



## The Collective Lands in Moroccan Oases: From Local Tribal Management to Privatization and the Market System

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### Abstract

This article highlights a fundamental idea that the continuation of the Moroccan state's use of collective land systems during the post-independence period, following the approach of the French colonial administration, did not prevent it at the beginning of the third millennium from integrating collective lands into the privatization and market system. This move signals a neoliberal direction that benefits Moroccan bourgeois investors and foreign multinational companies under the pretext of implementing development plans and strategies. Conversely, it will impact rights-holders to collective land

as their land is converted into private property making it difficult for them to access their lands. Therefore, this article seeks to emphasize the ineffectiveness of this developmental trend, especially in the context of Moroccan oases, which are characterized by fragility. Therefore, it is necessary to find a solution to the problem of collective lands via a reasonable and radical strategy to achieve sustainable local development. **Keywords:** *collective lands, oasis, privatization, neoliberalism, local development.*

## \* Introduction

This article aims to shed light on the collective land system in Morocco in general, and specifically in the Moroccan oasis. This system is particularly relevant in the state's public policies, which are evident in the major projects and strategies being implemented on the ground, such as the second phase of the Millennium Challenge Program. It is also significant for the tribal collectivities or *Soulaliyates* (a term used to refer to those who hold rights to collective land) that continually defend their lands using all available means and mechanisms—whether legal, political, or even through protest actions that sometimes turn into violence.

This article adopts a socio-historical approach to trace the trajectory of collective lands, beginning with the pre-colonial period, when tribal lands were managed through customary practices. It then examines the colonial period, during which a collective land system was established as a unique property regime, governed by a legal framework that reflected colonial policies. Finally,

it considers the post-independence era, when the newly independent state had to choose a policy for managing collective lands. In so doing, the state initially preserved these lands and continued the colonial policies that served the interests of settlers and benefited the metropole. Later, the state began to update the legal framework and worked towards enabling the right-holders their lands, whether which were owned or exploited for grazing, agriculture, or housing. This leads us to consider whether public policies, such as the Millennium Challenge Program and recent legal amendments, have genuinely aimed at the effective and sustainable development of these lands, particularly in the Moroccan oases.

Some analyses and theories in Moroccan rural sociology argue that collective lands were created as a property system by the colonizer<sup>1</sup> to prevent these lands from family ownership and eventually individual ownership. Based on this assumption, and in light of the introduction to this article, we posit these questions: Will

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<sup>1</sup> For further details, the reader is referred to Oumouassan (2022): "Collective lands and the transformations of the Moroccan countryside: A

study of the sociological contributions of Professor Ammar Hamdach.

the independent Moroccan state return collective lands to their rightful tribal communities, or will it maintain guardianship over them and continue to use the same legal framework? Why has the state chosen to facilitate access for real estate investors to collective lands through privatization and the market system? And what is the status of the Moroccan oasis within the broader context of transformations occurring in rural areas, especially regarding projects sponsored by the state and major investors in this type of property?

**\* Collective lands in Morocco: From pre-protectorate Morocco to independent Morocco, a socio-historical overview**

**\* Tribal lands and local management in pre-protectorate Morocco**

There is consensus among researchers that communal lands were owned by tribes before the protectorate

period. This ownership or possession is evident in the various ways tribal lands were utilized, whether for grazing, agriculture, or firewood collection. This point led Najib Bouderbala to assert that the most accurate and neutral term for this category of land is “tribal lands” rather than “collective lands” or “*soulaliyate lands*” (that are owned by ethnic collectivities) both of which are terms that emerged from modern legal legislation<sup>2</sup>.

Before the pre-protectorate period, the tribes managed the collective lands through their local customs. The tribal council, known as “Ijma'a,” supervised the management of these lands, including the distribution and division of the land, as well as resolving conflicts and disputes that arose over it. This characteristic is common to many regions in Morocco and is shared with several areas across North Africa.<sup>3</sup>

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<sup>2</sup> Bouderbala, N. (2015). Law between the tribe, the nation and the state, the dialectic of legislation: Custom, Shari’a, and law. Presented by Abdellah Hammoudi, translated by Mohamed Zernine. East Africa p. 296.

<sup>3</sup> For further details, see:  
In Tunisia:

Labied, S. (2015). Akkara: On the sociology of the Maghrebian tribe. SOTUMEDIA Publications for Publishing and Distribution.

Guy-Adjété Kouassigan (1966). Man and the land: Customary land rights and property law in West Africa. *Office of Scientific and Technical Research Overseas*.

