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KINGDOM OF MOROCCO

CONSTITUTION

1970



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P R E F A C E

Morocco is a sovereign Islamic state, with Arabic as its official language, and forms part of the Greater Maghreb.

In its position as an African nation, Morocco has adopted, among other objectives, the achievement of African unity.

Realizing the need for action within the framework of the international organisations, the Moroccan Kingdom, which has already become an active member of these organizations, pledges adherence to the principles, rights and obligations embodied in their Charters.

It also affirms its determination to continue to act to maintain world peace and security.

CHAPTER ONE

GENERAL PROVISIONS

Basic Principles

ARTICLE 1

The system of government is royalist, constitutional, democratic and social.

ARTICLE 2

The people possess the sovereignty, which they practise directly through referendum and indirectly through the constitutional establishments.

ARTICLE 3

The political parties, unions, rural councils and the professional chambers will participate in the organisation of the State, and will represent the people.

ARTICLE 4

The law is the supreme expression of the people's will. All must submit to it. The law shall have no retrospective effect.

ARTICLE 5

All Moroccans are equal before the law.

ARTICLE 6

Islam is the religion of the State. The State guarantees the individual's freedom to religious worship.

ARTICLE 7

The State's flag is red with a five-pointed star in its centre.

The State's emblem is "God, Country, King".

The Citizens' Political Rights

ARTICLE 8

Men and women enjoy equal political rights. Every citizen, male or female, has the right to vote, provided he is of age, and has not been deprived of his/her civil or political rights.

ARTICLE 9

The Constitution guarantees to all citizens:

—Freedom of movement and settlement in any part of the Kingdom,

—Freedom to establish associations, and freedom to join any trade union or political organisation, of his own choice.

—No restrictions shall be imposed on such freedom other than by law.

ARTICLE 10

No one shall be arrested, detained or punished otherwise than as prescribed under the law and in accordance with its provisions.

The home shall be inviolable. There shall be no search or investigation without due process of the law.

ARTICLE 11

The secrecy of mail shall not be violated.

ARTICLE 12

All citizens are eligible to hold civil and public posts. They shall have equal rights subject to the terms and conditions laid down as qualifications for such posts.

The Citizens' Economic and Social Rights

ARTICLE 13

All citizens shall enjoy the right to education and employment.

ARTICLE 14

The right to strike is guaranteed under the law which shall lay down the conditions and procedures for practising this right.

ARTICLE 15

The right to ownership is guaranteed.

The use and extent of this right may be restricted by law, should the need for it arise in the economic and social planning and development of the country.

Expropriation of property shall not be permitted, otherwise than under such circumstances as are prescribed by law, and in accordance with its provisions.

ARTICLE 16

Citizens are liable to military service in the defence of the country.

ARTICLE 17

Every citizen is liable to taxation, according to his capacity, to meet public expenditure which shall be determined under law, and allocated in accordance with the procedures detailed in this Constitution.

ARTICLE 18

All citizens shall bear collectively the expenditure required to meet disasters that befall the country.

CHAPTER TWO

The Royalty

ARTICLE 19

The King is the Commander of the Faithful, the Supreme Representative of the nation, the symbol of its Unity and the Guarantor of its existence and continuity. He is the Defender of the Faith and the Guardian of respect for the Constitution. The King has the responsibility for safeguarding the Rights and the Liberties of the citizens, communities and organizations.

The King is the Guarantor of the independence of the Realm and the territorial integrity of the Kingdom.

ARTICLE 20

The Throne and its constitutional prerogatives shall be inherited by the eldest son of H.M. King Hassan II, then by his eldest son, and so forth, except when the King during his lifetime, appoints a successor other than his eldest son. If the King is childless, the Throne shall pass over to his nearest male next-of-kin, and thereafter to his son, in accordance with the conditions stated earlier.

ARTICLE 21

The King shall not be considered to have come of age until he completes his eighteenth year. Until he comes

of age, a Trusteeship Council shall exercise the jurisdiction of the Throne, and its constitutional prerogatives, except the power to revise the Constitution. The Council shall act as a Consultative Body until the King becomes twenty-two years of age.

