

Navigating complexity: Exploring land planning and management challenges in Morocco

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Abstract

This paper investigates the complexities of land management in Morocco, highlighting the shortcomings of its land tenure system and the challenges stemming from planning techniques. It examines the legal, institutional, and operational frameworks, revealing how limited consideration of land characteristics in planning processes leads to significant implementation constraints. The analysis addresses governance issues, land programming across multiple levels—national sectoral, strategic territorial, and urban—and the financial and legislative obstacles to land mobilisation. Additionally, this paper assesses the current urban policy to underscore the gaps in land resource optimisation. Finally, it identifies sustainable land use practices and proposes strategies for revitalising land management in Morocco, grounded in international standards and best practices.

Key words: Land governance, planning processes, urban policy.

1. Introduction

Land tenure is defined as “the set of relationships between people concerning access to and control over land and natural resources” (Lavigne Delville and Le Meur, 2016, p.84). Shaped by history, it has evolved through customary laws and unique local practices specific to each country. It also represents a social dynamic, mirroring the governance and cultural management of the society. Land governance defines property rights and how they are administered by stakeholders. Additionally, it intersects with several public policies across different scales of territorial development (Land and Development technical committee, 2009).

In Africa, land tenure sits at the crossroads of various imperatives for territorial sustainability, including food supply and natural resource protection (Gueringer, Perrin and Barthes, 2017). Land serves a crucial social function as a source of attachment and identity, and as a means of maintaining ties among managing communities (Mansion and Broutin, 2014). The continent is experiencing a rapid demographic growth, with projections indicating that the population will reach 2.8 billion by 2060 (Canning, Jobanputra, and Yazbeck, 2016). This growth is accompanied by swift urbanisation, which increases the pressure on urban and rural lands.

Mansion and Broutin (2014) highlight the complexity of African land tenure legislation, characterised by the coexistence of customary practices and modern regimes. Land structures exhibit a notable duality, with state-managed public lands on one side and traditional customs, which sometimes lead to social conflicts, on the other. Modern practices, established during colonisation, were based on the privatisation of property and initially favoured colonists and elites (Lavigne Delville and Le Meur, 2016).

Historically, colonisation established a legal basis for property, introducing the concept of the state domain, whereby the state became the owner of unregistered lands while preserving certain customary rights for land use and exploitation (Comby, 2007). This system has resulted in a complex legal framework that, despite independence, has not led to significant structural reforms in many African countries. Colonial regulations were maintained, allowing governments to retain control and redistribute land power (Chouquer, 2009).

The diversity of rules implies that local stakeholders have greater governance flexibility, which encourages competition among regulatory bodies (Lavigne Delville and Le Meur, 2016). This situation leads to arbitrary management practices that disproportionately harm disadvantaged populations. As a result, African land tenure systems remain characterised by legal complexity and high institutional risks, stemming from diverse and often contradictory regulatory frameworks. This context underscores an urgent need for reforms to improve land management and mitigate the risks associated with these systems (Mansion and Broutin, 2014).

In Morocco, land is a strategic priority for economic growth and reducing socio-spatial inequalities (Economic, Social, and Environmental Council, 2019). Gradually, several actions have been undertaken to amend the Kingdom's land policy. In December 2015, reflective discussions were initiated at the National Land Tenure Conference, held under the high patronage of His Majesty King Mohammed VI. The Royal Letter addressed to participants called on the government to design and implement a National Land Strategy, which is currently under development. Additionally, the legal framework is being progressively reformed to align with new socioeconomic requirements (Economic, Social, and Environmental Council, 2018).

The Moroccan land tenure system is characterised by a dual regime of registered and unregistered properties, with a diversity of legal statuses, each governed by its own institutional and regulatory framework. Land issues involve numerous stakeholders and decision-making commissions, and the rules for property transfer are varied and often complex (El Ouagari, 2021).

Furthermore, national sectoral plans are designed without a strategic orientation framework, leading to difficulties in intersectoral convergence (Economic, Social, and Environmental Council, 2019). Their lack of coherence, particularly regarding land issues, hampers operationalisation. Similarly, territorial planning documents are created without adequately addressing land issues. Major projects are often planned on parcels without an understanding of their legal and physical constraints, which hinders realisation. This also affects urban planning documents, as they are frequently developed using outdated land maps or without proper land surveying (Valyans Consulting and AESA Europe, 2022).

Consequently, the lack of control over land data during the planning process leads to discrepancies between projections and actual outcomes. Securing land plots poses a substantial obstacle to deploying national strategies and territorial documents. This difficulty stems from multidimensional dysfunctions, including operational, legislative, financial, and governance issues (Guezzar, 2019).

