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# Overcoming the obstacles of Morocco's collective land system

## Christopher J. Marina

Morocco is among a small number of countries with a land system in which a community, as opposed to individuals, holds rights over property. Established in 1919 during the colonial era of Morocco, communal land—which covers a third of the country—has since become a polarizing subject. This article examines the social, economic, and environmental problems associated with communal land ownership, explores the often inequitable expropriations of such lands, and suggests solutions to land system modernization.

### Introduction

Morocco is an economically ambitious Mediterranean country contending with a colonial-era land tenure system. The current system of collective land ordinance and ownership stands in the way of national economic, social, and environmental goals. In response, the government's clear aim is to turn collective land into private land, and if this is the monarchy's intention, it is likely to happen. If privatization is a top priority of the government, ensuring equity and fairness in the titling process and possible subsequent land sales by residents must also be a prime concern. This article aims to describe Morocco's land regime and its intersections with other important movements taking place throughout the country and provide possible solutions to revamping land classifications—specifically that of collective land—in Morocco.

Morocco's land is divided into five different classes: collective (about 35% of the country, much of which is devoted to pastoral grazing), state-owned (30%), privately owned (about 25%), religious (less than 100,000 hectares), and gifted land to the military elite making up the remainder (Balgley & Rignall, 2015). Although collective land takes up only about a third of Morocco, it dominates the debate and controversies surrounding the country's land system. The most common court cases indeed deal with land disputes (Kreuer, 2011); contention arises from actors living on the land as well as outside forces (private parties and the government). Disputes also arise from the "fragmentation" (Balgley & Rignall, 2015) of Morocco's land system; distinct judicial or statutory laws may apply in different parts of the country, creating confusion and inconsistency (USAID, 2011). The government has made its goals

of privatizing and modernizing collective land clear, through acts such as the 2020 Generation Green (International Trade Administration, 2024). This plan calls for modernizing agriculture throughout the entire country, which constitutes a significant portion of the GDP (Kreuer, 2011). Not to be confused with Generation Green, the Green Morocco Plan (2008) also called for doubling agriculture's added value within a decade and increasing food security by transforming the "underperforming" farming sector of the country (Food and Agriculture Organization, 2024).

### Morocco's communal land tenure system

Collective land allocation in Morocco is a result of the historical significance of different lineages, groups, and villages. The concept of community-owned land was established by a 1919 *Dahir*, a royal decree set in the colonial period when it was a protectorate of France (Berriane, 2017). According to the decree, collective land is spread across 55 different provinces and is under the control and protection of the state. It is difficult to know exactly how many beneficiaries live in these areas. Numbers range from a little under 10% of the population, or about three and a half million Moroccans, to 10 million people, more than a quarter of the country (Chaudier, 2023). The government does not keep an official count of how many people benefit from these properties, however, so these are conservative estimates.

Each community is regulated differently by its leaders. These leaders are always community members and can be elected by the community itself or appointed by a government body, usually the Ministry of Interior (Balgley & Rignall, 2015). For members who engage in farming and herding, the

common practice is for the community to grant them perpetual use rights to the land. Even though these usage rights can lead to exploitation and overuse, in many instances the community establishes norms to protect against such results. Community decisions on who obtains which rights are decided by social status, wealth, and political position (USAID, 2011). Such decisions can obviously lead to disparities, which is a major issue with communal land today.

A closer look into communal life reveals some of the strengths and weaknesses of the current land system, specifically in exploring the livelihoods of the Mesioui people, inhabitants of the High Atlas Mountains in central Morocco. The collective Mesioui are one group, but they comprise many different smaller groups and villages. One such group is the Mountain Mesioui, 23,000 people spread across five tribal factions and 80 villages (Dominguez, 2017). The people there speak Tachelhit, a Berber dialect, along with Arabic, often learned from watching television. Collective resources are managed by the community, and it is the specific duty of designated members to look over shared resources. In the summer, access to a nearby forest is prohibited to conserve resources (animals can graze elsewhere, and there is no need for wood as heat). In the winter, access to the land is open for everyone. In other places, herding is also limited to prevent degradation. These management mechanisms are designed to prevent overuse of the land.

Land is managed through all male heads of households in this region. According to research by Pablo Dominguez (2017), who lived with the Mountain Mesioui, the role of the male head of household runs much deeper than land management. These men are also in charge of the political, religious, ethical, and economical organization of their families and the community. This heavy involvement effectively prevents the representation of women as well as younger men until they form their own households. Women here are further disadvantaged by the fact that a low percentage of them speak Arabic, a language more common outside the region. Additionally, they receive less education, instead committing their time to domestic work at home. Not speaking the common language or receiving quality education could block exit opportunities for women living on collective land. By comparison, in urban areas, women generally enjoy greater rights (Hanafi & Hites, 2017).

