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# Report on the

# End of Project Review and Assessment of the Parliamentary Support Project (PSP) 2004-2009
# USAID/Morocco

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**(The views and opinions expressed in this report are those of the assessment team and do not necessarily reflect the views and opinions of USAID/Morocco or any of its staff)**

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## Introduction

On October 1, 2004, the United States Agency for International Development (USAID) awarded a 3-year (Oct. 2004 – Sept. 2007), US$3.6 million, Parliamentary Support Project (hereafter "the Project") to the State University of New York's Center for International Development (SUNY). Through modifications and no-cost extensions, the Project has continued into its fifth year at a total cost of US$6.78 million. The Project ended in September 2009. This Project targeted the Chamber of Representatives (CR – the "lower house" of Parliament) and the Chamber of Councilors (CC – the "upper house" of Parliament) as well as civil society advocacy groups. USAID/Morocco is conducting an end of the Project review to assess the Project's impact and to develop recommendations for how USAID/Morocco could continue to engage the Parliament in the future.

The review took place during the week of June 21 - 26, 2009 and was conducted by a three person team consisting of Keith Schulz, Legislative Strengthening Advisor in the Office of Democracy and Governance, USAID/Washington; Mr. Mohamed Odour, a former MP from 2002 – 2007 (during which time he served as a Vice President of the CR); and Andrew G. Mandelbaum, an evaluation specialist who has served as a consultant and intern in the Rabat office of SUNY/CID. During the course of the week, the assessment team conducted a number of interviews with MPs and staff of the Moroccan Parliament, including the President and the Secretary General of the Upper House, the Secretary General of the Lower House, representatives of several civil society organizations, and staff of the SUNY/CID project.[1]

## 1. Background

### *Moroccan Parliament*

During the second half of the 1990s, the late King Hassan II began a top-down process of liberalization. Political repression turned to a government of *alternance* in 1997, allowing the former opposition parties to form the government and assume control over many ministries of the government. It would also permit full direct election of the 325-seat Chamber of Representatives (CR) and create a 270-member Chamber of Councilors (CC) to appease the traditional powers. This process would continue under the rule of King Mohammed VI, who acceded to the throne in 1999. In his speeches marking the beginning of the 2002-2004 legislative years, King Mohammed VI indicated his support for the bicameral Parliament to play a greater role in the affairs of the state.

1 The assessment team benefited greatly from the work of Andrew G. Mandelbaum who, in the months leading up to the formal assessment, interviewed a large number of people and compiled and analyzed an impressive amount of information about the Moroccan Parliament and the SUNY/CID project. This work included analyzing legislative records compiled by the Parliament as well as information and data collected by SUNY/CID as part of its performance monitoring plan. This report contains a number of excerpts from several reports prepared by Andrew that assess the impact of the SUNY/CID project.

Despite these changes in policy and outlook from above, the Parliament has been slow to react. Among its shortcomings is its inability to make internal decisions without the intrusion of politics, an under-resourced and poorly organized administration, a lack of coordination between the two chambers, and the overall failure to provide members of Parliament (MPs) with the resources necessary to help them make informed decisions. Playing a role that is even smaller than its few precious powers afford, improving the Parliament's performance is seen as a critical factor in Morocco's development that could push the country towards better governance.

*Parliamentary Support Project*

In support of USAID's Intermediate Result 13.1: "National Enabling Environment Improved: Strengthening Parliamentary Process," the Parliamentary Support Project was designed to assist the Parliament in three areas (or "sub-IRs")[2]:

- Sub-IR 13.1.1: Parliamentary committees strengthened (*Volet* A);
- Sub-IR 13.1.2: Specialized budget expertise developed within parliament (*Volet* B);
- Sub-IR 13.1.3: Advocacy efforts before parliament strengthened (*Volet* C).

At its onset, the Sub-IR 1, strengthening parliamentary committees, was intended to focus on the finance and interior committees in both chambers of the Moroccan Parliament. The purpose of this design feature was to take advantage of the finance committee's role in budget oversight, thus providing a linkage between Sub-IR's 1 and 2, and the interior committee's mandate over legislation related to decentralization, a priority of the king that would also become a focal point for USAID's Local Governance Project. A fourth Sub-IR, "Cross-Cutting Activities," was also adopted by the Project in 2006 as a catch-all for its efforts to improve the parliamentary institution.

The Project was formally established through the adoption of a Memorandum of Understanding (MOU) between the Parliament of Morocco and USAID in April, 2004. This agreement specified "*the development of a program of technical assistance to be financed by USAID for the purpose of supporting the institutional strengthening of the Parliament"* and offered a number of examples of activities that could be conducted to meet its objectives. It is worth noting that while the MOU referenced the first two volets, it did not mention the Project's civil society strengthening aspect or stipulate any procedures for how implementation was to occur.

After the contract was awarded on October 1, 2004, SUNY/CID implemented its first activity just 5-weeks later. In its first year, the Project's activities focused on committee report writing and budget training, while a study tour to the U.S. was also conducted. Despite hiring a chief of party (COP) with experience living in Morocco and

[2] Also called "Volets"

strengthening legislatures, the Project encountered problems implementing its program. These included confusion within the Parliament as to who was responsible for coordinating with the Project, anti-Western and anti-US sentiments among some MPs, and reservations about the way the Project was conducting its activities.[3] Some of these shortcomings would be expressed in a letter presented by the Parliament to USAID in January, 2006, despite efforts made by the Project to address some of them. By that time, and at the request of USAID/Morocco, SUNY/CID was in the process of replacing its original COP.

The arrival of the new COP marked a new era in the Project's history by all accounts. The Project's implementation efforts were robust: the number of activities in volets A and B increased from 11 to 24 and trainings became longer and more in-depth, including the offering of courses in legislative drafting, public policy, and budget analysis. According to interviews, the quality of trainings improved as well, and MPs and staffers appreciated the more participatory nature of the Project's activities, which now brought together staffers and MPs from both chambers, partnered with parliamentary interest groups like the Women MPs' Forum and Moroccan Parliamentarians Against Corruption, and sought to establish linkages with other actors in the political system like the Ministry of Finance and Audit Courts.

In addition, the Project's relationship with the Parliament was renewed during this period, and the Project reported holding almost weekly meetings with parliamentary leaders and the leadership of the UNDP's own parliamentary support project. Its relationships with committee presidents, on the other hand, appear to have remained somewhat distant. Although greater cooperation would be achieved after the September 2007 elections, the Project's close ties to the finance and interior committees in both Chambers would never be fully realized. The Project's second year would also see an increase in activity with CSOs, an area that received little attention in the first year.

The Project's high output of activities continued into its third year (FY07), during which it also directed a successful grants program for CSO advocacy initiatives and steered the Parliament's creation of the Budget Analysis Bureau (BAB). Through the Small Grants Program, the Project assisted 7 leading CSOs to undertake parliamentary lobbying efforts. Several of these CSOs created national coalitions that met to discuss topics on issues such as transparency in the national budget and public access to information, and offer suggestions to Parliament in the form of amendments or memos. Although not all of these efforts ended in the adoption of legislation based on the CSOs' findings, CSO leaders hailed this program as a positive experience and expressed their interest in continuing to advocate Parliament. Also in this year, the Project succeeded in assisting the Parliament's Chamber of Councilors to establish the BAB, an initiative that the Project had been pursuing in a bicameral fashion since its inception.

3 In its "evaluation," the Parliament cited several "Incapacities related essentially to the program development process to coordination and actions follow-up problems," including: the lack of a training plan or guidelines based on identification of needs, the infrequency, low quality, and poor targeting of trainings, and the lack of participation by Parliament in the selection of consultants and creation of the Project' agenda.

The elections for the Chamber of Representatives, the Parliament's lower house, in September 2007, and the subsequent changes in that chamber's leadership, in addition to the adoption of the BAB in the CC, would have a profound effect on the Project's remaining years. Working closely with the Secretary General, the Project planned a robust orientation program (New Member Orientation Program – NMOP) for new members of the CR. However, the elections also brought new leadership and the appointment of a new Secretary General (after some delay). This led to confusion and coordination problems that required the Project to reduce much of its orientation program and resulted in some tensions between the Project and the new CR leadership. This experience combined with the inception of the BAB in the CC led the Project to focus its efforts on the latter in FY08. It conducted 18 activities with the BAB in FY08 and supported approximately 30 studies by independent researchers after the BAB's creation. In addition, Project staff participated in the BAB's weekly meetings and helped build the BAB's organizational foundation.

Aside from the BAB, the Project's most successful effort to improve the parliamentary administration came in the form of the verbatim transcription unit, which provides transcriptions of the CR's plenary sessions within 48-hours that are posted on the CR's website.[4] However, many of the Project's other efforts to support the parliamentary administration through the provision of hardware or software have been unsuccessful; either falling into disuse or being only partially implemented. The Parliament's interest in assistance to modernize its administration as opposed to assistance that could help engender political reform is an important reason that the lasting impact of the Project's efforts appears somewhat precarious. This and other trends will be fleshed out in the sections to follow.

## 2. Project Impact

Measuring the impact of a legislative strengthening project is not an exact science and relies upon a mix of qualitative, quantitative, anecdotal, as well as subjective information and opinions. Limitations on this effort include incomplete data, time limitations, poor record-keeping, inadequate reporting, selective interviewing, and other constraints to information gathering. In this case, the assessment team conducted more of a broad-based assessment, rather than an in-depth evaluation, of the impact of the Project.

Some of the conclusions set forth in this report regarding the impact of the SUNY/CID project, including both its successes and its shortcomings, are based on quantitative data compiled by the Parliament or the Project. Many of the conclusions are predicated on the subjective opinions and observations of the members of the assessment team based both on review of the quantitative data as well as interviews with a number of people within the Parliament, outside the Parliament, and associated with SUNY/CID.

The SUNY/CID Project was designed to focus on three primary areas: strengthening parliamentary committees, developing the Parliament's budget capacity; and

[4] A similar unit is set to be installed within the CC.

strengthening civil society advocacy efforts. Although the Project's work and activities fell mainly within these three areas, there were additional activities and initiatives that do not so easily fall within those categorizations. These include, for example, installing the CR's Hansard or verbatim transcription system, and the development of an orientation program for new MPs.

In purely quantitative terms, the Project conducted around 90 activities in the first four years of the project. In that same time period, the Project produced 130 publications, approximately 60 percent were in the nature of manuals, best practice guides, studies related to the national budget (as part of its support for the BAB), and other such documents that were targeted for MPs, staff, and civil society organizations.

The assessment team finds that the overall impact of the Project at this point in time is mixed, with some tangible and positive results in certain areas that can be directly attributable to the work of the Project and less than hoped for achievements in other areas. The assessment team also finds evidence of positive trends within the Parliament that are more intangible in nature and thus difficult to directly attribute to the Project's efforts but which nevertheless could have been influenced to some degree by those efforts. Further, the assessment team believes that there are positive results or impacts of the Project that have yet to manifest themselves and that the Parliament will likely adopt new or improved practices, procedures, and processes in the future that will be based upon, or the result of, Project activities or initiatives.

Beginning with those results that can be fairly directly attributed to the efforts of the Project, the list includes the establishment of the Budget Analysis Bureau within the Chamber of Councilors; increased parliamentary engagement on the national budget; the creation of the verbatim transcription office; and expanded civil society advocacy initiatives focused on Parliament.

Less easy to document, but still tangible in nature, the Project helped to influence positive trends within the Parliament by raising awareness and introducing new ideas and best practices. For example, there has been a gradual, but perceptible trend towards increased parliamentary activity and openness over the past five years. Aside from the verbatim transcription office, the Project cultivated a message of increased transparency and openness in committee work and proceedings.

Additionally, a number of potential reforms and changes within the Parliament are being openly discussed and debated and could be adopted in the coming years. Many of these reforms and changes reflect practices, procedures and processes that the Project has been discussing and advocating for with the Parliament. These include proposals such as creating an internal legislative research and policy analysis unit, opening committee processes to the public, upgrading the availability of information on the Parliament's websites, and hiring additional expert staff. In addition, there is currently an effort by both chambers, led by the CC, to amend and reform their respective internal rules of procedure to purportedly increase parliamentary effectiveness, transparency, and openness.

*Committee Strengthening*

The task of strengthening committees of the Parliament was intended to enhance committee decision-making processes by increasing access to in-depth policy expertise, improving law-making processes, encouraging public outreach, soliciting greater public input and participation, and increasing legislative oversight and investigations. The Project implemented a number of activities designed to pursue these objectives, including training programs for parliamentary staff. The Project also helped bolster efforts to reform the committee system through the provision of best practices guides and expert suggestions for committee reform, and it appears that the number of permanent committees may soon expand.

The capacities of parliamentary staffers, including committee and party group staff, appear to have improved as a direct result of the Project's trainings in areas such as policy analysis, legislative drafting, budget analysis, and committee report writing. Members of Parliament have commented upon staffers' increased abilities to analyze data and information and prepare committee reports.

Unfortunately, progress toward strengthening committees could have been greater. The number of committee staff and the amount of committee resources remain relatively unchanged, thus tying the hands of the few staffers who support them. Although Project staff report that committee reports are easier to find than they were in the past, committees still lack standardized methods for undertaking basic tasks such as filing or writing reports. Given that committees lack sufficient support staff, the more highly trained staff is still utilized for more routine functions like administrative planning of meetings and writing committee reports. Most do very little in the way of providing MPs with research and/or analyses that would affect the capacity of the latter to make informed decisions.[5]

Other Project initiatives to support and strengthen committee practices were not embraced by the Parliament. These include activities such as creating a standardized electronic committee reporting system and developing an "experts" database for committees to use when in need of in-depth technical advice and information on complex policy issues.

Analysis of the Project's Performance Monitoring Plan (PMP)[6] supports the conclusion that the results of the Project's committee strengthening activities were tangible but modest. The PMP indicates that the quality of legislative products improved during the course of the Project. This is demonstrated by indicator A-2, which tests the quantity and quality of bills proposed by MPs. These bills have increased a total of .6 points (on a 5 point scale) during the Project's tenure. The largest increase in the indicator came in

[5] Committee reports are required in order for legislation to be voted in the plenary session, but it does not appear that their contents are of much consequence.
[6] See Appendix One: *Performance Monitoring Plan Design: A Retrospective Analysis,* Andrew Mandelbaum, June 18, 2009

FY06 (.5 points), correlating with the Project's successful implementation of a widely praised bill drafting course and several other activities that would have contributed to the skills of parliamentary group staff and a limited number of MPs. Committee staffers, who have benefited from these same trainings, play a limited role in legislative writing. Their improved capacity, which has been noted by MPs and committee staffers themselves, is reinforced – despite its methodological shortcomings – by an increase in the quality of the structure of committee reports. However, the lack of sustained mechanisms to bolster committee work limits our capacity to conclude that the Project's impact has been substantial in this area.

Unfortunately, the Project often faced resistance to efforts to strengthen the committees because MPs tend to prefer that resources and assistance go to parliamentary groups rather than committees. For a number of reasons, the Project was not able to obtain the support of several key committee presidents. Not until the elections of Sept. 2007 brought a new and more motivated group of committee presidents to office was the Project able to gain the support for basic tools such as a best practices guide and other work to strengthen committees.

*Developing Specialized Budget Expertise*

The Project was tasked with assisting in the development of the Parliament's capacity to review, approve, and oversee the implementation of the national budget. The Project focused much of its support on budget issues – more so than for any other objective – and, as a result, this may be the area in which the Project had its greatest and most lasting impact on the Parliament. The Project facilitated the creation of the Budget Analysis Bureau (BAB) within the CC, provided consultancies for the preparation of over 35 reports on budget issues, and conducted over 40 seminars, workshops, trainings and activities to improve MPs' and staffers' capacities in budget analysis and oversight.

In terms of training, just about every staffer with budgetary responsibility of any kind appears to have been reached. More importantly, a core group of staffers attended many budget events and trainings. In FY08, 27 CC staffers (mostly BAB staff) attended 5 or more budget activities held by the Project while 13 of these attended 10 or more. No other project or organization provided budget related trainings to parliamentary staff in such a concentrated fashion.

The Project also provided technical assistance and advice to the parliamentary leadership and BAB director on the design and development of the bureau. The Project consistently communicated the message that the Parliament should play a greater role in the national budget process. The Project funded and supported the efforts of the Open Budget Coalition, consisting of Moroccan CSOs, to advocate Parliament on this issue. The Project helped facilitate the signing of a Memorandum of Understanding (MOU) between the Parliament and the Ministry of Finance for the latter to provide the former with its E-

budget software and data.[7] It encouraged linkages with the Moroccan Audit Courts and fostered the inclusion of two BAB staffers in a World Bank Institute seminar on legislative budget offices.[8]

The large number of Project activities in the area of budget review and oversight as measured by the PMP correlates with the signs of increasing interest and activity by MPs in this area. The number of amendments proposed by MPs that were amended to the state budget increased from 20 in FY05 to 50 in the FY09 budget.[9] A law proposition (proposed by MPs) that the Finance Committee began to discuss in January, 2009 would enable Parliament to critique the regulatory law of the previous year's budget prior to discussing the budget of the current year. Although the bulk of these efforts are being undertaken in the CR, the CC has also developed its role in budget oversight. It has adopted the BAB, the only source of independent budget analysis information available to all MPs. CC MPs' contribution to the budget bill also increased from 2 amendments in FY05 to 14 in FY09.[10]

The assessment team concludes that the Project's emphasis on budget oversight had a positive impact on the Parliament and was one factor that led to the Parliament's increased interest, and activity, in this area.

*Civil Society Advocacy*

The Project's CSOs Small Grants Program successfully demonstrated that CSOs can contribute to the legislative process if provided the resources and training to lobby Parliament. While the Project opened the door to citizen participation in the legislative process, greater stimulation is still needed to cultivate these new linkages. The Project's work with CSOs produced a number of highlights. During the 3-month grant program, several CSO coalitions were able to present proposals on legislative issues to MPs. The most successful of these efforts was led by Columbe Blanche, whose amendments were taken up by the Committee on Justice and Legislation in the CR. Columbe Blanche, which met with the Prime Minister to advocate for the disabled during the April, 2008 legislative session, is one of three grantees that continued to actively lobby Parliament despite funding being cut for the Project's advocacy strengthening component in the wake of the Small Grants Program.

[7] The Parliament remains without access to this software. Opinions differ as to why, but it does not appear that the Parliament has effectively demanded implementation of the MOU.

[8] Unfortunately, against the request of the World Bank Institute, the Parliament selected to send 2 staffers with very limited English-speaking capacities. Translation was not to be provided.

[9] If we include the number of amendments written by the government, this number increases from 20 in FY 2005 to 73 in FY09.