Therefore, this paper aims to explore the shortcomings in land planning and identify ways to improve land optimisation. Its objective is to examine the land tenure system in Morocco and pinpoint the factors contributing to challenges in land management stemming from planning techniques. The organisation of this paper is as follows: Section 2 highlights the legal framework, stakeholders, characteristics, and mobilisation processes for each legal status,

exposing the complexity of the land tenure system and its regulatory and governance shortcomings. Section 3 analyses land programming at three levels of planning: national sectoral, strategic territorial, and urban. This section demonstrates the limited consideration given to land characteristics during the planning process, leading to constraints in implementing planning documents. Section 4 examines factors contributing to land management challenges within the urban planning system, presenting financial, legislative, and governance issues affecting land mobilisation. It also details the current urban policy, highlighting gaps in land resource optimisation. Finally, the conclusion summarises key findings and outlines approaches to addressing land issues on an international scale. The aim is to identify sustainable land use planning and management practices to instil a new dynamic in Morocco.

This paper relies on a literature review of land tenure issues in Africa and Morocco, drawing on a diverse range of published sources. It is grounded in a detailed documentary analysis of legislative and regulatory frameworks pertaining to land management and planning in Morocco. Additionally, it builds on an examination of national, territorial, and urban planning documents, such as the National Strategy for the Development of Logistic Competitiveness 2010-2030, the Casablanca-Settat Regional Spatial Planning Scheme, the Casablanca-Settat Regional Development Programme 2016-2021, and the 2012 Settat Development Plan.

2. Complexity of Morocco's land tenure system

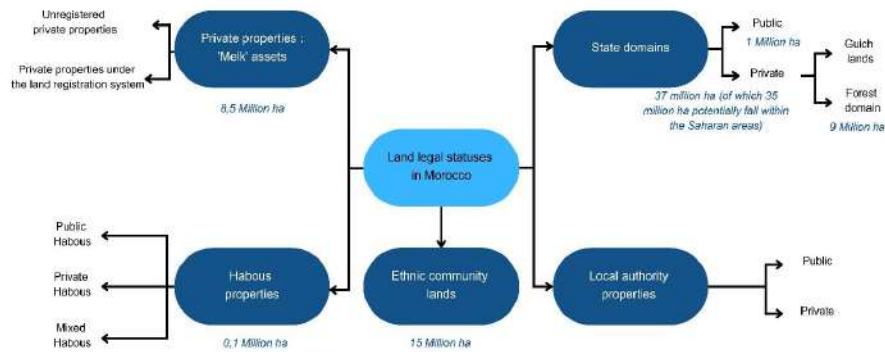
Morocco's land tenure system combines traditional Muslim law with the modern land registration law established in 1913, creating a dual legal framework for registered and unregistered property (M'Hasni, Feljy, and Khalali, 2003). A range of legal statuses, each governed by specific laws, processes, and stakeholders, further characterises the land structure. This section explores the distinctive features of each status, addressing the limitations within the legal framework and constraints on land mobilisation. In addition, it examines limitations in land governance.

2.1 Specific features of land tenure legal statuses

Morocco's history has significantly shaped land access and property rights. In the pre-Islamic era, land was collectively held by tribes, with no concept of private property. The introduction of Islam in the seventh century created a distinction between land owned by the Muslim community and land managed by beneficiary tribes (Rhomri Mounir, 2019). During the protectorate period, further changes occurred, separating land managed by the administration from privately owned land. The land registration system, implemented in 1913, officially recognised individual ownership (Economic, Social, and Environmental Council, 2019).

Today, the registration process identifies assets and specifies the associated rights. However, it remains optional, resulting in a dual land tenure system that combines Muslim and modern laws. This duality creates insecurity in real estate transactions, as unregistered property lacks publicised rights and faces restrictions on access to financing. Consequently, limited land registration undermines land management and weakens the security of property ownership. Rhomri Mounir (2019) notes that this widespread lack of registration negatively impacts the overall security of property exchanges. Furthermore, the legal landscape is complex, with numerous statuses to consider (Figure 1) and an extensive legislative and regulatory framework. However, this system has limitations, including intricate rules, varied mobilisation methods, and outdated regulations (El Ouagari, 2021).

Figure 1: Legal statuses of the land tenure system in Morocco



Note: Figure 1 illustrates the various legal statuses of land in Morocco, as detailed in Section 2.1, and specifies their extent in hectares, based on data from the Economic, Social, and Environmental Council (2018).

Private properties, referred to as “Melk” assets, are typically characterised by their alienability, prescriptibility (excluding registered properties), and seizability. These assets may be registered or unregistered and are subject to expropriation for public use. The expropriation process can range from voluntary ownership transfers to forced transfers by the state, such as confiscation or pre-emption. While private investments can facilitate rapid ownership transfers with minimal stakeholder involvement, expropriation for public use is common. However, the management of these properties, especially in rural areas, is often complicated by joint ownership and fragmentation. Additionally, the slow pace of expropriation procedures often stems from compensation assessments by authorities, which frequently fall below market value, leading to legal disputes and delays in final compensation payments to the expropriated party (Millennium Challenge Account Morocco, 2020).