In the case of the Mountain Mesioui peoples, payments are made to gain the right to access the land and its resources. As the wealth of some inhabitants increased, they were able to purchase parts of the

collective land. Interestingly, as land became privatized, it also became more agricultural, which angered many traditional Mountain Mesioui living there. The speed of privatization was slow, with 15 hectares of the 20 square kilometers of the region devoted to agriculture in 1960, rising to only 34 hectares in 2006. Nomadic pastoralizing remains the dominant activity, contributing to about two-thirds of the region's economy (Dominguez & Benessaiah, 2017).

The collective land of the High Atlas Mountains is thus being sustained, albeit unequally, by social institutions implemented by the heads of households. Systems are in place for the management, protection, and sale of property. When community members protest expropriations, it is these systems and way of life that they are trying to protect.

### **Expropriations of communal land and corresponding controversies**

The rights of communities to share in the wealth of collective land have not blended well with the country's developmental and social goals. Government surveyors, working with the World Bank, have reported that about 80% of collective pastureland is degraded; however, such assessments are based on a sample of only 640 hectares of land (Rignall, 2015). The generalization that communal land is abused, underdeveloped, and unproductive has been used many times in the past in attempts to privatize it and should be contrasted with communities like the Mountain Mesioui (Chaudier, 2023). An example of the government using this justification was the creation of the Ouarzazate solar field, built on critical nomadic land that was labeled as desert (Rignall, 2015).

Economic inequality is also a problem on collective land for almost all women living there as well as for men who are not delegated usage rights by the community council. These men can also be excluded from the list of inhabitants who are due compensation when land is privatized (Berriane, 2017). For instance, of the 10 million inhabitants on collective lands, at best a quarter have rights to collect compensation in cases of privatization (Chaudier, 2023). Inequality may still exist, even for those with collective rights. In a study on eastern Moroccan communal territories, wealth is measured primarily in livestock. Kreuer (2011), a researcher of communal land, found that there were many small herders but few very large herders (i.e., with 300 or more sheep), reflecting typical inequalities. In total, less than 1% of nomads living in this territory owned cars; however, for owners of large herds, the level went up to just over 50%. Social discrepancies, along with the

economic disparities, set up the main issue of collective land: is it best to keep the current land system or push toward privatization?

King Mohammed VI has clearly chosen privatization. These conceptions of underdevelopment and inequality inspired him, in an address regarding real estate, to encourage the privatization of collective land (*King Mohamed VI's...*, 2015). In fact, many attempts have been made in the past to commercialize Moroccan collective land. The first sustained effort began in the 1960s, spearheaded by the World Bank. Claiming much of its work was done to prevent the overexploitation of land, the institution has had a major influence on the country's agricultural policy over the past 40 years, to the point of effectively writing legal code, in the 1990s. The main result was Law 33-94, which governs the development of dry and arable collective land. It states that the utilization of such land is of significant public importance and thus falls under the control of the Moroccan State. The Moroccan government has used this code mainly as a framework for increasing agricultural output, and direct effects can be seen in only a small study area (El Aich & Kiresiewa, 2014).

In 2014, five public forums were held between March and May to discuss potential large-scale privatizations (Berriane, 2017). With the country eagerly awaiting possible change, nothing ever materialized due to the polarization of the topic. Morocco was left waiting until July 2019, when the Committee on the Interior passed three new reforms dealing with the privatization process (Chaudier, 2023). Much to the alarm of indigenous peoples, these reforms simplified the process for privatizing land. Previously, the state, which was the sole party allowed to purchase collective land, would have to prove that privatization would bring benefits from development. Once purchased, such land could be transferred from the state to a private party. After the 2019 laws, however, land can be transferred or leased to anyone irrespective of development benefits, as long as there is mutual agreement between village administrators and the private party (Chaudier, 2023). Often, even this requirement could be overcome.

The rationale for development, for example, in support of tourism, which in 2019 made up 7% of Moroccan GDP and is expected to grow further, is certainly sound (OECD, 2022). However, cases of expropriation since the 2019 laws show that current privatization and governmental expropriation methods are not sustainable solutions to the complex challenges of modernizing communal land. For example, in the Ouled Sbitra community near the capital of

Rabat, the community held beach land and was firmly committed to remaining there. Unwilling to abide by community preference, outside developers argued to the government that the land should be available for sale. The government, bypassing the 2019 law, complicitly complied and then sold the land to Ad-doha, a Moroccan property developer, so they could build a luxury property complex (Chaudier, 2023), an illustration of how tribes and communities can be defenseless in the face of expropriation.

