

Management of Civil Service in Morocco: Realities and Prospects

*Dr. Bouazzaoui Boujema **

Abstract

The intent of this research is to reflect on the main weaknesses of civil service in Morocco, including the excessive concentration of services, decision-making authorities and resources at central level, a discrepancy between human resources and the needs of the public service, the inexistence of a direct link between the wages paid and the real value of the contribution made by the employee concerned, and the poor civil service management as well as the absence of a human resources management culture based on merit, competence and performance. The research also presents a set of reforms to deal with this reality.

Structured around three points: ‘The Reality of Civil Service in Morocco’, ‘The Main Reforms of the Civil Service system’ and ‘New approaches and Methods on the Legal and Managerial Axis’, this research has a practical and theoretical importance.

Adopting the inductive method and the analytical approach, the research recommends that the evaluation, remuneration and promotion of civil servants should be based on transparency and equity with the objective of improving staff recruitment, as well as the increase of professionalization of the human resources management in the various public entities by using new approaches.

Keywords: Decision-making authorities, human resources, civil services reforms, merit, competence, performance.

* **Professor of Administrative Law, Faculty of Juridical, Economoc and Social Sciences-Agdal, University of Mohamed V, Rabat, Kingdom of Morocco.**

Introduction

Developing the internal potential and improving the civil service performance in Morocco are absolute preconditions to deal with the rapid changes in the business environment, including globalization and technological innovations.

The Moroccan civil service is suffering from many weaknesses: an excessive concentration of services, decision-making authorities and resources at central level and a discrepancy between human resources and the needs of the public service. This is in addition to, the inexistence of a direct link between the wages paid and the real value of the contribution made by the employee concerned. Moreover, there is poor civil service management and an absence of a resource management culture based on merit, competence and performance.

Moroccan Authorities are conscious of the major role of Civil Servants in attaining economic and social government policies. The General Civil Service Statute (GCSS) was issued in February 1958 under the Royal decree n° 1.58.008⁽¹⁾, which has been revised at least fourteen times⁽²⁾. Most of these reforms are aimed at preventing people from holding multiple posts and wages and supporting the transfer of staff between departments and local governments (mobility).

For the purpose of this research, we will focus on civil service reforms established in the last decade (2005-2015). In fact, there has been an

(1) The Official Gazette N° 2372 issued on April 11, 1958.

(2) Since its adoption in 1958, the following amendments have been introduced to the GCSS:

- Royal Decree N° 1.59.329 issued on 16/11/1959, O.G N° 2459 on 11/12/1959.
- Royal Decree N° 1.61.400 issued on 10/9/1962, O.G N° 2604 on 21/9/1962.
- Royal Decree N° 1.63.039 issued on 1/3/1963, O.G N° 2629 on 15/3/1963 (Interior Department administrators).
- The Royal Decree N° 1.38.66 issued on 9/6/1966, O.G N° 2798 on 15/6/1966 (compulsory military service).
- Royal Decree N° 354.67 issued on 26/6/1967, O.G N° 2863 on 13/9/1967 (the Supreme Civil Service Board).
- Royal Decree N° 710.68 issued on 17/12/1968, O.G N° 2930 on 25/12/1968 (Leaving the civil service).
- Law N° 90.28 issued on 15/10/1991, O.G N° 4123 on 6/11/1991 (establishing secondees as permanent staff).
- Law N° 19.87 issued on 10/9/1993, O.G N° 4225 on 20/10/1993 (Suspension).
- Law N° 15.93 issued on 2/3/1994, O.G N° 4226 on 6/3/1994 (possibility for employee to join his spouse).
- Law N° 20.94 issued on 26/1/1995, O.G N° 4293 on 8/2/1995 (sick and maternity leaves).
- Law N° 10.97 issued on 2/8/1997, O.G N° 4518 on 18/9/1997 (redeployment, leaving the civil service and unpaid leave).
- Law N° 75.99 issued on 26/12/2000, O.G N° 4866 on 18/1/2001 (the Supreme Civil Service Board).
- Law N° 50.05 issued on 18/2/2011, O.G N° 5944 on 19/5/2011 (temporary transfer, fixed-term contract, open and fair competition as a general rule for employment)
- Law N° 04.11 issued on 2/7/2011, O.G N° 5962 on 21/7/2011.

accelerating scope of reforms. The adoption of the new constitution in 2011⁽³⁾, which established principles of good governance in civil service, offers a big opportunity to review the general civil service statute.