According to El Ouagari (2021), the State’s public domain includes properties, such as roads and buildings, that are not privately owned and are deemed inalienable, unseizable, and imprescriptible. These assets may be used for up to 10 or 20 years under certain conditions and can be transferred to the State’s private domain if they are no longer needed for public use. However, the laws governing this process date back to 1914 and 1918, rendering the procedure complicated and time-consuming.

The State’s private domain (SPD) includes assets that belong to the state but are not part of its public domain. These assets can be registered, expropriated, and mobilised through various means, including amicable agreements or expropriation involving pre-emption, confiscation, declassification, exchange, or donation. To encourage agricultural investments, public-private partnerships may involve leasing or selling land. However, the SPD faces challenges such as low registration rates, insufficient project monitoring, and a lengthy

expropriation process. Moreover, there is no mechanism to replenish the state land reserve, posing a significant issue due to its depletion (Millennium Challenge Account Morocco, 2020).

As stated by Rhomri Mounir (2019), Guich lands are a component of the SPD and were allocated to the military prior to 1912 as a form of compensation, exempt from taxation. These lands are inalienable, prescriptible, and seizable, and can be registered and expropriated in the public interest. However, challenges such as low registration rates and the absence of specific regulations governing their management make it difficult to mobilise these lands for investment purposes (Millennium Challenge Account Morocco, 2020).

The forest domain, a component of the SPD, includes state-owned woodlands, maritime and terrestrial dunes, and sandy dunes. This estate also comprises woodlands managed by local authorities and private individuals, with the state entrusted with management. These assets are inalienable except for cases of public utility and may be expropriated. The process for utilising these assets varies by project, with distraction applied for public utility projects, and temporary occupation or real estate exchange used for other purposes. For large infrastructure projects, expropriation for public utility may be required to transfer assets from the forest estate to the SPD. These processes involve numerous stakeholders (Millennium Challenge Account Morocco, 2020).

Local authority properties are divided into two categories: public and private. The public domain includes spaces such as streets, squares, and parks and is non-transferable, immutable, and cannot be leased for more than 10-20 years. Conversely, private property refers to assets outside the public domain that can be managed through leases, sales, transfers, or exchanges, often by tender or informal means. However, managing these properties is complicated by illegal occupation, compounded by outdated regulations, slow registration processes, and complex procedures. Despite efforts to modernise legislation for communes with Organic Law 113-14 in 2015, the legal framework remains outdated (Millennium Challenge Account Morocco, 2020).

Ethnic community lands, commonly used for farming or grazing and governed by traditional practices, possess unique characteristics, such as being imprescriptible and unseizable, yet subject to expropriation (Decroux, 1977). These lands can be mobilised through either melkisation or alienation, which involves transferring ownership from undivided community ownership to individual private ownership via rights of claim or direct agreements (e.g., partnerships, exchanges). However, despite the modernisation of the legal framework in 2019, mobilising these lands remains challenging due to slow asset clearance and a high volume of court disputes (Millennium Challenge Account Morocco, 2020).

Habous properties are assets held for pious or charitable purposes and are divided into three categories: public, private, and mixed. Public properties are used for general purposes, private ones benefit the settlor's family for up to three generations, and mixed properties combine both purposes (Idllalène, 2013). These assets are inalienable, imprescriptible, and unseizable, but they can be registered, exchanged, or expropriated with the agreement of the Ministry of Habous and Islamic Affairs. They can be mobilised in various ways, such as through donations, exchanges, auctions, tendered leases, and public-private partnerships. However, their management is often hindered by slow registration and numerous disputes, making mobilisation procedures lengthy, restrictive, and subject to the required approval of the supervisory administration (Ministry of Habous and Islamic Affairs, 2010).

2.2 Institutional framework and land governance

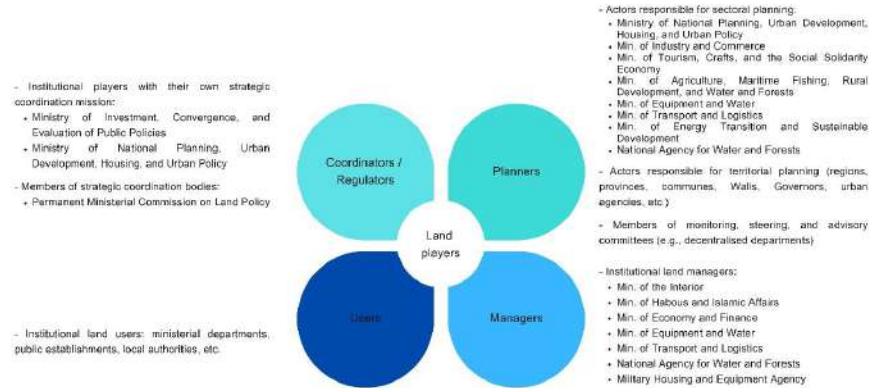
In Morocco, the dual nature of the land regime and the multitude of legal statuses result in numerous stakeholders operating under the jurisdiction of various ministerial departments (Millennium Challenge Account Morocco, 2020; El Ouagari, 2021). Table 1 lists the primary actors for each land status.