Communities also may not be receiving promised governmental support. Government administration of collective land varies widely across the country, but one commonality is that inhabitants pay taxes, collected by the Ministry of the Interior. The Ministry then redistributes the funds across the territory, investing in public projects for the common benefit of the people living there. This monetary process has led to cases of corruption where the community never experiences the benefit of the tax (Balgley & Rignall, 2015).

The land takeover for Ouarzazate, one of the world's largest solar power plants, further demonstrates the government's privatization and development preference. This site was once home to an Amazigh (Berber) clan. Social anthropologist Sarah Ryser (2019) collected accounts from the seminomadic herders who inhabited the nearly 3000-hectare land. The solar panel field, and its surrounding enclosure, blocks the herding path along the nearby riverbed. With the path blocked off, it takes much longer to get to the other end, making it costly to find food for the residents' herds. It also affects the herder's ability to aid in housework (such as gardening), another negative impact for the families living on this land.

The government described the area as a "wasteland" prior to the solar project. Land is labeled as such when deemed not effectively utilized. With the wasteland designation, the government was able to easily expropriate it in 2013 and develop it as a solar field, claiming a win for all parties involved (Ryser, 2019). In reality, herders now have less time for domestic chores, such as caring for their crops or families, and a more difficult time caring for their herd. Prior to the takeover, the government told just three men in charge of collecting rents from the community members that appropriations were to take place (Rignall, 2015). The other inhabitants had no idea that the land was being taken by the government.

In this specific case, the collective land of the Ouarzazate was expropriated by the Moroccan Agency for Sustainable Energy (a private company),

which makes payments to compensate the Berber Aït Ougrou community that used the land for seminomadic purposes before expropriation. These payments are held by the Ministry of Interior on behalf of the community. The Community Supervisory Council then decides with the Ministry how to spend the money, so that “local community expectations are better addressed” (Rignall, 2015). The creation of one of the largest renewable energy plants in the world, and the process the government took to expropriate the land it was built on, demonstrates the opportunities and challenges that come with privatizing the country’s communal land.

### **Protests over communal land**

Community members have not taken inadequate reform and expropriation attempts lightly. Numerous protests have resulted in response to different legislation passed (or not passed). Specifically, protestors are strongly opposed to the 2019 Law 113.13, which regulates the governance of pastoral areas to prevent overuse and was passed without input from those it would affect. Additionally, it also allows noncommunity members to gain access to pastureland by registering and obtaining a permit. In the protestor’s eyes, Law 113.13 has led to the expropriation of nomadic pasturers, who are now required to have a conditional government-granted permit to be allowed to have herds graze a piece of land. Law 113.13 is another example of regulation that promotes private land over collective, and the protests to it are a demonstration of resident commitment to the sovereignty of the communities (Ben Saga, 2019).

The Sulaliyyates movement is another communal land movement to increase women’s rights to land ownership in Morocco. On collective land, as well as in the country in general, it is extremely difficult for women to gain rights to land ownership. This struggle has been captured and followed closely on social media around the world. By tribal decree, collective land can be passed down from father to son, upon the age of 16 (Alami, 2017), thereby barring women land ownership benefits, unless accessed indirectly through a male relative (Salime, 2016). Thus, older unmarried women, widows, divorcees, and women with no sons are vulnerable to dislocation.

The movement for greater land rights began in 2007, when women protested in Kenitra, a city near Rabat (ATTAC Maroc, 2020). Their struggle exemplifies the two main challenges communal women face living on collective land. On one hand, they are not allowed to benefit from land inheritances when they remain as collectives, and, on the other,

they do not receive compensation when the land is privatized. In cases of land sales or rentals, women are entitled to a share in the profit only if they are right holders (Balgley & Rignall, 2015). Since the movement’s birth, hundreds of women living on collective land have joined the movement, going from leadership roles on the farm to organizing protests (Alami, 2017). Protests for fair compensation when land is sold were carried out predominantly by men and have gained momentum in the wake of the 2019 privatization regulations (Chaudier, 2023). Women took on leadership roles in these protests recently, after realizing they were less susceptible to police brutality and incarceration than men, and the movement evolved to include rights of women living on collective land. These protestors are not necessarily against privatization; in the words of Saida Soukat, a local farm woman, speaking before a protest audience and capturing the movement, “We aren’t against development projects, but we demand our rights to be respected” (Alami, 2017).

