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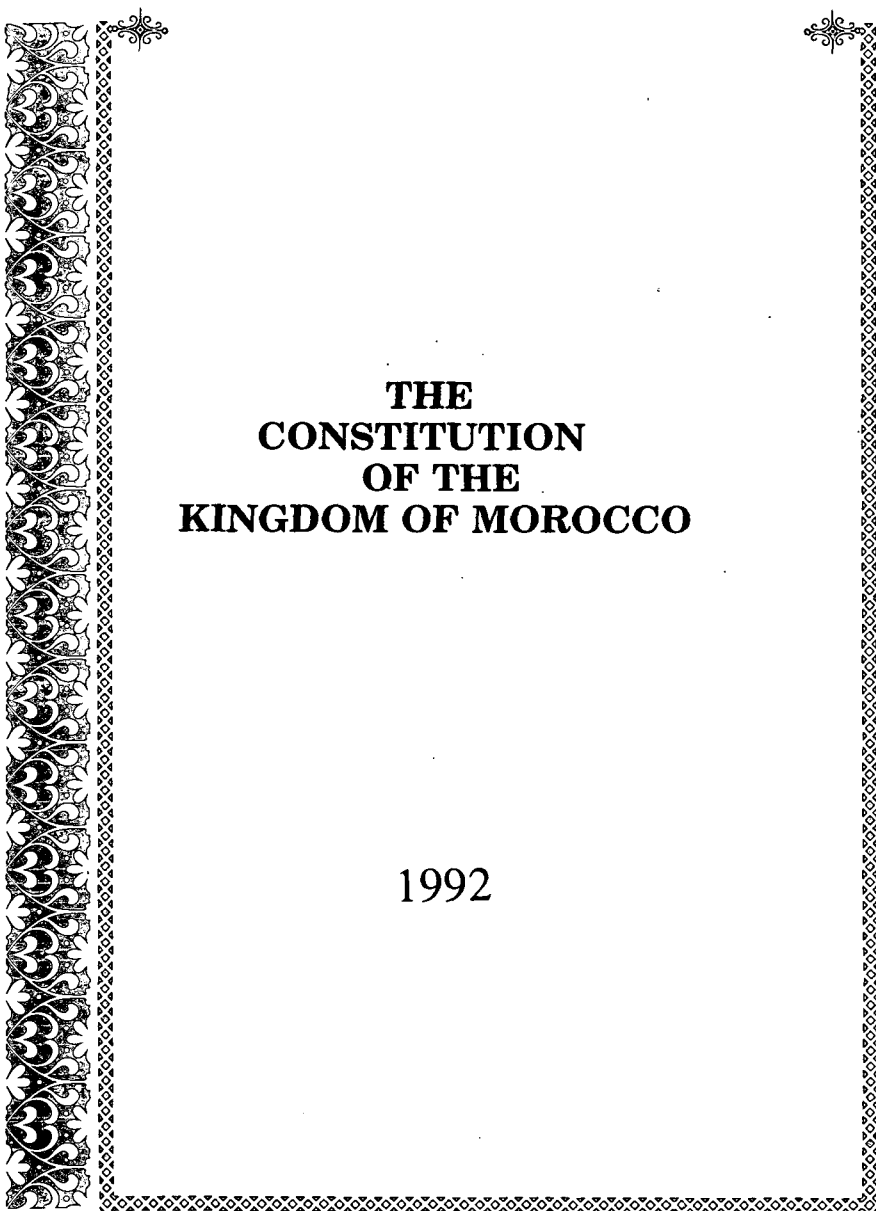
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**THE
CONSTITUTION
OF THE
KINGDOM OF MOROCCO**

1992



P R E A M B L E

A fully sovereign state whose official language is Arabic, the Kingdom of Morocco constitutes a part of the Great Arab Maghreb.

As an African state, it has, among its objectives, the realisation of African unity.

Aware of the need of incorporating its work within the frame of the international organisations of which it has become an active and dynamic member, the Kingdom of Morocco fully adheres to the principles, rights and obligations emanating from the charters of such organisations, as it reaffirms its determination to abide by the universally recognised human rights.

Likewise, it reaffirms its determination to continue its steady endeavours towards the safeguard of peace and security in the world.



Chapter One :

General Provisions

Article 1 - Morocco shall have a democratic, social and constitutional Monarchy.

Article 2 - Sovereignty shall be that of the People who shall exercise it directly, by means of referendum, or indirectly, through the constitutional institutions.

Article 3 - Political parties, unions, district councils and trade chambers shall participate in the organisation and representation of the citizens.