Land status	Stakeholders
Melk properties	Individuals or legal entities under private law, along with all entities empowered to expropriate.
State public domain	Ministry of Public Works and Water, Provincial Public Works Departments, Unified Regional Investment Commissions (URIC), and designated public institutions.
State private domain	Ministry of Economy and Finance via the State Domains Directorate, Regional Directorates of State Domains, URIC.
Guich lands	State Domains Directorate, State, Usufructuary Tribes.
Forest domain	Departments, Regional Directorates, and Provincial Services of Water and Forests, URIC.
Habous properties	His Majesty King Mohammed VI, Ministry of Habous and Islamic Affairs, Supreme Council for the Control of Finances of Habous, Constituents, Beneficiaries.
Ethnic community land	Supervised by the Ministry of the Interior (Directorate of Rural Affairs), Ethnic Communities, Beneficiaries, Naibs, Central and Provincial Trusteeship Councils.
Local authority properties	Local Authorities (Regions, Prefectures, Provinces, Municipalities) supervised by the Ministry of the Interior.

Table 1: Main land stakeholders in Morocco.

According to Valyans Consulting and AESA Europe (2022), land actors are divided into four categories: regulators, planners, managers, and users (Figure 2). Regulatory bodies play a key role in coordinating strategies to ensure the highest level of governance. They establish land strategies and oversee their implementation. Planners represent institutional planning bodies, including sectoral, territorial, and urban planners, who program land use and occupation. Managers are landowners, such as ministries and agencies responsible for land administration. Finally, users require access to and acquisition of land plots to fulfil their prerogatives.

Figure 2: Key actors in the land sector, categorised by field of action.



Note: Figure 2 illustrates the key stakeholders involved in land issues, categorised by their field of action. The main actors within each category are listed, compiled based on data from Valyans Consulting and AESA Europe (2022).

There are four levels of governance in Morocco: strategic coordination, sectoral and territorial planning, mobilisation, and monitoring and evaluation. Strategic coordination involves developing public policies that address land issues and align them with one another. However, at this level, coordination and communication between regulatory bodies occasionally lack synergy, resulting in limited convergence of public policies. Sectoral planning is conducted by central departments, often without fully considering local territorial features, which can hinder implementation. The absence of a comprehensive strategy and reference framework sometimes leads to land being programmed individually by each party involved, without cohesive oversight of other departments' actions. Monitoring and evaluation are characterised by systems that require strengthening at all levels of governance. Nevertheless, significant improvements are underway, including the development of the National Land Strategy and its implementation mechanisms, following Royal High Directions (Valyans Consulting and AESA Europe, 2022).

3. Sectoral and territorial planning at odds with actual land use

In Morocco, three distinct levels of planning directly impact land use across different territorial scales. At the national level, ministries conduct sectoral planning to develop cross-cutting and sector-specific strategies, which are subsequently implemented at the territorial level on designated support lands. At the regional level, strategic territorial planning involves formulating development strategies for local authorities, with the spatialisation of these documents significantly affecting land use. At the local level, urban agencies conduct urban planning, creating documents that serve as the primary instruments for land programming (Valyans Consulting and AESA Europe, 2022). This section aims to provide a comprehensive understanding of these three planning levels, highlight their associated shortcomings, and explore the factors influencing land planning and management.

3.1 Current state of sectoral planning

Since 2000, Morocco has implemented national sectoral strategies, recognising land as a “strategic resource” essential to achieving the country’s development objectives across various industries (Economic, Social, and Environmental Council, 2019). However, these national strategies have consistently fallen short of their initial objectives, with notable discrepancies between their ambitions and actual outcomes (Economic, Social, and Environmental Council, 2014a).

For example, the National Strategy for the Development of Logistic Competitiveness 2010-2030 was designed to improve the national economy’s competitiveness by establishing an integrated network of “Multi-Flow Logistic Zones”. Yet, by 2019, the implementation rate was only 14 percent, due in part to the weak institutional positioning of the Moroccan Agency for Logistic Development and the absence of relevant legislative and regulatory texts (Moroccan Court of Accounts, 2020). The successful realisation of this strategy requires the mobilisation of 3,300 hectares of land (Ministry of Equipment and Transportation, 2010). To date, the only developed area is the logistics platform at Zenata, overseen by the National Society of Transport and Logistics and facilitated by land ownership. Securing appropriate land for logistics platforms remains a crucial issue, and logistics operators with access to such land play an essential role in effective planning (Debie and Mareï, 2019).