[10] One more amendment was proposed by the government in FY09, bringing the total number of amendments adopted by the CC to 15 in this year.

The Project has had several other successful ventures in helping to mobilize CSOs. In mid-2007, the Project had a direct impact on the successful adoption of amendments to a law that required ministers to publically declare their property. Aside from holding a conference on the subject with MPAC, CSO representatives supported by the Project-proposed amendments that were adopted in the draft law.[11] The Project's partnership with Tanmia.ma has also provided a networking tool and several forums for discussing issues related to the Parliament.

The Project's important work with CSOs was manifested in an increase in advocacy efforts of targeted CSOs from 6 in the baseline year to 23 during the Small Grants Program in FY07. That this indicator decreased to 15 in FY08 and just 2 in FY09 reflects the lack of funding for the Project's volet C. CSOs also reported that their advocacy capacities increased 3 points on a 10 point scale. The Project was instrumental in supporting CSOs' initiatives, but it is clear that many of them can still benefit from assistance targeting their organizational capacities as well as their abilities to conduct advocacy and research. CSOs' perceptions of Parliament reached a high during the Small Grants Program, when many of the CSO coalitions supported by the Project had an opportunity to meet with MPs. According to interviews, the decrease in this indicator seen in the following year represents CSOs' realization that Parliament's interest in their work is limited to some MPs from particular parties.

*Additional Project Results*

The Project has been a staunch advocate for the Parliament's increasing role in the domain of governmental oversight. It arranged consultancies and provided research addressing most facets of the issue. For instance, it conducted trainings in many skills areas designed to improve MPs' capacities to draft questions and write legislation. The Project also advocated for reforms to the organization of the question and answer sessions that are presently under discussion by both chambers, as well as use of data, citizen and expert testimony, and sight visits by committees, subcommittees, and fact-finding commissions in order to carry out their oversight tasks.

*Project Shortcomings*

In several significant areas, expected or anticipated project results or outcomes did not occur or were of less impact than originally hoped for. An important focus of the project was committee strengthening and although some individual committees within the Parliament experienced increases in committee activities and improvements in committee processes, the overall performance of many committees seems to have improved only marginally. In a number of instances, efforts to institutionalize certain committee practices such as public hearings, regular reporting, and others were not successful.

A number of computer based systems introduced by the Project are either underutilized or do not appear to be in use at all. Among these are budget analysis software, committee

[11] This was captured in the newspaper *Assabah* on Feb. 21, 2007. Available in PROJECT's newsclippings.

reporting templates, archiving software, and a technical expert database. Several facilities that the Project constructed or renovated within the Parliament also appear to be underutilized or are not being used at all. A multi-purpose hall intended primarily as a training center is used only occasionally for those purposes, although it does contain a number of computers and printers which are occasionally used by MPs and staff. A room for the BAB which was fitted with computers, a printer, and other resources sits unused most of the time.[12]

The Budget Analysis Bureau is still in a very nascent stage of development and its sustainability is still not assured. Although the Project made impressive progress in terms of helping to create and support the BAB in its initial stages, the BAB is still weak both organizationally and substantively. For example, there is no full-time director and most staff are part-time employees who are pulled away from their regular jobs within the Parliamentary administration for a month or two during the budget cycle to work for the BAB.[13] The work produced by the BAB staff appears to be fairly basic budget analysis designed to inform and explain the budget numbers rather than provide in-depth analysis of potential impact, budget alternatives, revenue forecasts, and other more complex fiscal and budgetary information. As a result, much work remains to be done to further develop, expand, institutionalize, and sustain the BAB. As it is currently organized, the BAB is a part-time budget office which does not meet the complete needs of the Parliament for in-depth budget and fiscal expertise.

In determining why the Project fell short in achieving all of its objectives, there are both design and implementation issues. The development and design of the Project was identified as a possible cause of some of the difficulties in Project implementation. The Project was designed in a relatively short period of time and without adequate involvement from the Parliament. A design team from Washington, D.C. (including the team leader for this assessment) held a limited number of meetings with parliamentary leadership, MPs, staff, and people outside the Parliament, but no formal in-depth assessment report was prepared. Instead, Project documents, including a scope of work, were prepared and the procurement process conducted shortly thereafter. One person interviewed by the assessment team commented that the Project was a little too generic in nature and could have been better tailored to the specific circumstances of the Moroccan Parliament.

In addition, other USAID projects that were designed to complement the Parliamentary Support Project were not pursued, or did not receive the attention that they were intended to receive. For example, USAID provided support to the National Democratic Institute (NDI) to work with the parliamentary groups. In recent years, NDI has run a program for placing interns from Mohammed V University in parliamentary groups. However, the extent of NDI's work with the parliamentary groups beyond that has been more limited

[12] CC staffers say that they cannot use the room because it is on the CR's side of the building.

[13] BAB staff were holding weekly meetings for some time, but this practice has ceased and BAB staffers do not intend to get back to work on the budget until the October budget session arrives.

than initially anticipated. As a result, some MPs were troubled by the emphasis placed by the Project on working with committees as opposed to parliamentary groups. The Project received some pushback as MPs questioned whether or not they shared common interests with the Project.

On the implementation side, the SUNY/CID office had three different chiefs of party (COP) during the Project's tenure. The first COP departed approximately a year into the Project at the request of USAID/Morocco and around the same time that USAID/Morocco received a formal letter from the Parliament expressing concern about the management and implementation of the Project. Among the criticisms expressed to the assessment team regarding the Project's early performance was that members and staff of the Parliament were not adequately consulted in the design of training programs, either in terms of the topics or the trainers selected. As a result, some of the early training programs were conducted by experts with insufficient knowledge of parliamentary practice and process, the training itself was too theoretical, and/or topics of the training were not seen as particularly useful or beneficial by some members and staff of the Parliament.

The Project's second COP addressed many of the issues of concern raised by the Parliament and by USAID/Morocco including the need for closer consultation with the Parliament on project activities. In addition, the pace of project activities increased substantially after the arrival of the second COP. However, during the almost three years in which the second COP was in place, there were significant and ongoing changes in SUNY/CID staff. By one estimate, 14 staffers were dismissed or left the Project during this period. Compared to other USAID legislative strengthening projects, that appears to be a fairly high level of staff turnover and leads to speculation about the cost to the Project in terms of lost expertise, the amount of time needed to bring new staff up to speed, and the importance of stable relationships and trust-building between project staff and the Parliament which is often an essential element of successful legislative strengthening programs.

### 3. Institutional Constraints on Project Impact [14]

In assessing to what degree institutional constraints and shortcomings may have prevented the Project from fulfilling all of its objectives or achieving more robust results, it is important to differentiate between constraints that are external and internal to the Parliament.

[14] For a more detailed and in-depth assessment of the institutional development and performance of the Moroccan Parliament, see Appendix 2: *The Development of the Moroccan Parliament and the Impact of the USAID Parliamentary Support Project: A Report Based on the Inter-Parliamentary Union Indicators,* Andrew G. Mandelbaum, June 19, 2009. This is a separate and independent report prepared by Andrew G. Mandelbaum that analyses the institutional development and performance of the Moroccan Parliament in relation to internationally recognized standards of parliamentary practice as set out in the IPU's self-assessment toolkit for parliaments (See *Evaluating Parliaments: A self-assessment toolkit for parliaments,* Inter-Parliamentary Union, 2008).

There are a number of macro level constitutional, legal and political constraints to the Moroccan Parliament's ability to play a strong, independent, and effective role in Morocco's political system. These constraints are well documented and are merely mentioned here to provide context on the Parliament's limited role and position within the political system. These include the concentration of power and political decision-making within the Monarchy, the role of government in executing those policies, the deficient performance of political parties, a restricted political environment for opposition parties, and limited parliamentary powers.

There are also a number of institutional shortcomings or constraints that prevent the Parliament from assuming a stronger, more independent role in political decision-making and governing. Primary among these is the ineffectual administration and management of the Parliament. Many day-to-day decisions having to do with the administrative operation of the Parliament are made by the Bureau, which is made up of members of the various parliamentary groups and the Speaker of the Parliament. This creates a bottleneck in decision-making processes as members of the Bureau face huge demands on their time. Moreover, Bureau meetings are held behind closed doors and decisions are ostensibly made by consensus. As a result, critical decisions regarding the administration and management of the Parliament, including proposed changes and reforms, are politicized, preventing many important decisions from being taken. Many such decisions, including high level appointments within the Parliamentary administrations, have yet to be made.[15]

Capacity among many staff of the Parliament is limited. There are no clearly defined or enforced merit-based hiring standards or practices for employees. Requiring a certain level of qualification or experience for a particular job is not always maintained. As a result, basic staff training of the type often associated with legislative strengthening programs will not be as effective if the cohort of staff receiving the training is not at the level of expertise or experience as is needed for a particular function or position. The BAB is a primary example in which staff without any particular background, education, or experience in economics, public finance, and budget related issues are assigned to the bureau. Current staff of the bureau may be capable of producing basic information about the budget, but not the type of in-depth analysis about the budget that would be of most use and value to MPs.

Within the Moroccan Parliament, a usual practice is for the chairs of the various committees to rotate on a regular and sometimes annual basis. Continuity in leadership is often a necessary ingredient of a strong, active and knowledgeable committee. Progress towards strengthening committees is often dependent upon the strong leadership of the committee chair and regular turnover in that position makes it much more difficult for a legislative strengthening program to succeed in efforts to empower those committees. The Parliament's fragmentation and politicization took a toll here as well, as the Project had trouble getting committee presidents to see each other as a support group with

[15] After 12 years, the CC has just appointed its first secretary general. In the CR, the positions just below that of the secretary general have yet to be filled.

common interests. In fact, they rejected a study tour designed to meet their needs as committee chairs.

In addition, there does not appear to be a core group of reform minded MPs that took interest in the Project and attempted to utilize it to support reform efforts within the Parliament. Legislative strengthening projects are often most successful when they are linked to, or support the efforts of, reform-minded leadership or a critical mass of reform-minded MPs who are pushing for changes within the Parliament in order to make it a stronger, more effective and independent institution.

Many of these internal constraints within the Parliament have contributed to difficulties for the Project in implementing activities and/or achieving greater results. Other constraints are the result of the nature of the Project or the context in which it operated. For example, several persons interviewed indicated that Project activities in the CR were sometimes delayed or not approved because of anti-U.S. Government attitudes or mistrust by some members of the lower house affiliated with the Party of Justice and Development, a party with an "Islamic reference." Partly as a result, it would appear that cooperation with the Project was stronger and more consistent in the CC than in the CR.

## 4. General Perceptions of Parliamentary Performance

The Moroccan public is strikingly disenchanted with the Moroccan Parliament's performance. The 2007 parliamentary elections were characterized by extremely low voter turnout – only 37% of registered voters voted, down from 51% in 2002 and 58% in 1997. When all spoiled ballots and protest votes are accounted for, just 30% of voters had their vote counted.

A regional poll conducted in May, 2007 by IFES and others showed that in many areas concerning the work of their Parliament, Moroccans were dissatisfied – oftentimes even more so than citizens in Jordan, Egypt, and Lebanon. Seventy-four (74%) percent of Moroccans disagreed with the statement that "The Parliament truly represents the social and political forces in the society." Eighty-five (85%) percent disagreed with the statement that "The Parliamentarians in my district interact with their constituents." Another 82 percent disagreed with the idea that "Parliamentarians fight corruption."[16]

Academic perception of the evolution of the Moroccan Parliament is mixed. Some scholars note that the Parliament has undergone some recent positive developments, although its current power structure and role in society may not be sufficient to change Moroccans' perceptions of their legislative institution. For example, a recent article in the Journal of North African Studies[17] states that the Parliament is slowly becoming more

[16] IFES/ACRLI/UNDP. May, 2007. "Promoting the Rule of Law and Integrity in the Middle East and North Africa: Public Opinion Survey covering Egypt, Jordan, Lebanon, and Morocco." Available at: www.ifes.org.

[17] Some research for this article was facilitated by the Project through access to Project staff and assistance in helping to organize interviews and meetings for the authors.

pro-active and assertive and that there are "growing signs of a sense of corporate identity and of a nascent parliamentary culture." [18] However, another article states that "the inability of the Parliament to play an active role in policy implementation has resulted in growing disenchantment with parliamentary politics that has dimmed prospects for broader participation in the political process." This same article goes on to say that "[w]ide segments of the population have come to see the Parliament as a failed institution that can do little to solve their pressing economic and social problems."[19]

## 5. Conditions for Future Engagement

The Project ended on September 30, 2009, and USAID/Morocco will not extend this Project further or – in the near term – begin a new, stand alone legislative strengthening follow-on project. As a result, the assessment team was asked to discuss under what conditions USAID/Morocco should consider reestablishing a stand-alone legislative strengthening program in the future or some other type of significant investment directed at strengthening the Parliament or improving the overall legislative system in Morocco.

Absent some significant demonstration of political will at the highest levels of the Moroccan government to reform the political system to provide significant increased powers and authorities to the Parliament, both in terms of formal authority, but more importantly in actual practice, it does not appear that further significant, long-term, and institutional-oriented legislative strengthening assistance will result in a more democratic and independent legislature. Nor does it appear that there exist significant incentives for individual members of Parliament, especially members of the ruling coalition, to push hard for changes and reforms that would give the Parliament more power, authority, and relevance in political decision-making. As a result, USAID/Morocco's decision not to move ahead with a follow-on institutional-oriented legislative strengthening program is supported by the nature of the current Moroccan political system which does not provide an enabling environment that allows the Parliament to play a strong and independent role.

Consequently, the question is: under what conditions should USAID/Morocco consider a significant reengagement with the Parliament?

### *Constitutional and Legal Reforms*

On the macro level, significant constitutional and legal reforms which would provide more legal and/or political power and authority to the Parliament would necessitate a reevaluation of legislative strengthening assistance strategies and approaches. Such reforms might include, but not be limited to:

- Increased budgetary authority;

[18] Denoeux and Desfosses, "Rethinking the Moroccan Parliament: The Kingdom's Legislative Development Imperative," *The Journal of North African Studies,* Vol. 12, No. 1, 2007: pg. 79.
[19] Hamzawy, "Party for Justice and Development in Morocco: Participation and its Discontent," *Carnegie Papers,* Number 93, July 2008: pg. 18-19.

- An elected upper chamber;
- Stronger political parties;
- Increased legislative and oversight powers, or;
- The adoption of a stable electoral system with rules that discourage fragmentation and remain constant.

*Institutional Reforms*

At the micro level, significant institutional reforms or changes could create a more receptive environment for legislative strengthening assistance and demonstrate the Parliament's commitment to developing a more open, transparent, effective, and accountable institutional structure. These changes include, but are not limited to:

- Significant revisions to the internal rules to make the legislative process more transparent and participatory. For example, these could be aimed at creating more open and transparent committee processes;
- Formalizing public hearings and other forms of public participation;
- Creating and providing sufficient resources for a legislative research office;
- Instituting merit-based hiring practices;
- Employing more policy and issue oriented technical experts and staff to assist the committees and provide in-depth research and analysis to MPs, and;
- Developing and implementing a long-term institutional development strategy and plan.

Although the time may not be right for a large-scale follow-on project, neither should USAID/Morocco abandon its efforts to work with the Parliament in a more targeted and modest manner. Potential means for engaging the Parliament through other programs and activities are set forth in Section 7 of this report.

It is important to note that there is a great deal of discussion and support within the Parliament for "modernization" of the institution. However, modernization should not be equated with political reform. When speaking about the need to "modernize" the Parliament, MPs and staff tend to talk about developing the library, upgrading the website and IT capacities, improving facilities, and broadcasting sessions to the public. USAID's approach to legislative "modernization" is normally focused on deeper changes and reforms within the political system that enable the Parliament to play a more active and independent role in political decision-making within a country. Many of the developments being advocated by the Parliament under the "modernization" rubric would provide a measured amount of legislative transparency, accountability, communications and information dissemination – all critical components of a stronger, more effective and independent legislature. However, those developments, in and of themselves, will not result in a more politically independent and relevant institution. USAID programs should continue to push the political reform envelope by focusing on political empowerment of political parties and MPs through activities and approaches set out in Section 7 of this report.

## 6. Lessons Learned for Future Engagement

*Need to involve Parliament in project design*

The planning for, and design of, a future project with the Parliament should be conducted in a more participatory fashion. Much of the initial consultation with the Parliament concerning the commencement of the Project occurred with a few leaders of the respective chambers rather then with a wider group of MPs. This may have lead to an initial lack of cooperation or receptivity to the Project by the general membership of the Parliament. Closer consultation, joint assessments, participatory planning processes, and possible inclusion of a parliamentary representative on a technical review panel could enhance the Parliament's cooperation with, and ownership of, future legislative strengthening projects and activities.

*Agreement upon a Detailed Memorandum of Understanding*

The Memorandum of Understanding (MOU) between USAID and the Parliament governing the Project's objectives and terms of engagement was fairly short and general in detail. In certain situations, having a general MOU between USAID and a parliamentary partner provides greater flexibility in the implementation process and allows for shifts in programmatic activities when circumstances change or new opportunities arise. However, in other cases, especially when there is a new institutional relationship, assistance activities might be sensitive, or protocol dictates more formality in a relationship, it is useful to have a more detailed MOU that spells out the terms of the agreement and engagement between USAID and the Parliament. This MOU should include overall objectives, mutual expectations, areas of work, decision-making processes, consultation and coordination arrangements, mutual requirements and responsibilities, and other such information. A more detailed MOU might have helped provide greater receptiveness and cooperation by the Parliament with the Project and greater clarity on mechanisms of communication and coordination between the Parliament, the Project, and USAID.

*More Defined Communications and Coordination Mechanisms*

The system for coordinating assistance plans and activities between the Project, the Parliament, and USAID/Morocco does not appear to have been particularly effective. Each chamber designated an interlocutor - a member of the Leadership Board - to be the point person on Project coordination issues. However, the lines of communication between the Project, the interlocutor, the Secretary General and others within the Parliamentary hierarchy became overlapping with the result that project activities were delayed, caused turf wars, or did not always receive sufficient cooperation or participation from the Parliament's side.

A better approach may be for the Parliament to establish a special committee or commission for modernization or reform that is tasked with donor coordination. These commissions are usually made up of MPs from different political parties, members of the

Parliamentary leadership and senior legislative staff. Normally a coordinator or point person is designated by the committee to engage with the Project on a daily basis while important decisions are made collectively by the committee as a whole, representing the entire Parliament, rather than by individuals.

