

Development Cooperation Transparency

MOROCCO CASE STUDY



Morocco Case Study

In June 2018, the Kingdom of Morocco initiated a renewable energy project to help limiting CO₂ emissions to 675,360 tons per year and provide clean energy as part of its energy policy. The project is called “Noor Solar Power Project”, which is expected to be operational in 2024¹¹, is set to provide 800 megawatts of solar power in the Midelt region.,

The international interest in such a project, amid global efforts to respond to climate change, have led governments and international organizations to participate in funding it. In addition to the Moroccan government, the French and German governments, the International Bank for Reconstruction and Development (World Bank), the European Investment Bank, the African Development Bank, and the Clean Technology Fund have all pooled resources to fund this project, making it a global development cooperation.

To measure the transparency of the “Noor Solar Power Project”, the “Development Cooperation Transparency Index” is herewith applied, allowing, for more due diligence from CSOs and investigative journalists, whether to monitor the progress of the project or the level of community participation, in addition to assessing the anti-corruption measures in place to ensure the prevention of corrupt practices within the project.

The application of the Index shows that there is no specific public tool to monitor the performance of the Noor Project, however, as the World Bank (WB) is involved in the financing of this project, its regulations apply to it. The WB has a specific webpage dedicated to the Noor Project that presents general information on the project and its procurement operations.

There is also no specific website dedicated to the Noor Project, but the Moroccan Ministry of Energy Transition and Sustainable Development (METSD) and the WB, on the other hand, each dedicate a page for the Project.

As to the procurement documents, although the METSD dedicates a webpage for the Noor project, this page does not include any information on the procurement procedures performed under the project itself. The WB’s webpage includes a sub-page for procurement with three sections for Notices, Contracts, and Plans. Nonetheless, these are all empty sections with no procurement documents available.

Transparency is the practical principle to guarantee the Right to Access Information, which means it is bound by international obligations and standards based on the International Covenant on Civil and Political Rights. These obligations and standards require that any exception to transparency must be bound with the result of the “Harm vs. Public Interest Test”. The Moroccan Right to Access Information Law No. 13.31, in its Articles 7, 8 and 9, allows for the application of this test when specific information falls under the exceptions to the Right to Access Information. This provides more safeguards and guarantees to the Right to Access Information, and therefore, maximum transparency within development cooperations.

¹¹ Moroccan Ministry of Energy Transition and Sustainable Development (METSD). Noor Solar Power Project. Available at: <https://www.mem.gov.ma/ar/pages/secteur.aspx?e=2&sprj=193#tab1>

Project-related financial information is published in a form that does not meet international best practices from the METSD. In fact, the published information is not in a Citizen Budget form. As for the financial information published by the WB, the project summary webpage includes the total figures of the project without aggregation allowing viewers to understand the financials of the project.

For transparency to act as a preventive measure, information on the methodologies used in a project and criteria specified for procurement procedures, for example, must be published for those in power to know that all their decisions are available to the public. This is not the case under the Noor Project, as such information is neither made available by the METSD nor by the WB.

Community engagement is essential when it comes to large-scale projects that can impact the daily lives of those residing in the area affected by the development cooperation. No information on public consultations under the Noor Project is available, which means that the concerned community and other stakeholders might not have been involved in the Noor Project. Their exclusion may have negative impact on the effectiveness of the project on the long term, as people were not involved in the design of the project to help identify the needs that are most imminent and require satisfaction by the government and/or the global community members involved.

Also, no measures are available by the METSD to improve fiscal transparency of the project, and the WB only published total numbers of financial transactions. In addition, there are no specific measures available to strengthen the independent enforcement mechanism by the Moroccan government, knowing that the WB regulations ensure safeguards, such as the “Grievance Redress Service” to limit and prevent corrupt practices potentially arising at project level from the lack of efficient safeguards on the national level.

