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CONSTITUTION of MOROCCO¹

December 14, 1962

PREAMBLE

The Kingdom of Morocco, a sovereign Muslim State, whose official language is Arabic, constitutes a part of the great Maghreb.

As an African State, moreover, it espouses the realization of African unity as one of its objectives.

Conscious of the need to inscribe its action within the framework of the international organizations of which it has become an active and dynamic member, the Kingdom of Morocco subscribes to the principles, rights and obligations arising out of the Charters of these organizations.

Similarly, the Kingdom of Morocco reaffirms its determination to work for the maintenance of peace and security in the world.

TITLE I

GENERAL PROVISIONS

Fundamental Principles

Art. 1. Morocco is a constitutional monarchy, democratic and social.

Art. 2. Sovereignty belongs to the Nation which shall exercise it directly by referendum and indirectly through the constitutional institutions.

Art. 3. Political parties shall contribute to the organization and representation of citizens. There may not be a single party in Morocco.

Art. 4. Laws shall be the supreme expression of the will of the Nation. All are obliged to submit to them. Laws may not have retroactive effect.

Art. 5. All Moroccans are equal before the law.

Art. 6. Islam is the religion of the State, which shall guarantee the free exercise of religion to all.

¹ *Projet de Constitution, Imprimerie de Fedala.* Approved by referendum of December 7, 1962. Supplied by Ministry of Foreign Affairs. Translated by the Editor.

Art. 7. The emblem of the Kingdom is the red flag with a five pointed green star in the middle.

The motto of the Kingdom is: God, the Country, the King.

Political Rights of the Citizen

Art. 8. Men and women shall enjoy equal political rights.

All citizens of both sexes who have reached their majority and who enjoy civil and political rights may vote.

Art. 9. The Constitution guarantees to all citizens:

- freedom to circulate and to settle in all parts of the Kingdom;
- freedom of opinion, of expression in all its forms, and of assembly;
- freedom of association and freedom to belong to any trade union or political organization of their choice.

No limitation in the exercise of these freedoms may be imposed except by law.

Art. 10. No one may be arrested, detained or punished except in the cases and according to the forms which the law prescribes.

The domicile is inviolable. Searches or checks may only take place in the conditions and according to the forms which the law prescribes.

Art. 11. Correspondence is secret.

Art. 12. Public duties and employments shall be open to all citizens under the same conditions.

Economic and Social Rights of the Citizen

Art. 13. All citizens have an equal right to education and to work.

Art. 14. The right to strike shall be guaranteed.

An organic law shall specify the conditions and forms according to which this right shall be exercised.

Art. 15. The right to property shall be guaranteed. The extent and exercise of this right may be limited by law if the requirements of the planned economic and social development of the nation make it necessary.

Expropriation may not take place except in the cases and according to the forms prescribed by law.

Art. 16. All citizens shall contribute to the defense of the country.

Art. 17. All, in proportion to their means, shall contribute to the public expenditure, which may be created and apportioned only by law in accordance with the forms prescribed by this Constitution.

Art. 18. All shall support with solidarity expenditures arising out of national calamities.

TITLE II

ROYALTY

Art. 19. The King, Amir Al Mouminine, symbol of the unity of the Nation, guarantor of the perpetuity and continuity of the State, shall watch over respect for Islam and for the Constitution. He shall be the protector of the rights and liberties of citizens, of social groups and of territorial units.

He shall guarantee the independence of the Nation and the territorial integrity of the Kingdom within its true frontiers.

Art. 20. The Crown of Morocco and its constitutional rights shall be hereditary and shall be transmitted to the male descendants of H. M. King Hassan II, in direct line and by order of primogeniture. When there is no male descendant in the direct line, the succession to the throne shall devolve on the nearest collateral male line under the same conditions.

Art. 21. The King shall be considered a minor until he has completed eighteen years of age. A Regency Council shall, during the minority of the King, exercise the powers and constitutional rights of the Crown.

The Regency Council shall be presided over by the King's nearest male relative in the collateral male line, who has completed 21 years of age. It shall be further composed of the President of the Supreme Court, the Dean of the Rectors of the University and the President of the Chamber of Counsellors.

The functions of member of the Regency Council shall be incompatible with any ministerial function.

The rules of procedure of the Regency Council shall be determined by an organic law.

