

I The parliamentary system of Morocco

Presentation by Mr Mohamed Rachid IDRISSI KAITOUNI, (Morocco) Marrakech Session (March 2002)

Mrs Adelina SÁ CARVALHO, President, invited Mr Mohamed Rachid IDRISSI KAITOUNI, Secretary General of the House of Representatives of Morocco, to make his presentation on the parliamentary system of Morocco, and noted that afterwards she would invite anyone who wished to put questions to him.

Mr Mohamed Rachid IDRISSI KAITOUNI spoke as follows:

"HISTORICAL BACKGROUND

The Moroccan parliamentary is the fruit of joint claims by both the monarchy and the national movement, which believed in the virtues of the representation system, albeit with different rhythms and procedures. Indeed, the monarchy was convinced that the conquest of democracy should be conducted in phases, given Morocco's social characteristics in 1976 whereas for the political parties of the national movement driven by strong ideology, it was the radical thesis of "Democracy now" that should prevail.

Intellectual symbiosis between the monarchy and the national movement was triggered by the national cause. In 1944, consensual priority consisted in gaining independence while the debate on the content of sovereignty was a Moroccan issue that could be delayed, though the independence manifesto had already mentioned the idea of democratic regime that would guarantee the rights and duties of every one.

However, soon after independence, the monarchy and the national movement disagreed over the constitution drafting. While, after a first fruitless attempt to create a consultative council in charge of drafting a project that the King would submit for popular ratification, the monarchy decided to take care of drafting a project, the national movement was claiming the creation of a constitutive assembly. This first misunderstanding will remain a historic one as those who supported the creation of a consultative assembly will not give up this claim until the drafting of the 1996 constitution, which means that the progressist component of the national movement will not take part in any of the ulterior amendments of the constitution in Morocco.

It should be noted, however, that this latter, while voting against the constitution amendments, rejecting the form and procedure, actively participated in the local and legislative elections, except for the dark parenthesis of 1970. It is also appropriate to point out to the particularly turbulent atmosphere that prevailed during the beginning of the parliamentary system in Morocco: state of exception proclaimed in 1965, constitutional amendment of 1970 combined to a legalized state of exception, adoption of restrictive modifications to the law of public liberties in 1973. Until 1997, not a single legislature will complete its mandate without a suspension or an extension.

It was only thanks to a second nationalist impetus that a political opening will be possible with the participation of an important component of the national movement -the Istiqlal party and other

political parties in the government and the tribunitian part played by the USFP. The other major component of the national movement persisted until 1997 in its claims regarding the constitution's form (constitutive assembly) and substance (revision of the powers division). The consensus around the perfection of the territorial integrity will revive the parliamentary process between 1977 and 1992. The functioning of this latter will be considerably rationalized, giving the government wide prerogatives in the legislative procedure, whereas the opposition which was reduced in size (without USFP party) remained extremely active and the economy was crippled by constraints imposed by the structural adjustment program. However and despite the consensus around the Sahara issue, the Istiqlal party joined the opposition in 1985 and debates took a new face, culminating with the tabling of a censure motion which -though fruitless- is credited for giving a positive image in the media of the parliament's control power.

The united opposition found in the new international juncture -marked by the Berlin wall collapse, the enhancement of human rights and the emergence of the civil society - the adequate opportunity to propose major reforms to the constitution - through different memorandums they submitted to the King. The USFP party did not vote for the 1992 amendment of the constitution, despite the clear democratic breakthrough contained in it (provisions on Morocco's attachment to human rights as they are universally recognized, creation of the region as a local council, creation of a Constitutional Council, creation of parliamentary fact-finding commissions, Government appointment on the prime minister's proposal, defined deadline for law promulgation, parliament maintaining during the state of exception...). In this context, the 1993 legislative elections in which the national movement scored an important result, but no majority owing to the indirect universal suffrage, drove the King to propose at the opening of the parliamentary session that they participate in government, in national construction and in the country's development. Furthermore, this period was considerably different from the dark years, as the rights and liberties were reconsidered through the preparatory work of the human rights Consultative Council, the creation of a human rights ministry, ratification of international human rights conventions (related to the protection of women, children, banning torture...). But, it was only three years later, as the constitution was amended in 1996, that the entire national movement adhered to the new constitutional project, leading once again the King to ask them -although they did not obtain the majority of votes- to participate in forming a government alongside other live forces of the nation in what was called consensual alternation, with the appointment of a socialist prime minister as head of the government. This alternation was also based on the coalition formed around the election of a socialist speaker of the first chamber, opening the way to the constitution of the present government.

