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from

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on

“Citizen participation in the legislative process”

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Enhancing the roles of citizens and civil society in public affairs through participatory democracy mechanisms is one of the pillars for building a modern state. In this respect, the Constitution of the Kingdom of Morocco, adopted in 2011, laid the groundwork for participatory democracy as a means for contributing to public debate and decision-making, through the adoption of civic democracy as a pillar of the political system, the consolidation of the functions of civil society in all public policy sessions, and the promotion of a culture of consultation between public authorities and social stakeholders.

This has been achieved through several laws, particularly the organic law setting out the requirements and modalities for exercising the right to introduce petitions in the legislative field. This text truly reflects the will to build a democratic society which is based on the values of citizenship and participation, as well as on cooperation and complementarity between the mechanisms of representative democracy and those of participatory democracy, thereby enabling citizens to contribute to the legislative work and influence policy making.

The right of citizens - male and female - to submit petitions in the legislative domain is one of the most important mechanisms of participatory democracy. It is also a fundamental guarantee of civil participation, in addition to the consolidation of the functional link between representative democracy and participatory democracy.

A legislative petition is any initiative undertaken by citizens with a view to contributing to legislative work (through ideas). Thus, petitioners can propose new laws, or amend or repeal existing laws, as is the case with the legislative prerogatives attributed to government and parliament, with a few exceptions, consistent with international practice in this regard.

Viewed from this perspective, legislative petitions are personal endeavors by civil society activists who have failed to persuade an MP or a parliamentary group of a given legislative idea, in other words initiatives that have not found their way through the normal path for legislation, which is Parliament or government.

To shed light on the Moroccan experience in the area of legislative petitioning as one of the pathways for citizens' contribution to legislative work, I will go through the provisions of the organic law on requirements and modalities for the exercise of the right to petition in the legislative domain.

First: Petition scope and submission requirements

1. Petition scope:

Petitioning in the legislative domain refers to any initiative undertaken by citizens - male or female - with a view to contributing to legislative work. The petition must concern legislative matters. A petition is not admissible if it contains proposals or recommendations which:

- undermine the core values of the nation regarding the Islamic faith, national unity, the State's monarchy system, the country's democratic system or the fundamental freedoms and rights enshrined in the Constitution;
- concern an amendment of the Constitution, organic laws, the amnesty law, or texts relating to the military domain, homeland security, national defense or the external security of the State;
- are inconsistent with the covenants, treaties or conventions ratified by the Kingdom or to which it has acceded.

2. Requirements for submission of petitions:

A committee chosen by the petition initiators, from among themselves, introduces the petition; to be admissible, the petition must:

- pursue an aim of general interest;
- be drafted in a clear manner, in the form of proposals or recommendations;
- be accompanied by a detailed memorandum stating the reasons for introducing the petition, the aims it is pursuing as well as a summary of the options it contains;
- be accompanied by a list of petition supporters.

2.1 List of petition supporters:

The list includes the petition supporters, their full names, national identification cards numbers and address. The list of petition supporters must be signed by at least 25,000 people. This figure represents only 0.17% of the electorate, which is lower than in many countries, including Switzerland, which requires 100,000 signatures, Germany, with 50,000 signatures, Italy, 500,000 thousand, etc.

2.2. The committee introducing the petition:

It is made up of at least 9 members, chosen by the petition initiators from among themselves, provided they come from at least one third of the Kingdom's regions.

The committee convenes at the request of one or more of its members to select a representative and his/her substitute. Meetings are held in accordance with the conditions provided for by the regulations in force concerning public gatherings.

The representative oversees the execution of the steps required for the presentation of the petition as a prelude to submitting it to the bureau of either house of Parliament.

The committee representative is considered the official spokesperson of the committee and the interlocutor of the speakers of both houses of Parliament. In case the representative is unable to perform his/her duties, he/she is replaced by his/her substitute.

The committee collects the signatures required.

Second: Petitioning modalities

- The representative of the committee introducing the petition may table the petition against a receipt, which is issued forthwith, or send it via e-mail to the bureau of the House of Representatives (however, petitions containing proposals or recommendations pertaining, in particular, to local governments, regional development or social affairs are to be submitted or sent to the bureau of the House of Counsellors by the representative of the committee introducing the petition);
- The bureau of the House concerned makes sure the petition submitted or received meets the requirements stipulated in this organic law;
- The bureau of the House concerned decides on the petition submitted or received, within sixty (60) days from the date it was tabled or received;
- The speaker of the House concerned notifies the representative of the committee introducing the petition of the decision to accept or reject the petition, within fifteen (15) days from the date the decision was made;
- The decision to reject the petition must be justified and cannot be appealed ;
- The committee introducing the petition may withdraw it at any time, provided it has not been sponsored by one or more members of the relevant parliamentary committee;

- One or more members of the relevant parliamentary committee may sponsor the petition submitted to the committee as the basis for a proposed law, , in accordance with the legislative procedure stipulated by the rules of procedure of the House concerned;
- The petition is submitted to the parliamentary committee concerned for consideration and discussion;