### **\* The creation of a collective land system during the protectorate era**

As previously mentioned, tribes managed collective lands through their customs, a management system that extended beyond collective ownership to include family-level land management. This was achieved by dividing and distributing land among tribal groups, either for establishing \*douars\* (villages) for family housing, driven by demographic growth and the increasing number of tribe members, or for agriculture, as the rural economy shifted from a primarily pastoral-based system to one centered on agriculture among nomadic and transhumant tribes. This division and distribution occurred at the level of \*fakhdats\* (sub-clans) and families within the tribe, eventually leading to individual ownership due to the Islamic inheritance system, which requires the division of a deceased person's estate among their heirs.

With the colonization of Morocco, the trajectory of collective lands was halted due to the French colonial administration's desire to transfer these lands to colonists. To

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<sup>4</sup> Michaux Bellaire. (1918). Property Rights in Morocco. *France-Morocco Revenue*, 9.

achieve this colonial objective, the French administration established a legal framework that served as the tool through which they controlled collective lands. The most significant law enacted in this regard was the *Dahir* (a royal decree which continues to shape the administration of collective land to this day) of April 27, 1919, which governed the guardianship over collective lands.

The colonial administration began implementing its "land policy," which was primarily aimed at transferring land ownership to colonists and seizing the most fertile lands. In this regard, Michaux Bellaire (1918) emphasized the need to reshape Morocco's land property system, stating: "The principle of ownership has not been established in Morocco, and it is up to us to do so", p. 268.<sup>4</sup>

After Morocco's colonization, it was integrated into the global capitalist market system, so it was considered by the French colonial administration as a colony or settlement to meet its needs, especially after the achievement of "official colonization"<sup>5</sup>. The blatant exploitation of land by colonial

<sup>5</sup> Halim Abdel Jalil (1988). Rural modernization and the Islamization of Moroccan agriculture. In *the evolution of rural-urban relations in the*

policies became apparent, revealing the true intentions, greed, and avarice of the colonial administration, particularly after the 1929 economic crisis, which had significant repercussions for Morocco as a French colony. This was especially evident after World War II, when France emerged exhausted<sup>6</sup>, leading it to establish a series of laws and institutions that served its interests.<sup>7</sup>

#### \* **Management of collective lands after independence**

After gaining independence, Morocco chose to maintain collective lands as a distinct legal property system. The responsibility for preserving these lands was assigned to the Ministry of Interior, making it the overseeing authority for collective lands. As a result, the ministry did not alter the existing legal framework governing collective lands, except for some new laws that did not change the

core of what the colonial administration had established and legislated.

The Moroccan state views collective lands as a valuable property reserve for the development of projects across various sectors. Therefore, it is necessary to preserve these lands and not transfer ownership to the right-holders of *Soulaliyates* (tribal collectivities). Instead, these lands should be incorporated into the state's agricultural projects, as was done with collective lands in irrigation districts, which were initially regulated by the Dahir of July 5, 1969, and are now governed by Law 17-64.

The policy that Morocco adopted in dealing with collective lands after gaining independence contrasts with the approach taken by some other regional countries with similar property systems. For instance, Tunisia has given ownership of

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*Maghreb*. Mohamed V University, Faculty of Arts and Humanities, Series of Conferences and Seminars, 10, p. 55.

<sup>6</sup> Bouderbala, N. (2015). *Law between the tribe, the nation and the state, the dialectic of legislation: Custom, Shari'a, and law*. East Africa. pp. 279-280. Also see: Ammar Hamdach (2015).

On experiences of rural modernization in Morocco with a statement for Moroccan countryside.

<sup>7</sup>For example, the Chérifien Office of Colonial Exports was established, the Professional Office of Cereals was created, and the Office of Wines and Spirits were created in 1932, 1937, 1938, respectively

collective lands (known as arshiya lands) to individuals as part of an effort to weaken tribal structures that were sustained by these lands<sup>8</sup>. Tunisia's objective since independence has been to build a democratic state that elevates the status of individuals over the tribe, particularly in its negative identity aspect (tribalism), which is seen as a source of conflicts and disputes between individuals and groups within the state, both locally and nationally. This raises the question: was the approach chosen by the Moroccan state in managing this land resource, particularly in the Moroccan oases, distinct from the experiences of other countries?