On the whistleblower protection level, no specific law in Morocco is available to protect whistleblowers, however, Article 82-9 of the Moroccan Penal Code allows the Public Prosecutor and/or the Investigative Judge to withhold the identity of those who report crimes and provide protection if necessary. The WB, as mentioned above, has the “Grievance Redress Service” mechanism that could provide protection for whistleblowers.

Tax evasion by those involved in the project may arise, especially contractors and sub-contractors. There are no specific measures addressing this issue within the Noor Project. However, the Moroccan legal system does have its own regulations on combatting money laundering that include tax evasion.

Having an efficient asset recovery framework in place is essential to make the governing framework of a development cooperation more comprehensive. Such a framework allows the confiscation of assets that those involved in the development cooperation acquire illicitly. In Morocco, there is no such law, which makes the assets illicitly acquired from a development cooperation in Morocco hard to recover.

Development Cooperation Transparency Index; Noor Solar Power Project - Morocco

CATEGORY	PRINCIPLE	SOURCE	NOTES	SCORE
Data Transparency	1. Availability of a public tool to monitor the performance of the development cooperation (An Index)	https://www.mem.gov.ma/ar/pages/secteur.aspx?e=2&sprj=193#tab1 https://projects.worldbank.org/en/projects-operations/project-detail/P164288	No Index is created to monitor the Noor Project. However, the page dedicated the Project on the World Bank's website includes information on the project and its procurement operations.	1/2
	2. Availability of a dedicated website to the specified development cooperation	https://www.mem.gov.ma/ar/pages/secteur.aspx?e=2&sprj=193#tab1 https://projects.worldbank.org/en/projects-operations/project-detail/P164288	There is no dedicated website for the Noor Project. However, there is a dedicated page on the Moroccan Ministry of Energy Transition and Sustainable Development (METSD) website, in addition to a page on the WB website.	1/2
	3. Availability of procurement documents related to the specified development cooperation	https://www.mem.gov.ma/ar/pages/secteur.aspx?e=2&sprj=193#tab1 https://projects.worldbank.org/en/projects-operations/project-procurement/P164288	There is no information on procurement procedures on the METSD website. The page dedicated to the Project on the WB website includes a sub-page for Procurement, however, there is no information about procurement procedures performed under the: Notices, Contracts, and Plans sections.	0/2

CATEGORY	PRINCIPLE	SOURCE	NOTES	SCORE
Data Transparency	4. Possibility to apply the “Harm vs. Public Interest Test” by the public body when requesting information that is subject to exceptions on the Right to Access Information	https://www.mem.gov.ma/PublishingImages/Doc-DAI/Loi_31-13_DAI_Publie_BO_Ar.pdf	The Moroccan Right to Access Information Law, in its Articles 7, 8 and 9, allows for the application of the “Harm vs. Public Interest Test” by the public bodies that hold information that is subject to exceptions from being disclosed.	2/2
	5. Availability of financial information on the development cooperation in a Citizen Budget form	https://projects.worldbank.org/en/projects-operations/project-detail/P164288 https://projects.worldbank.org/en/projects-operations/project-detail/P164288	No financial information in a Citizen Budget format that is related to the Project is available on the METSD website. The WB web-page dedicated to the Project includes a Summary section that contains the total numbers of the project without aggregation, which allows the viewer to stand on how financials of the project work.	1/2
	6. Disclosure is timely, comprehensive and forward looking	https://www.mem.gov.ma/ar/pages/secteur.aspx?e=2&sprj=193#tab1 https://projects.worldbank.org/en/projects-operations/project-detail/P164288	The METSD website does not regularly publish information on the project. The WB has the summary of the project published, and the last document under the Finances section was published on May 15, 2018.	0/2

