

Trade liberalization of harbor sector in Morocco: From the managing to governance rules

Of:

AZIZ BABOUNIA: Research Professor

&

OUIL EL IMRANI: PhD Student

University Abdelmalek Essaâdi – Tetouan, Research Team: Management, Logistique, Gouvernance & Applied Economics.

Résumé:

Les changements économiques et sociaux vécus par le Maroc depuis des années et qui sont motivés par les besoins de développement interne et par des engagements liés à des accords de libre-échange (ALE) et aussi par le nouveau contexte de la mondialisation du commerce, qui a forcé les autorités publiques à un engagement pour le déclencher un nouveau processus de mise à niveau de l'économie du pays tout entier. Dans ce contexte, le Maroc a pris l'engagement de mettre en œuvre des mesures sensibles pour contribuer au renforcement et à la modernisation des infrastructures du pays. La libéralisation du secteur portuaire avait regardé depuis 2006, de cette manière. Les objectifs de cette réforme sont variés car ils répondent à la fois la nécessité d'élever le niveau de compétitivité des ports marocains avec internationale 'des services d'adaptation port d'approvisionnement de standards à la demande de trafic et de le rendre accessible à l'économie de les opérateurs, les entreprises nationales, des infrastructures, de l'équipement efficace améliorer leur propre compétitivité. Le tout, comme il est affirmé, vise à atteindre un objectif plus important: La performance des places portuaires (carrés). Donc, quand nous parlons du port marocain secteur un certain nombre de rapports sont impératives:

- Le Maroc dans plus de 3500 km de la côte.
- Les frontières Algérie-Maroc sont fermées.
- Les frontières Maroc -Mauritanie ne proposent pas un grand potentiel en termes de transactions commerciales.
- Presque tout le commerce extérieur passe en transit par les ports (roulements): environ 98% des échanges extérieurs (étrangers).
- Des investissements très importants ont été réservés au cours des vingt dernières années du siècle dernier pour améliorer et diversifier les installations portuaires.

La libéralisation du secteur portuaire a également surgir un objectif clé qui est l'externalisation des services qui ont été historiquement prêté sous contrôle administratif. le soutien des activités du port par les participants privés doit rester un moyen à la disposition des pouvoirs publics pour réaliser les objectifs de l'intérêt général. Les principaux secteurs que nous allons essayer de gérer, en examinant les expériences marocaines, dans le travail de cette recherche sont:

- L'histoire de la réforme du secteur portuaire au Maroc.

- La mise en œuvre de la réforme du port au Maroc.
- Les implications du nouveau style de gouvernance sur les systèmes financiers, administratifs et sur le commerce extérieur.
- Les limites de la situation actuelle.
- Les perspectives d'évolution du mode actuel de gouvernance liés à port marocain

Mots-clés:

Libéralisation, style de gouvernance, trafic portuaire, le coût de passage portuaire.

Abstract:

The economic and social changes experienced by Morocco for years and who are motivated by internal development's requirements, and by commitments related to free trade agreements (FTAs) and also by the new context of trade's globalization, which forced public authorities to an engagement to lunch a new process to upgrade the entire country's economy.

In this context, Morocco has taken an engagement to implement sensitive measures to contribute to the reinforcement and to modernizing the country's infrastructures.

The liberalization of harbor sector had stared since 2006, in this way. The objectives of this reform are varied because they meet both the need to raise the level of competitiveness of Moroccan ports with international 'standard's adapting harbor supply services to traffic demand and make it available to economics' operators , national companies, infrastructures, efficient equipment's to improve their own competitiveness. The whole, as it is asserted, Aim at reaching a more important goal: The performance of the harbour places (squares).

So when we speak about the Moroccan harbour sector one number of reports are imperative:

- Morocco in more than 3500 km of coast.
- The Morocco -Algerian borders are closed.
- The borders Morocco -Mauritanian do not offer a big potential in term of commercial transaction.
- Almost all of the foreign trade passes in transit by ports (bearings): approximately 98 % of the outer (foreign) exchanges.
- Very important investments were reserved during the last twenty years of the last century to improve and diversify the harbor facilities.

The liberalization of the harbour sector also has to arise a key objective that is the outsourcing of services which were historically lent under administrative control. the support of the harbor's activities by private participants should stay a means at the disposal of public authorities to realize the general interest's objectives.

The Major Sectors which we shall try to handle, by reviewing the Moroccan experiences, in this research's work are:

- The history of the harbour sector's reform in Morocco.
- The implementation of the harbor's reform in Morocco.
- The implications of the new style of governance on the administrative, financial systems and on the foreign trade.
- The limits of the current situation.
- The Perspectives of evolution of current mode of governance related to Moroccan harbour

Keywords:

Liberalization, style of governance, harbour traffic, cost of harbour passage.

1. INTRODUCTION

The sea transport faces new stages of liberalization and deregulation which forms a meshing of distribution and storage of products and the services (World Bank, on 1997 and 2006). Shipping companies and harbour operators group together at the level of companies and at the geographical level (Cherfaoui et al, 2003). This concentration brings ports to redefine their skills (Gulinaine et al, 2002, Rezenthel, 2006, Debrie et al, 2010, Laxe F-G, 2008, Irch M-C, 2001). The new positions and the integration of the logistic operators with the other ways of transportation contribute to transform the territorial economies. These evolutions have an incidence on the strategies of management and the partnerships between the public and the private on a national and international scale.

Research works also revalue the role of the economy of the public and private activities in the harbour operations (Nottebome, Winkelmanns, 2001 ; Gullinane, Song, 2002) ; The politics of the industrial relations (Stevens, 1999, Ircha, 2001), The new administrative structures of the harbour industry (Heaver et alii, 2001 ; Song, 2003) And the regionalization of the harbour places . (Fredouet et ali 2000). This magazine of literature, supplies an overview on the transformations of the role of the authority harbour as institution within the systems of contemporary transport. But, the institutional changes take it on the results profits of analysis and on the orientations. These challenges raise questions. What are the historical causes that lead the public authorities to change the trajectories of a simple management to a harbour governance? More particularly what are the causes which transform the strategies and the policies of the harbour authorities? How the harbour authorities answer ,In the new opportunities raised by the changes of the maritime activities? What are the options which are offered to the harbour authorities to fit an environment in perpetual change? What are the implications of this transformation of the role of the harbour authorities on the future of the systems of transport? And what are the limits and perspectives of evolution of the current mode of governance of ports in Morocco?