### **Alternative systems**

The many issues regarding communal land and the size of the ensuing protests are not completely lost on the Moroccan government. In December 2015, King Mohammed VI addressed a conference on real estate policy and its role in the economic and social development of Morocco. He discussed the need to reform the country’s Sulaliyyates (communal) land system; “I hope the results and conclusions of this dialogue will be leveraged to rehabilitate communal land, so it may contribute to the development process and serve as a means whereby right holders can be involved in the nation’s dynamic process, in keeping with the principles of social justice and fairness.” (*King Mohammed VI’s...*, 2015). The King realizes there are important social problems, like the women’s Sulaliyyates movement, as well as economic and development issues, that must be addressed. Regrettably, the government’s actions post-2015 have generally ignored these social issues.

If no reform is made, and Morocco stays the course with its current laws, a slow and possibly painful wave of privatization could overtake the country until collective land ceases to exist. This policy or, more precisely, lack of policy would appear to be the government’s current approach, made apparent through laws such as Generation Green. While privatization could be a beneficial option if done equitably, there have been too many situations of unjust expropriation of communal land to say that everyone would be compensated fairly. In the words of Mou-

loud Kassimi, a representative of the Aït Naamane community in the El Hajeb Province of Morocco, “The land is going, no matter what we do...” (Chaudier, 2023). Given enough time, inaction will lead to privatization.

There is an example of government privatization fairly and proactively carried out. In 2016, the Kingdom of Morocco and the US government’s Millennium Challenge Corporation created a public institution, the Millennium Challenge Account-Morocco Agency (MCA-Morocco, n.d.), designed to promote equitable land privatizations for the development of the country. The MCA project has three foci: land governance (creation of a cohesive nationwide land strategy), further sustainable development of industrial zones, and privatization of communal rural land, referred to as the Land Productivity Project. Post-privatization, the project calls for enabling investment in the land, optimal production, and job creation, especially for youth and women. It was created with a \$171.2M budget, with about 20% (\$32.6M) going to privatization. Unfortunately, that figure is a one-time allotment, and neither government has yet to provide more funding toward the project.

By 2019, there had been 4363 privatized lots created, and 3967 allocated, for a total of 19,154 hectares because of the MCA (Ministry of Agriculture, n.d.). In 2023, the program undertook huge privatizations in the Gharb (51,000 hectares privatized) and Al Haouz (16,000 hectares privatized) regions of the country. In these regions, collective land has been split into plots with titles transferred to the individuals residing thereon. This method has been favored, as opposed to traditional land sales, especially by communities throughout the country that have applied to privatize their land (Chaudier, 2023). One must ask if this preference is because communal residents know their land is going to be taken, so they at least want something in return, or if privatization is genuinely preferable to communal land. Given the social and economic obstacles associated with collective land, there is no reason to believe that the preference is not genuine. Another consideration regarding the effectiveness of this form of privatization has to do with ensuring that everyone relying on the land receives their own plot. Of course, there remains the question of which family members will receive title to a given plot; will it be restricted to male heads of households, or will all community members have equitable access to the right of ownership?

There is also an interesting reaction from the forces of supply and demand, which end up harming the new property owners, for often as soon as

community members gain access to this privatized land, they look to sell it off and move to the city. As more and more landowners sell, the land price naturally decreases. Those who acquire and sell first make the most; as more and more residents acquire land, they sell at the highest obtainable current price, further driving down the selling price. If the community works together, instead of single residents profit maximizing, a more favorable price could possibly be acquired (Chaudier, 2023). Part of the reason for selling is a desire to move to developed urban areas, where there will hopefully be more lucrative employment opportunities. Because so many families are nomadic farmers, and now constrained to privatized lots, this also would influence families to sell and start fresh in urban areas. Reasons aside, this result is favored by the government and could help achieve its second pillar of the MCA, development of industrial zones through a more urbanized workforce.