The King's eldest male next-of-kin shall be the President of the Council, provided he has completed his twenty-first year. In addition to the President, the Council shall consist of the First President of the Supreme Court, the Speaker of the House of Representatives, and seven persons to be appointed by the King by his own will.

An administrative law shall define the procedures of the Council.

ARTICLE 22

The King shall be entitled to a Civil List.

ARTICLE 23

The King's person is sacred and inviolable.

ARTICLE 24

The King shall appoint the Prime Minister, and other Ministers, and may relieve them of their portfolios at his own instance or if they resign.

ARTICLE 25

The King shall preside at the Council of Ministers.

ARTICLE 26

The King shall ensure the implementation of the law. He has the right to conduct a referendum, or request a new reading in accordance with the terms prescribed in Chapter Five.

ARTICLE 27

The King has the right to dissolve the House of Representatives by decree, in accordance with the conditions laid down in article 69 and 71 of Chapter Five.

ARTICLE 28

The King has the right to address the House of Representatives and the Nation. The content of his address shall be above comment.

ARTICLE 29

The King shall exercise administrative authority. Royal Decrees shall define the spheres in which such authority can be delegated to the Prime Minister.

Royal Decrees may be signed upon the recommendation of the Prime Minister, except the Decrees specified in this article, and in articles 21, 24, 35, 66, 69, 77, 84 and 94.

ARTICLE 30

The King shall be the Commander - in - Chief of the

Royal Armed Forces. He has the right to appoint personnel to civil and military posts. He may also authorize other persons to exercise this right.

ARTICLE 31

The King shall appoint Ambassadors to other Nations and to International Organizations. The Ambassadors or Representatives of International Organizations shall be accredited to him.

The King shall sign and ratify Treaties. However, he shall not sign any Treaties which involve the State in financial expenditure without the prior approval of the House of Representatives.

Such Treaties, as are inconsistent with the provisions of the Constitution, shall be signed after following the procedure concerning their revision.

ARTICLE 32

The King shall be the President of the Higher Council for National Promotion and Planning.

ARTICLE 33

The King shall preside over the Judicial Higher Council and shall appoint the judges in accordance with article 77. He shall also preside over the Educational Higher Council.

ARTICLE 34

The King shall exercise the Right of Amnesty.

ARTICLE 35

If the territorial integrity of the country is threatened, or if developments take place which interfere with the constitutional working of the establishments, the King may declare by Decree a State of Emergency (State of Exception) after consulting with the Speaker and addressing the Nation. In consequence thereof he shall have the power, notwithstanding any other contradictory provisions, to adopt such measures as may be needed for the defence of the territorial integrity of the Kingdom, or the return to constitutional establishments, and to the conduct of the normal affairs of the State.

The State of Emergency shall be terminated by following the procedure of its promulgation.

CHAPTER THREE

The House of Representatives Organization of the House of Representatives

ARTICLE 36

The members of the House of Representatives shall be elected by the Nation. The right to vote is personal and not negotiable.

ARTICLE 37

No member of the House shall be prosecuted, arrested, persecuted, detained and/or put on trial, on account of expressing his views, or vote, while carrying out his responsibilities, unless such expressed views criticise the royalist system, Islam, and/or are such as to undermine the respect due to the King.

During the sessions, no Representative shall be prosecuted and/or arrested on any criminal charge or for any misdemeanour, except in the case mentioned in the first para of this Article, except by the authority of the House, and/or when he is caught in the act of committing such crime or misdemeanour.

Without the authority of the Secretariat of the House, no member shall be arrested during the recess periods, unless he is caught in the act of committing the crime, and/or is the subject of an authorized legal action, and/or is the subject of a final sentence.

The detention and trial of any member of the House shall end upon a request by the House, unless he was caught in the act of committing the crime, was the subject of an authorized legal action, and/or of a final sentence.

ARTICLE 38

The House of Representatives shall hold two sessions in a year.