In Morocco, Public authorities undertook in 2006 a critical analysis of the situation in this sector (World Bank, on 2006). On the basis of the noticed strengths, reported and identified expectations failures, the sector has experienced a change in order to «fit the one hand, socio-economic changes characterized by internal development requirements in the country, by the country's liabilities in the agreements of free trade and the new contexts of globalization and

the globalization of trade and, secondly, the new constraints and economic developments institutional, technological and environmental and maritime transport »¹.

Seen the importance on behalf of the trade of the country which pass in transit by sea route 98 % and as Morocco has twelve commercial ports on littoral and the Mediterranean². The reducing port transit costs, is one of the keys to the improvement cost.

The axes that we try to treat, by reviewing the Moroccan experience in this research are:

- The characteristics and the trend of the Moroccan harbour sector before and after Law 15/02.
- Implications of the harbour reform on the mode of governance and on the business.
- The limits of the current situation.
- The perspectives of evolution of the current mode of governance of the Moroccan ports.

2. HISTORY OF THE REFORM OF THE HARBOUR SECTOR IN MOROCCO

During years eighty of the last century, the ports of the world knew important institutional and organizational reforms by the public adoption of policy of privatization, Deregulation and of decentralization of the infrastructures of transport. These reforms also had for objectives more harbour efficiency and a reduction of the state intervention in the planning and the management of the maritime infrastructures. Traditionally (Babounia A. On 2004), ports were considered as public infrastructures. However, their structures administrative and their institutional orientation were perceived as inadequate to meet the needs of efficiency (De Matons, 1969 et 1999). Most of the harbour authorities need averages financier to develop projects of infrastructures. These projects require massive investments which cannot be supplied by the governments (Babounia A. 2012). So, the harbour sector thus fitted at the rate of the global economy. The harbour authorities adopted more commercial orientations and sub-handled activities in the private sector. The strategies of the harbour governance are so influenced by the centripetal and centrifugal forces which have an impact or influence the local communities, the strategies of the carriers, the operators of terminals.

These centripetal forces are analyzed in political term and give some explanation

¹ Regardless of the port of Tangier - Med. These are the ports of Nador, Tangier, Kenitra, Mohammedia, Casablanca, Jorf Laqsar, Safi, Agadir, Tan Tan; Laayouna and Dakhla.

² Regardless of the port of Tangier - Med. These are the ports of Nador, Tangier, Kenitra, Mohammedia, Casablanca, Jorf Laqsar, Safi, Agadir, Tan Tan; Laayouna and Dakhla.

by the jurisdictional control exercised at the level of the harbour governance. Indeed, the new legal, institutional and regulatory redistributed back roles between public and private actors. However, reducing the government's role in port management is due to the fact that the market and private organizations are more effective in achieving higher yields. The public sector involvement in port management is also explained by the creation of multimodal platforms like Tangiers Med to attract investment and increase the strategic position of port infrastructure.

The centrifugal forces are also important in the explanation of the harbour governance. Its dynamics is due to the vertical and horizontal integration of the operators of terminals and the shipping companies of regular lines. these actors redefine the traditional functions of the harbour authorities. So for instance, the operations of terminals of vrac or containers are granted. It results from it a decrease of the role of the harbour authorities and a concentration of their activities on strategic sectors. The operational activities of the harbour authorities are more directed to small set quays which have for function to answer needs for business such as the vrac or the services of secondary shipping lines. These activities do not have any need for a bureaucracy that characterizes public port authorities....

The harbour sector in Morocco is considered as a sector important for the economy; it always aroused the interest of Public authorities.it undergoes several transformations and changes having participated in the configuration of the Moroccan ports

The Law n°6-84 was promulgated by the Dahir N 1.84.194 of December 28th, 1984 and carried creation of the Service(Office) of Exploitation(Operation) of Ports (ODEP) Who became afterward a manager of the sector realizing important performances and contributing to the organization and the equipment of the sector (Benabdenbi M on 2002).

Charged even with commercial and administrative attributions and enjoying the virtual monopoly in the sector, the ODEP confronted over the years with the following criticisms:

- We blamed him for his partiality when it was about accidents inside the harbour surrounding wall because he is both judge and jury. Indeed, harbor offices in ports assure the mission of police and harbour authority and they were connected with the ODEP.
- Prices applied by the ODEP, were considered high and remained an obstacle for the development of the foreign trade.

The Law 15-02 ended the ODEP. It was promulgated and published on December 05th, 2005 and it entered to vigueur on December 05th, 2006. Among these objectives:

- Separation of kingly duties, authority and commercial.
- The introduction of the competition between ports and within the same port for, on one hand, to end the monopoly exercised by the ODEP and the oligopoly exercised by the companies of stevedoring and, on the other hand, to Encourage the participation of the private sector in the activities of the sector.
- The uniqueness of the handling to end the break of legal responsibility, improve the efficiency, the efficiency and the productivity of the operations of load and the unloading of ships and reduce the costs of harbour passage by a better control of the chain.

The reform was thought in the permanent concern of the preservation of the social and financial balances of the various harbour entities (administration, agency of regulation, trading company) to assure and perpetuate the development of the Moroccan ports.

2.1 The separation of the functions (offices)

In a concern of clarification of the roles and the missions of the various participants, of research for the best synergy between them and to endow the future entities of the flexibility necessary for an effective and efficient management, the reform of the harbour sector recommends the separation of three main harbour functions:

2.1.1 The sovereign function: at the national level chargeable to the State devolved to the Central Administration for all the ports and the missions of which will be concentrated on the definition and the implementation of the sectorial policy and the legal regulatory framework, the planning and the realization of new harbor facilities and finally the management and the protection of the maritime public domain and the coast. For that purpose, the strengthening of the regulatory role of the State is looked for by the grouping of the services of the administration at the level of the coherent and homogeneous strong Central Administration to make sure that the missions which fall to him.