*Baseline Assessment or Survey and Mid-term Evaluation*

In a future project, it would be useful to create and conduct a baseline survey of MPs and staff to determine the level of performance of the Parliament and to assess the weaknesses, needs, and expectations of the Parliament at the Project's inception. This assessment or survey could also be conducted at the end of the project as an evaluation tool to more accurately measure or gauge project impact. In addition, it does not appear that a mid-term evaluation was conducted for this project. Such an evaluation might have identified issues and problems in project design and implementation and offered potential solutions so as to allow for corrective measures to be taken during the course of the project.

*Improving Civil Society Programs*

Although the civil society component of the Project met with some success, this success was limited by the small size and scope of assistance to civil society organizations. A more robust civil society advocacy and accountability program can benefit from the Project's limited experience in this area. For example, civil society organizations engaged in advocacy efforts with the Parliament should have linkages to MPs that transcend party lines. Gaining the attention of MPs is more likely through appealing to party groups, and the leadership of those groups, than through committees and their presidents. Advocacy efforts should be inclusive as they are likely to be viewed with suspicion by MPs and party leaders.

Civil society organizations should have an interest in the initiatives they advocate. Because many CSOs focus on local development and education, or lack the human resources for conducting coherent advocacy initiatives, CSO partners for national level advocacy must be carefully selected. Several of the Project's partners were not deeply committed to the issues they were advocating, including AMSED, the leader of the Open Budget Coalition. Working with labor unions and business interest groups should be explored, as their self-interested oriented advocacy efforts are likely to lead to more sustainable initiatives.

Finally, civil society organizations must advocate on issues that are actionable by MPs. Because the executive branch proposes around 90 percent of the bills that come to vote, which issues will come before Parliament is not always predictable. Moreover, MPs are unlikely to support an idea that is perceived as challenging the authority of the monarchy. Some of the more promising advocacy issues include the national budget (which comes to Parliament in the October session, and which MPs have been increasingly active in legislating around the peripheries) and electoral laws (which come before Parliament prior to each election, are important issues for MPs, and can be affected by MPs).

## 7. Recommendations for Future Programming

USAID/Morocco's decision not to continue a large scale, stand-alone legislative strengthening program does not mean that the Parliament is seen as having achieved a certain level of performance and effectiveness that would make additional legislative strengthening assistance unnecessary. Nor does it imply that the Parliament is not a critical institution for long-term political and democratic development in Morocco. This decision is based largely on limited DG funds and the need to prioritize other areas of DG programming, including strengthening local government and decentralization efforts, and increasing support for civil society organizations and political parties, where USAID funding could have more impact at the present time. In addition, further large-scale institutional development assistance of the sort provided by the Project will not result in meaningful political or policy empowerment of the Parliament without significant changes in the overall political structure or context within which the Parliament operates.

However, there are opportunities to continue strengthening the parliament and parliamentary processes by focusing assistance on processes and systems rather then on specific institutions. Under this approach or strategy, USAID/Morocco should focus on strengthening domestic accountability systems and mechanisms to improve government accountability, transparency, and effectiveness. This approach emphasizes and strengthens the role played by organizations, individuals and institutions inside and outside of the government that monitor, oversee, pressure, and hold the government accountable for its actions and performance. The parliament could be one of the targets of assistance under this approach but not the only one. Other sectors such as civil society, the media, political parties, think-tanks, and audit institutions also play critical roles in ensuring accountability and transparency in government. Under this approach or strategy, activities could be implemented through current or future DG assistance program or programs rather than through a stand-alone parliamentary strengthening program. Assistance would be implemented horizontally across multiply sectors and institutions rather then vertically focused on a single or individual sector or institution.

The following are a list of possible components of a strategy to strengthen Morocco's domestic accountability systems and mechanisms. In some cases, the components already exist in parts of USAID/Morocco's new DG program for 2009-2013 and may need little or no adjustment to address objectives outlined below and could be conducted with no additional funds. This is true for elements related to Civil Society Advocacy Project: SANAD. In other cases, the components would make sense to serve as key elements of a new Political Party Strengthening Project which will be designed in 2010 or as part of a new stand alone project. Here, these activities will most likely require additional funding beyond what USAID/Morocco is slated to receive in the coming years.

***Existing Programming: USAID/Morocco's Civil Society Advocacy Project: SANAD***

Continuing to support civil society advocacy efforts towards the Parliament should be a component of USAID/Morocco's new civil society program. This Project made positive

progress in this area with a limited number of civil society organizations focusing on a handful of policy issue areas. However, a sustained effort of support, including both financial, technical, and capacity development assistance is necessary to continue to improve the advocacy efforts of those organizations that received assistance under this Project and to expand the number of organizations that engage in advocacy with the Parliament by targeting additional organizations.

It is equally important to design approaches that enhance the role of civil society organizations in holding government more accountable for performance, promote the role of academia and the press in pressuring for better governance, and encourage the private sector to engage with political leaders in more effective ways. It is especially critical to work with, and strengthen the capacity of, organizations that seek to promote good governance, accountability, and political reform, especially if those organizations are seen as somewhat non-partisan or politically neutral. Specific initiatives can be conducted to train civil society and independent media on methods of monitoring, publicizing, and holding the government and political actors accountable. Although it is difficult in many instances to find organizations that are not associated with one political party or another, independent and non-partisan organizations that espouse good governance practices (such as the League of Women Voters or Common Cause in the United States) often have more credibility inside and outside the political system to put pressure on political actors to make changes and reforms to the political system.

Three approaches for strengthening civil society advocacy are outlined below:

1. Small grants – similar to the small grants program conducted by the Project - could be provided to promote civil society initiatives to strengthen government accountability and support good governance and political reform.

These grants could be provided to sponsor research and polling efforts that may inform debate and decision-making, support innovative outreach and civic education activities, fund policy and advocacy reform campaigns, and train journalists on investigative techniques and coverage of parliamentary affairs. Initiatives to monitor the Parliament's activities, the budget cycle (including the Parliament's role in the budget process), and campaign finance have been used in a number of countries to highlight the importance of the Parliament and add a layer of citizen-driven accountability. Although few of these types of efforts could be implemented to effect in the short-term, nurturing these activities could have a positive mid-term effect on the Parliament by developing a demand for improved performance.

2. Support initiatives of partisan CSOs to research and develop policy options for political parties on a common issue.

In conjunction with a timely policy issue, assistance could be provided to partisan CSOs to develop policy positions. Such an initiative could help institutionalize civil society's role in researching and analyzing policies, thus helping to fill a void that the Parliament and political parties have not fully developed. Focusing this initiative on the electoral

law could help reform the law that will come before Parliament prior to the 2012 elections. At present, the electoral law has a number of counterproductive effects on the political scene, including weakening the parliament by encouraging the fragmentation of political parties, distancing MPs from citizens (by limiting the campaign period to three weeks), and over-representing rural areas. Because the lines dividing MPs, political party representatives, and partisan civil society are blurred, a future political party strengthening project may be best placed to implement this program.

3. Target support to a handful of more developed CSO partners to implement sustained advocacy efforts of Parliament.

At present, there are few sustained advocacy efforts targeted at Parliament and MPs remain very much immune to public pressures. The Civil Society Advocacy Project can work with its most capable partners to develop more robust advocacy projects aimed at Parliament. These efforts could seek to direct extant research and initiatives more squarely towards the Parliament. For example, the Civil Society Advocacy Project could support efforts of the *Association Démocratique des Femmes du Maroc* (ADFM) to educate MPs on violence against women, as well as the development of legislation. Together, they could seek to work with the Women MPs' Forum, one of the Parliament's few issue-based caucuses. Although the caucuses are underdeveloped and are unlikely to play an important role in the policy process for some time (the chair of the Women MPs' Forum changes too frequently to develop any lasting initiatives and most women MPs remain new to policy work), the forums have the advantage of providing a means for gathering MPs from different parties. An initiative such as that proposed here could help strengthen women MPs' drive to affect issues facing Moroccan women, something they have done unhurriedly until now.

***New Programming: Strengthening the Budget Analysis Bureau (BAB)***

The BAB is an important tool for strengthening the Parliament's accountability and oversight practices. As indicated earlier in this report, the BAB is still in need of technical assistance and support to ensure its future relevancy and sustainability. USAID/Morocco's investment in the BAB through the Project should continue into the future. Options for supporting the BAB include working through a grant or cooperative agreement with a university or an economic/budget think tank to provide ongoing technical expertise and training to staff of the BAB; utilizing an experienced international legislative strengthening organization or public finance consulting firm to provide focused and in-depth technical assistance in this area; or assembling a combination of local and international expertise on budgeting and public finance issues.

Should USAID/Morocco, in consultation with the Parliament, decide to continue supporting the BAB, it is important that certain steps be taken by the Parliament to further institutionalize the BAB including, but not limited to, including it within the Internal Rules of Procedure, developing more extensive procedures for its operation, appointing a full-time, qualified director, and assigning full-time staff with relevant training, education and/or experience to the BAB.

***New Programming: Political Party Strengthening: Political Groups and Issue-Based Caucuses***

Well-functioning caucuses ensure that MPs and political parties are prepared and informed to engage in serious policy debates and discussions, and Moroccan MPs routinely express an interest in support for caucuses. USAID/Morocco's Political Parties Program can provide technical assistance and training to both political party and issue-based caucuses such as the women's caucus and the anti-corruption caucus by building their support for, and developing their capacity to, engage in any number of activities. These include: policy research and development, bill drafting, public outreach, amending legislation, building coalitions, and soliciting citizen input in policy-making and legislative processes. Working with party groups may provide an opportunity to encourage – through the appeal to their own self-interest – the more frequent use of committee tools, such as investigative visits and subcommittees, as well as engaging potential political allies through the cover provided by issue-based caucuses. Peer pressure among politicians may also be a useful element of this strategy as politicians often respond to good examples by others and thus good politicians should be supported and encouraged to promote good governance among their colleagues.

***New Programming: Political Party Strengthening: Political Governance***

As was discussed in Section 5, a key missing link in Morocco's democratic development is the gap between the roles and functions that political institutions and actors – the Parliament, political parties, the Government, etc. – play in Morocco and that which they are supposed to play in a democratic political system.

Assistance designed to address this gap would be an ambitious and significant undertaking, with no guarantee that it would ultimately be successful in empowering political parties and the parliament to play a more constructive role in Morocco's political development. USAID/Morocco will be undertaking an assessment of political processes and in particular, the political party system to determine the prospects for assistance in this area. If the results of this assessment point towards continued engagement with political parties, one potential strategy for improving the role played by political parties would be to focus more directly on the role of parties and individual MPs in Parliament. This will require a three-prong approach:

- Focusing technical assistance to improve political parties' governance and policy-oriented legislative skill sets
- Improving the receptivity and ability of political parties to respond to citizen needs
- Empowering reform minded political leaders

This approach would provide assistance to political parties and MPs in Morocco to improve their capacity to govern and to engage with citizens in the development and implementation of public policy. Support should be provided to political parties

represented in Parliament, through targeted and demand-driven assistance, to facilitate internal reform and inter-party collaboration. It is also important to engage with party leaders and members on issues of parliamentary strengthening and reform in order to enlist their support as advocates for a stronger, more independent and effective Parliament. Perhaps most importantly, it is critical to focus technical assistance and training on young and upcoming political leaders. Working with this cadre to develop governance and leadership skills is a long-term strategy, however, it is important to try to socialize potential political leaders into a democratic political governance mentality before they get to Parliament, so by the time they get to Parliament, they would be more amendable to reform efforts.

Improved political governance will, over time, lift the overall caliber of the political class in Morocco by requiring greater professionalism, better pre-selection recruitment and training, and a sustainable career path for professional MPs as well as those that aspire to executive or ministerial positions. It will also reduce opportunities for patronage, nepotism, and family-based political monopolies. A trained, professional, experienced, political class that is subject to the rigors of education, competition, and organizational integrity will almost always perform better than one that is not.

***New Programming: Strengthening Parliamentary Oversight***

There are a number of means of strengthening the Parliament's ability to conduct oversight and hold the Government accountable for its actions and performance. Targeted technical assistance to those committees that engage in oversight of the government budget, programs, public finances, and public accounts can help those committees strengthen their capacity to monitor government expenditures and programs, gather and analyze information, and conduct hearings and investigations. Targeted assistance can take the form of comparative learning about oversight practices in other parliaments, skill-based training for key committee staff, and technical assistance on the conduct of committee hearings and investigations. Although the Project's record in working with parliamentary committees was mixed, efforts during the latter part of the Project to strengthen targeted committees were more successful than early efforts, in part because of a more open group of committee chairs following elections in 2007.

***New Programming: Promoting Constituent Outreach***

If the Parliament itself is to strengthen its ability to hold the government more accountable, then members of Parliament must themselves be more accountable to citizens. Technical assistance can improve parliamentarians' capacities to engage in constituency outreach and casework through development of local offices and systems for addressing citizen complaints and enquires. This is important if individual MPs are to establish their own sources of power, influence and identity separate from their party leadership. Although potentially a large undertaking, assistance to improve constituent outreach would help to change the current system of political incentives from one that rewards loyalty to party leaders to one which provides increased accountability of MPs to citizens and constituents. Because of the potential expense of working with large

numbers of constituent offices, assistance should be targeted on a pilot project basis to a limited number of active, reform-minded MPs who have opened constituent offices or who are interested in doing so. An effort should be made to work with MPs from different political parties and from different regions of the country.

***Implementing Strategy to Strengthen Government Accountability, Transparency and Effectiveness***

In addition to those activities outlined above, there are additional approaches and activities that would help to strengthen overall government accountability, transparency and effectiveness. This includes, but is not limited to, working to strengthen government audit agencies and departments. However, USAID/Morocco has limited DG funding and thus any strategy needs to fit within the framework of existing budget resources. As a result, this report will provide programmatic recommendations based on three different levels or scenarios of annual assistance funding:

- Up to $500,00 (current or slight increase in funding)
- $500,000 to $1,000,000 (modest increase in funding)
- Over $1,000,000 (significant increase in funding)

This following section recommends and prioritizes proposed activities under each of these three funding scenarios. The activities include those that could be pursued through existing programs and those that would most likely require new programs to implement. For those activities in the latter category, USAID/Mission might consider an Annual Program Statement designed to solicit proposals generally directed at improving domestic accountability, transparency and effectiveness.

Up to $500,000

- Build capacity of civil society organizations to advocate on key governance and political reform issues (USAID/Morocco Civil Society Advocacy Project: SANAD);
- Train civil society and independent media on methods of monitoring, publicizing, and holding the government and political actors accountable (USAID/Morocco Civil Society Advocacy Project: SANAD);
- Provide technical assistance and training for the continued development of the Parliament's Budget Analysis Bureau (new grant or award)

$500,000 to $1,000,000

- Improve capacity of party-based caucuses to engage in policy research and develop effective policy positions (USAID/Morocco's New Political Party Program);

- Provide technical assistance and training to those committees that engage in oversight of the government budget, programs, public finances, and public accounts (USAID/Morocco's New Political Party Program);
- Provide technical assistance and training to reform minded elected representatives on political, legislative, governance and leadership related skills (USAID/Morocco's New Political Party Program);

Over $1,000,000

- Assist individual MPs in developing communication and outreach strategies with constituents (USAID/Morocco's New Political Party Program)
- Provide technical assistance to parliamentarians and their staff on organizing and conducting issue-oriented public forums and "town hall" meetings in their districts (USAID/Morocco's New Political Party Program)

Intended results of a strategy to strengthen domestic accountability systems and mechanisms would include:

- Civil society and the media exert increased pressure for more accountable, transparent and effective government;
- Individual MPs increase outreach to citizens and citizens increase engagement with MPs on important policy issues;
- Caucuses improve their ability to develop policy positions and engage in serious discussions and negotiations on important policy issues;
- Parliamentary oversight committees are more effective in holding government responsible for actions and performance.

*Conclusion*

Some of the initiatives that have been described are larger undertakings that would require additional funding, while others can be carried out in alignment with the priorities of USAID/Morocco's existing projects. Ultimately determining which – if any – of the initiatives or activities described here should be implemented rests with USAID/Morocco's funding priorities and the sense of USAID/Morocco DG staff and implementers, who are best placed to determine which initiatives are most likely to have the desired impacts when implementation constraints are accounted for.

# PARLIAMENT SUPPORT PROJECT

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Performance Monitoring Plan Design:

A Retrospective Analysis

Andrew G. Mandelbaum

June 18, 2009

## Background

The Parliamentary Support Project supports USAID's Strategic Objective 13: "Improved Government Responsiveness to Citizens."[1] More specifically, the Project has been carrying out Intermediate Result 13.1: "National Enabling Environment Improved: Strengthening Parliamentary Process." The Project was designed to fulfill this task by assisting the Parliament in three areas (or "sub-IRs"):

- Sub-IR 13.1.1: Parliamentary committees strengthened (*Volet* A);
- Sub-IR 13.1.2: Specialized budget expertise developed within parliament (*Volet* B);
- Sub-IR 13.1.3: Advocacy efforts before parliament strengthened (*Volet* C).

The sub-IRs constitute what the Project refers to as "*volets*," each of which features 3 or 4 "performance indicators" intended to help evaluate the progress made by the Project in the target areas. Performance indicators are calculated and reported in the Performance Monitoring Plan (PMP), which is appended to the Project's annual reports. A fourth *volet*, "Volet D: Cross-Cutting Activities," was also adopted by the Project as a catch-all for its efforts to improve the parliamentary institution. No indicators were developed for Volet D, which includes cross-cutting infrastructure support, and it is not monitored in the PMP,[2] but its activities are reported in each quarterly and annual report.

The Project's PMP indicators read as follows:

**Volet A: Parliamentary Committees Strengthened**

**A-1:** Increase in the number of substantive voted amendments in the four target committees

- **A-2:** Increase in the number and quality of bills proposed by MPs.
- **A-3:** Improvements in the structure and form of committee reports

[1] See USAID/Morocco. "Strategic Objective 13: *Improved Government Responsiveness to Citizens."* September 30, 2008.

[2] The nature of the activities undertaken in this *volet* are not conducive to assessment through a tool like a PMP, as most activities involve providing equipment.

**Volet B: Specialized Budget Expertise Developed Within Parliament**

- **B-4:** Increase in the number of parliamentary staff (including interns) with specialized budgetary skills and responsibilities.
- **B-5:** Increase in the number of recorded requests by the Finance Committees in both chambers for specialized information pertaining to the budget process, the fiscal impact of legislation, or executive oversight.
- **B-6:** Increase in the number of committee initiatives designed to conduct oversight on the government on budgetary and financial issues.
- **B-7:** Increase in the number of adopted amendments to the budget bill.

**Volet C: Advocacy Efforts Before Parliament Strengthened**

- **C-8:** Increases in the number of parliamentary advocacy initiatives by targeted CSOs.
- **C-9:** Percent increase in the "Index of CSO Perceptions of Parliamentary Interactions."
- **C-10:** Increase in the "Index of CSO Advocacy Capacity."

