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# RECHERCHES DU CRESC

n° 4, juin 2017

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The Wali in urban transport in Casablanca

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To quote the document : Nadia Hachimi Alaoui, « Governing at moments The Wali in urban transport in Casablanca », *Recherches du CRESC*, n°4, juin 2017

## Governing at moments

### The Wali in urban transport in Casablanca

Nadia Hachimi Alaoui

In Casablanca, where urban sprawl is pushing out the city boundaries in a continuous and scattered movement, integration is progressing via many public transport modes, both formal and informal.<sup>1</sup> In an apparently chaotic landscape, we simultaneously find a multitude of transport services: a public transport service (a bus system) licensed in 2004, companies specialized in school and personnel transport, a very recent tram line, an interurban shuttle train, concessionary companies running bus lines despite the expiry of their contract, two types of taxis, both working outside their specifications, and finally a great number of clandestine modes of transport. In this economic metropolis of nearly 4 million people, the daily organization of the provision of transport moves within a constrained space. At point of impact, the low purchasing power of a captive population of public transport users means that, given the lack of dedicated public funding, operators cannot run at a profit and their ‘capacity for investment’ is hindered; before that, the growing demand for mobility subjects the ‘formal’ transport system to the recurring tension created by a supply deficit, which runs the risk of blocking the economic development of peripheral zones of activity and the proper working of inner city activities that generate jobs.

The demand for transport in Casablanca is expressed in many ways<sup>2</sup> It can take the form of an explicit demand on the part of actors capable of organizing themselves – as is the case of student unions, which, over the course of the sector’s historical trajectory, lobbied the government and obtained a very low pricing and a concentration of lines of public transport serving the university buildings. However, in a city where practices of ‘getting by’ compensate for under-equipped and inadequate public services, the social demand for mobility remains largely implicit. This can be seen on a daily basis in the coexistence of many different modes of transport.

The absence of a bureaucratized control of urban transport allows for flexible regulation of the sector, which is organized in a deafening ‘disorder’. The flexibility of the supply of concessionary agents operating outside of contractual clauses makes it possible to meet the localized demands for transport.<sup>3</sup> This process still involves a degree of conflict.<sup>4</sup> Big collective

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<sup>1</sup> T. Zhiri Oualalou, ‘Le système de transport à Casablanca: logiques techniques, systèmes politiques locaux et dynamiques urbaines’, in C. de Miras (ed.), *Intégration à la ville et services urbains au Maroc* (Rabat: INAU and IRD, 2005), pp. 255-280.

<sup>2</sup> N. Brejon de Lavergnée, *Politique d’aménagement du territoire au Maroc* (Paris: L’Harmattan, 1991), chapter 3, ‘Les transports en commun: logique économique et logique sociale’, pp. 150-169.

<sup>3</sup> For a historical overview of urban transport in Casablanca, see H. Hrouch, *Le système des transports urbains à Casablanca*, PhD thesis for a *doctorat d’État en sciences politiques*, University of Marseille-Aix-en-Provence, 1984; A. Eddahbi, ‘La concession de service public: cas du transport public urbain à Casablanca’, *Revue marocaine de droit et d’économie du développement*, 19, 1989, pp. 108-129; and M. Chouiki (ed.), *Le Transport urbain à Casablanca* (Casablanca: Union géographique marocaine, 2006).

<sup>4</sup> For an illustration of the flexibility of the supply of private bus lines and the modes of negotiation with the operators, see S. Sekkat and K. El Harrouni, *Logiques et stratégies d’acteurs: extension de lignes de bus face à l’étalement urbain* (Casablanca: Centre Jacques-Berque, 2005).

taxis, legally dedicated to interurban trips,<sup>5</sup> have been particularly effective in covering residence-work travel between the suburbs and the city centre: they have thus managed to conquer large territories within the city, at the price of ‘intense competition’<sup>6</sup> with bus operators. The ‘inventiveness’<sup>7</sup> of clandestine transports<sup>8</sup> simultaneously makes up for the lack of transportation in outlying territories, solves the problem of the high price of the bus ticket or taxi ride, and offers solutions better adapted to congestion and the difficulties of getting around the city centre.<sup>9</sup> The massive informality of the sector and its apparent ‘laissez-faire’ have a function of social integration:<sup>10</sup> while they continue to maintain the inequality of the geographical and social services provided by the ‘formal’ transport system, they do not prevent access to mobility, essential to the proper functioning of the economy of the city, for the population of Casablanca as a whole; in doing so, they generate and maintain a ‘disorder’ which complicates and undermines the conditions of its exercise.

This working paper aims to examine the modes of regulation of the transport sector, which, enclosed in a space of constraints, lead to an overlapping of ‘government of transport’ and ‘government of the social.’ The role played by the Wali, the regional representative of the state,<sup>11</sup> will be the main subject of the analysis. The Wali is a devolved authority of the Ministry of the Interior, appointed by the king: he is the representative of the king and the government in the region, the guarantor of order, respect for law and the coordination of the external services of the state.<sup>12</sup> It might at first glance seem paradoxical to focus on this figure to study urban transport. In the institutional and regulatory dispositifs governing the sector,<sup>13</sup> the Wali

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<sup>5</sup> This mode of transport was introduced into Casablanca in the early 1990s. On the organization and regulation of big taxis, see J. Le Tellier, ‘Les grands taxis: approche du système de transport et de la mobilité au Maroc’, *Annales de géographie*, 2, 2005, pp. 163-186.

<sup>6</sup> On competition ‘for the market’ between buses and big taxis, see *Maroc – Secteur des déplacements urbains, Note de stratégie sectorielle* (World Bank, April 2008).

<sup>7</sup> X. Godard, *Les Transports et la ville en Afrique au Sud du Sahara: le temps de la débrouille et du désordre inventif* (Paris: Karthala, 2002).

<sup>8</sup> For a description of clandestine modes of transport in Casablanca, see R. Hakimi, ‘Les moyens de transport informel à Casablanca’, in Chouiki (ed.), *Le Transport urbain à Casablanca*, pp. 31-47. For a more institutional description, see *Monographie de la région du Grand Casablanca*, High Commission for the Plan, Kingdom of Morocco, 2010, pp. 84-85.

<sup>9</sup> There is one clandestine mode of transport specific to Casablanca: the motorbikes near the bus stations and popular shopping areas (Quorea, Derb Ghallef, Hay Hassani) that offer a transport service similar to taxis. But a journey on one of these is expensive, given the congestion of the city.

<sup>10</sup> On this function of informality and the laissez-faire that goes with it, see B. Hibou, *Anatomie politique de la domination* (Paris: La Découverte, 2011), chapter 8 (English translation by Andrew Brown, *The Political Anatomy of Domination* (Basingstoke: Palgrave Macmillan, 2017)).

<sup>11</sup> The Wali has a status similar to that of the prefect (‘Préfet’) in France, combining the functions of governor of the prefecture of Casablanca and Wali of the region of Greater Casablanca. On this, see M. Bahi, *Les Compétences du Wali, du gouverneur et d’autres agents d’autorité* (Casablanca: Najah El Jadida, 2005).

<sup>12</sup> Except for studies of the ‘administrative sciences’ conducted more from a descriptive than an analytical perspective, the figure of the Wali has hardly ever been explored by the social sciences. See, for example, L. Akhmisse, *Le Wali de Région, agent d’une ‘décentration’ de l’État au Maroc: processus complexes d’institutionnalisation dans les régions du Grand Casablanca et de Marrakech-Tensift-Al Haouz*, thesis (‘mémoire de DEA en science politique comparative’), IEP Aix-en-Provence, 2003; D. Basri, *L’Administration territoriale. L’expérience marocaine* (Dunod: Paris, 1988); M. Hamouda El Caïd, *Le Concept de l’autorité locale au Maroc. Évolution et pratique* (Casablanca: Imprimerie Rotaco, 2011); M. Eddahbi, *Le Gouverneur dans le cadre de l’organisation actuelle du Royaume du Maroc*, thesis (‘mémoire de DES’), Casablanca, 1980; A. Moujahid, ‘Le Wali, pivot de la gouvernementalité?’, in J.-M. Miossec (ed.), *Terrain et échelon de la gouvernance: expériences en France et au Maghreb* (Paris: L’Harmattan, 2009), pp. 277-32.

<sup>13</sup> For a presentation of the institutional and organizational *dispositifs* of urban transport in Casablanca, see *Étude d’un plan de déplacement urbain, d’un compte transport de voyageurs, d’une restructuration des réseaux de transport collectif, et d’un plan de circulation*, Wilaya du grand Casablanca, diagnostic report, April 2004, pp. 6-21.

does not appear explicitly: he is not responsible for the management of urban transport which, from an institutional point of view, is the responsibility of municipalities; nor is he responsible for the shaping of transport policy which falls to the Directorate of companies and licensed services dependent on the central administration of the Ministry of the Interior. Furthermore, he does not have any funding for the region at his disposal; the load is shared between the municipalities and the General Directorate of local communities of the Ministry of the Interior. However, once we turn to the concrete detail of practices, the Wali proves to be central to the government of transport. He usually intervenes in a non-formalized way, by mobilizing different registers and different modes of action that are not always directly linked to transport but influence its operation.