CATEGORY	PRINCIPLE	SOURCE	NOTES	SCORE
Data Transparency	7. Availability of methodologies used, and criteria adopted in the specified development cooperation	https://www.mem.gov.ma/ar/pages/secteur.aspx?e=2&sprj=193#tab1 https://projects.worldbank.org/en/projects-operations/project-detail/P164288	No information is available under this indicator by both, the METSD and the WB.	0/2
Public Consultations	8. Availability of a public consultation's framework for development cooperation	https://www.mem.gov.ma/ar/pages/secteur.aspx?e=2&sprj=193#tab1 https://projects.worldbank.org/en/projects-operations/project-detail/P164288	No Public Consultations Framework is available for the project.	0/2
	9. Anyone can participate in the public consultation	https://www.mem.gov.ma/ar/pages/secteur.aspx?e=2&sprj=193#tab1 https://projects.worldbank.org/en/projects-operations/project-detail/P164288	No information is available under this indicator by both, the METSD and the WB.	0/2
	10. Availability and accessibility of the information related to the public consultation	https://www.mem.gov.ma/ar/pages/secteur.aspx?e=2&sprj=193#tab1 https://projects.worldbank.org/en/projects-operations/project-detail/P164288	No information is available under this indicator by both, the METSD and the WB.	0/2

CATEGORY	PRINCIPLE	SOURCE	NOTES	SCORE
Public Consultations	11. A requirement to justify the adoption and rejection of recommendations in a public consultation	https://www.mem.gov.ma/ar/pages/secteur.aspx?e=2&sprj=193#tab1 https://projects.worldbank.org/en/projects-operations/project-detail/P164288	No information is available under this indicator by both, the METSD and the WB.	0/2
	12. Public consultations with the private sector require the presence and engagement of civil society organizations	https://www.mem.gov.ma/ar/pages/secteur.aspx?e=2&sprj=193#tab1 https://projects.worldbank.org/en/projects-operations/project-detail/P164288	No information is available under this indicator by both, the METSD and the WB.	0/2
Anti-Corruption Measures	13. Availability of measures improving fiscal transparency related to the specified development cooperation	https://www.mem.gov.ma/ar/pages/secteur.aspx?e=2&sprj=193#tab1 https://projects.worldbank.org/en/projects-operations/project-detail/P164288	No measures are available by the METSD to improve the fiscal transparency of the project. The WB only publishes the total numbers of financial transactions.	1/2

CATEGORY	PRINCIPLE	SOURCE	NOTES	SCORE
Anti-Corruption Measures	14. Availability of measures to strengthen the independent enforcement mechanisms	https://www.mem.gov.ma/ar/pages/secteur.aspx?e=2&sprj=193#tab1 https://projects.worldbank.org/en/projects-operations/project-detail/PI64288	No dedicated measures to the project itself, however, the WB regulations include safeguards to limit and prevent corrupt practices through the “Grievance Redress Service” that could arise during the project due to the lack of efficient safeguards on the national level.	1/2
	15. Availability of measures for whistleblowers’ protection	https://www.mem.gov.ma/ar/pages/secteur.aspx?e=2&sprj=193#tab1 https://projects.worldbank.org/en/projects-operations/project-detail/PI64288	No specific measures for whistleblower protection. However, Article 82-9 of the Moroccan Penal Code allows the Public Prosecutor and/or the Investigative Judge to withhold the identity of those who report crimes and provide protection if necessary. The WB also has the “Grievance Redress Service” mechanisms that can protect whistleblowers.	1/2

CATEGORY	PRINCIPLE	SOURCE	NOTES	SCORE
Anti-Corruption Measures	16. Availability of measures combatting tax evasion	https://www.mem.gov.ma/ar/pages/secteur.aspx?e=2&sprj=193#tab1 https://projects.worldbank.org/en/projects-operations/project-detail/P164288	No specific measures to combat tax evasion within the project, however, the Moroccan legal system has its own regulations combatting money laundering, including tax evasion.	1/2
	17. Availability of measures for asset recovery		There's no law on Asset Recovery in Morocco.	0/2
			Total score	9/34
			Percentage	26.47%
			Grade	Weak