## Introduction

- The PMP is an important mechanism for determining project performance. Often maligned in the field of democracy and governance (DG) because of its simplified quantifications of complex phenomena, PMPs offer what can be some of the only quantitative evidence to support changes that can be seen and felt in the behavior of a target constituency. In turn, this data can help justify the efforts of program implementers. Performance indicators may only describe a particular aspect of a broader trend, but they offer essential support for developments – or the lack thereof – that can be elusive.

- Several design issues, many of which are particularly common to PMPs in the DG sector, provide formidable challenges to the creation of indicators that demonstrate the causal linkage between a project's work and changes in its implementation environment. In the case of DG, as USAID's *Handbook of Democracy and Governance Program Indicators* states, "Perhaps because a democracy… is composed of dynamic processes which are highly variable, it is a difficult concept to dissect and determine the causes behind it."[3] Moreover, projects that attempt to influence such dynamic processes do so in partnership with other local and international organizations and institutions. As a consequence, attributing causality for changes in, say, a parliament's behavior to a project is a precarious task.

[3] USAID. 1998. "Handbook of Democracy and Governance Program Indicators," p. 3. Available at: http://www.usaid.gov/our_work/democracy_and_governance/publications/dgtpindx.html

- Still, performance monitoring is an essential element of any project, as it can help improve project effectiveness and provide a means of ensuring accountability. The information reported in indicators can also offer insight into the processes at work in an implementation environment, and provide important color to implementers' initiatives. Used responsibly, a PMP can describe selected pieces of a project's relationship with its environment, project implementation, and provide the analyst with enough information to permit her to make her own determinations as to the question of attribution.

- Apart from the issue of causality, PMP indicators must be selected with consideration for the context in which they are to be used. As in any experiment, hypotheses must be designed to target the intended constituencies and exclude intervening variables that could challenge our capacity to interpret the data. However, the availability of information may change from environment to environment and can place an important constraint on the type and scope of indicators that can be used. Indicators must also be collectable, and consistently so over time.

**The Project's Indicators**

- The Project's PMP indicators offer several potentially valuable statistics about the performance of the Project and of the Moroccan Parliament. These include indicators related to the number of bill proposals by members of Parliament (MPs) (A-2), the quantity of amendments to the yearly budget (B-6), and the number of committee oversight initiatives (B-6). Moreover, indicators that assess the quality of bill proposals by MPs (A-2) and the quality of committee reports (A-3) offer further insight into the Parliament's progress. Indexes of civil society organizations' (CSOs) perceptions of parliamentary interactions (C-9) and CSOs' advocacy capacity provide further information about the dynamics between these two crucial parts of the Moroccan political system. Given the opacity of the Moroccan Parliament, particularly when the Project was launched in 2005, most of the indicators are reasonably selected and offer as good an indication as any of the development of the institution during the period under consideration.

*Describing Parliamentary Outputs*

- The PMP is less successful at describing the Project's own contributions to the developments in parliamentary performance. In fact, the PMP is largely limited to describing the Parliament's outputs for *volet*s A and B. For *volet* C, the PMP describes the outputs and perceptions of CSOs. Yet, for all the *volets*, that the Project's inputs were sufficient to affect the outcome tested is always assumed in the hypotheses informing the indicators. For instance, the Project held a number of trainings that could lead to the improvements in the quality of legislative products (A-2) and committee reports (A-3), but information related to these trainings is not mentioned on the PMP.

- While in most instances such assumptions are not unfounded, they provide little sense of the scope of the Project's influence on the indicated results.[4] This is particularly troublesome because Project documents provide little insight into intervening, or confounding, variables that could simultaneously affect the reported statistics. Indicator A-1, which tracks the quantity of "substantive amendments" to bills coming before four targeted committees, is a case in point. The Project's inputs – including trainings in legislative drafting, events pertaining to some policy issues discussed before the targeted committees, consulting services, and independent research – could plausibly lead to increasing output of "substantive amendments" by the four committees. However, a host of other influences must also be considered. One such influence is the presentation of highly political bills before one or some of the committees, an infrequent event that can lead to significant increases in MPs' legislative activity.[5] Another is the specter of elections, which can have the reverse effect.[6] As the USAID/Morocco "Data Quality Assessment" recommends in several instances, without knowing more about the Project's inputs and potential confounding factors, our capacity to interpret the data is limited.[7]

*Targeting*

- For some indicators the intended constituency under observation may differ from the constituency that performs the activity of study in real life. This is the case of indicators A-1 and the first part of A-2, which were intended to show increases in the quantities of legislative products due to increases in committee staff capacity. But legislation is drafted in parliamentary groups. As is supported by

[4] In the case of *volet* C, this problem is prevalent for indicator C-9. Indicators C-8 and C-10 are better associated with the Project because they target CSOs that 1) work with the Project, and 2) would not – in most instances – have made the effort to lobby Parliament without the Project's assistance. However, all of these indicators could have benefited from a greater explanation of the Project's inputs on CSO advocacy.

[5] Aside from the finance bill, which must be ratified by the Finance Committees of both Chambers on a yearly basis, highly contentious bills are more often the exception, rather than the rule. On the occasion that such a bill, like the transportation law, does arrive in a given committee, it can provoke a degree of activity that does not typically characterize that committees' work. Thus, in the first half of FY09, the Project estimates that the Interior Committees made 411 "substantive voted amendments," almost 4-times the number of "substantive voted amendments" proposed by all 4 committees in an entire legislative year. During the FY08 legislative year, the Project estimates that the Interior Committees made 8 "substantive voted amendments."

[6] Because MPs are typically out preparing and campaigning during election season, their attention to legislative work tends to recede during these times.

[7] Other documents describing PMP strategy and methodology are similarly lacking in this area. MSI's "Data Quality Assessment Report" suggested that indicator A-1 "should be reported with a brief contextual analysis from the point of the view of the project," but MSI still suggested that the indicator measures the Project's contribution (p. 39). It is not clear how the MSI team made this judgment and I am not convinced that this indicator tells us very much about the Project.

Donna Merrill's 2005 consultancy and the analyst's own interviews, committee staffers play a very limited role in this area. Although these indicators could tell us something about the Parliament's level of activity and Project trainings (the Project trained parliamentary group staff and some MPs in areas that could affect these indicators), they give credit to the wrong constituencies.

*Hypothesis Variation*[8]

- In each of indicators A-1, the first part of A-2, and B-7, the same hypothesis is tested, specifically: that increasing the capacities of parliamentary staffers will lead to an increase in the quantity of some type of legislative product.[9] While the product type and specific target group may change slightly, the fundamental logic remains the same. If we accept the premise that improved capacities in the targeted groups should lead to an increasing quantity of legislative products, there is no reason to believe that the hypothesis, if accepted for one of these indicators, should not be accepted for all. Rather than repeating this test three times, perhaps another relationship or two could have been tested.[10]

*Sampling*

- The use of sampling is another area in which greater precision in data collection methods would lead to improvements in the indicators. Sampling was to be used in indicators A-2 and A-3 to select law proposals by MPs and committee reports for quality analyses. Because the population sizes of bill proposals and committee reports are too small to warrant random sampling, consistent and objective criteria for determining which products to analyze should have been established.

*Hypothesis Complexity, Imprecise Definitions, & Their Impact on Data Collection*

- The most common problem found in the Project's PMP indicators is the testing of complex hypotheses that feature imprecise or loosely worded definitions. For some indicators, this appears

[8] It is possible that this repetition occurred due to difficulties in finding other reliable outputs to test, but the analyst has not found documentation to support this theory.

[9] The target groups and product types for each of these indicators are as follows:

A-1: "voted amendments" by 4 "target" committees, which include the Interior and Finance Committees in both Chambers of Parliament;

A-2: MPs and staffers involved in legislative writing;

B-7: Amendments adopted to the budget bill. Although not explicitly stated in the indicator itself, Project documents suggest that the target groups are the Finance Committees in both Chambers of Parliament.

[10] Indicator B-7 relating to the budget bill, is the best of these 3 indicators. It is a yearly bill, so apples are compared to apples each year. Moreover, the Project has provided numerous inputs – trainings, independent research, the BAB – into this area. Although confounding variables exist, it is more likely that the Project would have affected this indicator than the others.

to be due to the desire of PMP designers to demonstrate the Project's impact by describing parliamentary and CSO outputs. For others, the temptation to explain the full scope of a result, as opposed to testing a more precise *indicator* of the result, seems to have contributed. In either case, the consequence is that the complexity of these indicators' definitions obscures our ability to interpret the reported statistics. For most of the indicators, this problem is also manifest in imprecise data collection methods. Indicators B-4 and B-7 are explained in longer form, while the basic issues with B-5, B-6, C-8, and C-9 are more briefly explained.

- ***B-4: Increase in the number of parliamentary staff (including interns) with specialized budgetary skills and responsibilities.***

Parliamentary staff and interns with "specialized budgetary skills and responsibilities" are defined as: "[staffers and interns] that have received training on budgetary issues, and/or staff having a significant role in providing research and analysis on the budgetary process or the fiscal impact of legislation."[11] The idea being tested is that "An increase in parliamentary staff, including interns, with specialized budgetary responsibilities will indicate that 1) Parliament is committed to developing internal resources for the budgetary and financial analysis, and 2) that Parliament has access to increased capacity for conducting budgetary and financial oversight."[12]

The complexity of this indicator poses an important challenge to its interpretation as an increase in the indicator leaves open 3 possible explanations: that more staffers were trained, that more staffers were given budgetary responsibilities, or that both events occurred. Without more precise information, one cannot determine which result to accept. If an increase in the number of staffers is due only to training, one would suppose that the Parliament has better access to budgetary capacity. However, if an increase in this indicator were due to an increase in staff with budget responsibilities, one might argue that the Parliament's increasing "commitment" is shown. Nor is it unreasonable to suggest that both results have occurred.

This point might come across as being 'nitpicky,' but the problematic demonstrated here is important given the data collection methods used in conjunction with the analyst's experiences working with the Moroccan Parliament. Just how much "training on budgetary issues" a staffer must have in order to be counted in the reported statistic is not defined. Determining which staffers have budgetary "responsibilities" is more easily done in theory than in practice. Project staffers are supposed to collect the data by "interviewing committee clerks," which can allow for the intrusion of inconsistencies in the

[11] USAID SO 13, p. A-32. It should be noted that the indicator uses different terminology than is used on the Project's PMP, as it excludes the term "skills." In fact, the researcher has not found a SUNY or USAID document that provides a definition for the indicator language that is used at present. However, because the idea of the term "skills" is included in this definition, the researcher has decided to use it.

[12] Ibid.

standards employed and the innocent bending of those standards by Project or parliamentary staff to improve results. Moreover, the data cannot be independently verified without going back to the committee clerks, who are unlikely to be able to retrospectively confirm the data. Given that, as discussed in my paper on the Moroccan Parliament in comparison to the IPU Indicators, the Parliament has not embraced many of the opportunities provided by the Project and the UNDP to advance its work in this and other policy areas, caution is justified in trying to interpret the Parliament's level of "commitment."[13] Without a more precise hypothesis and data collection procedure, it is difficult to interpret this indicator.

- ***B-7: Increase in the number of adopted amendments to the budget bill.***

Indicator B-7 exemplifies the imprecision in data collection and interpretation that can result from the overstretching of indicators or indicator definitions.[14] The purpose of this indicator is to "measure the Budget and Finance Committee's work to successfully influence the budget making and approval process."[15] Indicator B-7 is one of the Project's more interesting indicators because the budget bill has emerged as the most significant and contested piece of legislation that comes before both Chambers of Parliament on a yearly basis. Consequently, it could be as good and reliable a barometer of changes in the level of effort being put forth in Parliament as any.

However, as written and reported at present, the definition of this indicator does not prevent the inclusion in the data of amendments written and proposed by the Government.[16] To some extent, this appears to contradict the stated purpose of the indicator, as these amendments are not reflective of the work done only by the Finance Committees. Government amendments may reflect an executive imposition as neither committee has ever rejected a Government amendment. Or, they could also reflect the outcome of discussions and negotiations with committee members and other parliamentary leaders and bodies. It is plausible that increasing percentage of amendments adopted to the budget bill each year[17] is a consequence of the more open discussions that are taking place between the Government and Parliament on budget issues. Without a more precise analysis, it is difficult to

[13] Caution is also warranted because the indicator definition incorporates a list of "responsibilities of the staff within parliament committees" that includes tasks that are not found in Donna Merrill's January 25, 2004 study (Deliverable 03: see page 6) on the role of committee clerks, and remain mostly outside the responsibilities of committee clerks according to my interviews conducted in 2008.

[14] Indicators B-5 and B-6 also exhibit varying degrees of definitional issues of this type.

[15] 2006 Report. (See bibliography for details)

[16] Whether the Government's amendments are included or not, the data still shows more than a doubling of the number of amendments proposed by Parliament, adopted by committee, and adopted to the budget bill.

[17] In the budget bills corresponding to the PMP, 33 percent and 20 percent of amendments passed by the committees, according to data taken from the committee reports, were proposed by the Government in FY08 and FY07, respectively. The Government did not propose any amendments to the budget bill in the baseline year (FY04), but it did in the preceding year.

ascertain if this phenomenon is a positive or negative outcome. As Project staff have suggested, a better way to go about reporting this indicator would be to report both figures.

- ***B-5: Increase in the number of recorded requests by the Finance Committees in both chambers for specialized information pertaining to the budget process, the fiscal impact of legislation, or executive oversight.***

- Definition: The purpose of tracking the "number of recorded requests by the Finance Committees" on budget issues is to "measure whether 'specialized budget expertise is developed within Parliament.'" It assumes that increased capacity will be demonstrated by the Finance Committees' "increasing... demand for more information."[18] This idea is plausible, but Project's inputs are not explained or tested, and other factors affecting the indicator are not discussed.
- Data Collection: The definition of "recorded requests" is seemingly all-inclusive, thus presenting a problem for understanding the significance of the data collected. If MPs are serious about obtaining information, it seems likely that they would ask either an oral or written question to the Ministry responsible.

- ***B-6: Increase in the number of committee initiatives designed to conduct oversight on the government on budgetary and financial issues.***

- Definition: The term "committee" usually refers to the 6 permanent committees in each chamber. However, the definition of "committee initiatives" includes oversight efforts with which these permanent committees have little involvement, such as the formation of fact-finding committees and "calling the Government for a public discussion on a specific issue in a plenary session." Project involvement is plausible for permanent committee initiatives, but less so for others. Explanations would help distill this issue.
- Data Collection: Same as above.

- ***C-8: Increases in the number of parliamentary advocacy initiatives by targeted CSOs.***

- Definition: The inclusion of the term "targeted" in the actual indicator language limits the number of CSOs included to those that are "supported" by the Project. Because many of the CSOs included were unlikely to have performed these initiatives without the Project's support, this indicator is more clearly related to the Project's outputs than the other indicators. Yet, according to its

[18] USAID SO 13, A-34.

definition, the purpose of the indicator is "… to measure CSOs capacity to interact with parliament, and parliamentary responsiveness to the CSOs."[19] Although this indicator may reveal something about the Project's capacity to encourage activity in the form of advocacy initiatives, it is less clear what this indicator would reveal about CSOs' capacities or parliamentary responsiveness. The Project's presence confounds whatever data trends could potentially demonstrate either of these two outcomes.

- Data Collection: "Advocacy initiatives" include: "letters sent to MPs, issue briefs, requests for meetings, roundtables with MPs facilitated by civil society leaders, awareness raising campaigns, media roundtables, establishment of coalitions, and other similar activities."[20] The expansiveness of this definition renders unclear whether a letter sent to an MP to request a meeting is to be counted as one or two "advocacy initiatives." While any increase in contact between CSOs and MPs is positive, in the Moroccan context, a more precise definition of "advocacy initiatives" would have been more revealing of CSO activity. It might have been possible to describe "advocacy campaigns" and treat each "wave" of the campaign – definitions of which can be found in the Social Movements Theory literature – as an "initiative."

➢ ***C-9: Percent increase in the "Index of CSO Perceptions of Parliamentary Interactions."***

- Definition: The indicator definition attempts to add another layer to the objective by suggesting that: "The changes in target CSOs perception… is a good indication on the project's success in supporting CSOs legislative/parliamentary interaction." While this indicator, with support from other quantitative and qualitative data, may help us understand the relationship between CSOs and the Parliament, it is less clear what the indicator's results could reveal about the Project. "Target institutions" are not defined in the indicator definition, but are mentioned in the data gathering instructions on the PMP indicator reference sheets, as are those working with the Project.
- Data Collection: Because "The list of CSOs [included in the index] changes every year," the Project lost the opportunity to measure CSOs' perceptions of Parliament over time. By not including CSOs that stopped working with the Parliament, the index could be discounting CSOs that are displeased with the results achieved by working with Parliament – since they were not polled after their initial funding, we cannot know.

**Suggestions**

The following suggestions can help inform future efforts to design PMPs in the Moroccan parliamentary context and other contexts:

[19] USAID SO 13, A-37.
[20] USAID SO 13, A-37.

*Stating the Variables*

- The most prevalent issues outlined in the analysis above have to do with the way data is reported. Each PMP should come with its hypotheses, independent variables, and dependent variables clearly stated. It should also discuss intervening variables that could potentially impact the outcome of a given indicator. While hypotheses are sometimes stated in the footnotes of the Project's PMP, many times they are not stated at all. More detailed information is available in the SUNY 2006 Report and USAID SO 13 Report series, but the PMP is often treated as a standalone document, and is reported as such. Without such information, our capacity to interpret the PMP data is limited. USAID/Morocco's "Data Quality Assessment" similarly recommends that the Project "provide contextual analysis to complement data" multiple times.

- Irrespective of the quantity of our knowledge of a given institution, many lessons are likely to be learned during the implementation process. Incorporating these lessons into the PMP, whether directly on the page or appendices, may provide a more accurate depiction of the institution than the data itself.[21] Moreover, this would give implementers a chance to rebut data that they believe does not accurately portray their efforts.

*Making Precise Indicator Definitions*

- Because indicators are simply meant to indicate results, and not explain the entire result themselves, it is more useful for an indicator to be precise and exclusive. "Recorded requests" by Finance Committee members (B-5) could be limited to oral and/or written questions asked by Finance Committee members on finance issues. "Committee initiatives" aimed at conducting government oversight (B-6) could be limited to "permanent committees" in order to exclude fact-finding commissions, or it could be changed to "parliamentary initiatives" in order to include these commissions. By trying to capture all of a given phenomenon in single indicator, the data often becomes so distorted and difficult to interpret that it becomes irrelevant.