This gap between formal dispositifs and concrete practices raises questions about the situations where the Wali comes onto the scene, both formally and informally, explicitly and implicitly. My working hypothesis is that, by bringing together many actors in a state of tension, the instability of the urban transport sector generates ‘moments’ that produce reasons to act and make possible the Wali’s intervention possible. His multiple positions, and the legitimacy with which he is invested, put him in a prime position to make ‘arrangements’<sup>14</sup> and thereby look after the government of the sector. This mode of government is realized in and by interactions between many actors, in and by power relationships, conflicts, and the terms of their resolution. I will thus be showing that an account of the social issues specific to mobility must be thought, not through the prism of public policy, where things are defined in advance, according to a substantialist approach of public service and the state, but through the way the government of the sector comes about and is made concrete. This interpretative schema is, in my view, better able to grasp the transformations of the government of the social in Morocco at the present moment.

Observing the practices of the wilayat raises a question of method. My study was conducted over a period that has seen two representatives in succession: Mohamed Kabbaj, royal advisor and former Minister of Infrastructure, Vocational Training and Finance, and Wali from 2005 to 2009, and Mohamed Hallab, his successor from June 2009 to May 2012, senior official and former Wali of Tangier. Following in their ‘footsteps’ has allowed me to identify the permanent features, but more especially the differences, in the Walis’ practice – the way the ‘styles’,<sup>15</sup> the personal trajectories, the various relations to power, the social and professional networks in which each Wali exists, leave their mark on the practice of their function and in so doing shape the action of the state. To investigate their role in the government of the transport system, I started from an observation of their ‘ways of doing’, in the Michel de Certeau’s sense,<sup>16</sup> expanding it, in the wake of Michel Foucault,<sup>17</sup> to the ‘outside’, to the

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<sup>14</sup> Gildas Tanguy has exhumed the practice of ‘accommodation’ resorted to by the prefect in the context of the Third Republic, and J.-P. Worms has given this a theoretical setting in the context of the Fourth Republic, while P. Grémion has conceptualized it in terms of the concept of an ‘informal structure of departmental government’. See P. Grémion, *Le Pouvoir périphérique. Bureaucrates et notables dans le système politique français* (Paris: Seuil, 1976); G. Tanguy, *Corps et âme de l’État. Socio-histoire de l’institution préfectorale (1880-1940)*, PhD thesis, University of Paris-1, 2009; and J.-P. Worms ‘Le préfet et ses notables’, *Sociologie du travail*, 8, 1966, pp. 249-275.

<sup>15</sup> On the place of ‘style’ in the exercise of power in Morocco, see M. Tozy, *Monarchie et islam politique au Maroc* (Paris: Presses de Sciences Po, 1999).

<sup>16</sup> Michel de Certeau, *The Practice of Everyday Life*, transl. Steven F. Rendall (Berkeley, Calif. ; London : University of California Press, 2011).

<sup>17</sup> Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977-78*, edited by Michel Senellart et al., translated by Graham Burchell (Basingstoke: Palgrave Macmillan, 2007), and more generally, on the transition to the ‘outside’ with respect to the function, see the case study of the prison, in Michel Foucault, *Discipline and Punish*, translated by Alan Sheridan (Harmondsworth: Penguin, 1979).

‘peripheries’ and ‘margins’ of the wilayat so as to understand the conditions of its emergence, but also, as Jean-François Bayart suggests<sup>18</sup> looking ‘downwards’, i.e. ‘identifying’ the practice of the wilayat on the basis of the logics of action and strategies used by transport operators and social and political actors.

### **Constructing moments: the Wali between action and reaction**

If we are to investigate the way spaces of decision and monopoly are created that enable the Wali to assume responsibility for the government of urban transport, we must first observe this process on the margin of his sphere of institutional competence.<sup>19</sup> The licensing of the public governance of transportation in Casablanca in August 2004 was the starting point for my research. The contract, signed between the eleven local communities forming the former region of Greater Casablanca and a consortium comprising the French company RATP Développement (as reference operator), a Casablanca transporter, and a large Moroccan banking group, was the culmination of a reform piloted by the Ministry of the Interior in a context of institutional decentralization whose program of licensing<sup>20</sup> made provision, within five years, for a market in urban transport that would be exclusive to the licensee operator: this time frame corresponded to the expiry date of the contracts of the fifteen concessionary bus companies. The implementation of the exclusivity clause provides us with a particularly heuristic area for analysis. Firstly, in view of the contract and the sector’s institutional architecture, it brings into play all involved parties; secondly, it generates implicit conflicts over access and financing of the public transport service, a fact which highlights the broader issues underlying its organization, and allows us to define the role and place of the Wali in the government of urban transport.

#### *Governing by default: the exclusivity clause*

The exclusivity clause is not explicitly stated as such in the contract. Subject to an ambiguous legal formula,<sup>21</sup> exclusivity was set out verbally in the quantified grammar of the ‘business plan’ indexed on the contract signed in 2004.<sup>22</sup> The financial projections built upon from the occupancy rate of the bus lines that were gradually taken over by public ownership show, indirectly, the vertical reconquest of the transport network by the licensee. M’dina Bus was thus scheduled to monopolize the one hundred and twenty-six lines in November 2009. In the meantime, the ‘business plan’ redefined the modes of coexistence of operators on each line

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<sup>18</sup> J.-F. Bayart, ‘Le Politique par le bas en Afrique noire’, *Politique africaine*, 1, 1981, pp. 53-82.

<sup>19</sup> Gildas Tanguy, for example, shows how, in the context of the intense legislative output of the Third Republic, through the implementation of administrative law and regulations, the prefects used the margins authorized by the interpretation of the law to create ‘for themselves’ spaces for monopoly and decision-making. Tanguy, *Corps et âme de l’État*, chapters 1 and 4.

<sup>20</sup> On the programme of licensing of the RATC, see C. de Miras and X. Godard, ‘Les firmes concessionnaires de service public au Maroc: eau potable, assainissement et transports collectifs’, *Revue Méditerranée*, 2006, pp. 113-124.

<sup>21</sup> Article 7 of the convention on the perimeter of the transport network mentions the exclusivity of the ‘licensed service’ but leaves unspecified the transport ‘service’ that has been licensed and refers to Annex 1 of the contract that defines the routes operated by the licensee of the convention. Article 7 states simply that the contracts of the concessionaries cease on 20 November 2009.

<sup>22</sup> ‘Financial projections, investment program, accounting, tariffs of licensee management’, Annex 4 of the convention on the perimeter of the transport network.

of the network. Upon entry into operation, the licensee was to take over the contracts of the concessionaries,<sup>23</sup> who were to be informed in writing of the non-renewal of the concession when it expired in 2009.

The implementation of the exclusivity clause involved many stakeholders: the licensing authority, constituted by a convention bringing together the chairmen of towns in the region of Greater Casablanca and chaired by the Mayor of Casablanca; the administration of the city of Casablanca and its chairman, the licensing authority of the bus lines in charge of the regulation of concessionaries and finally the wilaya, which intervened indirectly with the concessionaries, leaving the town's administration with the necessary public force for checks and the enforcement of sanctions. The implementation of this clause was a particular source of conflicts. It made it necessary, firstly, to redefine power relations with the concessionaries, and, secondly, to regain control of the rules of the game in a sector that had largely been 'constituted'<sup>24</sup> in informality. Carriers from diverse backgrounds (industry, insurance, real estate) were mostly drawn from the privatisations of the 1980s, whose 'clientelist' character had constituted a powerful resource for the consolidation and creation of new urban elites.<sup>25</sup> Their concentration on the most profitable inner-city lines, outside the clauses laid down in their specifications, had enabled them to avoid the situation of 'bankruptcy'<sup>26</sup> on the part of the company, which was constrained by public service obligations. On the eve of the reform, the financial and operational crisis the company was going through led the concessionaries to bring almost all of the bus fleet into operation, placing them in a strong position in their relation to the state. Leaving in the shadows the question of what became of these operators and their four thousand employees, the implicit formulation of the exclusivity of the bus transport market and the secret nature of the contract allowed the reform, launched in the middle of the transition between reigns, to circumvent the resistance and defuse the balance of power.

Beyond conflicts directly linked with the interests of the actors, the implementation of exclusivity raised more implicit conflicts related to public transport funding methods. The informal nature of the concessionaries had, in the 1990s, comprised the major mode of adjustment vis-à-vis the constraints of social pricing imposed on operators by the state, without financial compensation.<sup>27</sup> 'Laissez-faire' was another tool for meeting the demand for transport, impossible to meet because of underfunding in the industry. At the beginning of the 2000s, the transport system had become inefficient, outdated by changes in the social geography of the city and the need to extend the transport network to respond to the acceleration, from the 1990s onwards, of the displacement of the population from the city centre to the periphery and the relocation of important activities to urban margins.<sup>28</sup> The process

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<sup>23</sup> 'For the network to be operated in conjunction with a concessionary, the licensee will propose to the monitoring committee a provisional annual schedule concerning the overall service offered along the line [...]. The public transport supply thus defined will allow the establishment of a convention of lines committing the Licensee and the concessionary vis-à-vis the licensing authority. These conventions will be established under the aegis of the licensing Authority [...]', article 15 of the convention on licensee management.