It should be underscored that the only constitution that was not rejected by the USFP party was the 1996 one whose major innovation was the institution of a bi-cameral parliament. In this regard, it is appropriate beforehand to see how the bicameral parliament is organized and operates (I -Bicameralism, an instrument of the parliamentary system), how it can be a legal and technical answer to a purely political issue of representation and power sharing (II -bicameralism, as a tension regulator) and, finally how despite its opponents and the misunderstandings it triggers in the political class and the public opinion, it can have significant legitimacy in the perspective of a large regional autonomy (III-bicameralism, a new form of governing).

1- BICAMERALISM, AN INSTRUMENT OF THE PARLIAMENTARY SYSTEM.

In order to give a view of the new bicameral parliament operation rules, it is appropriate to explain its organization and prerogatives.

1- ELECTION

The parliament comprises two chambers that are mandated by the nation.

The 325 members of the House of Representatives are elected for a five- year term at direct universal suffrage. The chamber of advisors members are elected for a nine-year term at indirect universal suffrage : three fifths of its members are elected at each region by an electoral college composed of representatives of local councils while the remaining two fifths are elected in each region by electoral colleges composed of elected members of professional chambers and members elected at the national scale by an electoral college composed of wage -earners representatives.

The parliament holds two sessions. The constitution stipulates that an extraordinary session might be convened at the request of the absolute majority of one of the chambers or at the request of the government. Sessions are public and each chamber drafts its own statutes whose constitutionality is systematically controlled by the Constitutional Council.

The speaker of the House of Representatives is elected at the legislature opening and in the April session of the legislature's third year. The speaker of the chamber of advisors is elected at the opening of October's session and each time the chamber is renewed.

2- THE BUREAU

Being the administrative and political organ of the parliament, the bureau can be considered as the "executive" body of the chambers. The House of Representatives' bureau members are elected according to the proportional representation of groups for one year and a half and those of the chamber of Advisors bureau every three years, after each renewal. Each chamber has a bureau composed of "vice speakers in charge of assisting and replacing the speaker, questors in charge of handling internal administrative affairs and secretaries who control votes and write minutes". The electoral system allows a representation of all political parties, and mainly those of the opposition parties (MP, MDS, UC, PND...).

3- THE COMMISSIONS

The effort to reduce the number of commissions is worth mentioning. From 12 commissions before 1997, there are only six left of them now. Meanwhile, the number of each commission members was increased. In accordance with the statutes, commission members are elected by proportional

representation of groups, which is an electoral technique that allows the representation of elected members from the opposition in each chamber.

Ministers are entitled to attend the commissions meetings and may be assisted by commissioners chosen by them.

The names of commissions differ from one chamber to another, which does not contribute to the harmony of parliamentary work and does not facilitate it.

Is it still appropriate to hold behind-closed doors meetings while the major debates take place in the commissions' meetings? Aren't the commissions the host of the work of policy technicians and shouldn't they be made accessible to the public in order to convey a different image from that of plenary-ratification sessions? An exception may be accepted particularly for the foreign affairs and defence commission.

4- PARLIAMENTARY GROUPS

Like the bureau and the commissions, parliamentary groups play an important part in organizing the chambers' work. The groups are only mentioned in the constitution when speaking about the election of certain bodies. They are regulated by the statutes of each chamber. Two conditions are set for the creation of a parliamentary group, a minimum of 12 elected members and referring the list of members to the House speaker as soon as he is elected. This latter condition does not imply any legal or other appreciation by the speaker.