The King shall preside at the meeting which convenes on the second Friday in October. The second session shall convene on the second Friday in April.

If the meetings of the House continue for more than two months the session may be terminated by Decree.

ARTICLE 39

The House of Representatives may be called to an extraordinary session either by an absolute majority of the House or by Decree.

An extraordinary session may be convened for discussing a specified agenda. When discussion of all items on this agenda is completed the session may be terminated by Decree.

ARTICLE 40

The Ministers are entitled to attend the meetings of the House and its various Committees. They may seek the assistance of appointed delegates.

ARTICLE 41

The meetings of the House of Representatives shall be held in public. The minutes of the discussions shall be published in full in the official Gazette. The House may hold closed meeting at the request of the Prime Minister or of one-third of its members.

ARTICLE 42

The House of Representatives shall make its own rules and regulations. These shall be approved by vote. These cannot, however, come into force until the Constitutional Committee of the Supreme Court certifies that they are consistent with the provisions of the Constitution.

ARTICLE 43

The representatives shall be elected for six years. They will be called Representatives.

The House of Representatives shall consist of:

Members elected through direct general election, members elected by constituencies formed by counsellors of municipal and rural councils, members elected by constituencies which include elected members of chambers

of professions, and wage-earners representatives. An administrative law shall describe the representatives of each category, the method of their election, and the conditions for their eligibility or otherwise.

The Speaker, and the officers of the House, shall be elected every year, at the commencement of the October session. The officers shall be elected in proportion to the Parliamentary groups.

Powers of the House of Representatives

ARTICLE 44

The House shall legislate by voting. The House may authorize the Government, for a limited period, and for specified objectives, to issue decrees having the force of law, which have been approved by the Council of Ministers and are not contrary to the law. Such decrees shall become operative immediately on promulgation. They shall however be presented to the House for approval, on the expiry of the specified period for which they were promulgated. The authorization shall be cancelled automatically should the House be dissolved.

ARTICLE 45

The legislature may pass laws on the following subjects, under this article, in addition to the other relevant articles of the Constitution.

—Individual and collective rights mentioned in Chapter One of this Constitution.

—Basic principles of the Criminal and Civil Codes.

—Creation of new Courts.

—Basic guarantees given to the Civil and Military personnel of the Government. An administrative law may clarify and complete these rights.

ARTICLE 46

Items, which do not fall within the purview of the law, shall be considered to fall within the competence of administrative Statutes.

ARTICLE 47

The text of a bill may be changed by Royal Decree after obtaining the endorsement of the Constitutional Chamber of the Supreme Court if the contents of the text are within the powers of the decreeing authority.

ARTICLE 48

Martial Law may be declared for thirty days by Royal Decree approved by the Council of Ministers. The duration of the Martial Law cannot be extended except by law.

ARTICLE 49

The Financial Code shall be passed by the House of Representatives by voting in accordance with the conditions prescribed under the administrative statute.

The financial allocations required for the implementation of the Development Plan shall be approved by the House at the same time as it approves the Plan. This approval shall be valid throughout the duration of the Plan. The Government alone has the right to put forward draft legislation aimed at amending the Plan.

If the Budget is not approved by December 31, the Government shall make available the credits needed for the operation of the public services and discharging its duties on the basis of the allocations made in the draft budget awaiting approval.

ARTICLE 50

Proposals and amendments made by the members of the House shall be rejected if their adoption would lead to a reduction in the State's revenue and imposition of a new tax, and/or an increase in any existing levy.

The Exercise of Powers

ARTICLE 51

The Prime Minister and the members of the House of Representatives shall enjoy the right of introducing draft legislation.

ARTICLE 52

The Government may reject any proposal, or amendment, which is outside the purview of the law.

In the event of a dispute, the Constitutional Chamber of the Supreme Court shall settle the dispute within eight days at the request of either the Government or the House.

ARTICLE 53

The drafts of bills and proposals shall be referred to Committees which shall continue to work during the recess periods.

ARTICLE 54

The Government may during the recess periods, and in agreement with the Committees concerned, issue draft bills which must be presented to the House for approval during its next session.