**\* Collective lands and privatization and the marketization: which model for developing collective lands in Moroccan oases**

**\* Privatization of collective lands and Morocco's openness to foreign capital**

While the Moroccan state preserved collective lands and did not transfer ownership to the right-holders

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<sup>8</sup> For further details, see the work by Nouha Fatini Khadija: "The countryside of Sidi Bouzid: A study of property conditions", p. 119.

<sup>9</sup> The same applies to many countries, including Mauritania, as an example. See, for instance, the

of *Soulaliyates* (tribal collectivities) after independence, this rich tribal heritage did not follow the same trajectory that was before colonization, which was moving towards family and individual ownership.

During the third millennium, the Moroccan state began implementing gradual updates to the management of collective lands. These changes included the progressive recognition of certain rights for women and the proposal of policies and laws aimed at integrating these lands into the private real estate market while exploring ways to increase foreign investment. This shift is particularly significant as foreign countries are actively seeking opportunities to invest in Morocco, especially in its real estate sector.<sup>9</sup>

If the spread of capitalism essentially requires imperialist expansion, as seen with European colonialism and its invasion of the world, today's matter under globalization is different. Now, it is sufficient to exploit the resources of countries on the pretext of an open

book: Armelle Choplin & Mohamed Falle Ould Bah (2018). *Land, law, and property in Mauritania: Challenges and research perspectives*. Jacques Berque Centre.

economy. Still, giant multinational corporations invest in agriculture, food industries, oil, raw materials, and more, exporting their production as if the era of colonialism and colonists never ended. This dynamic can be applied to the current desire of some capitalist countries to exploit Moroccan collective lands.

Morocco's current economic policy is grounded in the model mentioned above, positioning the country as a destination for foreign investments. This is evidenced by the numerous partnerships it establishes and the significant scale of foreign investment projects across various sectors, including agriculture. There are many examples of this, and to illustrate, we present two specific models of foreign investment in the country.

The First case is the rangeland development and migration Management project in the regions of

Guelmim-Oued Noun and Souss-Massa<sup>10</sup>. This project was developed under the Green Morocco Plan, under the supervision of both the Moroccan Ministry of Agriculture and the Ministry of Interior. The partnership agreement for the project was signed on August 26, 2014, between the Moroccan Ministry of Agriculture and the Qatari Ministry of Finance. Under this agreement, Qatar granted Morocco \$136 million, with \$88 million allocated specifically for the project<sup>11</sup>. Morocco's contribution to the project was \$21 million, in addition to the grant, making the total funding for the project \$109 million. This substantial investment is expected to open the door wide for land mobilization and its submission to investment, which could lead to protests from the right-holders of tribal collectivists against the state and the nomads coming from Moroccan Sahara to the lands of Souss.<sup>12</sup>

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<sup>10</sup> For further details, the reader is referred to El-Mortagi Bakkar (2017), "Nomadic Pastoralism in Southern Morocco: From Nomadism to New Forms of Exploitation of Pastoral Areas". *Desert Studies Center*, pp. 345-354.

<sup>11</sup> The remaining \$48 million is allocated for the implementation of a hydro-agricultural project in the Asjen area in the Ouezzane province.

<sup>12</sup> This project is considered one of the factors that contributed to the emergence of the Akal movement in Souss.

The second model lies in the second cooperation program with the Millennium Challenge Corporation (Compact II)<sup>13</sup>. As part of the privatization of collective lands and Morocco's openness to the outside world, the Moroccan government signed a partnership agreement with the United States Government on November 30, 2015. The aim of this Compact was to enhance human capital quality and improve real estate quality. Under this agreement, the United States granted Morocco \$450 million, following an earlier grant of \$697.7 million in the first phase of the program.

The Second Compact of the Millennium Challenge Program targets two main projects: "Education and Training" and "Land Productivity." The latter, which is of particular interest to us, primarily focuses on collective lands. The Land Productivity Project is a national strategy aimed at success through the involvement of all relevant institutions and the implementation of new

legislation and legal frameworks. This program aligns with the Royal Message sent by the King of Morocco to participants in the national conference on real estate policies held in Skhirat in 2015, which called for the privatization of collective lands in irrigation districts (lands previously regulated by the Dahir of July 5, 1969). It also aligns with the Green Morocco Plan in its agricultural component (rural real estate). Regarding the relationship between collective lands and the industrial sector (industrial real estate), it aligns with the Industrial Acceleration Strategy (first and second generations: 2014-2020/2021-2025), but this aspect falls outside the scope of this article.