The number required to form a group does not enjoy consensus. For most of the groups' officials, the required number is too low and contributes to worsening the scattering of political forces by pointing their sometimes-artificial nature. There is a largely shared wish to have the required number increased in order to reduce the number of groups and obtain a more coherent political basis. Only the PPS group which was the smallest group before allying with the PSD argues that increasing it will be meaningless unless the voting system is changed into the proportional representation, upholding that the uninominal majority ballot harms its representation. It is true that a higher number of elected members might have an impact on the number of groups and a positive impact on alliance and merger attempts.

It would be useful to say something about what is called parliamentary nomadism. The head of state had himself in a speech delivered at the opening of the parliamentary session of October 1998 asked the elected members to abstain from changing their initial group and the Chamber of Advisors members even referred to the Constitutional council a request that group members be compelled to stay in the same group after the assembly's internal bodies have been elected. This request was turned down by the Council in the name of the freedom of the nation's representatives. Almost all elected members defend their right to change their group and their freedom of action and put forward several arguments (since 1962, the ballot is uninominal and, henceforth, personal and it transcends the belonging to a political party, the political landscape where political parties with similar programs operate scissions and mergers encourage nomadism, elected members from the rightist parties who are not accustomed to the opposition culture are ill

at ease in the opposition ...etc). Thus, some groups became catch-all groups while others are to be avoided-groups.

II- PREROGATIVES

They concern all fields of law-making and controlling the government's action.

1- LAW-MAKING

As in all parliamentary regimes, the laws initiative is held concurrently by the Prime minister and the Parliament members. Therefore, in this regard, no chamber is favored over the other.

The right to amend laws also belongs to both the government and the parliament but law-making initiatives are, under the constitution, subjected to the principles of the parliamentary system: the law projects are turned down when they do not fall within the scope of law, when they have a financial incidence or when they fail to be adopted by a commission.

The House of Representatives has the last word if the joint commission where the two chambers are equally represented fails to agree on a joint text or if the text submitted by the commission was rejected by the chambers.

The agenda is set by the bureau and comprises in priority drafts proposed by the government and those adopted by the government. The bureau also sets the complementary agenda and includes any draft law or any other issue which has been examined by a commission when the chairman of a standing commission or a group requests it (art. 198 of the House of Representatives statute, art. 221 of the Chamber of Advisors statute).

The 1997-2002 legislature was prolific: 153 laws were adopted, including 133 projects and 17 proposals, 15 draft laws and 45 proposals are pending. Several adopted texts relate to social issues (retirement pension, social security, micro-finance...) and others deal with jurisdictions (trade courts, re-organization of administrative courts). A large number of texts are close to being adopted and have substantial social and political implications (the laws on the press, associations, political parties, elections, the communal chart, generalized medical coverage, labor code).

2- GOVERNMENT CONTROL

This is conducted through the questions, the fact-finding commissions and the government's responsibility.

3- QUESTIONS

"At least one session a week shall be allocated in priority to the questions of the Chamber of Representatives members and to the government answers" (art. 56, 2nd Constitution of 7th October 1996). In a bid to rationalize the parliament work and to organize debates, the elected members included in their statutes provisions that the Constitutional Council rejected. For them, "the right to

ask questions shall be held by the heads of parliamentary groups according to the groups' proportional representation". This implies that groups that do not have 18 members shall be denied the right to table questions, benefiting the majority bodies. The Constitutional Council ruled that all elected members are first of all representatives of the nation and that they shall fully discharge their mandate, regardless of their affiliation and whether they are alone or within a group.

The present legislature has demonstrated a clear dynamism in the question sessions. An average of 850 oral questions and 650 written questions were tabled at the House of Representatives and an average of 620 oral and 480 written questions were tabled at the Chamber of Advisors. Considering the number of questions tabled, some kind of hesitation was noticed, probably due to the redundancy of questions and also that they were too general.

4- FACT-FINDING COMMISSIONS

Fact-finding commissions, consecrated in the 1992 revised constitution, endowed at last the parliament with the necessary basic tools to control the government. Before 1992, the statutes of precedent parliaments tried to introduce provisions that enable elected members to set up fact-finding and control commissions. At that time, the constitutional council repeatedly argued that the fact-finding and control commissions were not provided for in the constitution. It therefore turned down the requests for non-conformity with the constitution. However, following serious events, mainly in the baccalaureate exam leaks in 1979, the Fez events (1990) and the drugs case (1995), fact-finding commissions were set up at the request of the King.