Art. 22. The King shall have a civil list.

Art. 23. The person of the King shall be inviolable and sacred.

Art. 24. The King shall appoint the Prime Minister and the other ministers. He shall terminate their functions, either on his own initiative or by reason of their individual or collective resignation.

Art. 25. The King shall preside over the Council of Ministers.

Art. 26. The King shall promulgate the laws. He may submit them to referendum or to a second reading under the conditions prescribed in Title V.

Art. 27. The King may dissolve the Chamber of Representatives by royal decree under the conditions prescribed in Title V, Articles 77 and 79.

Art. 28. The King may address messages to Parliament and to the Nation. The contents of such messages may not be the subject of parliamentary debate.

Art. 29. The King shall exercise the regulatory power within the domains expressly reserved to him by the Constitution.

Royal decrees shall be countersigned by the Prime Minister with the exception of those provided in Articles 24, 35, 72, 77, 84, 91 and 101.

Art. 30. The King shall be the Supreme Head of the Royal Armed Forces. He shall make civil and military appointments and may delegate this right.

Art. 31. The King shall accredit Ambassadors to foreign powers and to international organizations. The Ambassadors or representatives of international organizations shall be accredited to him.

He shall sign and ratify treaties. However, treaties which imply a commitment for the finances of the State may not be ratified without the prior approval of Parliament.

Treaties which might raise questions concerning provisions of the Constitution shall be approved in accordance with the procedures prescribed for amendment of the Constitution.

Art. 32. The King shall preside over the High Council of National Promotion and the Plan.

Art. 33. The King shall preside over the High Council of the Judiciary and shall appoint judges under the conditions prescribed in Article 84.

Art. 34. The King shall exercise the right of pardon.

Art. 35. When the integrity of the national territory is threatened, or events occur which might jeopardise the functioning of the constitutional institutions, the King, after having consulted the Presidents of the two Chambers and addressed a message to the Nation, may proclaim by royal decree martial law. Having done so he shall be enabled, notwithstanding any provisions to the contrary, to take such measures as are necessary for the defense of the territorial integrity and the return to a normal functioning of the constitutional institutions.

He shall put an end to martial law in the same manner as for its proclamation.

TITLE III

PARLIAMENT

The Organization of Parliament

Art. 36. Parliament shall be composed of the Chamber of Representatives and the Chamber of Counselors.

Art. 37. Members of Parliament shall hold their office from the Nation. Their right to vote shall be personal and may not be delegated.

Art. 38. No member of Parliament may be prosecuted or sought, arrested, detained or tried as a result of the opinions or votes expressed by him in the exercise of his functions. No member of Parliament may, during sessions, be prosecuted or arrested for criminal or minor offenses

without the authorization of the Chamber of which he is a member except in *flagrante delicto*.

When Parliament is not in session, no member of Parliament may be arrested without the authorization of the Secretariat of the Chamber of which he is a member, except in *flagrante delicto*, or in case of authorized prosecution or final conviction. The detention or prosecution of a member of Parliament shall be suspended if the Chamber of which he is a member so demands.

Art. 39. Parliament shall convene in two sessions a year. The King shall preside over the opening of each session. The first session shall begin on November 18. The second session shall open on the last Friday of April.

When Parliament has been in session for at least two months in the course of each ordinary session, closure may be decreed.

Art. 40. Parliament may be convened in extraordinary session at the request of one third of the members of the Chamber of Representatives or by decree.

Extraordinary sessions of Parliament shall be held to consider a specific agenda. The session shall be closed by decree as soon as the agenda is exhausted.

Art. 41. The ministers shall have access to the two Chambers and to their commissions. They may be assisted by commissioners appointed by them.

Art. 42. The meetings of the two chambers shall be public. An *in extenso* report of the debates shall be published in the *Bulletin Officiel*. Each Chamber may sit in secret committee at the request of the Prime Minister or of one tenth of its members.

Art. 43. Each Chamber shall draw up and vote upon its rules of procedure. These may not, however, be put into force until they have been approved by the Constitutional Chamber of the Supreme Court.