<sup>24</sup> In the sense of B. Berman and J. Lonsdale, *Unhappy Valley. Conflict in Kenya and Africa*, *Eastern African Studies* (Athens: Ohio University Press, 1992).

<sup>25</sup> M. Catusse, *L'Entrée en politique des entrepreneurs au Maroc: libéralisation économique et réforme de l'ordre politique*, PhD thesis, University of Aix-Marseille-3, 1999.

<sup>26</sup> In 2001, the liabilities of the public company calculated by a Ministry of the Interior audit amounted to nearly 800 million dirhams in M. N'Gadi, *Stratégie de réforme du secteur du transport public urbain*, thesis ('thèse professionnelle'), Casablanca, ISCAE-ESSEC, 2003, p. 25.

<sup>27</sup> The decree of the Ministry of the Interior No. 292 of 28 August 1991, regulating the pricing of bus tickets, froze the contractual mechanisms of price revision for private buses.

<sup>28</sup> Between 1994 and 2004, the five most densely inhabited boroughs in Casablanca lost 110,000 residents while, at the same time, four peripheral districts gained 350,000.

of licensing, centralized by the Ministry of the Interior,<sup>29</sup> was not accompanied by any additional public resources. The prospect of a monopoly of the transport network, the foundation on which were built the arrangements with the sole consortium, still in the running,<sup>30</sup> and the sharing out of risks among its members, were a powerful resource for the implementation of the reform. The quantification of exclusivity in a development plan disguised the ‘opacity’ of the sector by making do in the absence of ‘reliable’ statistics; and the subjectivity of the process covered the power relations between the licensee and the concessionaries,<sup>31</sup> masking the financial and competitive malfunctions of the sector.<sup>32</sup> ‘Exclusivity’ thereby balanced the economic model,<sup>33</sup> while maintaining unchanged the price structure. This financial artifice, combined with the strength of belief in the efficiency and managerial virtues<sup>34</sup> of the reference operator (the RATP of Paris), helped to circumvent the sector’s economic contradictions<sup>35</sup> and obscure the political and social issues relating to the financing of the network’s expansion.

Upon implementation of the contract, in November 2004, this initial financial artifice disintegrated, leading to a permanent deficit in the liquid assets of the licensee.<sup>36</sup> The succession, between 2007 and 2012, of two audits<sup>37</sup> and two planes for ‘bailing out’<sup>38</sup> the M’dina Bus company merely bolstered the managerial approach of exclusivity. The backing of the development plan by the new instruments of public action placed exclusivity back at the heart of the new economic balance, on which new arrangements were built, especially with the entry in 2009 of a new stakeholder into the capital of the licensee, the Caisse des dépôts et gestion (CDG), whose institutional nature helped to devise a second financial artifice,<sup>39</sup> contributing

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<sup>29</sup> The formality of the tendering process initiated by the municipality masked the ‘centralization’ of the discussions by the Directorate of companies presiding over the technical committee. See Miras and Godard, ‘Les firmes concessionnaires’.

<sup>30</sup> Following the call for pre-selection of candidates launched on 24 October 2003, three candidates were selected: the offer of a group of Casablanca concessionaries was rejected for non-compliance and the Connex company, a subsidiary of the French Company Véolia, withdrew during the negotiation process in April 2004 without any official announcement.

<sup>31</sup> The financial projections were established on the basis of the market study provided by the Casablanca carrier that was a shareholder in the group. Interview with the contract’s negotiators, Casablanca, 2014.

<sup>32</sup> On the opacity and subjectivity of the process of quantification, see B. Samuel, *La Production macroéconomique du réel. Formalités et pouvoir au Burkina Faso, en Mauritanie et en Guadeloupe*, PhD thesis, Sciences Po Paris, 2013.

<sup>33</sup> The economic model drew on the earlier model of the company, resting on a mechanism of financial equalization.

<sup>34</sup> Interviews, elected officials and contract negotiators, Casablanca and Rabat.

<sup>35</sup> The continuation of the company’s pricing maintained the contradiction linked to the difference between production costs and cost price of the tickets. See *Étude d’un plan de déplacement urbain*, p. 16.

<sup>36</sup> M’dina Bus loses every year since its inception between 100 and 120 million dirhams’, Mehdi Safouane, commercial director of M’dina Bus, *L’Économiste*, 21 March 2012.

<sup>37</sup> ‘Rapport sur l’activité délégitaire, M’dina Bus, Casablanca, 2004-2006’, Directorate of companies and concessionary services, Ministry of the Interior, October 2007; ‘Analyse du contrat de gestion délégitée’, *Valyans-Mdina Bus. Accompagnement à la définition du plan de redressement de la société*, final report, Part 2, July 2008, confidential documents.

<sup>38</sup> ‘Protocole d’accord visant à mettre en place un plan de rééquilibrage économique et financier de la société délégitaire’, Ministry of the Interior, Kingdom of Morocco, 3 August 2008 (Valyans Plan); ‘Protocole d’accord en vue de mettre en place un plan d’action pour l’année 2012 visant à la continuité du service public urbain’, Ministry of the Interior, Kingdom of Morocco, 3 August 2012.

<sup>39</sup> On the financial and political usages of the CDG, see P. A. Barthel and L. Zaki, ‘Les holdings d’aménagement, nouvelles vitrines techniques de l’action urbaine au Maroc: les cas d’Al Omrane et de CDG Développement’, in L. Zaki (ed.), *Enjeux professionnels et politiques de l’action urbaine au Maghreb* (Paris: Karthala, 2010), pp. 64-88.

for instance to strengthening the capacities for short-term bank borrowing of the licensee company and reducing pressure on its cash flow.

### *Crisis situations as a condition for the Wali's emergence*

The implementation process of the exclusivity clause illuminates the dynamics that place the Wali at the centre of gravity of a sector located at the margin of his skills: in urban transport, it is crisis situations that give the state's representatives his power. The ambiguous wording of exclusivity has introduced uncertainty into the process of licensing. This 'state of uncertainty'<sup>40</sup> persisted in the life of the licensee company in the negotiation process for its implementation, following a process identified by Béatrice Hibou in her work on the economic transformations of the state.<sup>41</sup> In the implementation of the contract, this 'situation of uncertainty'<sup>42</sup> was not linear during the process of licensing, but generated 'moments' of crisis which created the conditions for the Wali to assert himself and authorized him to formally take the initiative in defining urban transportation management standards.

In 2006, a year and a half after the licensee company came into operation, a first crisis arose from the intensification of the competition between operators: the difficulties of regulating the concessionary operators and the ensuing uncertainty in implementing exclusivity liberated the banks that were shareholders in the group from their commitments. The institutional configuration and shifting policy in which the licensee operated only strengthened this state of uncertainty: the reorganization of local politico-administrative bodies, due to an institutional decentralization process in 2003, and loopholes in the new town charter, encouraged the licensing authority to carry out a piece of institutional 'improvisation' (bricolage),<sup>43</sup> which limited its room for manoeuvre. In addition, the fragility of the coalition that installed the chairmen heading the municipal councils in local elections in September 2003 limited the capacity for response of its chairman, the mayor of Casablanca.

During 2006, the 'unofficial'<sup>44</sup> withdrawal of the financial stakeholder raised questions about the commitment of the bus purchase program.<sup>45</sup> In May 2006, the constitution of a committee for regulating the transport sector, chaired by the Wali, Mohamed Kabbaj,<sup>46</sup> shook hands with the state representative, thus launching the operations to control the concessionaries, and make the financial arrangements and financial cobbling with the licensee company. These consisted in resorting to the importing of used buses from the RATP, outside the legal provisions of the contract, and to a contribution of personal funds from the Moroccan carrier, the majority shareholder in the group. They made it possible, on the one hand, to get

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<sup>40</sup> 'Casablanca, que deviendront les concessionnaires', *L'Économiste*, 10 April 2009.

<sup>41</sup> B. Hibou (ed.), *Privatising the State*, translated by Jonathan Derrick (London: Hurst & Company, 2004), and *The Bureaucratization of the World in the Neoliberal Era*, translated by Andrew Brown (New York: Palgrave Macmillan, 2015).

<sup>42</sup> In the study of the situation of uncertainty, I was inspired by Luc Boltanski's analysis of the 'state of uncertainty' in which the vagueness and ambiguity in the definition of the status of the cadre places the actors. L. Boltanski, *The Making of a Class: Cadres in French Society*, translated by Arthur Goldhammer (Cambridge: Cambridge University Press; Paris: Editions de la Maison des Sciences de l'Homme, 1987).

<sup>43</sup> The town charter in 2002 did not provide for the reunification of towns for the management of local services (a provision introduced in 2008). To work around this, a convention brought together the 11 local communities of the region of Greater Casablanca, but it did not confer legal or moral authority upon the licensing authority.

<sup>44</sup> The withdrawal of Finance.com would be made 'official' in 2009 with the acquisition of its shares by CDG.