*Grouping the Indicators*

- Rather than treating each indicator as an independent piece of information, it could be helpful to treat them as groups. In DG, causality can rarely be demonstrated in a single indicator. A more plausible relationship between the Project's inputs and Parliament's outputs could be described by testing different aspects of the causal chain. For instance, in a given *volet*, one indicator could describe the Project's inputs, while a second could test an expected transaction or outcome, and a third could test an expected parliamentary product. For *volet* B, the indicators could read as such:

[21] The Project uses footnotes to explain some variables, but these are insufficient.

1. Number of MPs and staffers attending Project events on budget and fiscal issues, and average number of MPs and staffers attending Project events (lifetime).
    - This indicator gives us an idea of the size and scope of the Project's reach and whether or not the intended target audience(s) is/are benefiting.
    - In the appendix, the data could be disaggregated further and briefly analyzed.
2. Number of requests for budgetary information by MPs as expressed in oral and written questions.
    - Perhaps this could be limited to MPs on the Finance Committees.
    - If oral and written questions are not available, the indicator could be a count of the number of publically available studies and publically held events on budget matters that feature the Parliament as a primary target.
    - Another potential indicator could be the number of times Ministers are summoned to Parliament to discuss budgetary issues.
3. Number of amendments that are accepted by committee and amended to the yearly budget (disaggregated by those proposed by Parliament and those proposed by Government)
    - More information on why this is a decent indicator can be found on pages 6 and 7 above.

*Explain Project Inputs*

- Without understanding Project inputs, one cannot determine whether or not the results demonstrated in a PMP are attributable to a project. USAID's DG Indicators Handbook clearly states that indicators are not only to be used for monitoring a project's partners or environment, but that "… [project] managers should have in place the information needed to *monitor their programs* in an on-going fashion and thus make informed management decisions."[22] One underutilized way of gauging the Project's inputs is to make better use of participant lists. Participation lists have not been disaggregated in a manner to allow us to relate training inputs to parliamentary outcomes. In order for us to ascertain if the Project has provided enough inputs to have affected a given outcome, it would be useful to know the scope of involvement by the targeted groups vis-à-vis outcomes.

Examples of possible indicators include:

1. Number of MPs and staffers attending Project events on budget and fiscal issues, and average number of MPs and staffers attending Project events (lifetime).
2. Number of MPs and staffers attending Project events on budget and fiscal issues, number of MPs and staffers attending 3 or more Project events (lifetime), number of MPs and staffers attending 7 or more events (lifetime).
    - Selection of the number of events attended has been done somewhat arbitrary, but the point is to get an idea of the quantity of events targeted constituencies are attending. In

[22] Handbook, p. 9.

this way, a project can also detect which constituencies are more likely to attend events and determine how to appeal to them even more.

3. Average number of hours of trainings and events MPs and staffers attended.
    - Since events and trainings can be different lengths of time, they can be broken down into hours. From there, participation levels can be counted in any number of ways.

- Another way to address project inputs would be to provide a brief introduction to the indicators by *volet*, stating the quantity of products produced by the Project, the level of participation of targeted groups, and any other information that would help define the data provided in the PMP. This way, Projects would not have to waste precious indicator space understanding their own implementation efforts. Such introductions could be standardized in order to compare the inputs of different projects.

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# PARLIAMENT SUPPORT PROJECT

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**The Development of the Moroccan Parliament and the Impact of the USAID Parliamentary Support Project**

*A report based on the Inter-Parliamentary Union indicators*

Andrew G. Mandelbaum

June 19, 2009

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**Introduction**

Where does the Moroccan Parliament stand in terms of its performance and institutional development? How has the Parliamentary Support Project (Project) assisted the Moroccan Parliament to become a more democratic and powerful legislature? The purpose of this assessment is to shed light on these two questions and provide a starting point for analysis against internationally-recognized standards for legislative work. It has thus been designed in alignment with the Inter-Parliamentary Union's (IPU) "Evaluating Parliaments: a self-assessment toolkit for parliaments,"[1] with two important caveats:

1. The author has inserted a section on the institution of the Moroccan Parliament, its powers, and resources. This is due to the impact of the mechanisms of power within the Parliament and Moroccan society as a whole, in addition to the organization of and resources available to the Parliament, on the Parliament's capacity to implement its powers. This section is the paper's first as it provides an important lens through which the Moroccan Parliament's development should be seen.

2. Although a legislature can be stronger in some policy areas than in others, a discussion limited to any individual policy area (finance, foreign affairs, etc.) offers marginal benefits to the analysis. Sectoral analyses can help underscore the trends present in legislative work, and thus they are not excluded entirely. However, the author felt – despite some MPs' insistence that their diplomatic duties are one of their most important roles[2] – that including an entire section on international policy, as suggested in the IPU framework, would add little value to the analysis.

This analysis includes sections on the following topics, each of which is split into parts on the Parliament and the Project's influence in the given area:

1. The Institution of Parliament, its Powers, and Resources
2. The Representativeness of Parliament
3. Parliamentary Oversight of the Executive
4. The Legislative Capacity of Parliament
5. The Transparency and Accessibility of Parliament
6. The Accountability of Parliament

**Overview**

The Moroccan Parliament is in the early stages of its development. The bicameral legislature, which consists of a lower house, the Chamber of Representatives (CR), and an upper house, the Chamber of

[1] Inter-Parliamentary Union. 2008. "Evaluating Parliaments: a self-assessment toolkit for parliaments." Available at: www.ipu.org/PDF/publications/**self**-e.pdf.

[2] This is a frequently heard refrain, but the Parliament has traditionally played a very subtle role in foreign policy, usually limited to little more than holding meetings with foreign dignitaries and affirming the stances held by the Monarchy.

Councilors (CC), possesses limited powers. The legislative branch originated as part of a broader effort by the Monarchy to prevent challenges to its authority by dividing and conquering its political opponents through tactics that include co-optation and harsh repression.[3] Despite a top-down process of liberalization that began in the mid-1990s, this legacy, in combination with the implementation of more sophisticated (and less blatantly repressive) mechanisms of political meddling, have hindered the Parliament's ability to effectively employ even the few powers at its disposal.

To accommodate its role in the Monarchy's clientelist system, the Parliament has developed along the lines of a venue where private interests are sought, as opposed to a place where legislation is made. It remains largely opaque, and mechanisms of accountability, such as elections, offer citizens little possibility of changing the trajectory of their nation's policies. The parliamentary institutions lack differentiation and resources, while their organizational development is staunched by the infiltration of politics into all internal decision-making processes, and the weakness of incentives for MPs to perform their parliamentary duties. Consequently, the Parliament provides little oversight of the Government in this constitutional monarchy, and has not been an effective legislative or representative body. Moroccans, in an apparent denunciation of this system, largely stayed home during the most recent parliamentary elections.[4]

Evidence in recent years suggests that the Parliament, led by the CR, is beginning, if ever so slowly, to change its ways. In the area of oversight, MPs have begun to more frequently initiate fact-finding commissions and exercise the tools held by the permanent committees. Their legislative activity has also increased, with more amendments being adopted to the national budget on a yearly basis, while the quality of their legislative products have also improved.[5] In the area of transparency, reformist leaders have begun to release more information available to the public, and a growing number of MPs are of the opinion that citizens' poor opinion of the Parliament would change if there were greater transparency. Moreover, civil society organizations (CSOs) and other interest groups are realizing the benefits of lobbying Parliament, even if many MPs are still reluctant to reach out to these groups. The reform of the parliamentary administrations, which are highly disorganized and suffocated by the rigidity of the power relationships between boss and worker, continues to lag behind these advances. However, MPs' increasing activity appears to be bolstering the possibility of enacting reforms, and the Speakers have indicated their support for these initiatives. Overall, a parliamentary identity has slowly begun to take shape, and even some ministers and media outlets have taken note.

These developments have been assisted both directly and indirectly by USAID's Parliamentary Support Project (Project). Since late 2004, the Project has supported the Moroccan Parliament by conducting

[3] Ottaway, Marina and Meredith Riley. September 2006. "Morocco: From Top-down Reform to Democratic Transition?" Carnegie Endowment for International Peace, Number 71. pp. 4. Available at: http://www.carnegieendowment.org/files/cp71_ottaway_final.pdf.

[4] 37 percent of registered voters voted in total, but 19 percent of their ballots were null and void. Many of the latter were protest votes.

[5] This is according to the Project's PMP indicator A-2, which will be discussed in more detail below.

more than 85 activities with over 2,600 attendees, and producing over 130 manuals, reports, and analyses related to parliamentary work and institutional reform. It has facilitated the establishment of a budget analysis office (BAB – the Parliament's only service dedicated to independent research), a multimedia and training room, and a verbatim transcription service (which has allowed transcriptions of plenary sessions to be published online within 48 hours of their having taken place). During the period of implementation, the Project has provided the only consistent trainings for staff and some of the only consistent forums for MPs and staff from both houses to congregate and debate policy issues. It also funded and supported some of the first forays of a number of Moroccan civil society organizations (CSOs) into parliamentary advocacy.

Through interviews with over 40 stakeholders, the attendance of some of the Project's activities, a review of its documents produced, and around 11 months spent with the Project, the analyst has found that the Project has had a positive effect in multiple areas of the Parliament's work. Due to the Project's trainings in budget analysis, policy analysis, legislative writing, and report writing, parliamentary staffers have gained skills that have helped improve their work. MPs have also benefited from trainings and project activities aimed at deepening their understanding of specific legislative issues and international best practices on institutional reform. Through the BAB and the provision of independent research, the Project has had an important impact on the Parliament's capacity to conduct budgetary oversight. In one of its greatest achievements, the Project has helped CSOs realize the benefits of working with Parliament and providing decision-makers with information that will help bolster their mutual interests. Some of these efforts by CSOs have been sustained independent of Project financing.

Implementation has not been easy or smooth. As evidence, many of the tangible resources provided by the Project have either been partially implemented or fallen into disuse. However, the Project has provided the Parliament with tools – such as the verbatim transcription unit and an orientation program for new MPs – that have encouraged its maturation and fostered the increasing exploitation of the powers held by MPs.

## 1. The Institution of Parliament, its Powers, and Resources

The Moroccan Parliament consists of two houses, the 325-seat Chamber of Representatives (CR), established in 1963, and the 270-seat Chamber of Councilors (CC), established in 1996. Although social forces, such as the Istiqlal Party and USFP, would challenge the Monarchy's exalted position in the post-independence period,[6] these parties were not as successful in translating their popularity into parliamentary power. According to the Fish-Kroenig Parliamentary Powers Index, which rates the powers afforded legislatures vis-à-vis the executive and judicial branches of a given government, the Moroccan Parliament is among the weakest 25 percent of the 159 parliaments that the authors surveyed.[7] Rather than leveraging its powers to contest other power holders, many of the Parliament's

[6] The greatest challenges to the Monarchy's rule came by way of military coups in the early 1970s.

[7] It possesses just 31 percent (10 of the 32 powers) that they examined. Dataset available at: www.matthewkroenig.com/**Data**sets.htm. The Fish-Kroenig Index and its limitations have been reviewed by Joel D. Barkan, in **"**Legislatures on the Rise?" *Journal of Democracy*, Volume 19, Number 2, April 2008, pp. 124-137.

powers have gone unused or used to little effect, although this has slowly begun to change. In agreement with Denoeux and Desfosses, the Parliament is not entirely "devoid of influence,"[8] but its influence has mostly been relegated to areas that do not affect the interests of the Monarchy and *makhzen*.[9] Thus, the Parliament may venture into an array of policy areas, including the rules governing the formal political process. However, the Monarchy and *makhzen*, operating both within and outside of the formal political sphere,[10] continue to determine the trajectory of Moroccan society and maintain almost absolute control over the issues that they deem within their interest.[11]

The Parliament's several powers include the capacities to question ministers through both oral and written means (art. 56), call a vote of no-confidence or censure against the cabinet (arts. 75-77), initiate fact-finding commissions (art. 42), and scrutinize the national budget. It may also propose legislation and amend aspects of legislation proposed by the Government. But these powers – seemingly substantial at first glance – pale in comparison to those held by the Government and the Monarchy, which maintains direct control of the Government. For its part, the Government enjoys constitutionally sanctioned control of the legislative agenda (art. 56) and two important mechanisms for vetoing parliamentary legislation (arts. 51 and 53). The Monarchy, meanwhile, appoints the government, including the Prime Minister, and can terminate the Government or dissolve the Parliament at will (arts. 24, 27, 71). The King also controls the Constitutional Council (art. 79), which rules on the constitutionality of legislation, the judiciary (art. 82), and may decree laws into effect (see arts. 29 and 35). Of the 21 powers used by Fish and Kroenig that describe the relationship between the Parliament, on one hand, and the Government and Monarchy, on the other, the Parliament can impose its will without legally sanctioned interference by the latter in just 29 percent (6).[12]

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[8] Denoeux, Guilain P. and Helen R. Desfosses. 2007. "Rethinking the Moroccan Parliament: The Kingdom's Legislative Development Imperative." *The Journal of North African Studies*, 12, 1: 79-108.

[9] The interests of the monarchy and ruling elite are served by the *makhzen*, which can be described as a system of people, procedures, and rules that may function in an interactive, subversive, and/or complementary fashion with the formal political institutions. See: See Azzedine Layachi, 1999. State, Society & Democracy in Morocco: The Limits of Associate Life (Washington, DC: The Center for Contemporary Arab Studies, Georgetown University). p. 30-31.

[10] Mezran, Karim. 2001. "Negotiating National Identity in North Africa." *International Negotiation 6*. Also see: Maghraoui, Abdeslam. "Political Authority in Crisis: Mohammed VI's Morocco." Middle East Report 218. Available at: http://www.merip.org/mer/mer218/218_maghraoui.html.

[11] Some policy areas that the 'reserved powers' control include the military and Western Sahara. The Parliament can make some changes to the finance bill, but it still has little say in issues related to state finances and the affairs of the Interior Ministry. Occasionally, when disaster strikes, the Parliament is permitted to enter into the domain of the reserved powers. This happened, for example, when security forces beat back protesters in Sidi Ifni in 2008. The Parliament investigated and was even permitted to question the Minister of Interior behind closed doors. The Parliament's investigative committee was followed closely by the media, but by the time its findings were released momentum had been lost. More importantly, while the report found that the security forces used excessive force, it made no effort to indict the individuals responsible for this failure.

[12] One area that the Fish-Kroenig Index is less effective in probing is the relationship between the Parliament and the "reserved powers" (i.e. the Monarchy and *makhzen*). The 21 powers included in my count are numbers 1, 2, 3,

This power imbalance, coupled with the legacy of the mechanisms employed by the Monarchy to ensure its supremacy, have had a strong effect on the practical application of the Parliament's powers. The Parliament has yet to motion a vote of no-confidence or censure, nor has it plausibly threatened to do so. The Government's bills dominate the parliamentary agenda and have never been rejected by parliamentary vote.[13] On the other hand, MPs have not yet brought to plenary a bill of their own that challenges the authority of the Government. While MPs do ask many oral and written questions each year, organizational challenges render the process inefficient (although there are efforts underway to improve the system) and ministers who take their time in responding or do not respond at all are not punished.

MPs have also begun to take their budget oversight role more seriously and more parliamentary amendments are added to the budget each year. Still, many are rejected by the Government citing constitutional articles that require MPs' amendments to meet specific requirements. The Parliament has also recently initiated more frequent fact-finding and exploratory committees to address issues such as the excessive use of violence by security forces in putting down a protest in Sidi Ifni in 2008 and investigating the semi-public company that oversees Morocco's phosphate production. Although broader parliamentary efforts at self-empowerment have remained largely rhetorical, the stepwise increases in parliamentary activity may help MPs and parties recognize that they can bolster their power by strengthening the powers of the Parliament.

The overall incentives for parties to try to strengthen their own power by strengthening the institution of Parliament are meager compared to those available to MPs and party leaders for increasing their personal wealth and stature. The Moroccan political system is rooted in the tradition of clientelism, which remains a principle mechanism used by the *makhzen* to secure the allegiances of tribal leaders and business elites in order to maintain the Monarchy's predominance.[14] In keeping with this tradition, the Chambers of Parliament spend 84 percent (CR) and 90 percent (CC) of their budgets on personnel on a yearly basis.[15] More than enough for the nearly 600 MPs' high salaries and pensions (although meager

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4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 18, 19, 20, 21, 24, and 30. I have taken liberty here to change the result of power 8, which was awarded because: "… the country lacks a presidency entirely, or if there is a presidency, [but] the president is elected by the legislature." Although the Parliament received the point because there is no presidency, the Monarch could be aptly described as an "unelected president." There is little questioning that the bulk of the country's policies originate with the Monarchy and *makhzen*, and it would seem that this reversal better suits the intention of the indicator.

[13] The only exception is the transportation bill which passed the CR in January, 2009. Due to strikes by transportation associations, the Speaker of the CC and the Minister of Transport pulled the bill from consideration in the Parliament. Some, including the Speaker, consider this a victory for the Parliament, but given that this house in particular has rubber stamped legislation since its inception in 1997, there is little evidence to support the idea that the CC would have either forged a compromise bill or rejected the bill as it stands.

[14] Jean-Claude Santucci qtd. in Layachi 1999, 31.

[15] This is true on a yearly basis. The Premier Ministry, by contrast, spend just 16 percent of its budget on personnel in 2008. The CR spent nearly 4 times as much on personnel as did the Premier Ministry, which spent 19 percent of

for a legislative institution), a segment of these funds is channeled to a ghost staff, which is rumored to make up around half of the parliamentary administration.[16] Whether through distributing jobs in the public administration or facilitating the transfer of public or semi-public lands for private development projects, opportunities abound for holders of public office to engage in clientelistic activities. MPs, moreover, are afforded a measure of legal immunity, making them attractive business partners and giving their own businesses a boost. These features have helped the Monarchy to placate, co-opt, and divide-and-conquer its political foes throughout the years.

Despite the King's calls – in speeches in 2002, 2003, and 2004 – for the Parliament to play an increasing role in the affairs of the state, the Parliament exudes the qualities that allow clientelism to persist unfettered. Either by law or legacy, they have been institutionalized in its framework and practices.[17] To accommodate the extraction of parliamentary resources, the Parliament's decision-making process is opaque, as is most of its political work. Many of its internal rules, such as those requiring attendance of plenary sessions and the reporting of attendance figures in the parliamentary journal, are not implemented.[18] Politics infects all of the decisions taken by parliamentary leaders, including, as one staffer put it, "buying a pen." The CR still does not have directors for its directorates (the three most important positions below the Secretary General), and the CC, in its 13th year, has just appointed its first Secretary General. Merit continues to play little role in parliamentary hiring processes and the human resources department has averted most reform efforts.