2.1.2 The function of harbour authority which falls to a national agency which will be loaded of missions of harbour police, of the regulation, the granting and the follow-up of the concessions and of authorizations of exercise of the harbour activities, of the maintenance, the development and the modernization of infrastructures and the superstructures and the management of the harbour public domain.

2.1.3 Commercial functions of which the exercise will be devolved, within the framework of the competition, to private or public entities as operators or service providers on the basis of

procedures (licenses, authorizations, concession etc.), and specifications to be prepared by the port authority. They concern essentially the services in ships, the services in the goods and the secondary services

2.2 The competition

It will be a question of introducing the competition, between category of traffic and between ports and within the same port, and of identifying the various ports which can support more than an operator and to determine the arrangements and the actions to lead to spread these competition within ports and between ports. So, as an example, in each of ports of **Casablanca** and **Nador**, the traffic of miscellaneous can be treated by two different operators. Also for the ports of **Nador**, **Mohammedia**, **Jorf Lasfar** and **Agadir** the traffic of the sophisticated products can be treated by possibly different operators.

2.2 The uniqueness of the handling

The reform of the harbour sector emphasized the necessity of the adoption for the dock work of the mode of the uniqueness of the handling which establishes (constitutes) an absolute and inescapable condition for the improvement of the competitiveness of the Moroccan ports. It was translated by:

- The abolition of the break of responsibility edge / earth.
- The chain management handling by optimizing human and material resources.
- The introduction of new technologies handling.
- The earnings of the productivity and consequently the decrease of the deadlines of stay of ships and cost cutting of harbour passage.

3. THE IMPLEMENTATION OF THE HARBOUR REFORM IN MOROCCO

The new organization aimed by the reform of the sector, which takes into account the separation of the main harbour functions (**sovereign, Authority, Commercial Harbour**), has for main objectives the improvement of the efficiency, the grouping of the synergies of the entities of the Administration, the centring of every entity of the State on specific businesses, the strengthening of the role of the Administration and its presence stronger and closer to operators as well as the strengthening of the participation of the private sector.

To reach this target organization several actions, on the legislative, statutory, institutional and administrative plan, were necessary. They can be grouped in 3 phases:

3.1 The preliminary phase: The upgrade of the public and private entities

The implementation of the reform requires beforehand the upgrade of the administrative, public and private bodies which intervene directly in the harbour sector.

3.1.1 The upgrade of the administrative entities:

The new reform of the sector requires the grouping of both existing head offices (DPDPM / DPCM) ³ in a single entity. This future unique administration department will be loaded of kingly missions.

3.1.2 The upgrade of the office of exploitation of ports

The law 15-02 plans to split the ODEP into two different entities:

- National Agency of ports (ANP) in charge of the harbour authority. Under the supervision of the State, is endowed with the legal personality and with the financial autonomy. It has for first privilege to enforce the capacities of the new law. The agency practices according to the article 32, these attributions on all the ports with the exception of the port of **Tanger-Med**⁴.
- Development Company in charge of ports, within the framework of the competition, the commercial missions. It has for objectives the exploitation of the harbour activities and « appropriate the management of ports»⁵. It will have to evolve in a new environment of business. Other entities will have authorizations of exploitation or concessions. So, another company of dock work has been born, SOMAPORT (subsidiary of the most important ex-shipowner of the kingdom, the COMANAV).

3.3.3 The upgrade of the companies of stevedoring

The organization of the companies of stevedoring and of the mode of management of the hand of work dockers are characterized by numerous dysfunctions and inadequacies. The reform

³ DPDPM: direction of Ports and the Maritime Public domain and DPCM: direction of Ports Casablanca and Mohammadia.

⁴ Article 32 of the law 15-02.

⁵ Extract of the article 42 of the law 15-02 " the company in for object to practice jointly with the moral persons of public or deprived law to whom will have been issued the authorization or the concession aimed respectively at articles 12 and 16 above the exploitation of the harbour activities and, where necessary, the management of ports".

imposes the global revision of the former system become obsolete and unsuitable for the requirements of the competitiveness and the competition looked for the sector. This upgrade passes inevitably by:

- The distribution of the professional dockers between companies according to criteria to be defined.
- And possibly the grouping of the existing companies in entities capable of following and of accompanying the current reforms.

3.1.2 The phase 2: the upgrade of the legal and statutory framework

This phase will be dedicated to the adaptation and the adoption of the necessary legislative and statutory texts for the implementation of the reform. This new legal framework has to answer on one hand the specific needs for the reform and on the other hand allow the future development and the evolution of the harbour sector.

Aware of the importance of these texts for the reform, Authorities elaborated a law on the ports which takes into account the restoration of the sovereign functions of the State, the harbour separation of three main functions, the pursuit of the policy of liberalization and the participation of the private sector in the management and the business concern of ports.

This law included the new data and the orientations stemming from needs of the current reform, notably the creation of the national agency of ports, loaded with missions of authority, and the development company of ports, loaded with commercial missions which will practice in a competitive environment.

3.1.3 The phase 3: Competitive and privatizations of the commercial activities

The process of implementation of the competition and the privatization aims at granting the specialized terminals, in private companies every time the introduction of at least the second operator is possible so that as a rule the competition is effective and real within ports and between ports:

- The ports of **Casablanca** and **Mohammedia** for the traffic of containers.
- The ports of **Mohammedia**, **Jorf Lasfar**, **Nador** and **Agadir** for petroleum products.
- The ports of **Casablanca** and **Jorf Lasfar** for the traffic of Miscellaneous and Cereal.
- Within the port of **Casablanca** for the traffics of the RO / RO, Miscellaneous and Cereal.

- Within the port of **Nador** for the traffics of Miscellaneous and RO / RO.

4. Implications of the new mode of governance on the administrative and financial systems of seaports

At this level it would be interesting to know the international tendency regarding harbour management by accentuating the various forms of management of ports (Debrie J. and Lavaud Letilleul V. 2010): not autonomous port, autonomous port and the classification of the harbour plans according to the World Bank.