<sup>45</sup> When M'dina Bus started to operate, the contract allowed the provisional use of 170 used buses from the RATP; these were to be replaced with new buses after thirty-six months.

<sup>46</sup> On the establishment of this committee, see the minutes of the monitoring committee of the licensee management for 30 August 2006.



round the licensee's financing difficulties and, on the other hand, to negotiate in return a limited action on the regulation of competition, for the 'period of strengthening the operational capabilities of the M'dina bus'.

A second crisis occurred in 2008, on the eve of fully implementing exclusivity: the accumulation of deficits and the refusal of the RATP to recapitalize the M'dina Bus company jeopardized the activities of the licensee. The execution of a bailout plan by the state, based on the reaffirmation of the principle of exclusivity, then required a new shareholder to be sought, and the elimination of the uncertainty posed by the resistance displayed by the seven operators active at that date.<sup>47</sup> In August 2008, the Agency for Organizing Urban Mobility, created at the initiative of Mohamed Kabbaj and implemented by his successor in January 2009, authorized the opening of a negotiation process with the concessionaries of the transport system. Discussions led by the Agency (whose Board of Directors was chaired by the Wali) ended up maintaining the continued operation of three concessionary operators: the illegality of this was tolerated.<sup>48</sup>

The creation of the committee and the transportation agency did indeed place the state's regional representative in a position to act: but it was discussion of the exclusivity clause, the divergent interpretations of the latter, or indeed its non-realization, that opened up the margins enabling it to take over 'by default' the government of the sector. The behaviour of Mohamed Kabbaj and Mohamed Hallab highlighted the techniques, tools and forms of knowledge of the state as mobilized by the Walis in their management of the conflicts. These procedures differed with the meanings that uncertainty assumed for the actors and the political and social issues that it raised. Thus, at the moment of privatization, the threat of an open conflict with operators – mostly in a difficult financial situation but able to wield the balance of power – threatened the supply of transport; as the operational capacity of the M'dina Bus company was strengthened, the threat shifted to the social conflicts arising from the cessation of activity of the concessionary companies and their four thousand employees.<sup>49</sup> In the view of the concessionaries, the prevailing uncertainty thus made the least attempt to clean up the market for urban transport embarrassing and disturbing, and made any form of public action appear as a potential source of conflict. In the regulation of operators, the Wali therefore acted with discretion and remained inactive and invisible.

The implementation of exclusivity should have been expressed by an increase in the licensee's revenues, due to the increase in the number of its users. The prevailing uncertainty and the continuing use of certain concessionaries did however subject the carrier to a tension which acted as a source of momentum, an engine enabling the state representative to get around the constraints caused by the underfunding of the public transport company. The Walis extended this state of uncertainty, playing on the margin of interpretation of the norm of 'exclusivity' whose ambiguous wording allowed for countless interpretations of its conditions of realization: the 'promise' of an implementation of exclusivity varying with the priorities of the context structured the arrangements made with the licensee.

As concessionaries came out, exclusivity was subject to distorted perceptions: the shifting and unstable positions of Mohamed Kabbaj and Mohamed Hallab largely reflected their uncertainty about the issue of exclusivity, which drew on power relations between the many actors involved; non-action was also one of the instruments used by the Walis in a context of uncertainty. By taking over the issue of exclusivity, both Walis acted 'with', 'by' and 'in'

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<sup>47</sup> 'Quel sort attend les concessionnaires?' *L'Économiste*, 18 August 2008.

<sup>48</sup> In June 2012, in addition to the appointment of a new Wali, a second bail-out plan was signed; as a result, a procedure for revision of the contract was initiated, allowing for a re-investigation of the principle of exclusivity.

<sup>49</sup> For a report on the wage grumbles of the employees of the ousted companies, see 'Casablanca, la jungle des transports en commun', *Le Matin du Sahara*, 22 October 2011.

uncertainty, compromising with the situation they had to manage and thereby giving it meaning.

## **The reconfiguration and temporality of the spaces of power**

The creation of the coordination committee and the transport agency was part of a process of reaction and adaptation to institutional and managerial transformations in the forms of government of the city. In 2003, simultaneous operations of licensing and decentralization altered the modalities of the Wali's intervention in urban transport. In particular, the Wali no longer chaired the board of the public company, which comprised his most formal position in the sector. Furthermore, the reconfiguration of town bodies changed the concrete conditions for the exercise of supervision of local authorities, an indirect mode of intervention on the part of the Wali: decentralization did not transfer additional competences and resources to local governments, but brought about a redistribution of power at the regional level, with the moving of twenty-seven urban municipalities to a single administration – the city council – relying on sixteen districts (arrondissements) without moral autonomy or financial resources of their own. This new organization strengthened the position of the chairman of the city council (that is to say, the mayor) in the process of mobilization of local elected officials and marked a break with the mode of management by divisions within the city;<sup>50</sup> it therefore limited the Wali's margins of influence in the votes of the town assembly. In 2006, the Committee on Transport and, in 2008, the agency created after it thus reconfigured the Wali's positions in transportation, without conferring any additional legal or financial powers on him.

### *The personal exercise of a function by default*

Mohamed Kabbaj was appointed Wali of Casablanca in June 2005, six months after the licensee company had entered into service. His personality and his trajectory would influence the reconfiguration of the Wali's positions. The low level of institutionalization of the function – due to a lack of explicit legal and institutional recognition<sup>51</sup> – encouraged the development of highly personal interpretations and logics.<sup>52</sup> Kabbaj had attended the École polytechnique and was a leader of the Moroccan technostructure in the 1990s; as Wali, he was taking his first steps in the Ministry of the Interior. His appointment was part of the change in personnel that installed technocrats and managers at the head of the wilayas of the main cities in the kingdom, in the wake of the new reign.<sup>53</sup> Compared with these 'techno' personalities, Mohammed Kabbaj, who was a minister three times before joining the royal cabinet in 2000, stands out by

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<sup>50</sup> See A. Iraki, 'Réformes institutionnelles, refonte des territoires et rapports de pouvoirs dans la ville', *Les Cahiers d'EMAM*, 19, 2010, <http://emam.revues.org/116>.

<sup>51</sup> On the reference points and texts on which the Wali's status is established, see 'Réflexion sur le statut de Wali de région', *Lettre des collectivités locales*, Bulletin trimestriel d'information de la Direction générale des collectivités locales, April-Juin 2005, Ministry of the Interior, p. 6.

<sup>52</sup> On the personal logics and understandings at work in the exercise of the state's personal representative, see P. Birnbaum, *Les Fous de la République. Histoire politique des Juifs d'État de Gambetta à Vichy* (Paris: Fayard, 1992), especially the chapter on the 'dynasty of Hendlé prefects', pp. 29-44.

<sup>53</sup> The so-called 'techno-Walis' who come from major Offices and public companies embody the 'new concept of authority', oriented to the development of growth, promoted by the new monarch to mark his break with the old order and to distance himself from the 'security' era of Hassan II. Their personalities contrast with the academics and jurists of the past decade.

the scale of his professional career. His arrival in the wilaya coincided with a moment of reconfiguration of the monarchy's repertoires of action in the major cities of the kingdom, embodied by the launching of major urban projects.<sup>54</sup> A 'typical' figure of the state as engineer, Mohamed Kabbaj shares a conception of the Wali's practice as direct government action. As one of his close associates summed it up: 'on his arrival, M. Kabbaj realized that, in fact, a Wali had no power; the mayor, and the central government, were the ones with resources and competences'.<sup>55</sup> During his four years in the wilayat, Mohamed Kabbaj continued to formalize his position as Wali.<sup>56</sup> This effort stemmed both from a 'managerial' ethos leading to an assertion of the scope of intervention of the state's representative and a way of acting in a ministerial and administrative environment where his connections, his network of alliances and his command of 'style' and his tools of persuasion were relatively weak.<sup>57</sup>

The process implementing the exclusivity clause reveals an increase in the different positions occupied by the Wali – as in the case of the setting up of the coordination committee in 2006.<sup>58</sup> In the immediate context of privatization, the overlapping of contracts between operating concessionaries and licensees, like the demands for the creation of new lines of transport<sup>59</sup> on the part of chairmen of towns, made arbitration necessary. Similarly, changes in the public company required that the division of labour and the hierarchy of tasks be renegotiated between local elected officials and the Directorate of companies and licensed services, the urban transport regulator whose intervention had hitherto been mediated by officials of the public company.<sup>60</sup> The change in the status of the public company also restricted the possibilities of financial tinkering, which now shifted to the margins introduced by the contract and the tariff revision formula.<sup>61</sup> The increasing number of conflicts and the need to generalize a set of unfinished practices created the conditions for the rise of the Wali and the establishment of the coordinating committee.

The creation of the transport agency is another example of the repositioning of the Wali. This is what might be called the 'exclusivity moment': according to a logic of 'situation', Mohamed Kabbaj took advantage of the contradictions and conflicts in public action, and the redefinition of alliances they authorized, to expand his formal scope of intervention. Four years after the licensing operation in 2004, the exclusivity clause became the foundation for many power relations. The audits of the licensee company, the National strategy for urban transport, and the report of the regional Cour des Comptes (Controller and Auditor General) thus provided contradictory interpretations of this:<sup>62</sup> on the local scale, the coming together, within

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<sup>54</sup> On the policy of major projects, see Barthel and Zaki, 'Les holdings d'aménagement'.