With most of the Parliaments' meager budgets going to personnel, little money remains to support the institution's parliamentary functions.[19] Parliamentary groups, considered by MPs and party leaders the main vehicles for legislative production, have just a handful of staff to service no less than 20 MPs (and as many as almost 90 MPs until last week[20]). The permanent committees, of which there are 6 in each Chamber,[21] consist of around 35 to 60 MPs each, but have just 2 or 3 staffers a piece. In the CC, some committees have just a single computer, indicating that the marginal returns of investing in another computer would be high.[22] Aside from the BAB, the budget accountability office established with the assistance of the Project in the CC, no other parliamentary institution – in either Chamber – provides independent research as a main function.

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its budget on personnel in that year. For information on the FY08 budgets, see: http://www.finances.gov.ma/portal/page?_pageid=53,17813533&_dad=portal&_schema=PORTAL.

[16] MPs earn MDH 30,000 per month. The Speakers of each house earn MDH 100,000 per month.

[17] It is also built into the political party system as is discussed in the section on 'representation.'

[18] Although the International Republican Institute was tasked with helping to publish a parliamentary journal in 2004, one does not exist today.

[19] Political party leaders were not required to have separate bank accounts from those of their parties until the Parliament's passage of the political party law in 2006.

[20] El Himma's Party of Authenticity and Modernity just moved into the opposition, claiming that the other majority parties were attacking them in the run up to the local elections which took place on August 12, 2009.

[21] Momentum has built to increase the number of committees, but it remains unclear how the resources will be allocated to support this change.

[22] This was an opportunity missed by the Project.

While it might be true, as MPs, staffers and many analysts charge, that the Parliament's resources are inadequate compared to those of other legislatures, this issue obscures a more imminent problem related to the Parliament's organization.[23] For, irrespective of budget constraints, Parliamentary leaders have not effectively demanded that the administration implement the logistical and organizational tools necessary to support MPs' legislative work. Committee reports cannot always be found and a system for organizing oral and written questions is only now being considered. Efforts by the Project and the UNDP to improve the organizational needs of the Parliament have often been squandered. Equipment for the archiving service bought by the Project, as well as the computers and other equipment bought for the BAB, sit unused. Financial management software provided by the UNDP has met a similar result. A majority of the Project's efforts to improve the parliamentary administration, including the electronic report system and the database of experts (which were aimed at improving committees), were not fully implemented or are not used.[24]

While some resource assistance has been accepted – the website (UNDP), internet wiring (UNDP), and transcription office among them – it appears that the interests of parliamentary leaders have been better served by leaving many gifts on the table. Despite the complaints of MPs and staffers in both houses about the lack of resources, the CR sends back unused funds to the Government on an annual basis (5 million DH in FY 2007, approximately US$650,000). The Parliament's inadequate budget may be a legacy of efforts to minimize the legislature's influence on society, but the Parliament's organizational shortcomings, combined with its leaders' failures to both utilize funding effectively and coordinate efforts to demand more, point to the Parliament's own handicapping of its capacities as a primary obstacle to its development as a legislative institution.

The shortcomings discussed here should not detract our attention from a number of positive trends that can be seen in the Parliament in recent years. Among these is the burgeoning of a parliamentary identity. MPs and staffers have begun to take more pride in their work and their increasing levels of effort can be detected in a number of ways. Several newspaper articles have noted the shift in the general attitude of MPs, as have some ministers, who claim to be spending a significant portion of their time responding to the questions of MPs. Staffers, as well, seem to be playing a role in this change of attitude, both as they become more aware of the situation of staffers around the world and as they become more capable in their present roles.

As MPs continue to project their power through their oversight and legislative prerogatives, which will be discussed in the pages to come, they should find it in their interest to shape the parliamentary institution to suit their changing needs. Signs of this development have begun to appear. The Speakers

[23] Denoeux and Desfosses make this argument on p. 84 of their article.

[24] E-Template (for committee reports): Not installed on committee computers, not used; E-budget (facilitated by Project): Not installed; Archiving Software (facilitated by Project): Broken down, not used; Database of Experts: Not used; Verbatim Transcription Unit: No maintenance contract, broken at present; Multi-Purpose Hall (MPH): 5 training courses/4 sessions each; BAB Office: Not used; Voice-Box Information System: Not used; Equipment for Library and Legislative Services Office: Somewhat Used.

of both Chambers have stated their desire to reform their respective Rules of Procedure, to work towards increasing bicameralism, and to develop a new system for the way oral question sessions are structured. In a rare symbol of commitment to reform, the new Speaker of the CC – the winner of the Chamber's first relatively contested internal election – has retained an expert (who has worked with the Project on a number of occasions) to help with the oral questions reforms.[25]

Reformers can be found in each political party and some even occupy their parties' leadership positions. Their initiatives, however, have mostly remained ad hoc and it does not appear that they have been able to coalesce for the purposes of pushing a common agenda. Given the private benefits enjoyed by most parliamentary and political party leaders, and the barriers erected to shield them from accountability (discussed below), the struggle to reform the parliamentary institution will be long and hard-fought.

**The Project's Influence**

As discussed above, democracy promoters have had difficulties reforming the parliamentary institution. For its part, the Project's main efforts to develop the legislative institution included the construction of a multi-purpose hall, an office for the budget accountability office (BAB) in the CC, and a transcription service for the CR. The multi-purpose hall, equipped with computers and training materials, has been used for a handful of parliamentary-led trainings. The BAB office is not used, ostensibly because it is on the CR's side of the building (even before the CC moved into its new quarters). The transcription service, the creation and implementation of which was done by the Project, has become a source of pride for the CR and it has permitted the publication of the oral questions on the internet, in addition to the catching up on 3 backlogged years of speech on the floor of Parliament.[26] However, the transcription equipment broke during the October, 2008 legislative session and could not be fixed because the CR and the company that built the transcription office, CST, had yet to sign a maintenance agreement. CST has now trained CR staff to fix some of the common maintenance problems. The installation of a transcription office in the CC is now set to move forward pending negotiations with CST.

Although its office remains unused, the BAB has become a living institution, albeit one that struggles to survive Positive signs include that the BAB has secured a budget line and that several candidates for the CC's presidency, including the subsequent victor, praised the BAB in their campaigns. Otherwise, the results have been mixed. While it has published over 35 reports, most of them were written by Project financed consultants. Intended to produce analyses in-house, a human resources plan has not been fully implemented and internal expertise – although strengthened – is not strong enough to produce consistent and high-quality analyses. Moreover, the BAB Director was named the CC's first-ever

[25] Rumors of imminent reforms persist in both Chambers, although evidence of actual change is hard to find. A number of reform initiatives supposedly undertaken by the Secretary General of the CR could not be confirmed by other parliamentary leaders. Despite the rhetoric, clear evidence of wastefulness prevails: at the end of the October, 2008 legislative session, new (and very large) Samsung flat-screen televisions (with satellite) adorned the offices of parliamentary leaders.

[26] According to the Project, the backlogged transcripts were to be published in the Gazette, although this has not been verified by the analyst.

Secretary General. While this should ensure the continuity of the BAB, a new director has still to be named and the BAB no longer holds the weekly meetings that it once had. As has often been the case with the establishment of budget research units in other countries, it is likely that Morocco's BAB will require external support for some time to come if it is to continue to develop.[27]

The capacities of parliamentary committees seem to have made modest gains during the Project's tenure. Their resources remain relatively unchanged, thus tying the hands of the few staffers who support them. Although Project staff report that committee reports are easier to find than they were in the past, committees still lack standardized methods for undertaking basic tasks such as filing or writing reports. The Project has helped bolster recent efforts to reform the committee system through the provision of best practices guides and expert suggestions for committee reform, and it appears that the number of permanent committees will soon expand (perhaps by 2).

The capacities of parliamentary staffers, including committee and party group staff, have improved as a direct result of the Project's trainings in areas such as policy analysis, legislative writing, budget analysis, and committee report writing. Some parliamentary leaders have noticed staffers' increased abilities to analyze data and information. Yet, given that committees lack sufficient support staff, the more highly trained staff are still utilized for more routine functions like administrative planning of meetings and writing committee reports. They do very little in the way of providing MPs with research and/or analyses that would affect the capacity of the latter to make informed decisions.[28]

The style of the Project's activities, which often bring staffers and MPs of both houses together, has facilitated the sharing of experiences between these constituencies. As a consequence, staffers have begun to more openly address their superiors, thus helping to transcend what has been a strictly top-down relationship. The Project's trainings, conferences, and other programs have, moreover, helped open up many staffers – as well as MPs – to different conceptions of parliamentary work and the experiences of colleagues in other countries.

The grand sum of the Project's efforts has helped nurture the formation – still in a nascent stage – of a "'parliamentary culture' that transcends political divisions."[29] Although intangible, the importance of this development should not be discounted. Through the New Member Orientation Program (NMOP), that the Project facilitated to greet and provide training for new MPs in the wake of the 2007 CR

[27] According to SUNY staff with experiences on similar USAID funded projects which established parliamentary budget research services, in Guatemala, Mexico, Uganda, Kenya, Bolivia, Jordan and Afghanistan and others, substantial external support and technical assistance is typically provided for a minimum of three years – and an average of five years – before a parliament is able to assume full responsibility for budget office staff and management. This time is necessary for parliamentary stakeholders to recognize the value of non-partisan research services and to cultivate demand for such services. Continued support for the BAB may be necessary to BAB survival until its practices are fully institutionalized.

[28] Committee reports are required in order for legislation to be voted in the plenary session, but it does not appear that their contents are of any consequence. The author is unaware of a piece of legislation that has come to vote and not been approved by the Moroccan Parliament.

[29] Denoeux and Desfossess, p. 80.

elections, and other initiatives, such as the BAB and transcription unit, the Project has helped the Parliament to project a more professional attitude.[30] This has not been lost on the ministers, some of whom have begun to show more respect for the Parliament, or the media, which has taken positively to these efforts. Now, it is not uncommon to hear MPs complain that the Parliament's bad reputation is the result of citizens' misunderstanding of the work that MPs do. Irrespective of its veracity, the realization that MPs' interests are best served by demonstrating to citizens the important work that they have accomplished, is a critical development in the fight for institutional reform.

**2. The Representativeness of Parliament**

The IPU indicators for legislative representativeness have two common themes. First, representativeness refers to the inclusiveness and fairness of a legislature's composition. Second, it refers to a legislature's capacity to express the interests of the diversity of citizens and citizen groups in a given society.

Social forces are permitted to participate in Moroccan electoral politics as long as they remain within the boundaries set forth by the reserved powers. This, in essence, means respecting the Monarchy's rule and the mechanisms used to implement his decisions. The King's role as *Amir al-Mouminine,* or "Commander of the Faithful," and his entitlement to oversee the "sovereign ministries," including the interior and finance ministries, and the military are also protected. But these "red lines," as they are referred to, are not always clear, and a number of important media outlets have been issued harsh penalties for crossing them in recent years. It appears that the reserved powers have reversed some of their previous efforts at liberalization. The Ministry of Interior admitted to tapping the phones of candidates in the last elections for the CC, and it announced that it would do so again in the run up to the recent local elections.

Morocco has been seen as a test case for its efforts to integrate some Islamist currents into electoral politics. Members of the Party of Justice and Democracy (PJD), which claims to have an "Islamic referential," were initially permitted to run for office in the 1997 CR elections under the banner of an old pro-Monarchy party. It then changed its name to the PJD and ran a full list of candidates in the 2002 CR elections. Although the PJD has yet to form a coalition with any of the other major political parties, its integration into politics has boosted the overall representativeness of the Parliament and contributed to strengthening the legislative institution. Even leftist opponents of the PJD admit that its presence has forced them to improve their parliamentary performance, as PJD MPs are required to fulfill yearly requirements related to their legislative work.

[30] Other assistance programs have also contributed to the Parliament's increasing professionalism. NDI began a program in 2007 to place parliamentary interns in parliamentary group offices. The UNDP has helped in several ways, including providing the internet infrastructure, website, and the CR's internal organigram. However, the Project has been more involved in parliamentary affairs since 2004 than either of these projects and has provided the only consistent workshops and trainings for MPs and staffers during this time period.

Still, some selected groups are not permitted to enter candidates in elections. The most significant of these is *Al-Adl Wal-Ihsane*, the country's largest Islamist organization, which continues to face harsh repression. Moreover, several important constituencies that are not permitted to vote are the military, police officers, and prison guards.

The Parliament consists primarily of elite men, voted in on their business ties in the cities and their tribal ties in rural areas. The latter are particularly overrepresented. Political parties are prohibited by law from claiming racial, ethnical, or religious affiliations.[31] CR elections are done by closed-list proportional representation with a district magnitude of 2 to 5 (number of seats), although most districts have either 2 or 4 seats. In the CC, representatives are elected by professional associations and trade unions.

Although election monitors report that elections – local elections took place in June, 2009, while CR elections were last held in September, 2007 – are becoming progressively more "free and fair," the electoral system design and its operation within the Moroccan context provide severe constraints on voters' choices. To be sure, the Parliament includes parties emanating from an array of ideologies and social groupings, but most of the traditional parties have been co-opted. The primacy of clientelistic considerations – such as whom will take which ministries in the governing coalition – has rendered most of the large parties indistinguishable from a policy perspective. Several points follow:

1. Sex: The CR has a 30-seat quota for women. However, just 4 women were elected to the other 295 seats, giving women 12 percent of the CR's seats. In the CC, female representation is weaker. The adoption of a 12 percent quota in the recent local elections led to the election of 3,206 women despite women having only won 127 posts in the previous local elections. This is likely to lead to the election of more women to the CC, as the number of women candidates for CC seats is likely to follow suit. Several parties have announced efforts to improve the representation of women within their parties.

2. Rural/Urban Divide: Rural areas tend to have greater representation than urban areas, as the latter has been the traditional stronghold of the Monarchy's foremost competitors, first the Left, and now the Islamists. In small villages, it is not uncommon to see 7,000 to 10,000 registered voters per seat. In larger cities, there can be well over 50,000 registered voters per seat.[32]

3. Wealth and Influence: Elections are expensive in Morocco and most parties vie to sign the wealthiest and best known local personalities to their voting lists. A partial effect of this trend is to blur the distinction between political parties. Even parties that are ideologically disparate exhibit few clear policy differences, as the race to win seats trumps ideological distinction.[33] Another consequence is the weakening of party allegiances and frequent changing of parties.

[31] The "Islamist" political party, the Party of Justice and Development (PJD), claims to have an "Islamic reference."
[32] Figures available at: http://www.elections.gov.ma.
[33] For more on this, see Denoeux and Desfosses, p. 82.

4. Districting: In the CC, where representatives are elected by professional associations and trade unions, a handful of votes is sufficient to obtain a seat. As a consequence, vote-buying is a well-established practice. Even in the largest districts for the CR elections, 18 of which were surveyed for this report, as few as 6,000 votes were sufficient to obtain a seat in 13 districts.[34] A number of charges of vote buying were raised in the recent local elections, and the practice appears to have been fairly commonplace in both poor and rural districts.

5. Rules Changes: Despite their participation in the electoral design process, all parties are handicapped by the selection of new electoral rules immediately prior to elections. In fact, in mid-May, 2009, the electoral rules for the June, 2009 local elections were not yet entirely clear. Campaign periods are two weeks long – too short for candidates to effectively make their cases to voters.

6. Education: 45 percent of MPs in the CR have university degrees, and many lack experience in fields that would give them expertise related to their parliamentary work. One MP commented that in his committee, only around 10 to 15 MPs were sufficiently qualified to contribute to the work at hand. At the same time, it also appears that the number of educated and committed MPs has steadily increased in recent elections.

At present, the electoral rules as they function in the Moroccan political sphere largely absolve the reserved powers of the need to revert to the crude mechanisms of electoral interference that proliferated around the world during the second-half of the 20th century. The system encourages fragmentation and the blurring of ideological distinction as parties compete to sign the local personality who can garner the few votes needed for election. The Government is anchored by a party that holds 16 percent of the seats, and the governing coalition appears to be aligned by little more than their interest in controlling ministries and reaping the benefits. The opposition, meanwhile, is also fragmented, and its largest parties appear to have more in common with those in the governing coalition than they do with one another.

The recent transition of the Authenticity and Modernity Party (PAM), the party of the King's right-hand man Fouad Ali El Himma, from the governing coalition to the opposition could shake up the party system. But it is difficult to imagine PAM, which took the most seats in the local elections, forming a governing coalition that does not look very similar to that which governs at present. So far, aside from El Himma himself, PAM has shown to have little more to add to the political system than the other pro-Monarchy parties.[35]

[34] Data available at: http://www.elections2007.gov.ma/elu/clean/CandNomCIRC.aspx?s=1.

[35] For more on PAM, see: http://www.carnegieendowment.org/arb/?fa=downloadArticlePDF&article=22476.

The political landscape of the CR could be drastically changed by the adoption of a quota – perhaps 7 percent – for parties to take the seats that they have won.[36] This would reduce the field of parties, which number in the mid-30s at present, and, over time, bolster competition between the remaining parties.

Determining how well MPs are representing their constituents' interests is a more difficult task. Yet, looking at the level of effort exhibited by MPs to represent citizens, we see that the Moroccan Parliament has room to improve. One of MPs' most central jobs is to represent their constituents by voting on legislation and voicing their constituents' interests in official meetings. Of the seven votes recorded in the 2007-8 plenary report for the CR,[37] just 28 percent of the MPs voted on average. Many other trends, including high absenteeism rates of committee meetings and infrequent meetings of some committees, suggest that many MPs are not making grand efforts to represent their constituents through their legislative work. Moreover, aside from the minutes-long debate format provided by the question and answer sessions, there is very little public debate on policy issues that citizens can access. Thus there is a need to reinforce MP's capacity to interact with constituents and to incorporate constituent concerns into legislative committee work and debate.

Elections act as the principle mechanism through which citizens express their interests. In the 2007 CR elections, just 37 percent of registered voters came to the polls, while a further 19 percent – a greater percentage than was won by the leading vote getter – cast spoiled ballots, many of which were protest votes, according to some election monitors.[38] Irrespective of their specific reasons, a resounding number of Moroccans decided that the MPs chosen to represent them would not be consequential enough to warrant voicing an opinion. Such results make it difficult for parties to claim that they are representative of the Moroccan population. The winningest party in the 2007 CR elections took just over 505,000 votes in a country of over 34 million people.[39]

Other mechanisms for determining whether constituents' interests are being represented will be peppered throughout the remainder of this study. The general trend, however, is that the linkages between representatives and constituents are constrained. Due to the formats selected for elections,

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[36] Such a restriction may not be approved by the Constitutional Council, which struck down an article of the political party bill that would limit public funding to parties that had gained over 2.5 percent of the vote in the previous elections.