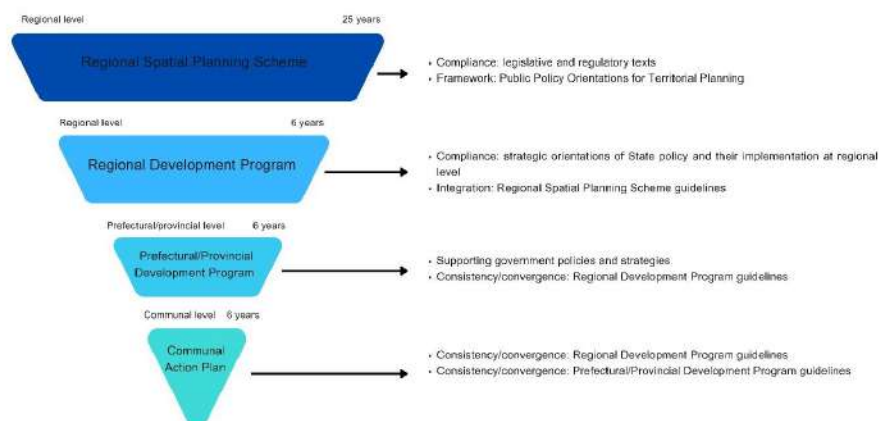
Sectoral planning at central and regional levels faces several challenges. At the central level, various ministerial departments and public agencies design national strategies intended for territorial application at the regional and local levels by decentralised ministerial departments. However, land management presents a significant barrier to effective implementation. The lack of coordination between sectors often restricts land mobilisation, weakening the territorial deployment of strategies (Valyans Consulting and AESA Europe, 2022).

According to the Special Commission on the Development Model (2021), there is a notable lack of cross-sectoral coordination and consultation between national and local levels, resulting in a top-down approach that inadequately incorporates regional and local stakeholders. This disconnect leads to strategies misaligned with on-the-ground realities, creating operational constraints. Additionally, regional strategies remain largely dependent on consultations with central headquarters due to delays in administrative devolution and limited regional delegation of power. Furthermore, the absence of detailed land maps and inadequate land information sources contribute to planning challenges, with stakeholders having limited control over land specifics. This often leads to mobilisation constraints, including legal and physical clearance issues and illegal occupancy (Valyans Consulting and AESA Europe, 2022).

3.2 Strategic territorial planning challenges

Strategic territorial planning encompasses the development of strategies by local authorities and other planners, such as urban agencies and steering committees. The Regional Spatial Planning Scheme (RSPS) guides the long-term development of regions by setting strategic directions for 25 years. Moreover, each council (regional, provincial, communal) is required to create a plan every six years, detailing upcoming projects and actions. These documents are crafted through participatory methods and overseen by a chairman to ensure effective implementation and evaluation. The Regional Development Program (RDP) focuses on sustainable regional growth, the Prefectural/Provincial Development Program (PDP) promotes social development, and the Communal Action Plan (CAP) enhances local services at the municipal level. These documents are characterised by a hierarchical structure (Figure 3).

Figure 3: Hierarchy of strategic territorial planning documents



Note: Figure 3 illustrates the hierarchy of the different territorial planning documents. The RSPS is developed in accordance with current legislative texts. The RDP must align with RSPS guidelines, the PDP must incorporate RDP directives, and the CAP must comply with the guidelines of both the RDP and PDP. This hierarchy is based on information from organic laws 111-14, 112-14, and 113-14.

According to Valyans Consulting and AESA Europe (2022), organic laws require that the RDP, PDP, and CAP be completed within the first year of council mandates. This necessitates the simultaneous development of these tools, complicating efforts to achieve legislative coherence and convergence. Each document must follow specific protocols, involving numerous committees and the same actors within set timelines. Shortcomings in human resources across planning bodies contribute to procedural inefficiencies and redundancies. Additionally, regional stakeholders' heavy reliance on the national level further hampers swift local decision-making and the timely execution of territorial documents.

These plans are not enforceable unless incorporated into urban planning documents, which are slow to design and update (El Idrissi, Omar, 2019). The absence of a comprehensive land information system exacerbates these issues, as commissioned consultancies face difficulties in obtaining accurate land data (El Ouagari, 2021). Outdated databases result in suboptimal project planning that fails to account for specific land characteristics. These systemic challenges cause significant delays and obstacles in project implementation. For instance, in the Casablanca-Settat RDP 2016-2021, over half of the planned projects failed to materialise due to inadequate land mobilisation strategies, despite the planned development of 1,500 hectares of business parks (Boston Consulting Group, 2022).

3.3 Urban planning out of step with on-the-ground realities

According to Law 12-90 on urban planning and the Dahir of 25 June 1960 on rural agglomerations, the primary urban planning documents are the Urban Development Master Plan (UDMP), the Development Plan (DP), and the Development Plan for Rural Agglomerations (DPRA). These documents are essential for guiding the urban development of territories: the UDMP outlines the general organisation and orientations for urban development, enforceable against the administration. The DP converts these orientations into legal prescriptions enforceable against third parties, while the DPRA focuses on managing rural

agglomerations through compulsory building and subdivision permits. The DP and DPRA define land use with precise regulations, imposing restrictive urban planning servitudes and making them the main tools for land programming.

However, these plans have several limitations. According to Valyans Consulting and AESA Europe (2022), a lack of coordination between documents is observed at all planning levels. This stems from the absence of national land use planning guidelines, insufficient convergence among stakeholders, and varying timeframes for drafting and publishing documents. These discrepancies significantly impact the coherence of the territorial development framework, particularly concerning land issues. Additionally, under Article 11 of Law 12-90, all documents must comply with the provisions of the UDMP. In practice, however, numerous instances of zoning and equipment nonconformity between these plans have been noted (Moroccan Court of Accounts, 2018).