<sup>55</sup> Interview, regional administration, Casablanca, 2014.

<sup>56</sup> Thus, the first two local development companies (Sociétés de développement local – SDL), regional structures for the management of projects involving the state and local communities and chaired by the Wali, were set up by M. Kabbaj. In January 2015, there were seven of them in Casablanca.

<sup>57</sup> Interviews, regional administration, Casablanca, 2013 and 2014.

<sup>58</sup> On the first years of the contract, see the minutes of the nine monitoring committees of the licensing authority which were held between 2005 and 2008. Internal documents.

<sup>59</sup> On the significant increase in requests for new lines, see the minutes for 1 July 2005.

<sup>60</sup> The competitive struggles shifted to the control of new bodies introduced by the contract. See the minutes of 1 July 2005 and 3 August 2005.

<sup>61</sup> On the discussions over the date of tariff revision of the contract and the 'centimes' or small change granted as compensation of school costs, see the minutes for 4 August 2005, 31 August 2006, and 5 September 2006. On 'disrespect for the contractual terms involved in the tariff revision', see the *Rapport annuel de la Cour des Comptes*, vol. 2, p. 479.

<sup>62</sup> The two audits of the Directorate of companies and licensed services, in 2007 and 2008, reaffirmed the principle of exclusivity; the national strategy piloted by the General directorate of local communities defended the principle of competition in the urban transport sector and the report of the regional Cour des Comptes (accounting office)

the licensing authority, of the eleven town chairmen of the region of Greater Casablanca sowed the seeds of division. The conflicts were indeed the expression of historical cleavages comprising the geographical inequality in the services run by the former transport authority, from which the licensee company took over the network without any modification. But these conflicts also fed on more political divisions related, inter alia, to the mayor of Casablanca's exploitation of the monitoring and control bodies of the licensee company to stabilize his fragile coalition in the city council of Casablanca. In 2008, the intensification and broadening of the conflicts prior to the implementation of exclusivity created a critical situation that Kabbaj seized to create the transport agency, a regional structure involving the state and local communities. At the time, this was an 'innovation' in the political and administrative field.

Its creation was made possible by the multiple positions of the Wali, which allowed him to make 'for himself' various new 'formal' spaces of power: the Wali simultaneously relied on the administrative prerogatives of the coordinator of regional structures, on his geographical field of competence – the region –, and on the financial resources of the regional council of which he was the executive authority. But it was mainly made possible by mobilizing resources that had not been formalized. The multiple positioning of the Wali put him in a position to influence decisions and mobilize resources held by others, such as those of municipal councils, which alone had the necessary legal competence to create such an agency, or those of the 'consultants' of the Valyans firm in charge of the licensee society's restructuring study, of which the Wali chaired the technical committees.

The legitimacy conferred by the state on the Wali authorized him to say that matters were urgent and to innovate institutionally. Thus, just six months elapsed between the conception of the transport agency project developed by the General directorate of local communities, and the vote on it taken by the eleven local municipalities. Mostly, the social and professional capital, the networks of which the Wali was part, determined what room for manoeuvre he had and his ability to mobilize resources. His aura as a former royal advisor was, from this point of view, critical for his attempts to convince the central government.

'The Wali was in a great hurry, we had a bill for a regulatory authority, but it would have taken too much time. Mohamed Kabbaj is a man of importance – and when he tells you to get on with something quickly, you trust him.'<sup>63</sup>

Independence from the Directorate of companies, the authority in charge of urban transport, would be questioned by Mohamed Hallab, appointed six months after the creation of the agency. Unlike his predecessor, Hallab sought the 'opinion' of the Directorate of companies, and his project to gather the different regional services within the agency, as originally envisaged by Mohamed Kabbaj, was rejected.<sup>64</sup> Hallab, a former Wali of Tangier, also appointed as part of the technocratic movement, demonstrated with regard to the central administration a caution that reflected both a professional and a subsequent civil service career. But Hallab's 'reservations'<sup>65</sup> about expanding the formal scope of intervention of the agency also stemmed from a more 'institutional' understanding<sup>66</sup> of the way competences were shared between local elected officials and the wilaya. This difference in ethos and styles brings out

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delivered a legal interpretation of the contract, thereby challenging any principle of exclusivity of the urban transport network lying with the licensee.

<sup>63</sup> Interviews, central administration, Rabat, 2013.

<sup>64</sup> Interviews, Rabat and Casablanca, 2013 and 2014.

<sup>65</sup> Interviews, regional administration, Casablanca, 2014.

<sup>66</sup> Interview, regional administration, Casablanca, 2014.

the way the bounds of the functions of the Wali, and thus of the state, are closely related to the understanding that the Walis have of their function.

### *Temporality of the Wali's positions of power*

Neither the coordination committee nor the transport agency confer any new powers on the Wali: these new bodies exist only through legal loopholes and the instability of other actors and dispositifs. In 2006, the vagueness at the heart of the town administration,<sup>67</sup> then undergoing full restructuring, created a blur in the administration of transport, which the Transport coordination committee seized on to relaunch and define the concessionary control operations. But the new bodies exist mainly in the form of alliances that are forged in moments of tension. Crises incline the actors to forge an alliance with the state's regional representative, who at such moments comprises a 'rallying point' for hitherto widely separated centres of power. In 2008, for example, the creation of the transport agency was made possible by the alliance between Mr. Kabbaj and M. Sajid, the Mayor of Casablanca, which could bypass the divisions within the licensing authority and the instability of its majority in the municipal council. Through a convention, the entity was given 'missions' for transport regulation and monitoring of the licensee management contract; this made it possible to circumvent the difficulties linked to the transfer of legal skills that made it necessary to take the legislative path. Thus, the agency's decisions on pricing, changes to the operators' contracts and the redefinition of the transport system remained subject to the vote of the town assemblies of the region of Greater Casablanca, whose chairmen sit on the agency's board of directors.

Here we see at work the temporality of the Wali's positions: the new bodies give him 'power' to act at the moment when they are being set up, but not in the long term, as attested by the dissolution of the transport agency, in February 2015, by the current Wali of Casablanca. The resource they provided came from the 'formalization' of the regrouping, around the Wali, of the majority of forces present. The 'formalism' of those state positions is an asset for the exercise of power and liberates the action of the Wali, who now had a monopoly in making decisions and arbitrating. This is what I mean by the term 'governing by moments'. In the regulation and organization of urban transport, the Wali may be just one centre of power among many others, but he is in a position to influence public action on a daily basis, to direct its pace by accelerating or decelerating the process.

### **The Wali, between formalism and informalities**

The formalism of his positions gives the state representative the power to act. But it is his ability to act according to non-formalized modes and to mobilize non-formal resources which places him in position to get things done and inspire action. The informality of the Wali's practice does not fall within an informal or illicit register; it is not intended to 'circumvent' the State but to 'serve' it.<sup>68</sup> Thus, given the exclusivity clause, the Wali's interventions consisted in shifting the violence of conflicts onto actors other than the state, to ease tensions with

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<sup>67</sup> See A. Iraki and A. Ziadi, 'Cadres techniques communaux et refontes administratives dans les grandes villes du Maroc: le cas de Casablanca', in Zaki (ed.) *L'action urbaine*, pp. 117-142.

<sup>68</sup> G. Tanguy, 'Administrer "autrement" le département: les préfets en tournées (1880-1940). Entre folklore républicain, rituel bureaucratique et pratiques informelles', in L. Le Gall, M. Offerlé and F. Plous (eds.), *La Politique sans en avoir l'air* (Rennes: Presses universitaires de Rennes, 2012), p. 48.

operators, and to defuse, via the withdrawal of concessionary companies, conflicts induced by the reduction in the supply of buses and jobs.

It is indeed a subtle form of competition, combining laissez-faire on the licensee and irregular control over operators, which made it possible for former concessionaries to be ousted from the market and led the M'dina Bus company to redefine power relations with concessionaries through a veritable 'commercial war.'<sup>69</sup> This war waged by the licensee led to six companies<sup>70</sup> coming out before the effective date for the implementation of exclusivity, not without conflicts with the licensee operator. The exacerbation of the competition with private buses caused further imbalances in liquid assets, and undermined the licensing scheme built on the principle of regulated competition. Tensions with the licensee company, especially with its international shareholder, the RATP, were addressed through a series of studies undertaken by technical committees of the central government under the chairmanship of the Wali. These studies led to a discharge of responsibility onto the licensing authority<sup>71</sup> and to new compromises: the development of the Valyans restructuring plan paved the way for the entry, at the end of 2008, of a new shareholder, the Caisse des dépôts et gestion (CDG)<sup>72</sup> and the payment of a first public subsidy.