4.1 Non-corporate port: The management of a not autonomous port supposes one degree of state intervention. In a first management system with low state intervention, the State is reduced to a controller while in the second system of strong state intervention, ports are directly placed under its authority.

4.1.1 Management plans at low state intervention

In this plan, the management of the port is assured in the form of concession granted to local authorities, to chambers of commerce and industry, or to private enterprises.

The concession can concern all the harbour functions with the exception of certain privileges of the public authorities and extend to the whole harbour area but can in certain situations limit itself to certain functions and to certain geographical zones of the port.

4.1.1 Management of ports by local communities: it is about an act of concession of the central power which dresses two forms:

- **General Concession of direction:** it is the oldest shape. it consists of a concession integrated into the highest level of the direction of the local authority: one swim or a City Council is placed at the head of the port so reflecting a wide power of the local authority. The port has no legal personality, nor of appropriate holdings and its budget is annexed to the local authority
- **Concession limited by exploitation:** the new shape consists of a concession limited by harbour exploitation because it concerns only a part of the port and exclusively the activities of handling so as to preserve the management of the port in the hands of the State.

4.1.1.2 Management of ports by chambers of commerce and industry

The concession to chambers of commerce and industry is a concession to an advisory body. This concession presents two peculiarities: on one hand, it is a real example of decentralization because it is operated in favour of an establishment which does not establish dismemberment of the State. On the other hand, it offers a particular financial regime because the fee (royalty) of concession is symbolic while it is normally established according to the importance of the granted domain and estimated incomes.

4.1.1.3 Port Management by private companies:

The concessions to private enterprises can concern the exploitation of infrastructures and installations developed by the State or on the exploitation of infrastructures realized by these companies. The legal shape of concession can translate several economic realities: in a first classification, we can set the total concession against the partial concession as it concerns the set or the part of the port while the second classification allows distinguishing the concession of specialized port and that of unspecialized port.

- **Concession of the unspecialized port:** this shape of concession presents the following characteristics:
 - It concerns all the harbour activities.
 - It translates a considerable influence on the public domain;
 - The dealer insures besides the harbour exploitation, the building work on these expenses;
 - It confers on the dealer of the rights and the obligations usually reserved for the public authorities.
 - It knows as a stadium decrement or decline because of the difficulty to assure a smooth running, and of the fear seeing the port submitted to the control and to the monopoly of foreign capital which do not aim necessarily at the development of the sea traffic of the concerned country.
- **Concession dedicated port:** This concession concerns groups geographically defined as :

- Concession of specialized port.
- Concession of fishing port.
- Concession of marina;
- Modern Concession of terminals.

4.2.1 Management plans for strong state intervention.

4.2.1.1 Integration of the port in the State: The total absence of autonomy characterizes this plan because the port is directly managed by several services or departments connected with the direction or with the ministerial department. The commercial activity can be assured by the State or subcontracted to companies.

4.2.1.2 Management of the port by a state control: It is a characteristic regime of the little developed ports, it differs from the regime of integration in the State by the concentration of the functions in the hands of a single establishment devoid of the legal personality " the state-owned company ".

This shape of management confers on the port a unit of direction and a budgetary autonomy. However, it gives more importance for the commercial activity of handling than administers and to the administration of the port because the main objective of this entity is the collection of revenue for the benefit of the State.

4.2.1.3 Port management by a non- public port facility

A first scenario consists in attributing the management of a port to the services of railroads but this regime presents no interest. The idea that all the problems of transport are connected and that any rationalization of the organization of transport passes by a unification of the services is questioned. The doctrine is, after the experience, unanimous to condemn the management of ports by railroads. Indeed, the absence of qualified maritime and harbour staff, the incomprehension of the maritime problems, the subordination of the harbour investments in the investments of the rail justify this report.

The second example involves contracting the management of the port to an industrial company which dedicates a part of the harbour domain to the export and to the import of products directly connected to his, its activity (the case of the chérifien office of the

phosphates which benefit from the concession of the port of Safi in 1945). This shape of concession transforms the port into an industrial area connected with a single company.

4.2.1.4 Port management by several institutions or port services

The port appears under this regime as a juxtaposition of public enterprises and administrative departments so putting the necessity of a good coordination for the benefit of the port.

4.2 Autonomous Port

4.2.1 Status

If the port constitutes a geographical zone frequented by sea ships and being of use to the foreign trade, the shape attributed to the organization in charge of its exploitation and the mode of organization and management characterizing it differs from a port in another one. So, the autonomous port is generally an establishment or a public company, endowed with the financial and administrative autonomy and placed under the financial and administrative control of the State. These autonomous ports can, in certain cases rare, take the form of private enterprise. The action of the autonomous harbour establishment is limited:

- In term of competence because it must be exclusively connected to the harbour operations contrary to the local authorities which have a general mission of public service. However, in certain countries (the USA, GB), the competence of the port can be widened to include all which can improve the harbour performance and develop the sea traffic in particular the construction of railroads, airports, arrangement of the free zones (Debie J. and Lavaud Letilleul V. 2010).
- Geographically yet is a limited set of ports.

4.2.2 The missions of the autonomous port.

The autonomous port is the modern solution of the harbour management. If such old forms remain, they constitute survivors and not dynamic models.

4.2.2.1 Port Works

This component is the main area of activity of the autonomous port. The regime of financing of the works of development and modernization of the harbor facilities constitutes a point of

difference between ports .Certain ports can benefit from the competition of the State in the form of subsidies, of credits, of tax exemptions while others have to make sure the total financing of their investments.

4.2.2.2 Exploitation of the harbour equipment

The exploitation of the equipment given to the harbour establishment can be assured by the port autonomous as she can be the object of concession in local authorities, in chambers of commerce and industry or generally in private enterprises.

4.2.2.3 State-owned management

The autonomous port arranges rights and duties connected to the management, inside its district, inside the land public domain which is allocated to him. Its skill can be widened in the creation and the arrangement of industrial, commercial and tourist parks.