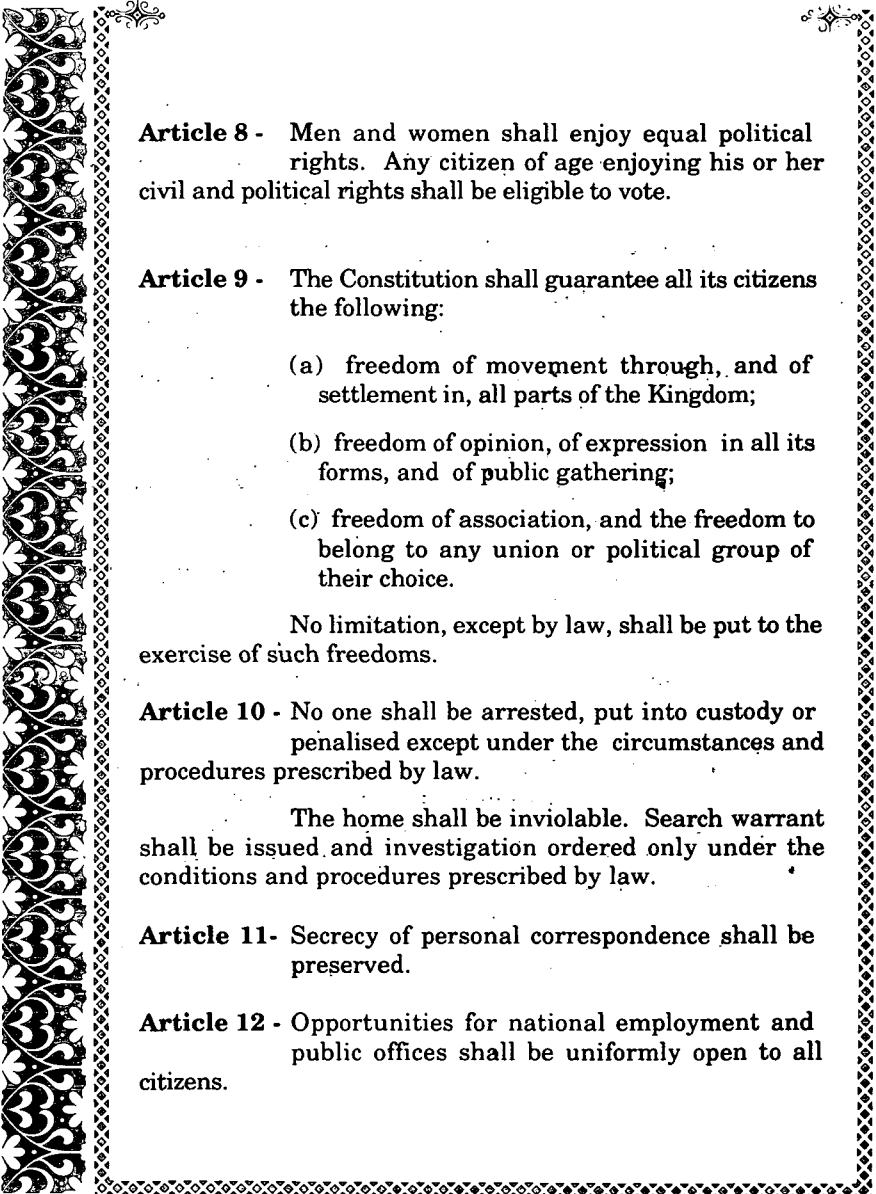
There shall be no one-party system.

Article 4 - The law shall be the supreme expression of the will of the Nation. All shall abide by it. The law shall have no retroactive effect.

Article 5 - All Moroccan citizens shall be equal before the law.

Article 6 - Islam shall be the State religion. The State shall guarantee freedom of worship for all.

Article 7 - The emblem of the Kingdom shall be a red flag with a five-pointed green star in the center.
The motto of the Kingdom shall be: GOD,
COUNTRY, KING.



Article 8 - Men and women shall enjoy equal political rights. Any citizen of age enjoying his or her civil and political rights shall be eligible to vote.

Article 9 - The Constitution shall guarantee all its citizens the following:

- (a) freedom of movement through, and of settlement in, all parts of the Kingdom;
- (b) freedom of opinion, of expression in all its forms, and of public gathering;
- (c) freedom of association, and the freedom to belong to any union or political group of their choice.