The implementation of the 'Valyans plan', focused on reaffirming the principle of exclusivity and on accelerating the coming out of seven other concessionaries, was a fulcrum for discussions with CDG. Upon his appointment in January 2009, Mohamed Hallab initiated a new negotiation process, which espoused the balance of forces present: the transport agency negotiated the extension, for a limited period, of the activity of the three concessionary operators most securely anchored, financially and operationally, in the market;<sup>73</sup> it organized the takeover by the licensee of the employees of an operator holding two companies in return for the cessation of its activities;<sup>74</sup> meanwhile, the two smallest companies underwent an intensification of controls and were left on the sidelines of the negotiations

### *Techniques and tools of the wilayat's practice*

We could, on the basis of the behaviour of MM. Kabbaj and Hallab, draw up a typology of techniques and tools used in the practice of the wilayat. Diverting the way the formal bodies is used to other ends is the first tool used by the Wali to exercise his authority informally. The reorientation of the permanent monitoring service of the licensee company to the control of concessionaries is telling: in view of the contract,<sup>76</sup> the entity of control, funded by a percentage of the turnover of the M'dina Bus company,<sup>77</sup> is strictly linked to the licensing authority, for which it provides exclusive monitoring of the contract. However, the central administration and the wilayat have got involved, thanks to the redeployment of officials from the public

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<sup>69</sup> Interviews with a transport operator, Casablanca, 2013 and 2014.

<sup>70</sup> The companies Rahabus, Aman Bus, Mouna Bus, Bucas transportation, Casa transport and Yasmina bus.

<sup>71</sup> The study by the Valyans firm noted that the 'commitments of the licensing authority' under the contract are to 'ensure the conditions of operation' and concludes that the licensee's economic imbalances are 'mainly related to the non-regulation of the competitive environment', in 'Analyse du contrat de Gestion déléguée', *Valyans-Mdina Bus*, p. 45.

<sup>72</sup> 'La CDG sauve M'dina Bus', *Challenge Hebdo*, 3 May 2009.

<sup>73</sup> These are the companies Lux transport (90 buses, 540 employees, 7 lines operated); Chennaoui bus (56 buses, 300 employees, 2 lines operated) and Rafayah bus (3 lines operated).

<sup>74</sup> The companies Zenata bus and Hana bus, which employed a total of 250 people.

<sup>76</sup> Article 45 of the licensee management convention, 2004.

<sup>77</sup> The M'dina Bus company finances 'directly' the operating costs and the cost of studies and control audits, by standing order from turnover, capped at 0.2%: article 45 of the licensee management convention.

transport authority<sup>78</sup> and the absence of any contractual link between the permanent service and the licensing authority, as the latter was not a legal entity. When the transport committee was set up in May 2006, the permanent service was entrusted with the control of concessionaries, legally vested in the municipal administration. The provision of police officers that the application of sanctions required recreated the conditions for an irregular control of carriers. In the everyday life of public action, this indirect form of intervention gave the Wali the opportunity to intensify or slow down the pace of control operations. Throughout the process whereby the concessionaries came out on the market,<sup>79</sup> the permanent service thus made it possible to manipulate the vagueness and the blurring of responsibilities between the municipal administration and the wilayat, conferring a ‘discrete’ character on the Wali’s intervention in the process.

The lack of control over the practices of the licensee is the second repertory of action used by the Wali to reorganize the transport market. It allowed the operator to redefine the terms of competition on the lines operated jointly with one of the concessionaries. The principle of an ex post facto control of the public company introduced new management tools, primarily quantitative, fixed by contract. The opacity of the figures and the licensee’s treatment of the presentation of the reports, including returns in a paper format, complicating the analysis,<sup>80</sup> gave the operator room for manoeuvre in redefining the conditions of his presence on the network. The Wali was not directly responsible for the control of the contract monitoring indicators processed by the permanent service and made available to the licensing authority; but his proximity to the body’s staff and the many rules at his disposal to exercise control on the ground put him in a position where he was able to act. Managing to divert attention from the licensee’s practices was the operator’s main mode of adjustment in the vertical ‘reconquest’ of the bus lines. Competition from M’dina Bus took place sporadically, with a given concessionary, either by the irregular opening and closing of a line, or through enhanced mobilization of the licensee’s fleet on a given line.<sup>81</sup> The irregular and random nature of control on concessionaries<sup>82</sup> intensified – or conversely slowed down – the pressures on a given operator. The asymmetry of the competition and the control operations prevented any solidarity arising between concessionaries. It thus limited common mobilizations, and promoted among the concessionaries the quest for points of support and alliances to mobilize resources needed for their redeployment in other markets or other cities, or even to consolidate their position in Casablanca by refocusing their operational forces on their most profitable routes.

The manipulation of the rule was a third way in which the Wali could act. It was mainly placed in the service of the transport supply and the easing of conflicts with operators and their employees. The transport committee organized its controls by targeting ‘the degree to which

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<sup>78</sup> When it was set up, the permanent service consisted of four people: the head of the permanent service from 2005 to 2007 was a former official of the transport authority of Casablanca (RATC) and former director of the transport authority of Agadir; his deputy was the former director of the RATC from 2002 to 2004, supported by two former executives of the Casablanca authority.

<sup>79</sup> The permanent service would be formally attached to the transport agency in May 2012.

<sup>80</sup> Interviews, transport agency, 2013.

<sup>81</sup> Some examples: on line 97 operated by the Rafahya bus company, between December 2006 and March 2008, M’dina Bus operates ten buses, which it reduced to 7 from 2008 to 2009; but in December 2010 (while the contract with Rafahya expired on 19 May 2010), it placed twenty buses on this line, the maximum fleet available to its competitor. The Chennaoui Bus company shared lines 56 and 143 with M’dina Bus; line 56 was opened by M’dina Bus in February 2006, which placed a maximum volume of 23 buses on these two lines between December 2006 and July 2007. Then, in 2009, it reduced its fleet to three buses on line 143 and ceased operating on line 56.

<sup>82</sup> *Fiches de contrôle* (Control sheets), overview, Division of transport and monitoring of concessions, Urban City of Casablanca, 11 December 2009. Confidential documentation.

contracts had been exceeded',<sup>83</sup> which resulted in the concentration of sanctions on the weaker concessionaries. In 2007, after a first control 'campaign', the committee gave notice to six concessionaires out of the fifteen existing for non-compliance with the contract. These warnings, issued by the municipality but decided in advance by the chair of the committee, i.e. the Wali Kabbaj,<sup>84</sup> were sent to companies that had already come on the market<sup>85</sup> or were willing to do so, such as Yasmina Transport: the group to which this historic concessionary belonged had turned away from the sector at the beginning of 2000, but maintained its activity to avoid conflicts with employees; serving notice on it gave it the legal possibility of filing for bankruptcy.

In the same register, the imprecision of the formulas included in the contract ensured that the Wali could exploit the vagueness in his report to the licensee. Their selective use, the resorting to contractual items according to their strategic nature and operational value gave room for manoeuvre to successive Walis as they rephrased the rules and hierarchized their priorities. In 2007, in the unstable context of a restructuring of the capacities of the public transport company, the Wali Kabbaj conditioned the pace of the market clean-up by strengthening the 'logistical capabilities' of the licensee. In 2009, as the employees of the ousted companies were voicing their discontent, the Wali Hallab renegotiated with the licensee the principle of exclusivity in return for taking on the employees from the concessionary companies, relying on the vagueness of a clause in the contract. Two years later, in the new shareholder configuration of M'dina Bus, marked by the entry of CDG into its capital, the Wali would reconsider his position and make this exclusivity dependent on the licensee's logistical capacity to cover the entire transport network.<sup>86</sup>

The register of the authority and legitimacy of the language used by the state made the manipulation of exclusivity operational. As various officials from M'dina Bus told me, 'when the Wali promises you something, you believe him'.<sup>87</sup> But the temporality fixed by the contract still limited the time available for exploiting the exclusivity clause. In 2011, Mohamed Hallab managed to reverse the power relations by drawing on the autonomization of the clause. In the turbulent social context of the Arab Spring and the 20 February movement in Morocco, the principle of compensation for the 'non-realization' of exclusivity was negotiated by the Wali in return for an increase in the minimum wage for employees, on the pattern of wage increases granted on May 1 by the government for the public service. The strike threat from M'dina Bus employees led the Ministry of the Interior to issue a circular which expanded the scope of these. In June 2011, Mohamed Hallab set up a technical committee responsible for quantifying the damage suffered by the licensee company for non-fulfilment of exclusivity over the period 2009-2011; this eased the tension with the licensee operator, which demanded the end of the activity of the four concessionaries remaining, in return for a wage increase.

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<sup>83</sup> For the detailed assessment of the activity of the transport committee, see *Rapport sur l'activité du délégataire M'dina Bus, Casablanca-2004-2006*, Ministry of the Interior, Directorate of companies and licensed services, October 2007, pp. 48-49, confidential document.

<sup>84</sup> See the minutes of the monitoring committee for 10 October 2007.

<sup>85</sup> Aman bus, for example, which operated two lines, ceased operations at the end of 2006, a few months before notice was served.

<sup>86</sup> Interviews, Casablanca, 2013 and 2014.

<sup>87</sup> Interviews, M'dina Bus, Casablanca, 2013 and 2014.