4.2.2.4 Harbour police

The port is invested with the power of the police within the limits of its district without the latter escapes the obligations of communities or institutions of the State regarding law and order.

4.2.2.5 Economic and Trade Mission

This mission does not appear to the reading of the legal texts but enters unmistakably the competence of the port as essential pole of the development of the sea traffic and the setting-up of the economic zones of development. So, the notion of autonomy can question the notion of specialty of the Public Establishments in consideration of the extension of the competence of the autonomous port in the not harbour activities.

4.3 Classification of the harbour regimes according to the World Bank

The report "Port Reform Tool Kit", which was established in 2000 by the World Bank to accompany countries in the success of the implementation of the harbour reforms, distinguishes four modes of management of ports.

4.3.1 Service port (Port of public service)

The port is directed to the protection of the public interests. Its mode of management is similar in that of a public company: the harbour authority is placed under the control of the ministry of the transport. The director is a civil servant named directly by the ministry and held by the periodic reporting to this ministry.

4.3.2 Tool port

The harbour authority is livened up by the protection of the interests of the State. The authority develops infrastructures and superstructures (including handling equipment's) and puts them at the disposal of private enterprises of handling. The sub-activity of equipment's is supported by the authority. Indeed, all the administration of the port its infrastructure, its buildings and its equipment's are left to the hands of the public sector. Certain services in particular the handling of cargoes, are granted to the private sector which employment the hand of necessary work. Certain American and British ports are managed in this way.

4.3.3 Landlord port

This mode of management aims at assuring a balance between the interests of the State and those of the private sector: the harbour authority plays the role of regulator and supplier of infrastructures whom it puts at the disposal of private enterprises of handling against an annual fee.

The government, via the harbour authority, possesses the ground and the other infrastructures and manages the port .The superstructure and the uses of the workforce are confided to the private sector. At least 88 of 100 bigger terminals of containers to the world apply this model. The dealers have to develop and to maintain, its infrastructures and to supply the superstructures and the equipment necessary for the harbour exploitation.

4.3.4 Fully privatized port

It is about a model of management directed only to the protection of the interests of private enterprises: he supposes one ownership transfer of the harbour public domain in the private sector and thus a total disengagement of the State of the control and the planning of the harbour sector. The government sells its entire heritage, among which the ground, the quays and natural harbours, in the private sector and keeps no control. This shape of privatization is rare, and exists only in certain British, New Zealand ports and crack. This situation entails an

enormous risk as for the control by the State of a strategic sector for the economy and the foreign trade.

The World Bank confirms in its report that the model of landlord port is the most suited as well to the developed countries as those developing because he allows to maximize the earnings for the State and the private sector and to minimize the risks of the intervention of the private sector in the management of a strategic sector for the state economy and the foreign trade.

The reform of the harbour sector in Morocco had implications on the mode of governance and on the management of commercial ports as notes it the following board:

Tables 1: Implications of the new governance structure for the management of commercial ports

	Before the reform	After the reform
Mode of governance	Port operator	Port landowner
Administration	Ministry of Equipment and Transport	Ministry of Equipment and Transport
Regulation	Ministry of Equipment and Transport	ANP
Authority	ODEP	- ANP - TMSA
Operation	ODEP	- SODEP - SOMAPORT - MAERSK -
Mechanisms Traffic Estimator	PDPN Programme d'investissement ODEP	PDPN - Investment Program Regulators - Investment Programs operators

5 .Implications of the new mode of governance on foreign trade

To Evaluate a quantitative and qualitative way the impacts of the actions organized within the framework of the harbour reform, object of the Law 15-02, on the harbour users, the competitiveness of the harbour sector and the state economy, is a very heavy task which requires a data base that only the Harbour National Agency (ANP) holds it. As much, as to

look for this evaluation can be made through the performances of the foreign trade, because 98 % of the Moroccan business transit by our ports.

We present the evolution of the application of port traffic which consists in Morocco:

- The conventional traffic
- The unit arise traffic
- The passengers
- Other harbour services

If the evolution of the other harbour services (temporary occupation of the public domain, sale of water and electricity) is more or less controllable by means of the agreements of OTDP⁶ or floating policies to networks, the big part of the harbour demand remains difficult to arrest and its behavior cannot be explain by a single variable (World Bank, on 2006).

The Moroccan harbour traffic depends strictly of the structure of the national foreign trade (Hajbi A., on 2011). It is the reflection of the commercial transactions with the foreigner because as already said 98 % of the Moroccan foreign trade passes by the sea route. Therefore, it's characterized by:

- An ascendancy of the imports especially in consecutive term
- A dominated structure, in term of quantities, by ores, phosphates and other solid vracs, because of the exports Moroccan traditionally directed on the outer market.
- The increase and the development of the liquid traffics (hydrocarbons, chemicals). What engenders an increase of the vessels of type Tankers and phosphorous.

The main cause of this increase remains connected to the application of certain political and economic decisions, notably the liberalization of the energy sector and the development of the activities connected to phosphates and by-products corollary commercial efforts granted by the Office Chérifien of Phosphates on the international market.

The continuous development of the unit arises traffics (TIR trucks, containers) the reasons of this development are varied. We can quote the changes from it of