The 1992 constitution brings a new element as it authorizes elected members who are part of the majority to set up fact-finding commissions on given events when no judiciary procedure has been started. The commissions are requested to write a report. The House of Representatives set up such a commission for the CIH case (Credit Immobilier et Hôtelier, 2000) and the Chamber of Representatives also created a fact-finding commission in the CNSS case (Caisse Nationale de Sécurité Sociale, 2001).

5- GOVERNMENT RESPONSIBILITY

The Government is accountable to the King and to the Parliament. For the parliament, its responsibility starts when it is appointed; during a general policy declaration, when a text is voted, or when the parliament decides to retreat its confidence.

- Requesting confidence at government appointment

When he is named, the Prime Minister presents before each of the chambers the broad lines of his program. While this program is debated at each chamber, it is only voted at the House of Representatives. At the Chamber of Advisors, the procedure is restricted to debates without sanction, voting or resignation. As a result, the second chamber does not grant its confidence to the newly appointed government.

- **Requesting confidence at the general policy declaration or when a text is voted**

At this stage, during legislature, only the House of Representatives can grant or retain its confidence to the government when the general policy declaration is presented or when a text is voted. If the absolute majority of the House of Representatives members retain their confidence, the government shall tender collective resignation. At this stage too, the Chamber of Advisors is not associated.

- **The censure motion**

Both the House of Representatives and the Chamber of Advisors have the capacity to sanction the government by voting a censure motion. However, two conditions need to be met; at the House of Representatives, the absolute majority is required and at the Chamber of Advisors, a consolidated majority is requested.

III- THE BICAMERAL SYSTEM, A TENSION REGULATOR

In unitarian countries, second chambers serve several purposes, such as creating a counter-balance to the first chamber, re-organizing national representation, improving law-making and enhancing governmental control. In the case of Morocco, the bicameral option is based on the authority's main concern of seeking an additional strength, a supposedly moderating, balancing and "wise" one, with the indirect suffrage promoting the "notables" conservative tendency of seeking support. This quest for a moderating force will become apparent throughout the Moroccan parliamentary system history, either in an evident and explicit way (the bicameral parliament between 1963 and 1965) or tacitly (the unicameral parliaments preceding 1996) or expressly (the current bicameral parliament);

1- THE "CLASSICAL BICAMERAL SYSTEM"

The first Moroccan parliament was based on the bicameral system; it was made up of the House of Representatives and the Chamber of Advisors.

The House of Representatives is elected at direct universal suffrage for a four-year term. It represents the entire nation.

The Chamber of Advisors is elected at indirect universal suffrage for a four-year term. Two thirds of it are elected by an electoral college composed of communal councils and one third is elected by a college composed of representatives of professional chambers and trade unions. Regulated by a modern constitution aiming at establishing a representative democracy and rationalized parliamentary system, the Moroccan bicameral system, just like what used to be the practice in foreign bicameral systems, has granted enlarged powers to the House of Representatives, insofar as the Chamber of Advisors was not entitled to give confidence to or retreat it from the government, in the same way that it was not submitted to dissolution procedures.

This brief legislature ended up in a failure after twenty months. Many factors such as the weak government majority, the power of the opposition, splits, various stakes and general discontent, combined with the lack of experience in democracy practice made this young experience a failure

which led, after the Casablanca events, to proclaiming the state of exception which lasted from 1965 to 1970 until a new fundamental law was adopted.

IV- THE "CONFUSION" BICAMERAL SYSTEM

It is necessary to distinguish between the difficult phase of the 1970 parliament and the subsequent more balanced legislatures.

1- THE "TOUGH" PHASE

The constitution of July 30, 1970 abandoned the bicameral system and adopted the single chamber system. This constitution amendment is often described as a regressive movement, leading to the imbalance of powers and as a step backward for democracy compared to the 1962 text.

