- GRIDAUH, G.** (2002), *Présentation du droit de l'urbanisme au Maroc*, disponible sur : [http://www.gridauh.fr/fileadmin/gridauh/MEDIA/2010/travaux/urbanisme\\_sans\\_frontiere/3f4e364409786.pdf](http://www.gridauh.fr/fileadmin/gridauh/MEDIA/2010/travaux/urbanisme_sans_frontiere/3f4e364409786.pdf)
- MUAT.** (2012), Ministère d'urbanisme et d'aménagement du territoire, Direction d'urbanisme, Guide de procédures relatives à l'urbanisme et à l'habitat destiné aux gestionnaires locaux.
- International Land Coalition.** (2009), *Good governance and responses to climate changes, desertification and land degradation.*
- KAUFMANN D., RECANATINI F., BILETSKY S.,** (2002), *Assessing Governance : Diagnostic Tools and Applied Methods for Capacity Building and Action Learning.* Discussion Draft 1. Washington, D.C., World Bank Institute.



# Catalyzing Innovation

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY  
WASHINGTON DC, MARCH 25-29, 2019



- M'HASSANI M., FELJY M., KHALALI H.**, (2003), *Le système foncier au Maroc. Une sécurité et un facteur de développement durable, Au milieu urbain et rural*, étude dans le cadre du 2nd FIG Regional Conference Marrakech, Morocco.
- MEJDOUBI M., Bachelet C.**, (2016), *la pluralité des statuts juridiques fonciers en droit marocain*, Le Droit Immobilier Au Maroc, DLA PIPER, disponible sur : <https://www.dlapiper.com/~media/files/insights/publications/2016/03/article-droit-immobilier-au-maroc-fre.pdf>
- MINCOM.** (2015), *Rapport de synthèse sur l'état des lieux du secteur du foncier : Les principaux éléments du diagnostic, Assises nationales sous le thème « la politique foncière de l'Etat et son rôle dans le développement économique et social »*, Ministère de la culture et de la communication, département de la communication, Skhirat, 24p.
- Ministère de l'économie et des finances.** (2015), *Agence juridique du royaume : rapport d'activité 2015*. 142p
- NTAMPAKA.** (2008), *Gouvernance foncière en Afrique Centrale, Document de travail sur les régimes fonciers*, FAO, Rome.
- PALMER, D., FRICSKA S., WEHRMANN B.**, (2009), "Towards Improved Land Governance." Land Tenure Working Paper 11, FAO and United Nations Human Settlements, Programme, Rome.
- PIERRE, J.** (2000), *Debating Governance : Authority, Steering, and Democracy*, Oxford University Press.
- UN-HABITAT, ILC.** (2009), *Rapport du cadre d'analyse de la gouvernance foncière à Madagascar*. Banque mondiale
- USAID.** (2010), *Property Rights and Resource Governance*
- ANCFCC.** (2018a), Présentation : Chiffres clés, disponible sur : <https://www.ancfcc.gov.ma/pr%C3%A9sentation/chiffres-cl%C3%A9s/>
- ANCFCC.** (2018b), *Présentation de Mr. TAJMOUATI lors du conseil d'administration de l'ANCFCC* in : <http://www.agrimaroc.ma/ancfcc-conseil-dadministration>
- BENCHANNA, I.** (2017, mars). Construire votre maison – Droits et taxes : ce que vous devez payer avant d'habiter. *LAVIEéco*, disponible sur : <http://lavieeco.com/news/votre-maison/construire-votre-maison-droits-et-taxes-ce-que-vous-devez-payer-avant-dhabiter.html> (consulté le 20 mai 2018)
- BENTAK, M.** (2017, août), Réforme foncière : Comment améliorer la gouvernance foncière pour optimiser les investissements, *LesEco.ma*, disponible sur le lien : <http://www.leseco.ma/l-invite-des-eco/60108-comment-ameliorer-la-gouvernance-fonciere-pour-optimiser-les-investissements.html> (consulté le 25 mai 2018)
- BENTAK, M.** (2018, avril), Cadastre et cartographie, un avantage économique pour l'ANCFCC et les usagers, *LesEco.ma*, disponible sur : <http://www.leseco.ma/economie/65439-un-avantage-economique-pour-l-ancfcc-et-les-usagers.html> (consulté le 20 mai 2018)
- BERRIANE, Y.** (2015), Inclure les n'ayants pas droit : Terres collectives et inégalités de genre au Maroc, *Journals*, disponible sur : <https://journals.openedition.org/anneemaghreb/2546> (consulté le 2 juin 2018)
- EL HOURRI, A.** (2016, septembre), Ramid fixe des délais pour le traitement des affaires en justice, *Media24*, disponible sur : <https://www.medias24.com/MAROC/DROIT/166966-Ramid-fixe-un-referentiel-de-delais-pour-le-traitement-des-affaire-en-justice.html> (consulté le 3 juin 2018)
- GLTN.** (2018), *Global Land Indicators Initiative (GLII)*, disponible sur : <http://mirror.gltn.net/index.php/work-stream/global-land-indicator-initiative> (Consulté le 28/02/2018)



# Catalyzing Innovation

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY  
WASHINGTON DC, MARCH 25-29, 2019



- HATIM, H.** (2018, janvier), La politique foncière : El Othmani demande une étude sur la stratégie nationale au CESE, *TELQUEL*, disponible sur : [https://telquel.ma/2018/01/25/etude-cese\\_1577797](https://telquel.ma/2018/01/25/etude-cese_1577797) (consulté le 26 mai 2018)
- HCEFLCD**, (2018) Haut-Commissariat aux Eaux et Forêts et à la Lutte Contre la Désertification, 2018, site officiel : <http://www.eauxetforets.gov.ma/fr/text.aspx?id=990&uid=19>
- LEMAIZI, S.** (2017, novembre), Politique foncière : Lancement de la stratégie 2022, *LesEco.ma*, disponible sur le lien : <http://www.leseco.ma/economie/61432-politique-fonciere-lancement-de-la-strategie-2022.html> (consultée le 26 mai 2018)
- NAIMI, A.** (2016, avril), 1200 litiges fonciers impliquant un conservateur devant le tribunal administratif en 2015, *LaVIEéco*, disponible sur : <http://lavieeco.com/news/economie/1-200-litiges-fonciers-impliquant-un-conservateur-devant-le-tribunal-administratif-en-2015.html>, (consulté le 3 juin 2018)
- NAIMI, A.** (2016, septembre), Près de 80% des expropriations sont contentieuses, *LaVIEéco*, disponible sur : <http://lavieeco.com/news/economie/pres-de-80-des-expropriations-sont-contentieuses.html> (consulté en 2 juin 2018)