## *Making arrangements*

The autonomization of the exclusivity clause was made possible by the intensification of the quantification of exclusivity. Throughout the process of licensing, the ‘decoupling’ of figures and reality theorized by Michael Power<sup>88</sup> was reinforced by the proliferation of studies that seized on the contract and focused on the development plan. The financial projections of these studies depicted a distinct reality, constructed from an idealization of the urban transport market and its restructuring, without any social pressure demanding the extension of the public transport network. This numerical reality did not reduce the uncertainty of the licensee company as to the sustainability of its model, but the gap produced between the reality constructed by figures and the political and social reality of urban transport shifted the scene of conflict and opened new spaces for compromise. By providing a potentially objective foundation for support, the increasing formalization of exclusivity has gradually moved away from the aims it was pursuing. It is in light of this autonomization, and the support it offers for the quest of ‘solutions’ that we need to understand how a marginal supply of transport without any formalized link has hitherto been maintained. But, by encoding in a more intense way the exclusivity clause on the basis of the logics of the market and enterprise, studies have encouraged managerial recipes, stripped of the social and political costs of restructuring the urban transport market. The arrangements made by the Wali with the licensee have ‘re-embedded’ the government, in the strict sense of the word, of urban transport into the government of the social, which explains the Wali’s ill-timed and contradictory responses in light of the forms of consensus found during their development.

Circumvention of the rules made it possible to ‘make arrangements’. The continued deployment of used buses from the RATP in 2007, outside the provisions of the contract, was negotiated by the Wali Kabbaj in return for a limitation of the notices given, now involving just six of the fifteen concessionaries. In 2009, the ‘transition plan’<sup>89</sup> defined beforehand by the Wali Hallab with the mayor and the licensee redefined the agenda and modalities for the coming out of the seven other concessionaries scheduled by the Valyans plan. This exception to the rule of law also allowed Mr. Hallab to reverse the balance of forces with the concessionary Lux Transport, a Saharawi operator with significant political and financial resources.<sup>90</sup> The concessionary’s refusal to formalize, by an amendment to the contract, the extension of its activity by just one year led the Wali to leave the discussions ‘incomplete’<sup>91</sup> and keep the operator active outside any contractual relationship with the town hall, even though this was the licensing authority.

The Wali’s non-formalized methods of intervention introduced a certain flexibility into the process whereby the concessionaries came out. This flexibility allowed the two Walis to align with the state of power relations and respond to the rekindling of the conflicts generated by the logics of action and behaviours of others involved in the process: with the withdrawal, in late 2008, of the police forces in the control brigade, the lifting of sanctions on operators shuffled the cards as to the ‘real’ intentions of the authorities in the face of the legal proceedings brought by the Mayor of Casablanca, who had given written notice to the concessionary companies that they should cease their activity. The non-formalization of the Wali’s practice

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<sup>88</sup> M. Power, *The Audit Society: Rituals of Verification* (Oxford: Oxford University Press, 1999).

<sup>89</sup> ‘Réponse de l’autorité déléguée à la Cour des comptes sur le maintien en activité des concessionnaires’, *Rapport de la Cour des comptes*, p. 483.

<sup>90</sup> Lux Transport belongs to the Joumani group founded by Khatri Ould Said Joumani, the son of a great Saharawi sheik who had sworn allegiance to King Hassan II on the eve of the Green March. The group is active in several sectors (agriculture, fishing, construction, fuel, transport).

<sup>91</sup> Interview, regional administration, Casablanca, 2013.

also left room for manoeuvre for the exercise of power. For example, the discharge of responsibilities onto the Mayor of Casablanca, the licensing authority, was a repertoire largely mobilized by different Walis in their power relations with the licensee to justify 'non-action'. The mayor did just as much, although his language was much less credible on the public stage because of his legal responsibilities in the sector.

The lack of formalization of the Wali's practice further promoted very personal interpretations of the issue of exclusivity: the clause for this fell within the power relations between the Walis, the central administration, and the mayor. The increasing degree of formalization of exclusivity must be read in the light of these power relations: the creation of a quantitative display of the licensee's losses related to the maintenance of concessionary operators<sup>92</sup> in the first audit of the Directorate of companies and the use of the 'credibility' of the Valyans firm, which adopted its conclusions,<sup>93</sup> were instruments of persuasion for the central government in the face of M. Kabbaj's reluctance to expedite the implementation process of the monopoly. The explicit refusal to pursue this process, on which the alliance with the mayor and the decision to create the agency had been based, led Mohamed Kabbaj to confront the central administration.<sup>94</sup> The 'resistance' was removed in January 2009 by the appointment of his successor, whose first action was to hire a legal consultant<sup>95</sup> reaffirming the principle of exclusivity and 'causing' the mayor to sign, in March, a contract amendment with the licensee that remained confidential<sup>96</sup>

The condition of exclusivity, as well as its 'non-realization', were thus realized in and by the kinds of knowledge mobilized by many stakeholders, in and through conflict. The detours taken by the reorganization of the urban transport market and the organizational discharge operated on the licensee were not the result of an 'intentional' strategy on the part of the state representatives: they 'occurred' in the tangle of interactions and power relations in which the state's representatives found themselves.

## **Governing the social by governing conflict**

The process of implementation, or rather non-implementation, of exclusivity, thus proves to be an excellent way into understanding the terms and logics of the government of the social in Morocco. It reveals a takeover of the social issue that does not think or assume itself as such. It is indeed the conflicts, the latent or explicitly expressed tensions that 'cause' the Wali to intervene. By supporting the implementation of exclusivity, the Walis Kabbaj and Hallab governed the conflicts, and it is on this basis that they chose their terms of action, their rulings,

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<sup>92</sup> The indicator consists in giving a numerical value to the volumes on the move as picked up by private operators on the basis of the fleet actually being operated and in contradiction with what is initially agreed in their own contracts: the gap between the travellers actually picked up by the licensee, and the travellers that a regulation of competition would have enabled them to pick up, gives a numerical value to losses 'linked to the absence of regulation', in 'Rapport sur l'activité déléguée', p. 51.

<sup>93</sup> 'Analyse du contrat de gestion déléguée', *Valyans-Mdina Bus*.

<sup>94</sup> On 15 September 2008, a meeting was organized in the wilayat with the secretary general of the Ministry of the Interior in which 'the divergences' of points of view on exclusivity were formally expressed. Communication from the Directorate of companies and licensed services to the Wali Kabbaj on 15 October 2008, confidential document.

<sup>95</sup> Legal opinion on exclusivity, Kettani office, confidential document.

<sup>96</sup> In March 2009, a protocol signed between the chairman of the licensing authority and the licensee company states in article 3 that 'the licensing authority is committed to ensuring the transition to the network being operated exclusively by the licensee from 20 October 2009'.

and the type of solutions to be implemented. Now, conflict does indeed have an elusive side: first, it masks the social issues that it bears and which at the same time feed into it; secondly, it dodges the question of the choices made, the populations, regions, and social and economic actors that are – or are not – taken care of.

### *The centrality of the conflict*

The creation of new bodies and the Wali's active involvement in the regulation of the sector are undeniably 'moments' where conflicts unravel and where the initiative of the stakeholders can be freed. In these moments, concretely, choices lead to favouring one region over another, one population over another. In 2006, for example, when the coordination committee was set up, M. Kabbaj decided in favour of the creation of six new lines of transport that triggered tensions between licensing and licensee authority. Permission to extend the deployment of used buses from the RATP certainly involved bypassing the financial difficulties of the licensee company; but the solution found for the 'financial' crisis of the M'dina Bus company also arose from an arrangement that aimed, in a kind of assumed state evergetism, to ensure the management of supporters of football teams during games, and thus the circumventing of the licensee's resistances due to the costs of the wear and tear on the fleet.<sup>97</sup> Similarly, so as to guard against uncertainty, the concessionary companies made choices based on skills and knowledge mobilized in the face of the state. When the company Rafayah Transport refocused its operational capacities on the university routes, or when the company Lux Transport assumed responsibility for the school populations in rural towns on the outskirts of Casablanca, these operators were put in position to 'render a service' to the state, helping to maintain the social order of urban transport.

Social policy in urban transport is thus manufactured on the basis of the government of conflict. It therefore leaves unthought a specific form of action that would address the social environment and the population as a whole, since public action focuses on populations and actors in a position to enter into a balance of power. This way of assuming responsibility for the social makes compromises with social inequalities; it does not think of itself as an instrument for curbing them. The diversity of the transport supply and its 'segmentation' follow the shape of the social and spatial inequalities which the economic capital of the kingdom concentrates within itself. Due to the high cost of bus tickets and 'rides' in taxis, which rules them out for nearly 20% of the population of Casablanca,<sup>98</sup> the transport system leaves the most vulnerable populations marginalized. In a metropolis marked by the hypercentrality of urban services and facilities, transport costs limit the extent to which they can promote economic and social integration.<sup>99</sup>

This does not mean that there are no social measures in the field of transport. On the contrary, everything in it is 'social': in respect of the discourse of actors and the statement of public policies, the capped pricing of bus tickets is a 'social' pricing; the public transport service is 'social'; big taxis have a 'social' mission. But the vagueness of the definition of public service is also a way of not thinking about the specificity of social action in urban transport.