Therefore, while the parliamentary structure became single at the institutional level, it remained plural in its composition. The House of Representatives is elected for a six-year term: one third is elected at direct universal suffrage and two thirds at indirect universal suffrage by colleges representing communal councils, professional chambers and wage earners. Actually, representation that clearly and explicitly existed in the 1963 second chamber, is found in a latent and confused manner within the same structure, ending thus fears of its objections. The 1970 representation worsened the phenomenon when it only kept the one third proportion to be elected at the direct universal suffrage.

2- MORE BALANCED PHASES

Subsequent legislatures of 1977, 1984 and 1993 were governed by the constitutions revised in 1972 and 1992 which made it possible to set a better institutional balance (1972) and even allowed an opening onto and adherence to the principles and values of the rule of law (1992). Regarding the parliamentary structure, the constitution maintains the unicameral system or the "confusion bicameral system" in that it provides for a different electoral representation origin but remains more in favor of the direct universal suffrage.

Therefore, two thirds of the House of Representatives, elected for a six-year term, are elected at the direct universal suffrage, and one third is elected by a college composed of communal elected members as well as members elected by colleges composed of professional chambers elected members and wage-earners representatives.

It is relevant to indicate that the bicameral system, be it explicitly or tacitly provided for, only expresses the relationship between the direct and the indirect ballot, between the supposedly "subversive" and "conservative" polling. Consequently, since 1963, both methods are in use, whether they are split in two chambers or enclosed in a single chamber. The 1996 constitution plays "a clear game" in making an ostensible and evident return to the bicameral system, serving undoubtedly strategic goals of regionalization but also a recurrent political objective relating to the afore-mentioned one third of the House of Representatives elected at indirect ballot, which deprives the House from its entire direct popular representation. In a memorandum, the Koutlah supported the bicameral system, accepting thereby the principle which would ease the litigious one

third issue and also made proposals as to the substance for the establishment of a second chamber of reflection, moderation and consulting, especially in economic and social matters. This new experience encountered many difficulties that were behind this misunderstanding.

1- Assets of the bicameral system

The political class, from all trends, agrees that the bicameral system, instrument of the western parliamentary system widely adopted in federal states as in unitarian states, has several virtues which could help in meeting many national requirements. First, the said indirectly elected third suspected of "tampering" with the administration will disappear and the Moroccan political institutions will, at last, have a directly-elected chamber; secondly, in the new revised constitutions of 1992 and 1996 tending towards openness onto and adherence to the Rule of Law values, any concept of control and counter-power seemed to be opportune; finally, extending the representation in a second chamber to local councils, including the newly-created regions that were raised to the level of local councils in 1992, of the professional organizations and of wage-earners was an additional asset.

2- Weaknesses

It is obvious that expectations were somewhat disappointed, notably because the bicameral system was viewed as a panacea while in fact it was only an implement of the parliamentary system. The misunderstandings are due to the fact that the elected members and political observers failed to note that this was not a bicameral system but rather a "superposition" of parliaments if not two parliaments.

His Majesty did urge the elected members in his speech to the parliament to endeavor for a solution to this situation by improving the bicameral system management and harmonizing the statutes, on the basis of structural control and to revise the commissions organization.

It is worth noting that this impression of superposition and redundancy is undoubtedly linked to the powers attributed by the constitution to the second chamber. It is actually vested with the same law-making power with, however, the House of Representatives making the final decision. As far as control is concerned, the second chamber is also entitled to censor the government and also to lead to its dissolution by the King. It can equally address warning motions to the government, a sort of political and media sanction without any legal result. Although the presentation of the government program by the Prime minister does not give the opportunity to the second chamber to express its opinion by voting, it remains all the same far from the unitarian states' second chambers which are discreet, moderating and regulating and do not indulge in the feverish logic of government overthrowing and its consequences –dissolution. Would it be possible, even in political fiction, to imagine a Government being censored by the second chamber (which anyway did not give it its confidence) and resigning while it still has the first chamber confidence.

Is this concept and enhancement of the second chamber prerogatives justified by the electoral origin? The weaknesses are possibly related to the text, but they are more certainly related to men and political forces.