ARTICLE 55

The Secretariat of the House shall prepare the Agenda. The Agenda shall contain, in accordance with a system of priorities and the order defined by the Government, the draft bills presented by the Government and proposals for legislation acceptable to it.

According to the priorities, one meeting per week shall be fixed for questions by the members, and for Government's replies.

ARTICLE 56

The members of the House, and the Government, shall have the right to present amendments. The Government, after the commencement of the discussion, may oppose the discussion of any amendment which was not presented earlier to the Committee concerned.

The House shall decide by a single vote the text under discussion, or a part thereof, if the Government makes a request to this effect. This concerns the amendments suggested by, and/or accepted by, the Government.

ARTICLE 57

The administrative statutes shall be adopted or amended in accordance with the following conditions:

No draft bill, or proposal, shall be presented for discussion, and eventual vote, before the expiry of ten days from the date of its filing.

No orders for implementation of the administrative statutes shall be issued before being approved by the Constitutional Committee of the Supreme Court.

CHAPTER FOUR

The Government

ARTICLE 58

The Government shall comprise the Prime Minister and the Ministers.

ARTICLE 59

The Government shall be answerable to the King and the House of Representatives.

The Prime Minister, after the appointment of the Government by the King, shall in person present to the House the programme he intends to execute.

ARTICLE 60

The Government shall be responsible for adherence to the law. The Administration shall be responsible to the Government.

ARTICLE 61

The Prime Minister has the right to introduce draft bills. He may not introduce a draft bill in the House before it has been discussed by the Council of Ministers.

ARTICLE 62

The administrative measures initiated by the Prime Minister, within the authority prescribed in article 29, will be with the concurrence of the Minister who will be charged with their implementation.

ARTICLE 63

The Prime Minister shall coordinate ministerial activities.

CHAPTER FIVE

The Relations Between the Various Authorities The Relations Between the King and the House of Representatives

ARTICLE 64

The King has the right to ask the House for a second reading of any bill submitted to him for signature.

ARTICLE 65

The second reading shall be proposed by the King,

ARTICLE 66

The King may ask the nation, by Decree, to vote on a draft bill, or proposal, in a referendum.

ARTICLE 67

The results of such a referendum shall be binding on all.

ARTICLE 68

Should the people through a referendum approve a draft bill rejected by the House, the House shall be dissolved.

ARTICLE 69

The King shall have the right to dissolve the House by Royal Decree after consulting the President of the Constitutional Chamber and addressing the Nation.

ARTICLE 70

A new House of Representatives shall be elected within three months, at the maximum, from the date of dissolution of the last.

In order to avoid a vacuum during the intervening period, the King shall wield, besides the powers granted to him under the Constitution, the powers of the House.

ARTICLE 71

In the event of a House of Representatives being dissolved, the succeeding House cannot be dissolved until after a year of its election.

ARTICLE 72

War will be declared after notifying the House.

Relations Between the House of Representatives and the Government

ARTICLE 73

After consultations with the Government, the Prime Minister may ask the House for a vote of confidence regarding a policy statement made by him, or a draft bill presented for the approval of the House.

The confidence in the Government cannot be withdrawn except by a absolute majority vote against the Government.

The voting on a No-Confidence motion cannot take place before three days from the date of the request for the No-Confidence motion.

A vote of No-Confidence shall inevitably lead to the collective resignation of the Government.

ARTICLE 74

The House may object to the Government's mal-discharge of its responsibilities by approving a vote of Censure. The request for a Censure shall not be accepted unless signed by at least one-quarter of the members of the House.

The Censure must be approved by an absolute majority of the House. The voting on the Censure motion shall

not take place before three days from the date of the request for Censure.

Approval of the motion for Censure shall lead to the collective resignation of the Government.

Should the House approve a motion for Censure it may not pass another motion for Censure for one year.

CHAPTER SIX

The Judiciary

ARTICLE 75

The Judiciary is independent of the Legislature and the Executive.