⁶ OTDP : Occupation Temporaire du Domaine Public

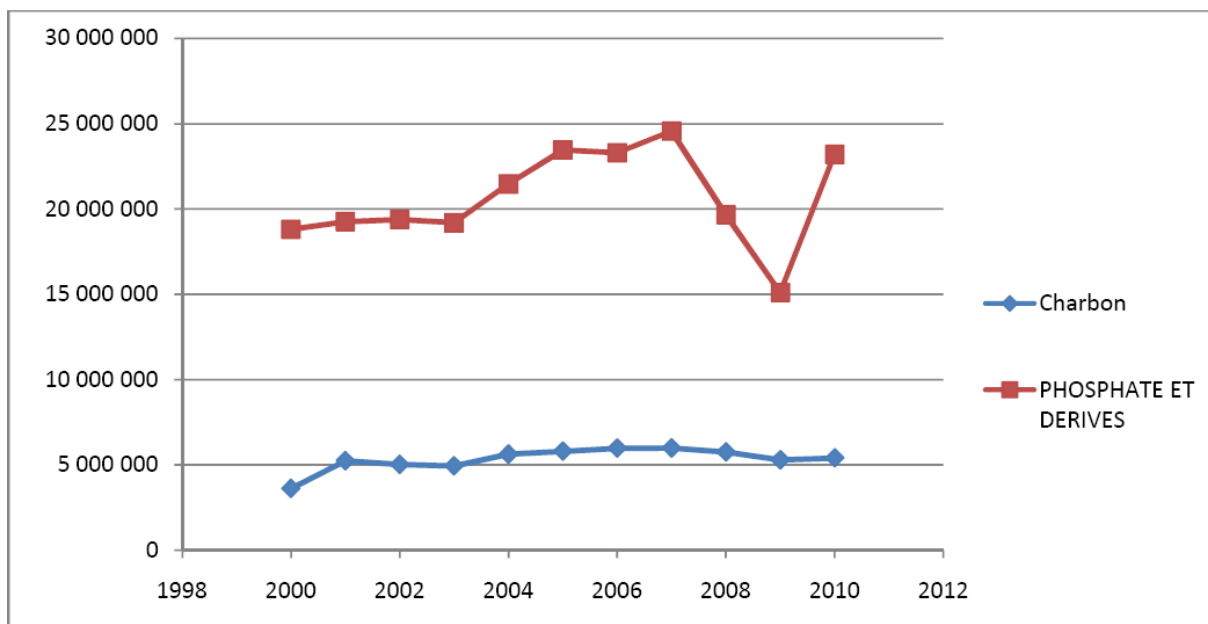
the modes of conditioning of the conventional towards the unit arise and the movements of liberalization of certain number of branches of industry.

In conformance with period 2000 and 2010, the evolution of the main constituents of the Moroccan harbour traffic is given by.

5.1. Minerals (dry bulk)

Ores in the export concern for the greater part the exports of products phosphoric. These exports accused a real fall in 2008 and 2009 further to the effect combined by the increase of the prices and by the economic crisis. In the import, it is the coal (and the coke of petroleum) which occupies the first place and it knows a steady increase of the traffic since the lock of the appearance of Jerada. The coal is especially intended for thermal power stations and for industries of the cement. The imports in coal were not affected by the economic crisis.

Graph 1: the evolutions of the main traffics connected to ores between 2000 and 2010 (in ton)

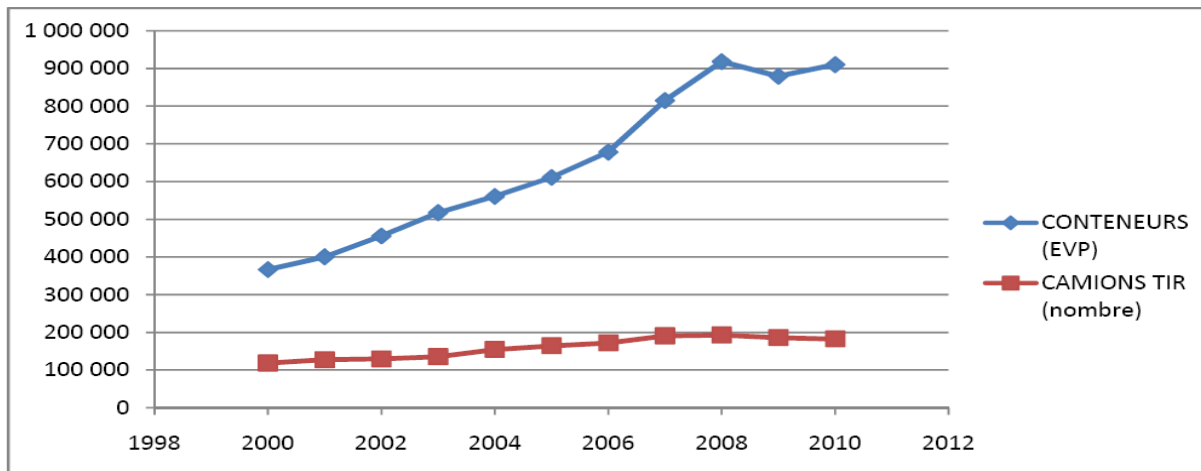


Source: National Agency Port

5.2 . Major traffic unitized

These traffics ((FIRING) and containers) accuse an annual average increase of 9,5 % for containers and 4,4 % for the traffics in trucks (FIRING). The reduction noticed in 2009 is due to the effect of the economic crisis on some activities connected to the import / export.

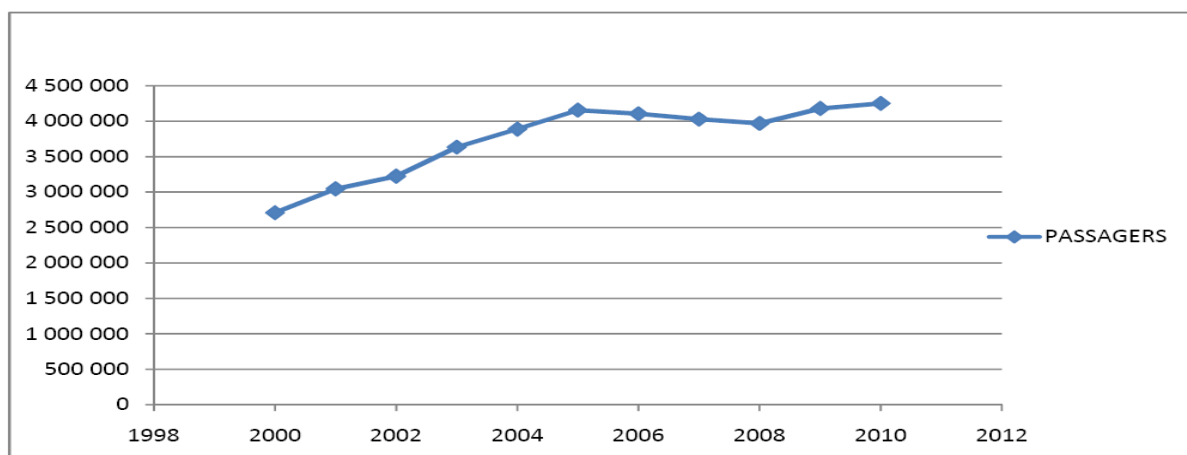
Graph 2: Changes in main traffic unitised between 2000 and 2010



Source: National Agency Port

The traffic of the passengers is strongly connected to the increase of the community of the resident Moroccan abroad besides the traffic of the cruises in the ports of **Casablanca**, **Tangier** and **Agadir**. The statistics of the 2008s, 2009 and 2010 show that this traffic reached its rhythm of cruise (approximately 4 million per year).

