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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

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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 roles² – 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 stunted 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/Datasets.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

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

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 week²⁰). 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.

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 Desfosses, 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,

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 1/4th of the CR and 1/3rd 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 increasingly 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 been 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.

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

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

Ghazaoui, 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.

Mouaarrar, 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