V- BICAMERALISM, A NEW FORM OF GOVERNING

In this context of controversies over the functioning of the 1996 bicameralism, some think of modifying or reforming it; others rule that it is useless or even that it should be cancelled (legislative slowness, superposition of parliamentary commissions, double commissions, redundancy of questions...)

At a time the issue of our territorial integrity is going through new developments, institutional questions are largely debated, especially since the advent of the new reign. The second chamber issue will inevitably resume an aura of legitimacy, a reason to be, and will participate in the achievement of a new form of governing, i.e. allocating larger prerogatives to the region, which is a more adequate frame and a consensual pattern likely to give to the perfecting of Morocco's territorial integrity a meaning both at the local and international scales.

A- THE U.N. PROPOSALS

Morocco's position in this conflict has always been characterized by its adherence to the rules of international law and to international legitimacy and legality. In this sense, the rejection of the fourth path, i.e. the shearing of the country through the partition of its Sahara, obliterates every possible political progress and stability in the region. Given the aberration of the U.N. latest proposal for the settlement of the Moroccan Sahara issue, Morocco reiterates its adherence to the autonomy of regions within the national framework, especially that it boosts an ancient decentralizing tradition. In this perspective, the third path solution will only be for our southern provinces a continuation of the management of space and relationships with the central authority; while at the internal institutional level, it will bring additional reasons for a second chamber representing local entities.

B- RESUMPTION OF THE SECOND CHAMBER LEGITIMACY

While devolving the representation of professional chambers and wage-earners to the economic and social council decreed by the 1992 amended constitution, no doubt that the constitution drafter will determine this representation modalities in accordance with mechanisms in force in comparative law; the level of prerogative sharing, the extent of tutorship, and eventually the consecration of a multi-storey and multi-level democracy, as is the practice elsewhere, called "historical autonomies".

As regards powers to be vested on the second chamber representing local autonomous authorities, it is definitely out of question to think of reducing its prerogatives, in the perspective of a larger regional autonomy. The sought autonomist and pre-federal character would then justify that large powers be vested on this chamber.

In conclusion, doesn't the history of the Moroccan parliamentary system tell a single story, that of the struggle for independence, the quest of institutional stability, the recent but irreversible conquest of human rights and the march towards economic and social development?"

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Mrs Adelina SÁ CARVALHO, President, thanked Mr Idrissi Kaitouni and invited members to put questions to him.

Mr Pierre HONTEBEYRIE (France) thanked Mr Idrissi Kaitouni for his welcome to Marrakech and put the following four questions to him about the Moroccan Constitution.

1. What the procedure was for amending committees?
2. What the information role was of standing committees in Morocco?
3. Whether the House of Representatives was the last House to decide on Bills and whether there was ever a Joint Committee to sort out difficulties?
4. Whether the House of Councillors could discuss warning motions and what that meant?

Mr Mohamed Rachid IDRISSE KAITOUNI said that the King took the initiative and asked for each constitutional amendment to be adopted by a referendum. National sovereignty was exercised by the representatives or by referendum. The King could make a proposal but the procedure which was followed was an automatic one.

Committees of inquiry worked similarly to those in France. Standing committees had a role to play in providing information. The Government expected to be called in to give information but MPs could also ask other experts to give their opinion.

Joint Committees did exist but so far had not met. It was thought possible that a Joint Committee would be convened for the first time to discuss the electoral code, because the Government had proposed a new system of voting.

Turning to warning motions, Mr Idrissi Kaitouni said that these were a novelty. The system did not lead to any sanction being imposed and had no legal basis. The Upper House issued such motions but they had no consequence. These motions in practice were never used.

He noted that the King could dissolve the Second House which was a very serious step. He thought, in summing up, that the current system could be improved by doing away with the two-fifths of that House coming from trade associations.

Mrs Adelina SÁ CARVALHO, President, called Sir Michael DAVIES to speak.

Sir Michael DAVIES (United Kingdom) thanked Mr Idrissi Kaitouni for his informative contribution and asked about the administration of Parliament and for further details about whether this administration was separate between the two Houses.