[37] 5 votes took place in which no MP voted against the bill or abstained. For these votes, the report just says "All" voted for the bill. The number of votes is not recorded.

[38] 52.4% of registered voters cast votes in the June 12, 2009 communal elections, according to official statistics. That this rate is higher than the rate for the 2007 legislative elections was expected, as the communal elections are seen as having a greater effect on daily life. However, it is unlikely that this higher voting rate is indicative of increasing satisfaction with the political parties or political system in general. For one thing, a number of rural areas posted very high voter rates, and it is highly likely that vote buying played a role in this. Moreover, given that 130,223 candidates ran in the elections, just around 54 votes were cast per candidate. For many Moroccans, a family member or employer was likely running.

[39] Election statistics available at: http://www.elections2007.gov.ma/elu/clean/CandNomNAT.aspx

the weak structures of political parties, and the Parliament's opacity, representatives are mostly insulated from the demands of citizens.

**The Project's Impact**

The Project had no specific mandate to build MPs' capacity to work with constituents or aggregate interest into policy platforms, although it did make several contributions in the area by providing information to bolster MPs' decision-making processes, and bridging constituencies that have interests in reform but are otherwise divided by politics. Through the provision of information, the Project has often helped establish an independent basis for policy-based dialogue. It has also sought to broaden MPs' conceptions of representation through efforts such as the New Member Orientation Program, which the Secretary General of the CR has claimed to be institutionalizing.

The Project has brought together groups with common interests that are otherwise alienated by politics. In one instance, it helped facilitate cooperation between parties interested in anti-corruption legislation. It did this by working with cross-party organizations, such as Moroccan Parliamentarians Against Corruption and the Women MPs' Forum, and providing consultants to meet with parliamentary groups prior to holding roundtable discussions. The Project also facilitated the participation of some of the first CSOs to participate in the legislative process (explained in greater detail in the section on transparency and access, below). By providing such venues and opportunities for alliance-making between political parties and CSOs, the Project has helped demonstrate the value of such partnerships for seeking common interests. It has also helped civil society recognize that lobbying Parliament can be an effective way to influence legislation.

Although the Project had some success in helping to prepare MPs to consider the political party law in its early years, other efforts that could have affected the issue of representation were short-lived. The Project organized two constituency visits for MPs. It also focused on decentralization, including the Communal Charter, which was ratified by the Parliament in the October, 2008 legislative session. Interviews suggest that some of those involved with the Project felt that these issues were too politically-charged for the Project and that it was better off remaining disengaged from these areas.

**3. Parliamentary Oversight of the Executive**

Theoretically, the Parliament has ample power to conduct oversight of the Government. It can ask oral and written questions, censure ministers, dissolve the Government, and vote on and pass amendments to the yearly budget.[40] In practice, as discussed in the section on parliamentary powers, the case is very different.

MPs have been fairly consistent in the area of asking oral and written questions, having posed 5,409 oral questions during the 2002-2007 legislature. However, around 37 percent have not been answered by

[40] The formation of fact-finding committees and investigative groups (or sub-committees) are not typically used to conduct oversight of the Government, although Government officials can be called to testify.

the Government.[41] The Parliament does not appear to have taken any tangible steps to require that ministers answer the questions in the amount of time specified by law. The parliamentary speakers have indicated an interest in reorganizing the question and answer sessions, and one has even retained a former Project consultant to advise him. Mechanisms for organizing, analyzing, and distributing the information gained through oral and written questions could benefit MPs greatly, particularly if done in a bicameral fashion.

No ministers have been censured in recent memory and there is no credible threat of censure. Either house can call a vote of censure through the signing of a "warning motion" by at least 1/4$^{th}$ of the CR and 1/3$^{rd}$ of the CC. This warning must then be passed by an absolute majority of either house and can lead to the resignation of the Government.[42] But this weapon remains entirely unexploited and the Parliament plays no other role in scrutinizing or approving officials appointed to government posts. Aside from the occasional investigation or fact-finding committee, parliament plays little role in holding non-elected public bodies to account.

The area in which the Parliament has made its most progress in recent years is in budget oversight. The Parliament has begun to take seriously to this role, and the number of amendments proposed by MPs that were amended to the state budget has increased from 20 in FY05 to 46 in the FY09 budget.[43] The Parliament has effectively elongated the time it has to consider the budget from 70 days (required by law to be presented to the CR), to 6 months by holding meetings with the Minister of Finance in the April session [but it doesn't seem they repeated this in the April 2009 session, which effectively decreases the amount of time for overseeing the finance bill]. A law proposition (proposed by MPs) that the Finance Committee began to discuss in January, 2009 would enable parliament to critique the regulatory law of the previous year's budget prior to discussing the budget of the current year. At present, the Parliament has no meaningful role in regulating the budget.

Although the bulk of these efforts are being undertaken in the CR, the CC has also developed its role in budget oversight. It has adopted the BAB, the only source of independent budget analysis information available to all MPs. The CC's contribution to the budget bill has also increased from 2 amendments in FY05 to 12 in FY09.

Although it does not appear that the Parliament's oversight role is developing in all domains as quickly as it is in budget oversight, progress is slowly being made in other areas. For instance, the Parliament appears to have little say in foreign policy issues, and indeed, it is unlikely to challenge the King's

[41] Information available at: http://www.mcrp.gov.ma/. Little progress seems to have been made over the years as it appears that only 56 percent of the questions asked in the CR in the 2007-2008 legislative year have been answered (797/1429). There appears to be little difference in the rate of answers for parties from the opposition and majority.

[42] See Constitution articles 76 and 77 for more details.

[43] Amendments that were partially accepted are counted as "half" an amendment. The baseline figure reported in the PMP is the number of articles that have been amended, not the number of amendments (this is why my figure is 20, while the figure on the PMP is 9).

legitimacy in this area.[44] The Interior Committee, by contrast, was highly active on the transportation bill and the communal charter that governed the 2009 local elections. The CR's Fact-Finding Committee on Sidi Ifni, which was assembled in response to the use of violence by security forces against Moroccan citizens during the summer of 2008, was a rare foray by the Parliament into a domain that, otherwise, belongs almost strictly to the reserved powers.[45]

The response of the Government also shows increasing respect for the Parliament. Some ministers have claimed that they are now spending as much as 30 percent of their time answering MPs' questions. Others, such as the Ministers of Finance and Justice, have begun consulting the relevant committees prior to launching major bills.[46] Still, the Parliament has yet to make a move that openly contradicts the will of the Government. Due to its opacity, the Parliament remains insulated from most public pressures. Opening up to the public could help create competition among party groups to show that they are not beholden to the Government.

**The Project's Influence**

The Project has been a staunch advocate for the Parliament's increasing role in the domain of governmental oversight. It has arranged consultancies and provided research addressing most facets of the issue. For instance, it has conducted trainings in many skills areas that would help to improve MPs' capacities to draft questions and write legislation. It has advocated for the use of data, citizen and expert testimony, and sight visits by committees, subcommittees, and fact-finding commissions in order to carry out their oversight tasks.

While it can be difficult to pinpoint the Project's specific contributions in some of these areas, one domain in which the Project's work stands out is budget oversight. The Project drove the establishment of the BAB, provided consultancies for the drafting of over 35 reports on budget issues, and conducted over 40 activities to improve MPs' and staffers' capacities in budget analysis and oversight. Project staff provided countless hours advising the BAB director and nurturing the institution. The Project has been an important advocate for a greater role for the Parliament in the national budget cycle, while also funding and supporting the efforts of the Open Budget Coalition, consisting of Moroccan CSOs, to advocate Parliament on this issue.

The Project has also helped facilitate the signing of a Memorandum of Understanding (MOU) between the Parliament and Ministry of Finance for the latter to provide the former with its E-budget software

[44] When Fouad Ali Al-Himma, the King's friend and a leader of the Authenticity and Modernity Party, was chairing the international relations committee, it met only 4 times during the April, 2008 session.

[45] The commission interviewed private citizens as well as public officials, including the Minister of Interior. However, its final report failed to spur any tangible results.

[46] In May, 2009, the Minister of Justice came to the interior committees to seek council on his efforts to overhaul the justice system.

and data.[47] It has encouraged linkages with the Moroccan Audit Courts and fostered the inclusion of two BAB staffers in a World Bank Institute seminar on legislative budget offices.[48] The abundance of the Project's inputs in budget oversight correlates with the signs of increasing activity by MPs in this area.

**4. Parliament's legislative capacity**

The Parliament's legislative capacities are constitutionally constrained. The Government, headed by an unelected king, sets the legislative agenda and its laws take priority over those written by MPs. The Parliament's legislative role is limited to particular areas and the Monarchy and Government enjoy a number of constitutionally sanctioned ways to rebuff the legislative interests of the Parliament. The famed article 51, which is often used by the Government to strike down parliamentary amendments to the national budget (32 times in 2009), prohibits the adoption of laws that "might affect the proposed appropriation law by causing a decrease in public resources, an increase in a public expenditure or the creation of a new one."[49] Still, the Parliament can write legislation and, if it wishes, utilize its powers to disrupt the national agenda.

The Parliament has emerged over the past decade as an increasing important actor in the legislative process. More so in the areas of civil rights and issues related to the rules of the game (perhaps due, in part, to MPs' lack of technical skills), the Parliament has made substantial contributions to many pieces of legislation, including bills related to political parties, the press, associations, the family code, and parliamentary and local elections. It also advises ministers on reform initiatives prior to the formal presentation of the related bills in committee. However, the Parliament's input is restricted as not all aspects of a given law are negotiable. Moreover, the Parliament plays little role in the regulation and oversight of laws once they are ratified, a problem that is manifest in Morocco's weak rule of law.

The Parliament's legislative initiatives take place under poor conditions due to internal rules problems, organizational practices, and a lack of resources. Quorum rules for plenary and committee meetings either do not exist or are not enforced.[50] Time limits on MPs' speech in committee meetings would help focus these meetings and allow MPs to discuss a greater amount of work in a lesser amount of time. Organizational practices offer similar constraints. Giving committee staffers, for example, a greater role in preparing MPs for their legislative work through the writing of memorandums and drafting of bill summaries, would also improve the legislative process. As it stands, there is no parliamentary institution tasked with assisting MPs and staffers to ensure that the quality of legislation is sufficient. Procedures for analyzing legislation are not standardized and any such analysis must be done by the

[47] The Parliament remains without access to this software. Opinions differ for who is to blame, but it does not appear that the Parliament has effectively demanded implementation of the MOU.

[48] Unfortunately, against the request of the World Bank Institute, the Parliament selected to send 2 staffers with very limited English-speaking capacities.

[49] 1996 Constitution available at: http://www.al-bab.com/maroc/gov/con96.htm.

[50] In the CR, MPs are required to attend all plenary sessions and committee meetings. The names of those absent are supposed to be published in the CR's bulletin. However, there is no bulletin, so the names are not printed. Absenteeism is high.

parties and party groups. Access to independent information is also limited as the Parliament does not possess research capacity.

Data from the Project's Performance Monitoring Plan (PMP) suggests that the quality of bills drafted by MPs has improved since 2004. Although this is a positive development, the impact of MPs' and staffers' bill drafting capacity on the overall production of legislation remains unclear. Increases have been seen in some areas of legislative production during the past 5 years, but it does not appear that improvements in bill drafting capacity, as is theorized in the Project's PMP, is the reason why. The output of law proposals is erratic despite improvements in bill drafting capacity and the abundance of other potential confounding variables render the data inconclusive.[51]

It is also theorized in the PMP that improving the quality of legislation would lead the Government to resort to articles 51 and 53 to reject MPs' amendments less frequently. While the Government's use of these mechanisms has decreased by 31 percent since 2005, the number of amendments written by MPs that were accepted by the Government increased just 1 percent. Mostly, it appears that a greater part of the burden of rejecting amendments written by the opposition parties is being handled by the majority parties rather than by the Government.

**The Project's Influence**

The Project's most direct influence on Parliament's increased legislative capacity has come through the training of staffers and MPs in legislative writing and policy analysis. The Project's training courses in these areas received considerable praise, and the Parliament asked the Project's consultant to design a third training course.[52] These courses and other Project events appear to have helped focus the attention of MPs and staffers on improving the quality of legislation, while providing the opportunity to build the necessary skills to do so.

The Project has also helped improve legislation by fostering the inclusion of experts and CSOs in the legislative process in a number of instances. Project events often provided opportunities for MPs to discuss legislation with experts in the specific area of focus and in formats that prevented the discussions from succumbing to political squabbling. In some instances, Project consultants met individually with parliamentary groups and then brought them together to talk about areas of common interest. In other instances, CSOs and MP-supported interest groups (like Moroccan Parliamentarians Against Corruption) were able to help play this role. In the areas of anti-corruption, the rights of the disabled, and others, events organized by the Project helped galvanize support for ideas that were eventually included in legislation.

**5. The Transparency and Accessibility of Parliament**

[51] This is most clearly demonstrated by indicator A.2 on the Project's PMP, which shows that the number of laws written by MPs vary while their quality increases continuously.

[52] It does not appear that this training course has ever been used, although it is available on the computers in the Multi-Purpose Hall.

The Parliament is largely opaque and inaccessible to citizens. Opening the parliamentary process would help make the Parliament a more effective forum for debate on issues of national importance and would allow citizens to more accurately judge the work of their representatives, many of whom feel that this would be in their interest. Yet plenary sessions, which are aired on television and recorded by the transcription service, are almost exclusively reserved for the questioning of ministers and voting.[53] Policy debates may take place in the plenary session, but rarely do. Committee meetings, where policies are discussed, are almost always closed to the public.[54]

MPs, for the most part, tend to be inaccessible. On a practical level, there is one secretary for each parliamentary group (6 at present).[55] For those with offices, such as parliamentary vice-presidents, phones are not equipped with voicemail or any other messaging service, so setting up meetings can be difficult. The Parliament has also been slow to adopt standardized administrative procedures for including citizens in the legislative process. On the rare occasion that a committee calls a citizen to testify, compensation for his travel must be approved by the Speaker. For many citizens, the doors of Parliament appear to be closed.

Interest groups and CSOs have generally stayed away from the Parliament, as many potential lobbyists have thought the institution impenetrable and that their demands were more likely to be met by lobbying the related ministries. In other words, it has generally be seen as a second option. According to interviews, some civil society organizations (that were funded by the Project to lobby the Parliament) now recognize that specific MPs from specific parties are open to working with CSOs. Some of the country's most powerful organizations have also begun taking a greater interest in the Parliament, recognizing that MPs' capacities to introduce legislation can be used to their advantage. In consultation with the Project, the General Confederation of Moroccan Enterprises (CGEM), for example, Morocco's most powerful business association, began lobbying for specific amendments to the national budget in 2006. It has continued to do so yearly, and most recently, it has expanded this effort into a year-round activity. Such developments should help MPs to recognize how their interests can be bolstered by working with pressure groups.

Several important efforts to open up the Chambers of Parliament have been made in the past several years. Both Chambers have websites, and the number of articles appearing on their homepages appears

[53] The question and answer sessions do not amount to a legitimate policy debate, as each question is asked and answered within a matter of minutes, with little follow-up permitted. In the CR in 2008, plenary sessions during which bills might have been discussed were few (7) and short (averaging 60 minutes).

[54] Members of friendly media outlets are sometimes permitted to attend committee meetings in the CR, but this hardly gives Moroccan citizens an opportunity to join the debate. The author also was invited to two meetings of the Interior Committee in the CR.

[55] Some interviewees suggest that the best way to get a meeting with an MP or staffer simply to linger around before and after scheduled meetings. Oftentimes, those who have been "too busy" to meet become suddenly available at the last moment.

to be increasing, even if those articles are almost exclusively limited to the activities of the Speakers.[56] 2M Television, as part of its weekly program on the Parliament, has begun airing a section on committee work, in which it highlights the Parliament's activities on a particular issue. Both Chambers' question and answer sessions are aired live on television. Discussions about the creation of a parliamentary television station have recently been reported, but this project appears to remain several years away if it is ever realized.

Apart from these initiatives, the CR has taken a number of steps to become more transparent and include citizens in its work. In the first 1.5 years of its new legislature, the CR has held its first open committee meeting. Several committees and sub-committees have taken investigative visits, and some committees (as well as the Fact-Finding Commission on Sidi Ifni) have begun publishing reports online about their activities during the legislative session. The CR's website also features the capacity to search for written and oral questions, and legislation, although the search engine does not always function properly. Moreover, due to the transcription service provided by the Project, transcripts of recent oral questions sessions can be found on the CR's website. Whether due to this tool or the live broadcast, the media appears to be picking up on the Parliament's work: MPs' quotations from these sessions have recently appeared in two of the top-selling Arabic publications.

The fragility of these gains in transparency is apparent. Of the 4 committees that published reports on their work during the April, 2008 legislative session, only the Finance Committee published a similar report for the October, 2008 legislative session. Indeed, it must be noted that the 3 committees that did not perpetuate this initiative were not led by the same committee chairpersons who had prompted the actions in the first place. Many of the advances in transparency are the efforts of individuals and remain non-institutionalized.

The Speakers of Parliament have signaled their interest in pursuing reforms to the Rules of Procedure of their respective chambers to, in part, make the legislature more transparent. While the Project is planning to assist these efforts, it should be noted that the CR's Rules of Procedure already call for the transcription of committee meetings (Section 5, Article 42). This is among the rules that the Parliament does not implement. Given its track record of designing rules that it does not enforce, it will be important for any new rules to be honored. It should also be qualified that in June, 2008, the leadership of the CR wanted to require journalists covering the activities of Parliament to sign a document stating that they will "engage precisely to cover in a balanced manner the work of Parliament [and] not to jeopardize parliamentarians."[57] Greater transparency will not come without a fight.

**The Project's Influence**

Aside from the transcription unit, which allows oral questions to be tracked and analyzed, the Project has endeavored to increase the Parliament's internal transparency by convincing MPs of the positive

[56] It remains, however, that the website of the Ministry Charged with Parliamentary Relations offers more information about both Chambers than do their own websites.

[57] This report appeared in *La Gazette Du Maroc*, 06.06.08, and can be found in the Project's database of articles.

political benefits of, for example, opening up committee work. As part of its efforts to strengthen committees, the Project has long advocated greater transparency in committee work, whether by publishing committee reports, including citizens in committee hearings, or opening committee events to the public. The most active committee in the area of transparency has been the Justice Committee in the CR, which held a public hearing, took citizen testimony, held roundtables with experts, and published its final report online. Interviews with the Justice Committee President and a staffer indicate that although it had contributed to the strengthening of committee work, the Project had little direct influence on these transparency initiatives. While the Project has sought to implant such liberal ideas within the Parliament, a direct causal relationship between the Project's advocacy efforts and the committee presidents' decisions to publish reports online cannot be drawn.