Graph 3: Evolution of passenger traffic between 2000 and 2010



Source: National Agency Port

The cost cutting of harbour passage also turns out one of the keys of improvement of the cost price. The cost of harbour passage consists essentially of: freight and insurance , handling costs on board, handling costs on the ground, freshly of storage and shopping , freshly engendered by other operators such as the weighing, the stacking, the dressing-up, the load on trucks ...

On the list quoted above and exception made by the freight and by the insurance which remain independent from the action of the authorities Moroccan, the costs of handling (on board and dockside) represent the most interesting part and on which there was a sensitive improvement.

6. Limitations of the current situation

- Risk of creation of a two-speed sector. On one side, ports , such as benefiting Tangier Med of a set of encouragement (integration with the others mesh of the supply chain, the different fiscal measures, expropriation) and on the other side the rest of ports (surplus and overdrawn) are connected with the ANP which has no advantages granted to TMSA.
- Uniform texts in all the ports. Reaches limited by numerous texts which are applicable to certain ports and not to others pulling a lack of harmony and homogeneity in the regulations and in the sectorial vision (texts concerning only the port of Casablanca, others only the port of Agadir or still applicable texts for certain types of ships and not for others etc.
- Obstinance of restrictive trade practices. Most of the installations granted at present are specialized installations. Except the zone dedicated to containers in the port of Casablanca, the regime of the concessions affected the activities connected to grain silos, to phosphates and to coal besides marinated and marinas.

7. PERSPECTIVES OF EVOLUTION OF THE CURRENT MODE OF GOVERNANCE OF PORTS IN MOROCCO

Regarding management and regarding administration of ports (Hahbi A, Abbar H. and El Merzour S . 2010), the Moroccan harbour sector could be more effective and more successful by applying one of the two recommendations:

- The harmonization of the mode of governance which will concern the following aspects:
 1. Application of the same rules of regulation and administration in all the ports.
 2. Revised the rights of concession attributed at present to put all the services and all the terminals in the free play of the competition.
 3. Merger of both harbour authorities TMS and ANP.
- Commercial ports would be managed in mode of port property owner and the other ports in mode of ports operators; they would be administered and exploited by the harbour authority.

This mode of governance (World Bank, on 2001), will allow to have a well-balanced harbour sector where from a control of the national harbour policy. However, we can have as inconvenience the risk of surenchérissement of the harbour services of the fact that the harbour authority remains an administrator of the overdrawn ports and in the public interest.

- The decentralization of governance bodies may include the following ports :
 1. The autonomous ports⁷: these ports⁸ will be administered by public institutions of the State implanted on industrial-harbour zones which deal with the sea traffic of goods. It is about ports which can be exploited by participants deprived within the framework of regime of the concession or the authorization freed delivered and managed by the administration of the autonomous port (APA)⁹. The concerned ports will be ports owners.

⁷ The autonomous port is generally an establishment or a public company, endowed with the financial and administrative autonomy and placed under the financial and administrative control of the State. These autonomous port can, however, but rarely take on the shape of private enterprise.

⁸ We can quote ports Nador, Nador West, Tanger-Med, Mohamedia, Casablanca, Jorf Lasfer, Safi, Agadir, Layoune, Dakhla.

⁹ The Administrations of the Autonomous Port (Bearing) (APA) would have to take care of the same attributions as those devoted to TMSA namely:

- The study, the development and the exploitation of the installations and the zones of logistic, industrial, commercial and tourist Activity.
- The elaboration of a general plan of installations and an exploitation of ports.

2. Ports not managed by harbour authorities: fishing ports, small commercial ports or marinas are especially the activity of which does not require the existence of a specific structure for their administration. In this respect, we can quote ports : Alhoceima, Tangier - City, Kénitra, ElJadida, Essaouira, Tantan ... These ports will be managed and to administer in ports operators.

3. Ports managed by the State (Direction of Ports and of the Maritime Public domain): the new installations to be created and which require an effort of investment and cannot be supported by a public or private entity can be connected with the State represented by the Ministry for the Equipment of the Transport and the logistics. This situation would have the advantage to make a distinction between ports for commercial and industrial vocation of those in public utility or public services. The inconvenience of this situation comes because it is difficult to put such a structure, in certain ports for several reasons. Indeed, The coverage of these infrastructures by the State is understandable by the lack of skills to local authorities for the care of certain ports, the difficulty finding developers interested in concessions in certain ports and the risk of surenchérissement of the services in commercial ports.

8. Conclusion

The international environment of the national harbour squares is marked by the "globalization" today which aggravates the competition, the registration of the sea transport in a multimodal logistic system and a more and more driving role of the private sector.

In front of this globalization which accelerates, a multifaceted dynamics made a commitment to join this new world economic order.

Ports , for their part, join a logic of competitiveness to make do for the fast growth of the exchanges, for the continuous increase of the size of ships, for the extension of the range of the services interesting the goods as well as for the needs for the industrial and logistic activities.

It is for that purpose, that the harbour management has to mobilize all the ways to assure e) a bigger efficiency on a business level, technological and infrastructural. This mobilization

-
- The commercial promotion of the port and the zones of activity.
 - The administration of the public domain of the zone and the harbour authority.
 - The coordination and the management of the port(bearing) and the interface for all the private and public partners .

passes inevitably by a contribution of the links of the supply chain. The industries connected to the containerization and to the refrigerating plants, the provisioning and the repair of ships as well as the other harbour services are called to seize the opportunities presented by the kingly and commercial situation of the Moroccan ports.

will be without repercussions expected on the Moroccan competitiveness of the business.