ARTICLE 76

Judgements shall be pronounced and executed in the name of the King.

ARTICLE 77

The judges shall be appointed by a Royal Decree on the recommendation of the Judicial Higher Council.

ARTICLE 78

The judges shall not be dismissed or transferred except in accordance with the law.

ARTICLE 79

The King shall assume the Presidentship of the Judicial Higher Council. Besides the President the Council shall comprise:

—The Minister of Justice - Vice President.

—The First President of the Supreme Court.

—The King's Attorney General in the Supreme Court.

—The Chairman of the first chamber of the Supreme Court.

—Two judges elected by the judges of the Court of Appeal.

—Two judges elected by the judges of the regional Courts.

—Two judges elected by judges of Courts of Primary Jurisdiction.

ARTICLE 80

The Judicial Higher Council shall supervise the implementation of guarantees given to the judges concerning conditions of service and discipline.

CHAPTER SEVEN

The Special Court

ARTICLE 81

The members of the Government shall be answerable for any crime or misdemeanour which they may commit during the discharge of their responsibilities.

ARTICLE 82

In case the House makes a charge against a member of the Government, it will be referred to a Special Court.

ARTICLE 83

The question of referring the charges to the Special Court shall be settled by the House by a two-third majority of the members voting by secret ballot excluding those members who may be entrusted with the investigation, prosecution and pronouncing of sentence.

ARTICLE 84

The Special Court shall comprise members elected by the House. The Court's President shall be appointed by Royal Decree.

ARTICLE 85

An administrative law shall fix the number of the members of the Special Court, the method of their election and the procedures to be followed.

CHAPTER EIGHT

The Local Communities

ARTICLE 86

The Kingdom's local communities are the provinces, districts and communes, as well as any other communities which may be established by law.

ARTICLE 87

The local communities shall elect councils democratically for the conduct of their affairs in accordance with provisions defined by law.

ARTICLE 88

The Governors of the Provinces and Districts shall implement the resolutions of the Provincial and District Councils, coordinate the activities of the administration and supervise the application of the law.

CHAPTER NINE

The Higher Council for National Promotion and Planning

ARTICLE 89

A Higher Council for National Promotion and Planning shall be established.

ARTICLE 90

The King shall preside over the Higher Council for National Promotion and Planning. An administrative law shall define the constitution of this Council.

ARTICLE 91

The draft development plan shall be referred to the Higher Council for National Promotion and Planning for study and consideration.

ARTICLE 92

The draft development plan shall be presented to the House of Representatives for acceptance after its adoption by the Council of Ministers.

CHAPTER TEN

The Constitutional Chamber of the Supreme Court

ARTICLE 93

A Constitutional Chamber shall be formed within the Supreme Court.

The chamber shall be presided over by the First President of the Supreme Court.

ARTICLE 94

The Constitutional Chamber shall include in addition to the President, a judge from the administrative department of the Supreme Court, a professor of law from the Faculty of Law; both appointed by Royal Decree for a six-years term; and a member appointed by the Speaker of the House, at the beginning of the term of the House.

ARTICLE 95

An administrative law shall define the basis for organizing the Constitutional Chamber and its procedure.

ARTICLE 96

The Constitutional Chamber shall undertake such responsibilities as are delegated to it under the Constitution. It will decide also on the validity of the elections of the Representatives and the referendum.

CHAPTER ELEVEN

Revision of the Constitution

ARTICLE 97

The King shall have the right to take the initiative to revise the Constitution.

ARTICLE 98

The House of Representatives may suggest to the King the revision of the Constitution if two-thirds of its members agree to make the suggestion.

ARTICLE 99

The revision of the Constitution shall become final when approved in a referendum.

ARTICLE 100

The Royalist system, and provisions relating to Islam, shall not be subject to revision.

CHAPTER TWELVE

Transitional Provisions

ARTICLE 101

Until the investiture of the House of Representatives, the King shall carry out the necessary legislative and administrative functions for maintaining the constitutional establishments, operation of the public authorities and the conduct of the affairs of the State.