Morocco has mobilized all human, logistical, and financial resources to implement the objectives outlined in the Second Compact of the Millennium Challenge Program. To this end, the Millennium Challenge Agency was established by Dahir "Royal Decree" in 2016<sup>14</sup>, and a law was also enacted in 2016 to implement

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<sup>13</sup> See the documentation section for documents on the Millennium Challenge Agency Morocco's website at: <https://www.mcamorocco.ma/ar>

<sup>14</sup> Dahir (Royal Decree) No. 1.16.142, issued on the 21st of Dhu al-Qi'dah 1437 (August 25, 2016), implementing Law No. 24.16 for the



the legislation concerning the establishment of the agency<sup>15</sup>. Additionally, amendments were made to the laws governing collective lands<sup>16</sup>, which further open the door for foreign investment in these lands, while failing to ensure the genuine inclusion of the right-holders in these plans and strategies.

Based on all the above, we ask: To what extent do the state's choices, orientations, and strategies regarding collective oasis lands align with the unique natural, spatial, and social characteristics of the oasis?

#### \* **Oasis vulnerability versus neoliberal policies**

Many researchers in the fields of sociology and anthropology in Morocco advocate for the Moroccan countryside and its farmers. For

instance, Mohamed Mehdi has discussed the deals between Morocco and several foreign countries such as France, the UAE, and Spain. The researcher revealed that the true reasons behind many of these programs are to serve the interests of the state, with the complete neglect of the local population's needs. Mohamed Mehdi cites the displacement of the local population due to the establishment of a large multinational livestock farm in the Beni M'Guild area near the city of Azrou as an example<sup>17</sup>.

The state has thus worked on liberalizing the real estate market, with the primary goal of facilitating access for investors and private entities, both foreign and local. However, the genuine inclusion of right-holders *Soulaliyates* (tribal collectivities) has

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establishment of the Millennium Challenge Agency – Morocco (MCA Morocco).

<sup>15</sup> -Decree No. 2.16.770, issued on the 12th of Dhu al-Hijjah 1437 (September 14, 2016), implementing Law No. 24.16 related to the establishment of the Millennium Challenge Agency – Morocco.

<sup>16</sup> -**Law 62/17** pertains to the administrative guardianship of *Soulaliyates* (tribal collectivities) and the management of their properties.

-**Law 63/17** relates to the administrative delineation of *Soulaliyates'* (tribal collectivities) lands.

-**Law 64/17** concerns collective lands located in irrigation districts.

<sup>17</sup> Mohamed Mahdi (2014). The future of agricultural land in Morocco: A case of land grabbing. *NEW MEDIT N. 4*.

been largely neglected in this investment dynamic, across various regions of Morocco, including the oases.

Today, we witness what is happening in the Moroccan oases and their surroundings, where there is excessive exploitation of natural resources, such as the underground water table in the Wadi Al-Naa'm area in Boudenib, for example. Vast palm plantations have been established in this region, stretching as far as the eye can see. Some refer to this as predatory agriculture<sup>18</sup>, carried out by investors from the non-agricultural Moroccan and foreign bourgeoisie, who gained access to the land through the Green Morocco Plan.

The Moroccan oasis is no longer spared from this exploitation, which particularly began in Morocco's fertile plains such as Gharb, Haouz, Souss, and Saiss. It is worth noting that the oasis cannot meet the expectations of the state, its large-scale projects, or the demands of foreign investors in this regard. Otherwise, the oasis will face depletion and the threat of

undermining its ecological, economic, social, and cultural foundations.

We can observe the unique characteristics of oases in places like Todgha and Erfoud, both of which are experiencing crises related to collective lands. These oases have become suffocated by the encroachment of urbanization onto agricultural lands. This urban spread, which could have been directed toward the peripheries of the oasis, instead occurred at its core. However, the purely economic approach advocating for opportunities for investors has led to their entry into the oasis world at the expense of the land's rightful heirs from the communal groups.

In the absence of local civil society, political, and administrative actors advocating for the oasis and its unique characteristics—which require careful management and utilization of the scarce and fragile local natural resources—the result is the announcement of the end, or at least the decline, of the oasis. Consequently, it becomes difficult for the oasis to adapt to climate change, globalization, and the neoliberal policies closely tied to

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<sup>18</sup> Oumouassan Mouhssine (2020). The groaning of the oases: A reading of the book "The grieving

oasis of Figuig: Ethnographies of a living world ", *Moroccan Journal of Social Sciences*, 10.

our economy. Only a few scientific voices remain a cause for alarm in the oasis areas.<sup>19</sup>

**\* Critical observations on the neoliberal investment experience in the oases**

A critical analysis of the agricultural estates on the margins of the oasis and the crisis experienced in collective lands can be approached from three levels.