It seems that the big challenge for the Moroccan government is stopping the downward spiral of unsuccessful reforms. The achievement of this goal requires changing the approach and the tools that have been adopted and being confident in civil service reforms⁽⁴⁾. Moreover, the public authorities have to trust in its partners, specifically civil servants, citizens, and civil society. The participatory approach, by involving all these actors in the processes of the civil service reform, is beneficial for public administration performance.

Morocco can't deal with a wide variety of challenges in economic, political, and social fields without an efficient civil service. Indeed, human resources and their management have been considered vital in the attainment of a sustainable, competitive advantage⁽⁵⁾.

The Reality of Civil Service in Morocco

The Government's aim was to provide Morocco with a modern civil service that could contribute to the competitiveness of the economy and to the sustainable development of the country while ensuring the viability of its macroeconomic framework.

Unfortunately, this goal has not been achieved, because the civil service is still suffering from ineffectiveness and poor performance.

There are many factors, which may explain the "crisis" of The Moroccan civil service. In fact, while theories of administrative science show that the administration's context determines its efficiency, the Moroccan government has maintained the same organization of public administration during the French colonization.

This administrative system is inadequate for the tasks it has to perform and for dealing with the Moroccan's economic, political and social reality. Moreover, the French administrative heritage has been transformed into a real constraint against building a modern public administration. For instance, the civil service

(3) O.G., n° 5964 bis on 30/7/2011.

(4) Al-Arkoubi, K., Organizational change in Morocco: The case of human resources management in the Ministry of Equipment, 1999.

(5) Asta S. and Zivile S., Human Resources Management and Performance: From Practices towards Sustainable Competitive Advantage, 2012.

is unfamiliar with human resources management models. Another factor which may explain the ineffectiveness of the civil service is that the Moroccan government maintains the same approach and tries to cure public service illness by the same treatment: amending legal texts.

The Ministry of Economy and Finance's report on human resources, which accompanies the Finance Bill for the fiscal year 2015, shows that the wages are increasing (Sector wage bills represent 12% of GDP). From the period between 2007 and 2014, the budget for civil state personnel recorded an average annual increase of 1.36% and an overall increase of 9.95%. This trend was due to budgetary positions being created and deleted. For example, the number of budgetary positions created in 2007 was 7000 compared to 17975 in 2014. The rate of retirements during the period 2007- 2014 shows a strong upward trend⁽⁶⁾. Thus, the number of retirees reached 13,338 by the end of 2014, representing an increase of 16% in comparison with 2013. This upward trend will increase further over the next 4 years. The expected number of retirees is 92,452, which represents 16% of the current workforce of the State, excluding the measures foreseen in the context of the reform of pension systems⁽⁷⁾.

The number of budgetary positions created in the period 2007-2014 shows the Government's commitment to supporting sector-based strategies, and the urgent need for human resources. The departments of Education and Higher Education, the Interior, and Health and Justice account for 80% of all budgetary position creations that occurred during the 2007-2014 period (table n°1). The Ministry of Economy and Finance's report on human resources in 2015, highlighted inequality in the distribution of civil servants by department. In 2014, Of the 577,277 civil servants' positions, over 90% are concentrated in seven ministry departments. The table below shows their distribution by department.

(6) In 2005/early 2006 the Moroccan Government adopted an early Retirement Program (ERP). Retirement was voluntary, although ministries had the right to refuse applications where positions were considered crucial. More than 52,500 applications were received and about 38,600 were accepted (approximately 8 percent of the civil service). The ERP has produced a relative improvement in the qualitative characteristics of civil servants, especially by making the civil service younger due to the age structure of ERP beneficiaries, the majority of whom are over 50 years of age. The ERP has also resulted in a partial reduction of disparities in the regional distribution of civil servants at the expense of the major regions (Casablanca, Fez, Rabat).

(7) The Ministry of Economy and Finance's report on human resources (2015).

Table n° 1- Distribution by department⁽⁸⁾

Ministry of Education and Professional Training	292,412	51%
Ministry of Interior	110,226	19%
Ministry of Health	48,348	8%
Ministry of higher Education, Scientific research and the training of executives	23,864	4%
Ministry of Justice and Liberties	20,722	4%
Ministry of economy and finance	18,380	3%
General delegation for prison administration and rehabilitation	10,417	2%
Other departments	52,908	9%
Total	577,277	100%

Age distribution is another big challenge for Moroccan Authorities. The age distribution of civil servants is as follows: 0, 6% of civil servants are under 25, 22% are under 35, over 53% of the public servants are over 45. These figures show a small proportion of youth in the public administration, justified by the increase in the age of access to the public service after the time required to graduate from higher education.