Art. 44. The Members of the Chamber of Representatives shall be elected for four years by universal direct suffrage. They shall bear the name of Representatives. The number and method of election of Representatives, the conditions of eligibility and ineligibility and the offices incompatible with membership shall be determined by an organic law. The President and the members of the Secretariat shall be elected at the beginning of the November session each year. The Secretariat shall be elected according to proportional representation of groups.

Art. 45. Two thirds of the members of the Chamber of Counselors shall be elected in each prefecture and province by an electoral college composed of the members of the prefectorial and provincial Assemblies and the Communal Councils. One third of the members shall be elected by the Chambers of Agriculture, the Chambers of Commerce and Industry, the Chambers of Artisans and representatives of the trades unions. Only members of the respective electoral college, Chambers or trades unions shall be eligible as candidates therefrom.

The members of the Chamber of Counselors shall be elected for six years. One half of the Chamber shall be renewed every three years. The seats subject to the first renewal shall be drawn by lot. Members of the Chamber of Counselors shall bear the title of Counselor of the Kingdom. An organic law shall determine the number and method of election of Counselors, the conditions of eligibility and ineligibility and the offices incompatible with membership.

Art. 46. The Chamber of Counselors shall hold its sessions at the same time as the Chamber of Representatives.

The Powers of Parliament

Art. 47. All laws shall be passed by Parliament. Parliament may authorize the government, for a limited period and a particular purpose, to take by decree after deliberation in the Council of Ministers, measures which normally fall within the domain of law. Decrees shall enter into force upon publication but must be submitted to ratification by Parliament at the end of the time limit set by the enabling law. The enabling law shall become null and void if the Chamber of Representatives is dissolved.

Art. 48. In addition to those expressly provided by other articles of the Constitution, the following matters shall fall within the domain of law:

- the individual and collective rights enumerated in Title I of this Constitution;
- the fundamental principles of civil and criminal law;
- the judicial organization of the Kingdom;
- the fundamental guarantees granted to civil and military personnel employed by the State.

An organic law may complete these provisions in detail.

Art. 49. Matters other than those that fall within the domain of law shall be of a regulatory character.

Art. 50. Legislative texts issued before the promulgation of this Constitution may be modified by decree after approval by the Constitutional Chamber of the Supreme Court if they relate to the regulatory domain.

Art. 51. Parliament shall authorize the declaration of war.

Art. 52. Martial law may be declared for a period of thirty days by decree taken in the Council of Ministers. This time limit may be prolonged only by law.

Art. 53. Parliament shall pass the finance law in accordance with the conditions prescribed by an organic law.

The expenditures for the investments arising out of the application of the Plan shall be voted upon only once, at the time of the approval of the Plan by Parliament. They shall be automatically renewed for the duration of the Plan. Only the Government may file bills to amend the program which has been adopted.

If, by December 31, the Budget has not been passed, the Government shall make the funds available by decree which are needed for the public services and for the exercise of their mission as proposed in the budget bill submitted for approval.

Art. 54. Bills and amendments introduced by members of Parliament shall not be considered when their adoption would have, in relation to the finance law, either a diminution of public financial resources or the creation or increase of public expenditure.

The Functioning of Parliamentary Institutions

Art. 55. The Prime Minister and the members of Parliament alike shall have the right to initiate legislation.

Government bills shall be filed first with the Secretariat of the Chamber of Representatives.

If the Chamber of Representatives rejects a Government bill at first reading, the Government may refer it to the Chamber of Counselors.

Art. 56. The Government may declare unacceptable any Parliamentary bill or amendment which does not fall within the domain of law.

In case of disagreement, the Constitutional Chamber of the Supreme Court shall rule within a time limit of eight days at the request either of the Chamber or of the Government.

Art. 57. Bills shall be sent to commissions for examination. Their activity shall continue between sessions.

Art. 58. The Government may, between sessions and with the agreement of the commission concerned, issue decree-laws which must be submitted for ratification to the next ordinary session of Parliament.

Art. 59. The agenda of each Chamber shall be drawn up by its Secretariat. The discussion of the bills filed or agreed upon by the Government shall have priority on the agenda in the order set by the Government.

One meeting a week shall be reserved, by priority, for questions asked by members of Parliament and for answers by the Government.

Art. 60. The discussion of Government bills shall pertain, in first reading, to the text presented by the Government. A chamber, given a text passed by the other chamber, shall deliberate on the text that is transmitted to it.