Urban planning documents face multiple methodological constraints during their development (Guezzar, 2019). The initial design stage, the territorial diagnosis, often relies on a quantitative rather than a qualitative approach due to standard specifications. These specifications lack rigor and tend to produce generic and summary diagnoses, primarily based on demographic projections (Debbi, 2008). As a result, this approach frequently overlooks critical aspects, such as land-related issues. Engineering firms typically do not conduct detailed inventories on land ownership status or existing land issues (El Idrissi, Abdelwahed, 2019). The absence of an accessible land information system and effective regulations for data sharing exacerbates this problem, leading to the drafting of urban planning documents without adequate control over land use. This situation is further compounded by the difficulties urban agencies and their service providers face in collecting accurate land data (El Ouagari, 2021).

4. Impacts of urban planning on land management

This section explores the multifaceted challenges of urban planning in Morocco by examining the financial, legislative, and governance issues that affect land management within the planning system. It delves into the specifics of urban policy and its implications for land resource optimisation. By highlighting the impacts of planning documents and processes on land use, it underscores the consequences for urbanisation and investment.

4.1 Urban planning challenges

In Section 2.3, the methodological shortcomings of urban planning documents were highlighted, particularly their lack of in-depth studies during the preliminary diagnostic phases. This leads to discrepancies between projections and actual conditions, hindering the effective implementation of planning documents. These issues are further exacerbated by the absence of multidimensional programming in terms of space, time, and costs. As a result, without a clear action plan, these documents function merely as a “spatialisation of consultations with various stakeholders” (Guezzar, 2019, p.27) and “instruments for programming facilities” (Chouiki, 2019a, p.18).

Funding deficiencies are a major barrier to acquiring the land needed for infrastructure, with municipalities heavily reliant on state financial support (El Idrissi, Abdelwahed, 2019). The lack of resources undermines the effectiveness of the decentralisation policy, preventing it from addressing urbanisation challenges or supporting effective land management. This situation is further compounded by a lack of consensus among stakeholders regarding

budgeting mechanisms. The World Bank (2017) estimated that urban infrastructure would require investments of 320 billion dirhams between 2017 and 2027, with municipalities expected to contribute nearly 70 percent of this amount. However, local budgets and taxes fall short of enabling the execution of urban planning provisions or covering development costs.

Urban planning documents lack the flexibility required to adapt to socio-economic and urban changes and are characterised by their “inability to integrate the unpredictable needs of residents and investors” (Economic, Social, and Environmental Council, 2014b, p.11/12). Their preparation is marked by long lead times for publication, rendering them outdated by the time they address dysfunctions identified in the diagnostic phase (Guezzar, 2019). This inefficiency stems from an outdated and rigid legal and regulatory framework that does not accommodate local specificities or the challenges of modernisation (World Bank, 2018).

Furthermore, urban governance involves a multitude of overlapping responsibilities. The centralised state continues to initiate and approve planning documents, sidelining local communes and delaying administrative devolution. This leads to ineffective stakeholder involvement and a lack of continuity in planning processes, often due to limited resources and frequent changes in representatives (Valyans Consulting and AESA Europe, 2022).

In addition, the lack of regional delegation of authority slows decision-making. Despite the involvement of local authorities, it is often difficult to honour commitments to constructing planned facilities. The complex interplay of diverse stakeholders, each with different interests, makes achieving consensus on land use challenging and intensifies the “power play in the production of space” (El Idrissi, Omar, 2019, p.89).

Since the Protectorate, there has been a separation between development and monitoring (Chouiki, 2019a). Once approved, planning documents lack mandatory implementation monitoring and are primarily managed through the examination of building permits by urban management departments. Nevertheless, several evaluation actions have been undertaken by the Studies departments of Urban Agencies. For instance, the mid-term assessment of the 2012 Settat Development Plan revealed a 10 percent equipment completion rate, highlighting the plan’s limited operationalisation between 2012 and 2017. Consequently, a new urban planning document was drafted and formally approved in 2018, with the aim of addressing these constraints (Settat Urban Agency, 2018).

4.2 Urban policy and the limited rationalisation of land use

Cities are currently experiencing rapid urbanisation, characterised by significant expansion of urban areas, the development of metropolitan regions, and widespread peri-urbanisation. This ongoing urban sprawl, a legacy of the protectorate era, has led to the overconsumption of agriculturally productive land, which is vital for both economic and ecological functions. As a result, the annual demand for urban land is estimated at approximately 7,000 hectares, requiring a budget of 1.8 billion dirhams (World Bank, 2018).

Urban planning documents play a pivotal role in shaping this dynamic, often responding to land pressure by designating new urbanisation zones. However, these documents impose regulations that promote low-rise, space-intensive development patterns. This contributes to significant environmental issues, socio-spatial fragmentation, and the intensification of unregulated habitats (Adidi, 2019).