The costs of state personnel during the 2007-2014 period, has increased notably. The expenses of state employees witnessed a significant growth from 66,7 billion dirhams in 2007 to close to 104 billion dirhams in 2014, thus an increase of 55,4% and an annual average of 6,5%.

Table n°2, indicators of payroll expenditures⁽⁹⁾

Year	GDP By Millions of dirhams	Payroll Expenditures By millions of dirhams	Evolution of Payroll Expenditures	Payroll Expenditures/ GDP	Payroll Expenditures/ General Budget	Payroll Expenditures/ Operating Budget
2007	616,254	66,721	-	10.83 %	34.29 %	60.90 %
2008	688,843	70,314	5.39%	10.21%	33.76%	56.57%
2009	732,449	74,027	5.28%	10.11%	29.17%	49.07%
2010	764,031	80,268	8.43%	10.51%	35.06%	58.63%
2011	802,607	88,973	10.84%	11.09%	36.71%	58.54%
2012	827,497	96,283	8.22%	11.64%	33.23%	51.26%
2013	872,791	98,223	2.01%	11.25%	33.02%	49.29%
2014	917,323	103,700	5.58%	11.30%	33.87%	52.02%
Average			6.54%	10.87%	33.55%	53.63%

(8) Ministry of Economy and Finance report on human resources (2015).

(9) Ministry of Economy and Finance report on human resources (2015).

Controlling the costs of personnel is required for a sound and transparent management of public finances. The recorded payroll from 2013 was only a difference of 223 million dirhams from the promulgation of the Finance Act 2013, slightly exceeding 0.2% in comparison 3% in 2012⁽¹⁰⁾. Personnel expenses during the first 7 months were 60.52 billion dirhams, out of which 52.7 billion were served by the Personnel Expenses Directorate (Direction des Dépenses de Personnel or DDP) under the General Treasury of the Kingdom (Trésorerie Générale du Royaume). Thereby, it is apparent the government needs to correct the significant rise in the civil service wage. Reforms in the pay and promotion, strategic staffing, and evaluation systems should facilitate the management of the wage significantly; in the short term, the Government would be able to bring the wage bill down.

Main reforms of the Civil Service System

The Moroccan Government was conscious of these civil service challenges, and it constantly sought solutions. Aiming to improve public administration and civil servants' performance, the Civil Service Statute was subject to many reforms, most of them focused on the promotion of officials and recruitment.

For decades, the promotion of civil servants had been one of the serious weaknesses of Moroccan public administration. Seniority was the main criteria for promoting a civil servant. Consequently, employees did not pay attention to their performance or productivity. This behavior makes the administrative action more expensive because the government is obliged to recruit more people, and the citizens complain about the civil service's poor performance. However, civil servants would be more productive if the promotion depended on their productivity.

To mitigate this problem a decree n°2.04.403 was adopted in early December 2005⁽¹¹⁾ reforming promotions and establishing new and transparent procedures for performance evaluation. The decree amplified the traditional procedure of annual rating with an evaluation procedure that had to take place at least once every two years and which is presented as a prerequisite for any new promotion. Performance evaluation plays a determining role in employees' eligibility for future promotions (half of the employee's rating is based on performance)⁽¹²⁾.

(10) Ministry of Economy and Finance report on human resources (2015).

(11) The Official Gazette N° 5379, issued on 19/12/2005.

(12) Document of the World Bank, Implementation on completion and results report, IBRD-72450-73700, on a series of programmatic loans to the Kingdom of Morocco, for a public administration reform

The decree set conditions for the promotion of public employees.

It stated in article n° 2 that evaluation and promotion of civil servants had to be based on:

- Completion of the job;
- Profitability;
- Organizational accomplishment;
- Professional behaviour;
- Research and innovation.

These reforms were shaped by the law N° 50.05 issued on 18/2/2011. This law's aim was for the promotion of a civil servant be based on passing the professional competence exam. These reforms show that the government was well aware of the civil service problem. It is now confident that civil servants must be appraised and graded annually on their professional knowledge, effectiveness, performance, and behavior. From this perspective, replacing seniority by profitability in the promotion of servants is a silent revolution in the Moroccan public administration. Furthermore, it is beneficial for the government to have its public administration performing well, and to drive improvement in public services delivery.