How much more accessible, capable, and willing to reach out to citizens the Parliament is at present is up for debate. According to the Project's "Index of CSO Perceptions of Parliamentary Interactions," parliamentary performance in the areas of transparency, accessibility, responsiveness, and the quality of communications, has improved slightly (1.3 points out of 10) during the Project's tenure. However, the CSOs used for this index have changed over time, and several CSOs that have lobbied the Parliament due to the Project's funding have admitted that they had not done so until the Project contacted them (so their initial views of Parliament were not necessarily based on first-hand experience). Yet, in interviews and meetings with CSOs, as well as in surveys conducted by a Project consultant, it seems that a sharp decrease in the index was seen from FY07 to FY08 because CSOs, after being surprised by Parliament's openness at first, realized that only select MPs from select political parties are open to working with CSOs.[58]

The Project's CSOs Grants Program successfully demonstrated that CSOs can contribute to the legislative process if provided the resources and training to lobby Parliament. While the Project opened the door to citizen participation in the legislative process, greater stimulation is still needed to cultivate these new linkages. The Project's work with CSOs produced a number of highlights. During the 3-month grant program, several CSO coalitions were able to present proposals on legislative issues to MPs. The most successful of these efforts was led by Columbe Blanche, whose amendments were taken up by the Committee on Justice and Legislation in the CR. Columbe Blanche, which met with the Prime Minister to advocate for the disabled during the April, 2008 legislative session, is one of three grantees that continued to actively lobby Parliament once the grant program ceased. Another grantee, the Right of Information Coalition continues to advocate for the passage of the right of information (ROI) propositional law that has been proposed by the USFP group in the CR.

The Project has had several other successful ventures in helping to mobilize CSOs. In mid-2007, the Project had a direct impact on the successful adoption of amendments to a law that required ministers

[58] This is the likely reason that the CSO perceptions index fell in recent years. When the perceptions index was first conducted, CSOs had had no prior experience working with the Parliament and were not sufficiently experienced to answer the questions. As a consequence, they rated Parliament higher after their initial engagements, only to realize that only some MPs from some parties were interested in working with CSOs.

to publically declare their property. Aside from holding a conference on the subject with MPAC, CSO representatives supported by the Project proposed amendments that were adopted in the draft law.[59] The Project's partnership with Tanmia.ma has also provided a networking tool and several forums for discussing issues related to the Parliament.

**6. The Accountability of Parliament**

Despite MPs' constant calls for reform, few measures have been taken – aside from what has been reported in the above section on transparency – to improve the Parliament's internal accountability mechanisms. As Denoeux and Desfosses describe it, there exists "a culture of organized irresponsibility," encouraged by the Monarchy for the purposes of preventing political parties from organizing a credible alternative to monarchical rule.[60] Indeed, while it appears as though Parliament lacks accountability, the Parliament's accountability mechanisms are in fact rigidly top-down. The CR did not have an organizational chart until 2007 (the CC remains without one), but the roles of parliamentary staffers have always been well-understood. A staffer's survival within the institution (as well as his pay check and benefits) depends squarely on not upsetting his superior. This is particularly problematic in a parliamentary culture in which innovation, including basic tasks such as keeping track of users of the parliamentary library and Multi-Purpose Hall, is deplored unless demanded from above.

The seeming lack of accountability in the Parliament stems from the structure of the Bureau, the top decision-making body in both Chambers, which consists of the Speaker and Vice-Presidents (who are appointed by the party groups). The Bureau is said to make decisions by consensus during closed-door meetings, which, in conjunction with the fragmentation of the political field and the tight grip of parliamentary and party leaders on their positions, has two principle effects.[61] First, it renders the Bureau incapable of making difficult decisions. Any party that will not benefit from a given initiative can veto it. Because the meetings are closed, Bureau members are absolved of outside pressures to reform. Second, and as a consequence of the former, the Speaker becomes the default decision-maker on day-to-day issues. Requests by Committee Presidents to use parliamentary funds, for example, go directly to the Speaker.

A simplified look at the system of elections is telling of the problems plaguing the Moroccan Parliament and political system as a whole. Parliamentary leaders are accountable to party elites. Speakers are "elected" by the MPs, but these positions are typically auctioned off to political parties when a new government is formed.[62] Speakers, thus, face minimal competition in parliamentary elections. For their part, vice-presidents are elected or appointed by political party groups. They are thus beholden to these groups, and their presidents, who are considered to be the top political figures in Parliament with the exception of the Speaker.

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[59] This was captured in the newspaper *Assabah* on Feb. 21, 2007. Available in PROJECT's newsclippings.

[60] Denoeux and Desfosses, 82

[61] This is not specified in the CR's internal rules. See pages 21-3 (John Phelps' version).

[62] Due to the death of the previous Speaker of the CC, the new Speaker was elected in an actual election and faced competition from a candidate from another party in the ruling majority.

MPs, although elected to office by citizens, are placed on party lists by party leaders in what amounts to a crucial factor in their chances of being elected.[63] The chances of winning a seat as the second person on a party list are slim. But, fortunately for those who do not take first place on their party lists, there is a "second" Chamber of Parliament. Guilain Denoeux estimates that one-third to one-half of MPs elected to the CC tried and failed to win seats in the CR.

The focal point of this 'system of accountability' is the party leaders. These personalities are typically appointed or elected by their peers. Because many of them maintain their statuses due to their personal wealth, family history, and prominence in society, they tend to dominate the parties for decades on end.[64] As they are largely insulated from the will of the party rank and file, many of the traditional political parties have failed to change with the times, their leaders having gotten used to the prerogatives of parliamentary immunity and benefits of party leader status.[65] Younger leaders, unable to climb up the party ranks, oftentimes leave the traditional parties to start their own.

With parliamentary leaders mostly beholden to unaccountable party leaders and the decision-making process within Parliament opaque, there has been little incentive to develop the parliamentary institution or its role in society. Fearing that their parties will be on the losing side of any changes to the status quo, Bureau members have kept a tight grip on the Secretary General, rendering all internal decisions political in nature. Approval is required for even the smallest of innovations.

Needless to say, this power structure has taken a heavy toll on the parliamentary administration. As described in the first section on the institution of Parliament, important administrative positions remain unfilled while others are occupied by unqualified candidates. Basic organizational problems remain unsolved. For MPs, this provides plenty of leeway. Attendance, if taken, is not reported.[66] They do not have offices or secretaries, and there is little way for citizens to see whether or not they are doing their jobs. Many are rumored to spend more time on their own businesses and to treat their parliamentary duties as a side-job.

**The Project's Influence**

The Project was often the victim of the Parliament's style of accountability. Its work plans have never been formally approved by the bureau. Despite obtaining the oral commitment of the necessary parliamentary leaders, many of the Project's efforts to assist the administration were not implemented

[63] Among the largest parties, the only exception is the PJD, the "Islamist" political party. Elections for candidacies for the CR elections took place on the local level. Around 20 percent of those elected were overruled by the national party leadership, but the other candidates stood.

[64] Again, the PJD is the exception. It has the most democratic internal structure of any political party, giving a broader array of faces the opportunity to obtain party leadership positions.

[65] Until recently, parties were not required to have separate bank accounts from their party leaders. This changed with the adoption of the new political party law in 2006.

[66] The lone exception is the Finance Committee, which reports an unspectacular average percentage of MPs in attendance at its meetings each legislative session.

because parliamentary leaders' orders never made it down the chain of command. In areas that the Project was able to implement, initiatives were oftentimes stripped down to accommodate roguish participants. The Project was not permitted, for example, to undertake any type of test to see if trainees were retaining the skills that they had been taught. Incidentally, one mid-level staffer commented that the staff needed more trainings so that they did not forget the skills that they had learned. The Project was compelled on occasion to take unqualified staffers on study trips and partners in the Parliament sometimes withheld or selectively distributed research articles produced by the Project's consultants.

Despite the many setbacks, it is a testament to the Project's staff that the Project was able to continue to function within this environment.[67] The Project has influenced the Parliament's rigid accountability structure by building linkages between and among the occupants of Parliament as well as between the Parliament and citizens. Since FY06, many of the Project's conferences and trainings have been open to MPs and staffers from both houses, providing these groups a space to voice their problems and seek common solutions.

Aside from making the important introduction between CSOs and MPs, the Project has helped bolster vertical accountability mechanisms through the creation of the verbatim transcription unit. With the publication of the verbatim records of the dialogue on the floor of Parliament, CSOs and citizens have more information with which to judge their MPs and political parties.[68] Between this information, the available data on oral and written questions, the data provided by committees, and the committee reports posted on the website of the Ministry in Charge of Parliament-Government Affairs, enough information is available to citizens to evaluate their Parliament and push for greater transparency and accountability.

[67] The UNDP project discontinued its trainings due to MP complaints that they were being enlisted in a foreign agenda. The project apparently stalled because it could not get its work plan approved.

[68] The transcripts can be found at the following address: http://www.parlement.ma/parlem/reponses_seances.php?code=&legislature=rien&annee=rien&periode=rien&president=rien&debut=&fin=&programme=&modifier=+%D8%A7%D8%A8%D8%AD%D8%AB++.

**Appendix I: Inter-Parliamentary Union Indicators**

**1. The representativeness of parliament**

1.1 How adequately does the composition of parliament represent the diversity of political opinion in the country (e.g. as reflected in votes for the respective political parties)?
1.2 How representative of women is the composition of parliament?
1.3 How representative of marginalized groups and regions is the composition of parliament?
1.4 How easy is it for a person of average means to be elected to parliament?
1.5 How adequate are internal party arrangements for improving imbalances in parliamentary representation?
1.6 How adequate are arrangements for ensuring that opposition and minority parties or groups and their members can effectively contribute to the work of parliament?
1.7 How conducive is the infrastructure of parliament, and its unwritten mores, to the participation of women and men?
1.8 How secure is the right of all members to express their opinions freely, and how well are members protected from executive or legal interference?
1.9 How effective is parliament as a forum for debate on questions of public concern?

**2. Parliamentary oversight over the executive**

2.1. How rigorous and systematic are the procedures whereby members can question the executive and secure adequate information from it?
2.2. How effective are specialist committees in carrying out their oversight function?
2.3. How well is parliament able to influence and scrutinize the national budget, through all its stages?
2.4. How effectively can parliament scrutinize appointments to executive posts, and hold their occupants to account?
2.5. How far is parliament able to hold non-elected public bodies to account?
2.6. How far is parliament autonomous in practice from the executive, e.g. through control over its own budget, agenda, timetable, personnel, etc.?
2.7. How adequate are the numbers and expertise of professional staff to support members, individually and collectively, in the effective performance of their duties?
2.8. How adequate are the research, information and other facilities available to all members and their groups?

**3. Parliament's legislative capacity**

3.1 How satisfactory are the procedures for subjecting draft legislation to full and open debate in parliament?

3.2 How effective are committee procedures for scrutinizing and amending draft legislation?
3.3 How systematic and transparent are the procedures for consultation with relevant groups and interests in the course of legislation?
3.4 How adequate are the opportunities for individual members to introduce draft legislation?
3.5 How effective is parliament in ensuring that legislation enacted is clear, concise and intelligible?
3.6 How careful is parliament in ensuring that legislation enacted is consistent with the constitution and the human rights of the population?
3.7 How careful is parliament in ensuring a gender-equality perspective in its work?

**4. The transparency and accessibility of parliament**

4.1 How open and accessible to the media and the public are the proceedings of parliament and its committees?
4.2 How free from restrictions are journalists in reporting on parliament and the activities of its members?
4.3 How effective is parliament in informing the public about its work, through a variety of channels?
4.4 How extensive and successful are attempts to interest young people in the work of parliament?
4.5 How adequate are the opportunities for electors to express their views and concerns directly to their representatives, regardless of party affiliation?
4.6 How user-friendly is the procedure for individuals and groups to make submissions to a parliamentary committee or commission of enquiry?
4.7 How much opportunity do citizens have for direct involvement in legislation (e.g. through citizens' initiatives, referenda, etc.)?

**5. The accountability of parliament**

5.1 How systematic are arrangements for members to report to their constituents about their performance in office?
5.2 How effective is the electoral system in ensuring the accountability of parliament, individually and collectively, to the electorate?
5.3 How effective is the system for ensuring the observance of agreed codes of conduct by members?
5.4 How transparent and robust are the procedures for preventing conflicts of financial and other interest in the conduct of parliamentary business?
5.5 How adequate is the oversight of party and candidate funding to ensure that members preserve independence in the performance of their duties?
5.6 How publicly acceptable is the system whereby members' salaries are determined?
5.7 How systematic is the monitoring and review of levels of public confidence in parliament?

**6. Parliament's involvement in international policy**

(See also Annex II, page 28, for additional questions on parliament's relationship to the United Nations)

6.1 How effectively is parliament able to scrutinize and contribute to the government's foreign policy?

6.2 How adequate and timely is the information available to parliament about the government's negotiating positions in regional and universal/global bodies?

6.3 How far is parliament able to influence the binding legal or financial commitments made by the government in international fora, such as the UN?

6.4 How effective is parliament in ensuring that international commitments are implemented at the national level?

6.5 How effectively is parliament able to scrutinize and contribute to national reports to international monitoring mechanisms and ensuring follow-up on their recommendations?

6.6 How effective is parliamentary monitoring of the government's development policy, whether as "donor" or "recipient" of international development aid?

6.7 How rigorous is parliamentary oversight of the deployment of the country's armed forces abroad?

6.8 How active is parliament in fostering political dialogue for conflict-resolution, both at home and abroad?

6.9 How effective is parliament in inter-parliamentary cooperation at regional and global levels?

6.10 How far is parliament able to scrutinize the policies and performance of international organizations like the UN, World Bank and the IMF to which its government contributes financial, human and material resources?

**Interviews & Meetings: Parliamentary Support Project Evaluation**

Andrew G. Mandelbaum

*Note: "CC" stands for Chamber of Councilors;*
*"CR" stands for Chamber of Representatives*

**Interviews:**

Abkari, Abdelhamid – CR; Social Sectors Committee Staffer – 09.24.08

Adams-Matson, Michelle – MSI Consultant – 09.18.08

Arabi, Lahcen – CC; BAB Staffer; Informatics Specialist – 09.15.08

Aslalou, Mustapha – CC; Training Coordinator for BAB; Former Parliamentary Support Project Coordinator - 09.30.08

Belmouden, Fatima – Vice-President for Moroccan Parliamentarians Against Corruption; USFP Executive Committee member; Former CR MP ('97, '02) – 10.21.08

Benjdi, Abderrahman – CR Chief of Committee Services; Former Interior Committee Staffer – 10.21.08

Benmir, Larbi – CC; Director of the Division of Legislation and Oversight – 09.10.08

Bensassi, Lahcen – CR; President of the Parliamentary Staff Association – 10.23.08

Ben Osmane, Khalid – UNDP Parliamentary Support Project Consultant – 09.18.08

Berrada, Tahar – USAID; Governance and Urban Development Program – 09.16.08

Bijelic, Sladjana – SUNY; Senior Technical Advisor – 09.04.08

Choubani, Habib – CR; Former President of the Justice and Legislation Committee; MP; PJD – 10.15.08

Darouich, Abdelwahid – CC; BAB Staffer – 09.10.08

El Fassi, Noureddine – Right to Information Coalition (El Grad) – 10.08.08

El Kent, Driss – Chief Accountant for Government in Parliament – 09.19.08

El Ghrali, - Project Consultant; Prof. University of Marakesh – 08.08

Essalmi, Soumaya – CC; BAB Staffer; Justice and Legislation Committee Staffer – 09.15.08

Fala, Adil Omar – Former SUNY Staffer – 08.26.08

Fountir, Abdelilah – Project consultant; Director General of the Government – 09.17.08

Ghazaouni, Mohammed – CR Finance Committee Staffer – 10.21.08

Han, Yi – SUNY/CID Project Manager – 10.14.08

Hazib, Milouda – Advisor to PAM/RNI Parliamentary Groups; Former MP in CR – 10.15.08

Id Belhaj, Hafida – CR; Director of External Relations – 10.23.08

Jourouhi, Mourad – Tanmia.ma – 10.08.08

Labdag, Abderrahmane – CC; MP (’02, ’07); Former Vice President and Interlocutor to Parliamentary Support Project – 09.04.08

Lind, Taly – USAID; Evaluation Specialist – 09.29.08

Loubali… - AMSED; President of Open Budget Coalition – 10.13.08

Loubane, Abdelhak – Project Consultant – 10.09.08

Maaouni, Hassan – CC; MP (’02); Former Vice President and Interlocutor to Parliamentary Support Project, Movement Populaire – 09.08.08

Manaa, Younes – CEO of CST; Implementer of Verbatim Transcription Unit – 09.02.08.

Mouaarraf, Khalid – CR; Finance Committee Staffer – 10.23.08

Mouhib, Aziz - CR; Chief of the Division of Communication and Media – 10.21.08

Mouhib, Mohammed - CR; MP (’02, ’07); Former Vice President of Parliament (’02) – 10.21.08

Orsini, Debby – MSI – 08.25.08

Parkison, Mark – USAID; Former CTO for Parliamentary Support Project – 09.23.08

Rhanem, Karima – USAID; Development Outreach and Communication Specialist – 09.16.08

Slimi, Manar – Project consultant; Professor, King Mohammed V University –08.08.08; 09.30.08

Sarraj, Abdallatif – CC, President of Plenary Sessions; BAB Staffer – 09.10.08

Sbay, Amina – USAID, former SUNY accountant – 09.16.08

Swift, Mariam – MSI Evaluation Specialist – 09.05.08

Tazi, Abdalhuq – CC; President of the Istiqlal Parliamentary Group – 10.17.08

Tettouani, Aboubaker – CC; BAB Director; 09.12.08

Touijer, Idriss – USAID; Democracy and Governance Advisor – 09.16.08

Zniber, Myrieme – Former COP for UNDP Parliamentary Support Project; Specialist in Democratic Governance – 10.14.08

**Meetings:**

I've attended private meetings with many of the people listed above in addition to running my own interviews. I also attended meetings and interviews with the following people:

Khalili, Abdelhamid – CR; Secretary General; Former MP; RNI – 09.22.08

Narjiss, Hamid - CR Vice-President of Parliament; Project Interlocutor; MP from MAP – 09.22.08.

El Ansari, Mohammed – CC; President of the Committee of Justice and Legislation; MP; Istiqlal – 09.24.08

Touhami, Ahmed – CR; VP of Defense Committee; MAP – 09.24.08

Moubdi, Mohammed – CR; President of the Interior Committee; Movement Populaire – 07.15.08