The urbanisation process faces multiple challenges in land mobilisation, hindered by the “state’s disengagement from the land market” (Chouiki, 2019a, p.17). During the Protectorate period, the government actively created strategic land reserves through expropriation for public utility. However, post-independence state intervention has become sporadic and limited to

arbitrating land issues (Guezzar, 2019). The near exhaustion of public land reserves and the absence of mechanisms for replenishment raise concerns regarding the effective implementation of urban planning documents.

The depletion of public reserves means that facilities of general interest are often planned on private property. Decentralised services frequently overestimate their land requirements, leading to locations being reserved without sufficient funding for acquisition. These plots remain frozen for up to 10 years and are returned to the owners if not utilised. Due to limited resources, these services rarely proceed with land acquisition, leaving the parcels unusable for other purposes. Additionally, departments face challenges in securing available and suitable land for new facilities. This has contributed to the low national implementation rate of urban planning documents, with no urban agencies reporting implementation rates exceeding 20 percent since 2000 (Chouiki, 2019b).

The rigidity of urban planning documents has fostered a land market outside the formal system, characterised by derogation and informal urbanisation. Introduced in 1999, the derogation procedure relaxed authorisation processes to encourage private investment, supporting the completion of significant socio-economic projects by both public and private entities (Economic, Social, and Environmental Council, 2014b, p.11/12). However, evaluations revealed mixed outcomes: although many projects have generated wealth and jobs, 24 percent of derogations were requested in territories not covered by planning documents. This has led to the degradation of agricultural land, disruption of environmental resources, and exacerbation of socio-spatial disparities. It has also contributed to the spread of unregulated urban development in certain areas (Moroccan Court of Accounts, 2018).

4.3 Land issues hindering economic development

Land mobilisation is a critical factor for economic and territorial development, with land availability and accessibility being essential for business competitiveness and attracting investments. However, Morocco's New Development Model identifies land as one of the main obstacles to entrepreneurial dynamism (Special Commission on the Development Model, 2021). Despite significant investment promotion reforms, land-related issues continue to hinder the completion of investment projects. This is supported by the National Business Environment Committee's 2021-2025 roadmap (2021, p.21), which states that "32 percent of Moroccan companies view access to land as a significant hurdle to their development". This issue is compounded by several factors, including legal, urban planning, speculation, and taxation challenges.

As stated by the Casablanca Urban Agency (2015), legal factors impede investment, including slow registration processes and a traditional regime that fosters information opacity, insecurity in real estate transactions, and limited access to financing. Incomplete clarification of the legal status of state-owned land further slows socio-economic development projects. Additionally, complex and slow land acquisition procedures create challenges in legally clearing plots. The slowness and complexity of administrative processes for urban planning documents also delay investment, leading to land retention and speculation. The lengthy procedures for drafting and approving these documents are misaligned with the short time-frame of investment, and once approved, they often fail to address the challenges of economic development and rapid change (Casablanca Urban Agency, 2015).

Urban centres today face immense land pressure, as demand for land continues to rise and market forces intensify. However, easily mobilisable land for investment is limited due to two main factors: the depletion of public land reserves and the retention of urbanisable land by speculators (Valyans Consulting and AESA Europe, 2022). Unutilised land potential exists in

areas such as industrial and economic zones, which are subject to significant speculation. This hinders the mobilisation of land for productive investment and drives up land prices in urban areas, thereby limiting the profitability of investment projects (Economic, Social, and Environmental Council, 2019).

Casablanca has encountered a persistent land crisis, with post-independence reserves quickly depleted and no public land remaining within the urban perimeter. Intense speculation has immobilised productive land for rental opportunities, causing disruption in the land market and creating a significant shortage (Kaioua, 1998). The scarcity of land in the centre of the metropolitan area has exacerbated territorial imbalances, making mobilisation challenging. Speculation drove the price of industrial land up by 40 to 80 percent between 2009 and 2015. Consequently, access to land has been identified as a major barrier to urban and economic development in Casablanca, discouraging investment and reducing the metropolis's attractiveness (Urban Sciences and Development, 2022).

According to the Casablanca Urban Agency (2015), Morocco's taxation system encompasses various fees related to land transactions, including acquisition, sale, division, construction, as well as mortgages and inheritance rights. Numerous tax exemptions and incentives are available to stimulate investment, particularly in productive sectors such as industry. However, public authorities have limited involvement in land market development, resulting in a lack of regulation to control speculation. Essential tools such as expropriation and the right to preemption exist but are insufficient (Valyans Consulting and AESA Europe, 2022). The current fiscal regime lacks mechanisms to discourage land retention and freezing, thereby exacerbating speculation and illegal practices. The absence of an appropriate fiscal tool for tax adjustments following urban zoning changes further compounds this issue (Economic, Social, and Environmental Council, 2019). The tax on unbuilt land is the only instrument available, but it faces collection challenges nationwide, weakening municipal taxation due to inadequate monitoring and control (Moroccan Court of Accounts, 2018).