The civil service was suffering from a problem of recruitment for a long time. Before 2011, the recruitment was based on ambiguous criteria, for instance, recruitment was based on graduates. This manner of recruiting was a source of inequality and corruption, because of the absence of a clear criteria for choosing the best candidates.

To alleviate this problem the public authorities have established principles of transparency, merit and equal opportunities in recruitment. This method has been found to be an the appropriate way for recruiting highly professional staff capable of improving human resources management in the public sector and increasing the effectiveness and quality of public services.

In February 2011 Public Authorities adopted a Law N° 05.50⁽¹³⁾, amending the GCSS (The General Civil Service Statute) and a Decree on application of law 05.50 which set up conditions and modalities for organizing entrance exams.

loan, 25/6/2009.

(13) O.G., n° 5944 on 19/5/2011.

The purpose of the reform was aimed at establishing competition as a mechanism to access the civil service, based on merit and equal opportunities. Additionally, it was made to simplify the procedure for organizing recruitments in a way that promotes transparency and ensures equal opportunities for all candidates. Furthermore, in order to recruit skilled staff to occupy rare posts these provisions enabled public administrations to sign fixed-term contracts.

The constitution embodied these principles and created equal opportunities. It stated that both men and women would enjoy, on an equal footing, the civic, political, economic, social, cultural and environmental rights and freedom (Article 19 of constitution of 2011, O.G N° 5964 bis on 30/7/2011). It added in article 31 that “access to public office would be on the basis of merit” (Article 31 of constitution of 2011, O.G N° 5964 bis on 30/7/2011); and an organic law determines the principles and criterion to be observed in the appointments to higher civil positions, mainly those relating to equal opportunity, merit, competence and transparency (Article 92 of constitution of 2011, O.G N° 5964 bis on 30/7/2011).

There are questions about the efficiency of these reforms; their success depends on their application to civil service, and on the public authorities’ trust in these reforms. Moreover, the adoption of a new constitution (2011) was a chance to revive reforms. The constitution had established new principles of good governance and of public service. The overhaul of legal and institutional frameworks, defining, regulating and adopting modern management tools should be implemented. Officials are called upon to work in a modern, effective, and efficient way to achieve the constitutional objectives.

New approaches and methods on the legal and managerial Axis

In Morocco, good governance will certainly enhance public services performance. The Moroccan constitution has stated that the organization of public services shall be based on an equal, fair, sustainable and nationwide basis. Services are available to all citizens, men and women alike. They shall meet the required standards of quality, transparency, accountability and responsibility, and shall conform to the democratic tenets and values enshrined in the Constitution (Article 154 of constitution of 2011, O.G N° 5964 bis on 30/7/2011).

Public services shall receive observations, suggestions, and complaints from the citizens (Article 156 of constitution). These provisions are considered as a

pledge of transparency and good governance of public services in Morocco.

Public services shall report on the management of public funds, in keeping with the legislation in force, and shall, in this respect, have a duty to submit to checking and assessment operations. In order to guarantee a civil service oriented to satisfy citizens, to be responsible, and professional, the new general statute should be based on:

- The principle of the primacy of public interest over special interest;
- The principle of legality;
- the principles of neutrality, impartiality and fairness;
- the principles of quality and efficacy;
- the principles of economy and efficiency;
- The institutional responsibility vis-à-vis to the users.

Furthermore, the legal framework of civil servants suffers from the plurality of statutes. Certainly, the main statute is the general statute of civil service of 1958, but in parallel there are many particular and specific statutes which also, govern civil servants in Morocco. Therefore, the new statute of civil service must be available for all categories of civil servants. In other words, this plurality could be a source of injustice and insecurity in the treatment of Civil servants. In particular, the performance of officials will be measured with a double gauge.