## Conclusion

Moroccans living on communal land currently struggle with issues ranging from lack of economic opportunity to gender inequality to government bias when it comes to selling off the land held communally. If a private party can prove expropriation is for the public good, there is little a community can do about having their land taken, as has been proven in the past. While privatization certainly does bring opportunity for development and higher equality, Morocco must ensure that it is done fairly and that there is proper communication with the communities benefiting from selling the land. The privatization experiments in the Gharb and Al Haouz regions offer a possible solution, as the government can closely monitor the titling. Adequate government oversight can help verify that everyone who benefits from a piece of communal land receives a privatized share. The MCA project has been very favored by communities and should be continued with regions that apply, although funding may dry up. If this should happen, and many regions not able to participate, the government should dedicate substantial resources to tracking and monitoring the status of communal lands. Illegal infringements should be detected and stopped, and public data about which community owns what territory (along with accurate population counts) should be provided. This surveying and enforcement would be costly but are the only ways to guarantee that community rights are respected and that privatizations that do take place are lawful. The most likely outcome of Morocco’s communal land

question is privatization, and the greatest chance of equitable consideration for those living on it is transparent government oversight and protection.

## References

- Alami, A. (2017, May 7). In a fight for land, a women's movement shakes Morocco. *The New York Times*.
- ATTAC Maroc. (2020). *The Soualilyate movement: Moroccan women fighting land dispossession*. Waronwant.org.
- Balgley, D., & Rignall, K. (2015). Land tenure in Morocco: Colonial legacies, contemporary struggles. In H. Chitonge & R. Harvey (Eds.), *Land tenure challenges in Africa*, pp. 183–202. Springer. doi:10.1007/978-3-030-82852-3\_9
- Ben Saga, A. (2019). *Hundreds in Rabat protest land expropriation, marginalization, overgrazing*. Morocco World News.
- Berriane, Y. (2017). Développement et contremouvements. Réflexions à partir des conflits nés de la marchandisation des terres collectives au Maroc [Development and countermovements. Reflections on the conflicts arising from the commodification of collective land in Morocco]. *International Development Policy [Revue internationale de politique de développement]* 8, 247–267.
- Chaudier, J. (2023, June 23). The forced privatisation of tribal lands in Morocco continues unabated. *Equal Times*.
- Dominguez, P. (2017). Political ecology of shifting cosmologies and epistemologies among Berber agro-sylvo-pastoralists in a globalizing world. *Journal for the Study of Religion, Nature and Culture*, 11, 227–248. doi:10.1558/jsrnc.18831
- Dominguez, P., & Benessaiah, N. (2017). Multi-agentive transformations of rural livelihoods in mountain ICCAs: The case of the decline of community-based management of natural resources in the Mesioui agdals (Morocco). *Quaternary International*, 437, 165–175. doi:10.1016/j.quaint.2015.10.031
- El Aich, A., & Kiresiewa Z. (2014). *Agricultural policy: Implementation, impacts and effectiveness*. Land & Ecosystem Degradation & Desertification Project. <http://leddris.aegean.gr/national-policies-morocco/578-agricultural-policy-implementation-impacts-and-effectiveness-77217853.html>
- Food and Agricultural Organization. (2024). *The Moroccan "Plan Maroc Vert."* <https://www.fao.org/in-action/epic/resources/ex-act-case-studies/morocco/ru/>
- Hanafi, L., & Hites, D. (2017, October 12). *Women's rights in Morocco: Balancing domestic and international law*. Atlantic Council.
- International Trade Administration. (2024, January 1). *Morocco - country commercial guide: agricultural sector*.
- King Mohammed VI's message to the conference on state's real estate policy*. (2015, December 8). Morocco World News.
- Kreuer, D. (2011). Land use negotiation in eastern Morocco. *Nomadic Peoples*, 1, 54–69. doi:10.3167/np.2011.150103
- MCA-Morocco. (n.d.). *Project "Land Productivity."* <https://www.mcamorocco.ma/en/project-land-productivity>
- Ministry of Agriculture. (n.d.). *La melkisation des terres collectives [The privatization of collective land]*. Kingdom of Morocco. <https://www.agriculture.gov.ma/fr/projet/la-melkisation-des-terres-collectives>
- OECD. (2022). *OECD tourism trends and policies 2022: Morocco*. OECD-ilibrary.
- Rignall, K. E. (2015). Solar power, state power, and the politics of energy transition in pre-Saharan Morocco. *Environment and Planning A: Economy and Space*, 48, 540–557. doi:10.1177/0308518X15619176
- Ryser, S. (2019). The anti-politics machine of green energy development: The Moroccan solar project in Ouarzazate and its impact on gendered local communities. *Land*, 8, 1–21. doi:10.3390/land8060100
- Salime, Z. (2016, March 11). *Women and the right to land in Morocco: The Sulaliyyates Movement*. Women and Gender in Middle East Politics [Workshop presentation], Washington, DC.
- USAID. (2011). *Morocco*. LandLinks.



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