Art. 61. Member of Parliament and of the Government alike shall have the right of amendment. After the opening of the debate, the Government may oppose the examination of any amendment which has not previously been submitted to the appropriate commission.

If the Government so requests, the chamber concerned shall decide, by a single vote, on all or part of the text under discussion, retaining only the amendments proposed or accepted by the Government.

Art. 62. Every Government or Parliamentary bill shall be examined

uscessively in the two chambers with a view to the adoption of an identical text.

When a Government or Parliamentary bill has not been adopted after two readings by each chamber, or if the Government has declared the matter urgent after a single reading by each of them, the bill shall again be submitted to the Chamber of Representatives which shall adopt or reject it by a two thirds majority. If the bill is passed, the text thereof shall be left to the decision of the King.

Art. 63. Organic laws shall be passed or amended under the following conditions :

A Government or Parliamentary bill shall be submitted to the deliberation and vote of the first assembly to which it is submitted, only at the expiration of a period of ten days following its introduction. The procedure of Article 62, paragraph 2 shall not be applicable.

Organic laws may be promulgated only after having been submitted to the approval of the Constitutional Chamber of the Supreme Court.

TITLE IV

THE GOVERNMENT

Art. 64. The government shall be composed of the Prime Minister and the Ministers.

Art. 65. The Government shall be responsible to the King and to the Chamber of Representatives.

After the members of the Government have been appointed by the King, the Prime Minister shall appear before the two Chambers and present the program he intends to apply.

Art. 66. The Government shall supervise the implementation of the laws. It shall have the administration at its disposal.

Art. 67. The Prime Minister shall have the right to initiate legislation. No Government bill may be filed by him with the Secretariat of the Chambers before it has been deliberated in the Council of Ministers.

Art. 68. The Prime Minister shall exercise the regulatory power except in those matters which the Constitution expressly assigns to the regulatory power of the King.

Regulatory acts of the Prime Minister shall be countersigned by the ministers responsible for their execution.

Art. 69. The Prime Minister may delegate certain powers to the ministers.

TITLE V

RELATIONS BETWEEN THE POWERS

Relations between the King and Parliament

Art. 70. When a Parliamentary bill is submitted for signature, the King may ask Parliament for a second reading.

Art. 71. The request for a second reading shall be formulated in a message countersigned by the Prime Minister.

Art. 72. The King, by royal decree, may submit any bill to approval by referendum.

Art. 73. A government bill, however, may be submitted to referendum only after consideration by the Chambers.

Art. 74. The results of a referendum shall be binding on all.

Art. 75. When the people have approved by referendum a government bill that has been rejected by Parliament, the Chamber of Representatives shall be dissolved.

Art. 76. No bill which modifies the Constitution may be promulgated before it has been approved by referendum.

Art. 77. The King, after consultation with the President of the Constitutional Chamber and following a message addressed to the Nation, may dissolve the Chamber of Representatives by royal decree.

Art. 78. The election of a new Chamber of Representatives shall take place at least twenty days and at most forty days following the dissolution.

Art. 79. When there has been dissolution of the Chamber of Representatives, the new Chamber may not be dissolved less than one year after its election.

Relations between Parliament and the Government

Art. 80. The Prime Minister after deliberation by the Council of Ministers, may pledge the responsibility of the Government to the Chamber of Representatives with regard to a declaration of general policy or with regard to a vote on the text of a bill.

A vote of confidence may be refused or a text of a bill rejected only by an absolute majority of the members of the Chamber of Representatives.

The vote may only take place three full days after the question of confidence has been filed.

Refusal of a vote of confidence shall result in the collective resignation of the Government.

Art. 81. The Chamber of Representatives may question the responsibility of the Government by the vote of a motion of censure. Such a motion shall be admissible only if it is signed by at least one tenth of the members of the Chamber.

The motion of censure shall be adopted by the Chamber of Representatives only by an absolute majority of its members. The vote may only take place three full days after the motion has been filed.

The adoption of a motion of censure shall result in the collective resignation of the Government.

Should the motion of censure of the Government be adopted by the Chamber no other motion of censure shall be admissible until one year has elapsed.

TITLE VI

JUSTICE

Art. 82. The judicial authority shall be independent of the legislative and executive powers.

Art. 83. Judgment shall be rendered and implemented in the name of the King.