Moreover, the general statute of civil service of 1958 contained rights and responsibilities, which looked well developed in that period, but progress has created a new generation of rights and responsibilities which should be introduced in the new statute. The constitution has established a framework of civil servants' rights and responsibilities, when it stated that the constitutional system of the Kingdom shall be based on the separation, balance and cooperation of powers, on democratic, participatory citizenship, on the principles of good governance, as well as on the close relationship between assuming responsibility and being subjected to accountability (Article n° 1 of constitution of 2011, O.G N° 5964 bis on 30/7/2011). The article 155 of the same text states that public service staff shall discharge their duties in accordance with the principles of compliance with the law, neutrality, transparency, probity, and public interest. To sum up, constitutional innovations and the emergence of new methods of public management require a revival of the duties of civil servants. Hence, it

is expected from those civil servants to respect the following duties:

- The defense of public interest and belief in it.
- The performance of duties impartially, and appropriately;
- The continuous improvement of its productivity and performance, especially by continuous training;
- Showing sense of professionalism both at work and outside of work;
- Adherence to the values of public service and respect of the rules of ethical and professional conduct in force in the public service;
- Ensuring access to information for citizens and users of public services, according to legislation in force;
- Denouncing any illegal act or fact affecting the general interest;
- Skills and job performance of the civil servants are submitted to an annual evaluation.

In order to ensure their independence, civil servants enjoy a number of protections and rights. A protection system, that enables them to perform their functions without fear of any external influence, must be established. The statute should assure the following rights:

- The freedom of opinion and expression must be guaranteed in accordance with the law;
- Protection against discrimination based on religious, linguistic, ethnic or regional considerations, and, more generally, on any basis which is contrary to human rights;
- The right to form and / or belong to union;
- To benefit from the wage scale advancements;
- To benefit from job security, the administration can terminate the employment relationship as the conditions and procedures expressly provided for by statute after exhausting the appeal remedies provided by the law;
- To be entitled to fair remuneration, transparent, equitable and predictable;
- To receive any useful training to acquire skills as part of a training policy

and Career Development;

- To benefit from a protection mechanism when denounces an illegal act committed by a subordinate, a colleague or a superior.

Modernizing the general status of the civil service is important, but it is insufficient to change practices of human resources in Moroccan public administration. Laws and regulations alone are insufficient for creating new behaviors conforming to a new institutional framework. The central theme in public administration is how civil servants respond - in terms of motivation and performance - to management interventions. These interventions are expected to affect extrinsic motivation positively if they involve incentives or sanctions, but they may also affect intrinsic motivation. As when both extrinsic and intrinsic motivation are taken separately, the more we are motivated, the more effort we will put into a task⁽¹⁴⁾. However, it is necessary to highlight that public service motivation is prosocial and linked to the delivery of public services and to the internal satisfaction from helping others and society, while intrinsic task motivation relates to the individual's own enjoyment of the task.

The public administration must break away from the French model of managing civil servants. This model is based on career system and the grouping of civil servants, recruited under the same conditions, into "corps" system, with pay scales and grades specific to each corps and with few performance incentives.

If the principle of career promotion is maintained, its impact will be limited to wage scale progression. In particular, the pay grade must be distinct from the employment. The modernization of human resource management is a strategic axis of the upgrade plans and requires an innovative approach to the management of human capital, based on merit and competence development.

Good management of human resources depends on developing a Strategic Staffing Framework (Référentiel des Emplois et des Compétences-REC). Since 2006, the majority of departments have gradually established their strategic staffing Frame work (SSF) to improve consistency between staffing and missions; while continuing to develop new tools like creating a new job classification, preparing a new remuneration based in part on performance

(14) Bohnet, I., Frey, B.S. and Huck, S., More order with less law: On contract enforcement, trust, and crowding. *The American Political Science Review*, 95 (1), 2001, Pp.131-144.

and the new job classification. In parallel, the current system should be kept streamlining by improving recruitment and mobility, changing rules for evaluation and promotion, and strengthening professional in-service training. Policy measures have included introducing new management tools – strategic staffing frameworks, new job classification, new remuneration system - and improving the current management system⁽¹⁵⁾.

The Strategic Staffing Framework has been slightly exhausted up to now, in the absence of an integrated policy of human resource management in the public service. However, The SSF is the key tool, around which the whole of human resources management processes will be developed.

Conclusion

The diagnosis of civil service in Morocco clearly shows that it needs urgent reform, which should introduce the strategic staffing frameworks. Additionally, the evaluation, remuneration and promotion of civil servants should be based on transparency and equity with the objective of improving staff recruitment. Furthermore, increasing the professionalization of the human resources management in the various public entities is another way to improve the performance of the Moroccan public administration.

(15) Document of the world bank (2009) Implementation on completion and results report, IBRD-72450-73700, on a series of programmatic loans to the Kingdom of Morocco, for a public administration reform loan, 2/6/2009.

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