Mr Mohamed Rachid IDRISSE KAITOUNI noted that the UK delegation had just visited the Parliament which was still waiting for its new building. Both Houses had separate administrations with Mr Idrissi Kaitouni as the only element common to both Houses. Although at the present time he was Secretary General to both Houses, this was soon to change.

Mrs Adelina SÁ CARVALHO, President, called Mrs LAJOIE from the House of Commons of Canada.

Mrs Marie-Andree LAJOIE (Canada) thanked Mr Idrissi Kaitouni for his information and asked how members were able to leave their parliamentary groups.

Mr Mohamed Rachid IDRISSE KAITOUNI noted that parliamentary nomadism was particularly prevalent in Morocco. There was a strong link between a member and his constituency but MPs were in no way obliged to stay in the same party. The Constitutional Council might reject a law because it was based on a party list system. Different parties had different attitudes to admitting as members those who had not been elected under its banner.

Mr Giuseppe TROCCOLI (Italy) thanked Mr Idrissi Kaitouni. He thought that the Second Chamber in Morocco was made up in a very original way and noted that Italy was reviewing the way in which its Chamber was constituted. He was very interested in the Moroccan experience. He asked whether legislative powers entirely lay with the two Chambers or whether they were shared by regional authorities.

Mr Mohamed Rachid IDRISSE KAITOUNI said that countries around the Mediterranean region shared many problems and noted the success of the Spanish experience in creating regional authorities. This might be copied by Morocco. This might include delegating powers to regions in relation to particular types of law-making, while keeping central powers close to the Government. At present, no law could be made outside Parliament. There were some historic regions in Morocco which could form the basis of such devolution and he noted the difference in the rate of development between these regions.

Mr Horst RISSE (Germany) thanked Mr Idrissi Kaitouni for his description of the interesting developments in Morocco and asked two questions. The first one was for further details about national movement. He asked about its membership and its powers. The second question was about the bicameral system in Morocco and the tensions between the two Chambers, and problems relating to different majorities of the ruling parties in both Chambers. He asked about mediation between the two Houses.

Mr Mohamed Rachid IDRISSE KAITOUNI said that there was a system for mediating between the two Houses by way of the Joint Committee which up to now had never met. He noted that after a meeting of the Joint Committee, the House of Representatives version of any text would be the one which would be adopted because it was the House which was popularly elected.

The national movement developed in Morocco because it was a country with a long history which had for many years been under French and Spanish domination with Tangiers being an international port. The national movement was not a party as such, but was made up of several parties which struggled for Moroccan independence. Each party had its own vision for Morocco. The monarchy played a role in speeding up the achievement of independence and up until that moment many parties remained in the movement. Today the national movement had two main well established parties as its principal members.

Mr Prosper VOKOUMA (Burkina Faso) thanked Mr Idrissi Kaitouni for his presentation. He asked whether the Second Chamber was able to vote on a motion censuring the Government. How such a motion might be moved and what its effect would be.

Mr Mohamed Rachid IDRISSE KAITOUNI said that when bicameralism had been created, it had been a great concern of how political balance might be achieved. For some time, the system of Morocco had attempted to have only one House. It was possible for such a motion to be moved in the House of Councillors, but if the House of Councillors censured the Government, the Government would resign unless the House of Representatives voted to support it.

Madame Hélène PONCEAU (France) thanked Mr Idrissi Kaitouni and asked about the powers of the Questure. She asked what financial autonomy there was in the Assemblies and how far they could fix their budget. She asked who decided their budgets. She asked how the agenda of the Bureau was fixed and what the composition of the Bureau was.

Mr Mohamed Rachid IDRISSE KAITOUNI replied that the system had been copied from the French. The system of Questeurs was not very popular in Parliament. They had important management powers and could interfere in a wide range of areas. It was a system which provoked many arguments. The Questeurs did not behave as the ones in France did. He admitted that he was perhaps not too rational on the subject of Questeurs.

Mr Georges BRION (Belgium) asked what the powers and remit of the inquiry committees were.