This mobilization also passes by the continuous adaptation of the mode of governance of the harbour sector on an international scale. In this frame Morocco with tendency more and more to release commercial activities by limiting the role of the harbour authorities to the kingly missions and to encourage the private initiative.

However, as said some, the quantitative and qualitative evaluation of the actions been organized in executive of the harbour reform stemming from the Law 15-02, can be supplied only by the creation of a National Council of the maritime and harbour Law.

BIBLIOGRAHY :

- Benadenbi M., (2002). « La planification stratégique de l'ODEP ». Bulletin Annuel de l'Observatoire Marocain de l'Administration Publique (OMAP), n°3.
- Bouchartat H., Hajbi A. et Abbar H. (2011) « Gouvernance of the martitime and port sector : Morocco as exemple » Journal of US- China Public Administration.N ° 8 Vol 7.
- Babounia A., « Le rôle des Pouvoirs Publics dans la provision d'infrastructures : le cas du financement des autoroutes au Maroc » Thèse de Doctorat Fac de Droit Rabat-Agdal, 2004
- Banque Mondiale, 1997, « Royaume du Maroc : participation du secteur privé dans les infrastructures », Michel Loir et Pierre Guislain.
- Banque Mondiale, 2001, « Port reform tool kit » et CNUCED, 2003, « la gouvernance des ports et la relation ville-port en chine »
- Banque Mondiale (2000), « World Bank Port Reform Tool Kit ».
- Banque Mondiale (2006), « La logistique du Commerce et la Compétitivité du Maroc ».
- Banque Mondiale : Document de travail SSATP N° 31F. sur le transbordement aux ports de l'Afrique de l'Ouest ».
- Bulletin officiel du royaume du Maroc du 19 septembre 2002, le Décret-loi n° 2-026-644 portant création de la zone spéciale de développement Tanger-Med, modifié par la loi n° 18-05 promulguée par le Dahir n° 1-06-101 du 15 juin 2006.

- Bulletin officiel du royaume du Maroc du 5 décembre 2005, Dahir n° 1-5 du 23 Novembre 2005 portant la promulgation de la loi n° 15-02 relative aux ports et portant création de l'ANP et la SODEP.
- Cherfaoui N., et Daghim H., 2003. « Systèmes portuaires, un tour du monde ». Ed Sciences de l'Ingénieur.
- Cullinane K., Song D.-W (2002) « Port privatization policy and practice » Transport Review , n°22, pp. 55-75.
- Debie J. & Lavaud-Letilleul V. (2010) « La décentralisation portuaire : réforme, acteurs, territoires » Edition Harmattan, France.
- De Matons J.G, 1999. « Droit, économie et finances portuaires ». Edition Presses de l'Ecole Nationale des Ponts et Chaussées, Paris, France.
- De Matons J.G, 1969. « Le régime administratif et financier des ports maritimes ». Paris Librairie générale de droit et de Jurisprudence, France.
- Fredouet G-H & Guerin F. (2000) « Régionalisation des places portuaires : vers un système de pilotage inter-organisationnel » 5th AIM Conférence, 2000 Université de Montpellier II.
- Guerrien B. (2002), « Dictionnaire d'analyse économique », Repères, La Découverte.
- Gulinane K., Song D-W. (2002) « Port privatization policy and practice ». Transport Review, n° 22, pp. 55-75.
- Heaver T., Meersman H., Van De Voorde E., (2001) « Co-operation and competition in international container transport : strategies for ports » Maritime Policy and Management.
- Hajbi A. (2011). « Traffic Forecasting in Moroccan Ports » Supply Chain Forum : An International Journal, Vol . 12-N° 4-26-35.
- Hajbi A., Abbar H., Elmerzouri S.,(2010). « Mode gouvernance du secteur portuaire et ses implications sur la compétitivité des places portuaires ». Colloque Internationale sur la logistique sous le thème : la logistique : clé de la compétitivité des entreprises, états des lieux et perspectives ». Le 05 et 06 Mai 2010 à la faculté polydisciplinaire –El Jadida Maroc.
- Hajbi A., (2012) « Evaluation et choix des grands projets d'investissement, rationalité financière et approches multicritères : cas des projets portuaires au Maroc » Université Hassan 1^{er} Settat.
- Ircha M.C (2001) « Port strategic planning : Canadian port reform » Maritime Policy and Management, n° 28, pp. 71-89.

- Laxe F-G (2008) « Gouvernance portuaire : principales trajectoires dans les ports européens et latino-américain », La revue Méditerranée, n° 111.
- Lee S.M & Chesser D.L (1980) « Goal Programming for Portfolio Selection » The Journal of Portfolio Management, spring, pp.22.26.
- Loi n° 15-02 relative aux ports Promulguée par le Dahir n° 1-05-146 du 20 chaoual 1426 (23 Novembre 2005)(ODEP).
- Loi 6-84 promulguée par le Dahir n° 1.84.194 du 28 décembre 1984 portant création de l'Office d'Exploitation des Ports.
- Rezenhel. R., (2006). « Manutention portuaire : droit commun et droit spécifiques ». Revue LAMY droit et logistique, janvier.
- Rezenhel. R., (2006). « Le partenariat « public-privé » dans les ports maritimes ». Revue du Trésor, janvier.
- Rezenhel. R., (2006). « Concessions d'outillage publics portuaires : vers une libéralisation discrète ». contrats publics, n° 54 avril 2006.
- Nottebom T.E.& Winkelmann W. (2001) « Structural Changes in logistics : how will port authorities face the challenge ? » Maritime Policy and Management, Vol, 28.
- Song D-W (2003) « Port Co-opetition in concept and practice » Maritime Policy and Management, n° 30, pp.29-44.
- Stevens H. (1999) « The institutional position of seaports. An international comparison ». Dordrech, Kluwer Academie Publishers.