Art. 84. Magistrates shall be appointed by royal decree upon the proposal of the High Council of the Judiciary.

Art. 85. Magistrates may not be removed from office.

Art. 86. The High Council of the Judiciary shall be presided over by the King. It shall be composed, among others, of:

- the Minister of Justice, vice-president;
- the First President of the Supreme Court;
- the Attorney General at the Supreme Court;
- the President of the First Chamber of the Supreme Court;
- two representatives elected by the judges of the Courts of Appeal from among their number;
- two representatives elected by the judges of the regional tribunals from among their number;
- two representatives elected by the judges of the Sadad from among their number.

Art. 87. The High Council of the Judiciary shall supervise the application of the guarantees granted to magistrates with respect to their advancement and their discipline.

TITLE VII

THE HIGH COURT OF JUSTICE

Art. 88. The members of the Government shall be criminally liable for crimes and misdemeanors committed in the exercise of their functions.

Art. 89. They may be indicted by the Chamber of Representatives and committed for trial before the High Court of Justice.

Art. 90. The Chamber of Representatives shall rule by secret ballot and a two thirds majority of its members, exception being made of the members called upon to participate in the prosecution, investigation or judgment.

Art. 91. The High Court of Justice shall be composed of members of Parliament elected in equal number by the two Chambers. Its President shall be appointed by royal decree.

Art. 92. An organic law shall determine the number of members of the High Court of Justice, the method of their election, and the procedure to be followed before it.

TITLE VIII

THE TERRITORIAL UNITS

Art. 93. The territorial units of the Kingdom are the prefectures, the provinces and the communes. They shall be created by law.

Art. 94. They shall elect assemblies to administer democratically their affairs under the conditions stipulated by law.

Art. 95. In the prefectures and provinces, the Governors shall execute the decisions of the prefectorial and provincial assemblies. They shall, furthermore, co-ordinate the activities of the administrations and supervise the implementation of the laws.

TITLE IX

THE HIGH COUNCIL OF NATIONAL
PROMOTION AND THE PLAN

Art. 96. There shall be instituted a High Council of National Promotion and the Plan.

Art. 97. The High Council of National Promotion and the Plan shall be presided over by the King. An organic law shall determine its composition.

Art. 98. The High Council of National Promotion and the Plan shall

draw up the draft Plan and shall determine the amount of expenditure therefor.

Art. 99. The draft Plan shall be submitted to Parliament for approval after it has been adopted by the Council of Ministers.

TITLE X

THE CONSTITUTIONAL CHAMBER OF THE SUPREME COURT

Art. 100. A Constitutional Chamber shall be instituted within the Supreme Court.

This Chamber shall be presided over by the First President of the Supreme Court.

Art. 101. It shall include, among others:

– a judge of the Administrative Chamber of the Supreme Court and a professor of the Faculty of Law, appointed by royal decree for a term of six years;

– two members appointed respectively by the President of the Chamber of Representatives and the President of the Chamber of Councillors at the beginning of each legislature or after each partial election.

Art. 102. An organic law shall determine the rules of organization and procedure of the Constitutional Chamber.

Art. 103. The Constitutional Chamber shall exercise the attributes devolving from the articles of the Constitution.

It shall, moreover, rule upon the elections of the members of Parliament and the operations of referenda.

TITLE XI

AMENDMENT OF THE CONSTITUTION

Art. 104. The Prime Minister and Parliament alike shall have the right to initiate amendment of the Constitution.

Art. 105. The proposed amendment shall be drawn up in the Council of Ministers and must be deliberated by both Chambers.

Art. 106. The proposed amendment must be adopted in each Chamber by an absolute majority of its members.

Art. 107. An amendment shall become definitive after it has been submitted to referendum.

Art. 108. The monarchic form of the State as well as the provisions relating to the Moslem religion may not form the subject of a constitutional amendment.

TITLE XII

TRANSITIONAL PROVISIONS

Art. 109. Parliament must be instituted within a time limit of five to ten months from the date of promulgation of this Constitution. The time limit for the setting up of the other institutions provided by the Constitution shall be one year.

Art. 110. Until the installation of Parliament, the legislative and regulatory measures necessary to the setting up of the constitutional institutions and for the functioning of the public authorities shall be taken by His Majesty the King.