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<sup>97</sup> 'Réponse de l'autorité déléguée à la Cour des comptes', p. 483.

<sup>98</sup> The potential cost of transport for the poorest households, calculated on the basis of an average ratio of 2.9 trips per day and a full price bus ticket, represents nearly 19% of their income. On the relation between poverty and urban transport in Morocco, see *Maroc – Secteur des déplacements urbains*.

<sup>99</sup> On the social questions of mobility, see J.-P. Orfeuil, *Transports, pauvreté, exclusion: pouvoir bouger pour s'en sortir* (Paris: Éditions de l'Aube, 2010); on the connection between mobility and poverty, see 'Mobilité et pauvreté: les villes interrogées', *Revue Tiers Monde*, 201, 2010.

## *The Wali, 'insurer of the social'*

Behind the Wali's modes of intervention, we can see the entirely conflicting nature of the social bond and the relation between the state and the population. By his behaviour and his arrangements with operators, the state's regional representative has indeed ensured 'the security of the social', in a role that indicates this high degree of conflict in the apprehension of the social bond.

The complexity of the process of reorganization of the transport market must therefore be seen in the perspective of the logic of 'securitization' of the social demand for mobility underlying the action of the Walis Kabbaj and Hallab. The detours taken by the process whereby the concessionaries came out have usually been interpreted in the light of the alleged strength of the carriers' lobby and their secret alliances with the 'big shots' in the administration. But the details of the rate at which bus companies came out, their logistical capabilities, the singularity of the routes served, all suggest that it is generally the operational capacities of the operators and the geography of the routes they serve that have been the source of their strength in the face of the state's representative. Given their capacity to mobilize resources, the operators are obviously the very ones who are able to consolidate their operational position on the transport network, and therefore to negotiate with the wilayat. This is the case, for example, with two of the three companies still in business. With a solid 'political' capital, the network of support and alliance of the Saharawi group Lux Transport allowed it to deploy in other regions and other segments of activity of the transport sector,<sup>100</sup> which led it to consolidate its operational capacities in Casablanca, with the launch in 2007 of a major bus investment program.<sup>101</sup> The Chennaoui company, which now operates three lines, strengthened its position in Casablanca on the basis of the know-how mobilized in its competition with the licensee. The competences involved in competition 'from below' deployed by the operator, refocusing its capabilities on its most profitable city centre lines, and engaging bus drivers and brokers in the competition to divert bus customers from the licensee, made the cost of the 'reconquest' of lines too high for M'dina Bus; this meant that Chennaoui was able to renew its supply of buses on the lines operated, and to offer 'a decent service'.

In 2009-2010, during the acceleration of the process whereby the concessionaries came out, the arrangements that Wali Hallab came to with the licensee were guided by the logic of 'securitization' of the employees of the ousted transport companies. Less visibly, this logic was extended into negotiations with concessionaries, authorized to continue their activity in return also for the reinstatement of some of the staff who had lost their jobs – some thousand or so people. The 'securitization' of employees took another form, one more difficult to understand. During the process of restructuring, it so happened that officials 'handed over' to their employees their declining society and the few buses still operational, thus bypassing the cost of the legal proceedings of filing for bankruptcy. The scenario was then substantially the same: the operation was self-financing, the recipe of the day fed into liquid assets shared between employees, fuel costs and improvised measures related to maintenance. In these highly unstable moments of 'self-management', there was, on each occasion, a lifting of the pressures of control: the Rafayah company fell under this logic after the death of its founder, in 2013, and the lack of interest on the part of his heirs to take over the transport business.

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<sup>100</sup> The group has redeployed in area of transport of personnel and transport of tourists, permits for which are issued by the Ministry of Transport, and in 2007 and 2012 was awarded the licensee management of urban transport in the cities of Benslimane and Errachidia.

<sup>101</sup> '150 bus Volvo pour Jourmani', *L'Économiste*, 26 September 2008.

This form of ‘securitization of the social’ reduces the social question to the protection of the risk posed by the discontent of certain groups and actors, at the expense of the function of ‘organizing social relations’.<sup>102</sup> It is therefore not only a producer of inequality. Its obverse comprises a high degree of social violence. The asymmetry of the competition implemented by the licensee and the operations of control have forestalled solidarity between concessionaries, stoking competition between carriers. This ‘savage trade war’, in the words of one operator, led to bruising physical altercations between operators and the shareholder majority of the licensee,<sup>103</sup> and between the drivers on some bus lines.<sup>104</sup> The reorganization of the transport market was thus singled out by the brutality of the relations between actors, between employers and employees, by methods sometimes classifiable as ‘thuggish’, and by the sometimes tragic turn that the fate of some of those involved took.

### *A redefinition of the social?*

The analysis of the Wali’s behaviour in a context of the economic transformation of the state highlights the changes in the dispositifs on the basis of which he acts, influences, and gets things done. It shows how the pluralization of economic and social actors changes the nature of power relations and reduces the possible scope for improvisation. These transformations complicate the takeover of urban transport by the state’s representative and make the issues associated with it more confrontational.

The de-institutionalization of the relationship with the public transport company has thus complicated the mobilization of resources to finance the public service. Previously, the chairman of the board allowed the Wali to exploit the non-payment of tax and social security contributions or to negotiate directly, when there was a lack of liquid assets, with the providers of the public company. The means of state intervention now occur via the use of contractual instruments: the ‘program-contracts’, which make the process of fundraising more rigid and modify the conditions of the Wali’s negotiations with the state. Indeed, it was when negotiating the first ‘bailout’ of M’dina Bus that Mohamed Kabbaj raised the issue of the renationalisation of the licensee company that led to the use of the CDG, in an institutional ‘compromise’.

The transformation of the nature of economic actors also changed the power relations between the Wali and the operators. In 2006-2007, the arrangements cobbled together during the setting up of the transport committee, the personal resources of the Casablanca carrier, the majority shareholder in the group, were drawn upon to secure and raise a bank loan for the purchase of buses; in 2008-2009, it was the refusal of the RATP to increase capital and the implicit threat of breach of contract that posed the non-fulfilment of exclusivity that made it necessary to accelerate the coming out of the concessionaries even though the Wali Kabbaj was reluctant, because of transportation needs.

Local institutional changes have also limited the ability of the Wali to mobilize the town’s resources: the reconfiguration around a single administration has reduced the room for manoeuvre that once allowed the Wali to program alternatively the purchase of buses for the

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<sup>102</sup> C. Bec, *La Sécurité sociale, une institution de la démocratie* (Paris: Gallimard, 2014), p. 143.

<sup>103</sup> On 8 September 2008, the Chennaoui Bus company was presented, at the headquarters of his company, with a message from the chairman of the licensee company mentioning the closure of his company after a violent altercation between the two leaders following his refusal to be bought out by the licensee.

<sup>104</sup> On 5 July 2009, on the line 168 operated by the concessionary company Sotrum Bus, the bus from the licensee company blocked the vehicles of the concessionary company in the terminus; the ensuing violence required the intervention of the security forces. The day after the altercation, Sotrum Bus, converted since 2004 into a school transport company, formally gave notice of the cessation of its activity before the deadline set by its contract.

company drawing on the budget of twenty-seven cities. The underfunding of the public transport services has taken on another meaning for the new municipality, which has exploited the licensee's recurring cash flow problems to renegotiate the allocation of funding between the state budget and local budgets. Underfunding has led to further compromises; it has fuelled the 'laissez-faire' of the regional administration, authorizing the massive development of clandestine transport during the process of licensing and the increase in the number of big taxis, which goes against the licensee convention. But the difficulty of mobility and the extension of the city's social geography have changed the view of laissez-faire and given it another meaning: in public speeches, the anarchy of the transport system, often likened to the *bled siba* (space of dissidence), is now the subject of widespread protest in Casablanca. This led, in October 2014, to urban transport being placed as one of the high priorities in the emergency plan for the city, the guidelines of which had been defined by the king during a speech devoted to the economic capital city; the new Wali, appointed a month later, was given the task of implementing these measures. These transformations certainly demonstrated the limits of the underfunding of urban transport: debate has now shifted to the issue of public funding and the establishment of a state fund dedicated to urban transport is under discussion. But there is no obvious break in the understanding of the issues related to public transport: current thinking does not proceed from an approach that endeavours to ask questions in terms underlying the concept of public service, i.e. to define the needs that the community would wish to assume responsibility for, in full, and the revenue to finance them. Public policies continue instead to focus on the financing and development by the state of heavy infrastructure, with the construction of tram lines, the implementation of new schemas of licensing, and the quest for new political dispositifs.

The analysis of the Wali's behaviour allows us to revise the concept of 'the rise of the social' in the priorities of public action. The sphere of public transport suggests that it is not so much a transformation of the relation between the state and the population as a mutation in the social, economic, and technical conditions on the basis of which the state-population relationship is managed; a mutation which makes social situations more confrontational and thus leads them to be taken over by the state. In other words, it is not the state that has become more aware of the need to take into account and manage the 'social', but rather social situations that have become tenser and are forcing the state to intervene, even though it has not defined a 'social' strategy and policy.