5. Conclusion: Towards a paradigm shift in land planning and management in Morocco

The complexity of Morocco's land system stems from its dual regulatory structure and limited land registration, resulting in less secure property rights and challenging governance (Rhomri Mounir, 2019). The diversity of legal statuses further complicates decision-making, exacerbated by minimal stakeholder engagement and weak strategic coordination. An outdated legislative framework and complex land mobilisation procedures add to these challenges (Millennium Challenge Account Morocco, 2020).

All planning levels face a lack of reliable land data and rely on top-down approaches that fail to incorporate local insights or consider territorial constraints. Consequently, planning documents often overlook practical land use capacities, leading to significant implementation challenges (Valyans Consulting and AESA Europe, 2022). Key issues include the absence of a comprehensive database accessible to all stakeholders, which would facilitate the rationalisation of land mobilisation. These obstacles arise from gaps in land knowledge methods—such as the lack of land observatories, Geographic Information Systems (GIS), and consistent land monitoring—as well as deficiencies in the tools and sources used for land information (El Ouagari, 2021).

Urban planning has been criticised for prioritising procedural processes over proactive strategies, resulting in speculative urbanism (Chouiki, 2019b). Driven by demographic growth, urban sprawl consumes extensive land resources and adversely impacts rural areas through habitat dispersion and increased infrastructure costs (Adidi, 2019). The inadequacy of modern

financing mechanisms and continued reliance on outdated legal frameworks hinder the efficient development of urban areas (Casablanca Urban Agency, 2015). Given these challenges, there is a pressing need to rethink land management strategies to align with sustainable development goals and to address the shortcomings in land use policies that contribute to environmental degradation and inefficient land utilisation.

According to the Organisation for Economic Co-operation and Development (2017), international land use planning systems are characterised by decentralised governance and hierarchical planning documents. At the national level, general policies are established through guidelines and laws, while regions focus on economic development. Local authorities, particularly municipalities, play a crucial role, as they directly manage planning and land use decisions. These planning documents typically have a short lifespan of 10 years or less and are frequently revised to accommodate the evolving needs of urban development. Community interests are safeguarded either through neighbourhood forums or public referenda, which approve plans, ensure engagement, and address local needs.

Moreover, legislative and regulatory systems for land use are continuously updated to address modern concerns such as sustainability and efficient land utilisation. Planning structures achieve alignment through two primary modes of convergence: vertical and horizontal. Vertical convergence ensures that planning at higher levels is legally binding on lower levels, as seen in countries like South Korea, Turkey, and Switzerland. Horizontal convergence is facilitated through committees that promote coordination and consultation among various stakeholders (Organisation for Economic Co-operation and Development, 2017).

In France, a significant shift in land planning policy has prioritised land sobriety to protect natural resources, biodiversity, and agricultural land. The goal is to counteract urban sprawl and prevent the fragmentation of natural spaces. Urban and strategic planning documents emphasise efficient land use, promote stronger central areas, and control urban growth. A robust legislative and regulatory framework supports these aims by setting clear targets for reducing land consumption and soil artificialisation. These planning documents include specific, measurable objectives and are regularly reviewed through environmental impact assessments to ensure alignment with environmental commitments. Additionally, these policies foster improved land management and encourage regional planners to deepen their understanding of local land dynamics (National Federation of Urban Planning Agencies, 2021; National Federation of Territorial Coherence Schemes, 2022).

To reshape land management in Morocco, a comprehensive reform of planning and administrative methods is essential. A key priority is revising institutional, governance, and coordination frameworks. This includes accelerating decentralisation, empowering municipalities and local communities by enhancing their resources, and establishing a system in which higher-level planning documents are legally binding on lower-level ones.

Additionally, strengthening horizontal coordination through the creation or activation of coordination committees and broadening stakeholder consultation is necessary. Developing a regulatory framework for the exchange and sharing of land information is also crucial, particularly in the context of implementing the National Land Strategy. This framework should enforce coordination among stakeholders, especially when public policies are modified, and

incorporate local land specificities by involving regional actors in national strategy development.

Furthermore, amendments to planning legislation and regulations are needed to integrate sustainability, ecological transition, and land sobriety. The urban strategy requires modernisation to transition from continuous sprawl to a more rational use of land. This includes creating flexible planning documents with regularly updated timelines that respond to socioeconomic development needs. These documents should encourage vertical development and promote denser, more resource-efficient areas. Optimising public facility programming and introducing mechanisms to reactivate unproductive lots are also essential.

Lastly, improving transparency in land information access for both public administrations and private investors is crucial. Measures to regulate the land market—such as implementing fiscal deterrents against land speculation and strengthening taxation mechanisms—are necessary. This includes developing a digital tool to facilitate tax collection, ultimately increasing municipalities' fiscal potential. These proposals aim to encourage sustainable growth, maximise efficient land use, and enhance governance and transparency in Morocco's land management sector.

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