Mr Mohamed Rachid IDRISSE KAITOUNI said that such a committee was set up by Parliament on the initiative of a parliamentary group. They could call evidence from witnesses and take expert opinion. The only limit was that there must not be legal proceedings involved in a particular case which they chose to examine.

Mr Manuel ALBA NAVARRO (Spain) thanked Mr Idrissi Kaitouni for his presentation and put two questions to him. The first was about the system of choosing a Prime Minister after an election, and the second was whether the Prime Minister was free to choose his cabinet.

Mr Mohamed Rachid IDRISSE KAITOUNI said that after the election in 1997, no party had a majority so a majority collected around a particular person which enabled him to form a Government. The King then named his Government on the nomination of the Prime Minister. The whole Government was invested with power by the House of Representatives. The President of the Council had important powers. In Morocco, the Prime Minister presided over the Government but not over the Council of Ministers.

Mr Ibrahim SALIM (Nigeria) asked two questions. First, what the reasons were for committees not sitting in public aside from reasons of security, and secondly about the ease with which people changed political party. He asked what the basis was for each of the political parties.

Mr Mohamed Rachid IDRISSE KAITOUNI said that the origin of the various political parties harked back to the creation of National Movement which was a coalition of very different groups. He noted that the Socialist Party, for example, had never admitted as a member anyone who had stood under a different party basis, but other parties were more flexible. Previously some parties had

demanded that there should be a Constituent Assembly and others had not. That was one main difference between them. There was a wide range of parties, and within this background there were people who changed parties quite freely.

He noted that private sittings sometimes left the door open to some members of the public, but also that many members disliked public scrutiny and so used the rule to sit in private.

Mr Vahit ERDEM (Turkey) asked about the audit function of the budget and how that was carried out by Parliament.

Mr Mohamed Rachid IDRISSE KAITOUNI said that voting on the Finance Bill was one of the most important elements of the parliamentary year. There was no public spending without the agreement of Parliament. Spending and income were controlled by Parliament and the Finance Bill authorised all public spending. In addition, Parliament voted for a Spending Bill which had to be verified by the Cours des Comptes. This dealt with all the spending undertaken by the Government.

Mr Anders FORSBERG (Sweden) noted that the population of Morocco was very young. He asked how young Moroccans were involved in political life.

Mr Mohamed Rachid IDRISSE KAITOUNI agreed that the population was very young. Over 26% of the population was under 20. He noted that there were many daily newspapers in the country, over 80, and all newspapers and all those involved in political life encouraged the participation of the young. Because the system in Morocco was monarchical, formerly young people who were mainly on the left, avoided political institutions. In the 1970s this had led to repression against the young and against the unions and so forth. Now, however, the King was only 28 years old and behaved in a different way from his father. He spoke about the representation of women. He was socially very conscious. The average of MPs was 43 years old. There had been much progress and over 78% of people had tertiary education. There was a wide representation of youth in Parliament. Very often children succeeded their fathers' constituency on their death. Sometimes a father and a son were both MPs at the same time or one of them was a member of the House of Councillors.

Mr Brissi Lucal GUEHI (Cote d'Ivoire) noted that the Government had a majority in the House of Representatives, but he asked if the King chose the Prime Minister from a party without consulting party leaders, what happened? He asked why the second House was vested with a power to censure the Government. He asked why bother to have a second House and wondered whether it was not too expensive?

Mr Mohamed Rachid IDRISSE KAITOUNI replied that democracy had a price. He thought it was not established that having a second House, although expensive, was a good idea because it created a diffusion of power. The second House allowed a wider range of people to be represented in Parliament. This meant that a greater sense of consensus in the country could be created and encouraged political controversy to be taken from the streets into Parliament.

He agreed, however, that the warning motions meant nothing and that they were not useful. The only useful motion was a censure motion.

The King on the basis of the electoral result chose the Prime Minister, so at present when there was no majority the King could choose his own Prime Minister with a list of Ministers. The King could dismiss a Minister at the request of the Prime Minister.

Mrs Adelina SÁ CARVALHO, President, thanked Mr Idrissi Kaitouni for his presentation and all those who had asked questions.