**\* Decline in the ecological system**

The oasis is a living environment where economic, social, political, and cultural aspects interact in balance with the natural environment. Although the traditional economy of the oasis is only marginally above subsistence level, it remains a sustainable economy. In contrast, the recent investments in the oasis have led to the destruction of traditional production structures, including their ecological foundations. The oasis is now facing a crisis of transition from traditional institutional management to modern institutional management, which has resulted in a significant decline in the overall life-supporting components of the oasis.

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<sup>19</sup> Faza, J., & Ahjj, H. (2020). The grieving oasis of Figuig: Ethnographies of a living world. *Dar Abi Raqraq*.

The internal transformations within the oasis have led to a population increase, which in turn has resulted in more exploitation of the traditional agricultural space of the oasis to prepare and construct residential buildings. This has occurred at a time when collective lands on the periphery of the oasis could have been utilized for such purposes. The overall trend, coupled with the increase in modern investments within the oasis, has further deepened the disruption of its ecological balance. This has led to issues such as the filling in of water channels and the loss of palm trees and other vegetation.

**\* The issue of planning and managing housing in oases**

Planning and managing oasis environments first require awareness of their unique characteristics. A report issued by the Economic, Social, and Environmental Council in 2018 acknowledges that Law 12.90 related to urban planning does not differentiate between urban and rural environments<sup>20</sup>.

A year after the report of the Economic, Social, and Environmental

<sup>20</sup> Report of the Economic, Social and Environmental Council; Housing in rural areas:

Council advocating for sustainable and integrated housing, the Urban Planning Directorate of the Ministry of National Territory Planning, Urbanism, Housing, and City Policy issued a reference guide on rural area planning. This guide emphasizes the importance of respecting the identity of rural areas during planning processes, advocating against applying the same urban planning mechanisms. It calls for integrating oases into an economic perspective that serves the interests of the local population and maintains the balance of the oasis ecosystem<sup>21</sup>.

The reference guide adds, "in terms of spatial allocation of lands, it is necessary to encourage a model for building placement in oasis areas based on the principle of gradual adaptation to the topographical needs of the area. This model allows for the preservation of low-lying areas suitable for agriculture while simultaneously facilitating the settlement of the population in non-arable areas."<sup>22</sup>

Thus, we note that the guidance we cited in the above-mentioned reference guide is difficult to

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towards sustainable housing integrated into its surroundings. Self-referral No. 33/2018.

<sup>21</sup> Reference Guide, Directorate of Urban Planning, Ministry of National Territory Planning,

implement in practice due to the absence of a genuine and radical strategy for resolving the issue of collective lands. These lands are in a state of legal midpoint, with no possibility of division or distribution, creating a crisis that makes it challenging for the rights holders to utilize them, particularly for housing. As a result, most residential subdivisions for rights holders are stalled, and their founders are unable to complete the legal process.

Consequently, the only option left for the local population is the urban expansion into agricultural lands (private property) within the oasis, especially given the absence of a legal and regulatory framework to protect the oasis and its ecological components.

#### **\* Social structure as a barrier to the development of collective lands**

The absence of a rational and reasonable strategy for managing collective lands in Moroccan oases, where social structures are organized into villages and tribal groups, is likely to exacerbate conflicts and disputes

Urban Planning, Housing, and City Policy, February 2019.

<sup>22</sup> Same previous reference.

between these tribes. This situation leads to further fragmentation of the social, cultural, and ethnic fabric. As a result, the current inhabitants of the oasis are unable to develop more effective management strategies, unlike their predecessors, particularly in the absence of proactive actors who could propose suitable solutions.

#### \* Conclusion

The oasis represents an integrated social, economic, cultural, and environmental system. However, the features of this integration have begun to decline, particularly with the integration of the oasis into the globalization system (external migration, privatization and market systems, and large farm units).

The oasis now suffers due to the deterioration of its natural components, leading to imbalances within its territory. This territory requires rational management and utilization of its resources, which can only be achieved if the issue of collective lands—a significant problem for the oasis—is resolved. Therefore, it is crucial to devise a reasonable strategy that takes into account the fragility of the oasis and the complexities of its collective lands. This approach is considered essential for achieving

balanced and sustainable development within the local community.

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