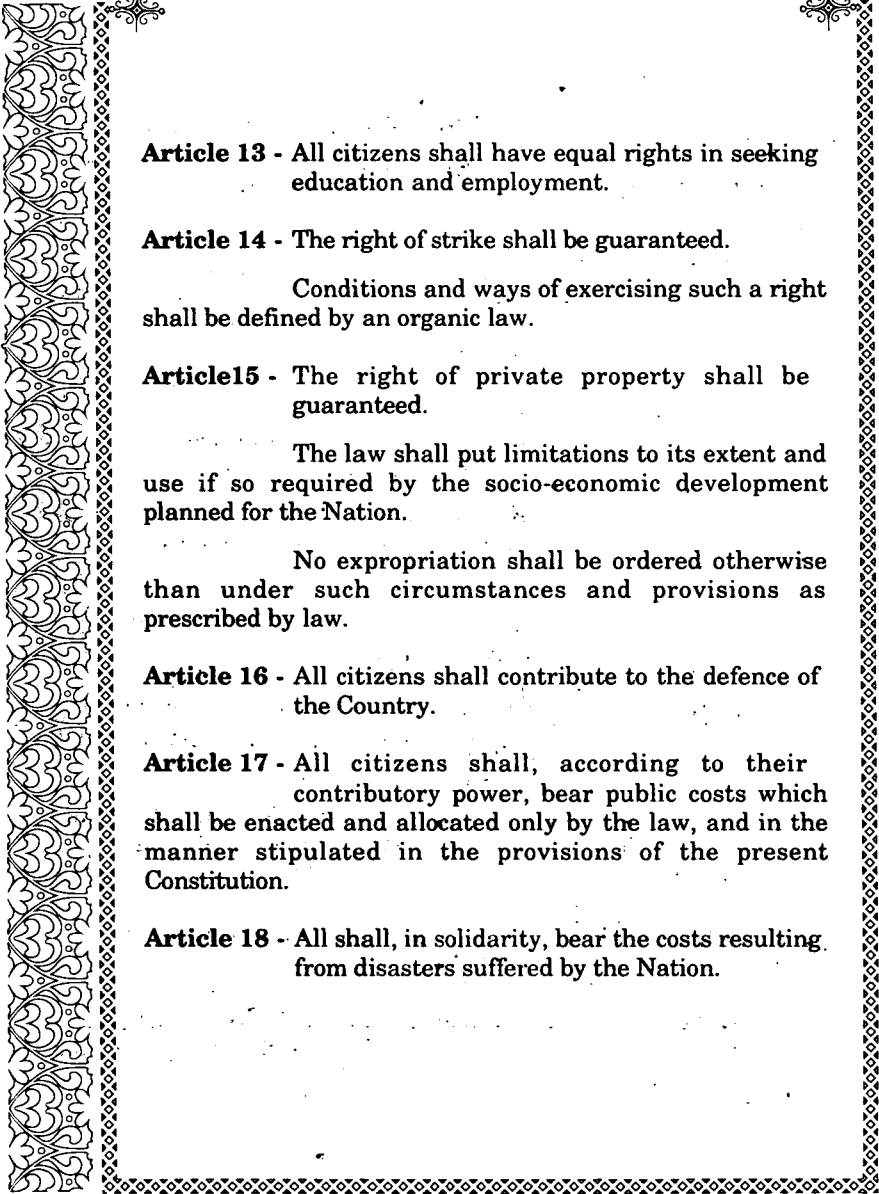
No limitation, except by law, shall be put to the exercise of such freedoms.

Article 10 - No one shall be arrested, put into custody or penalised except under the circumstances and procedures prescribed by law.

The home shall be inviolable. Search warrant shall be issued and investigation ordered only under the conditions and procedures prescribed by law.

Article 11 - Secrecy of personal correspondence shall be preserved.

Article 12 - Opportunities for national employment and public offices shall be uniformly open to all citizens.



Article 13 - All citizens shall have equal rights in seeking education and employment.

Article 14 - The right of strike shall be guaranteed.

Conditions and ways of exercising such a right shall be defined by an organic law.

Article 15 - The right of private property shall be guaranteed.

The law shall put limitations to its extent and use if so required by the socio-economic development planned for the Nation.

No expropriation shall be ordered otherwise than under such circumstances and provisions as prescribed by law.

Article 16 - All citizens shall contribute to the defence of the Country.

Article 17 - All citizens shall, according to their contributory power, bear public costs which shall be enacted and allocated only by the law, and in the manner stipulated in the provisions of the present Constitution.

Article 18 - All shall, in solidarity, bear the costs resulting from disasters suffered by the Nation.



Chapter Two : Monarchy

Article 19 - The King, "Amir Al-Muminin" (Commander of the Faithful), shall be the Supreme Representative of the Nation and the Symbol of the unity thereof. He shall be the guarantor of the perpetuation and the continuity of the State. As Defender of the Faith, He shall ensure the respect for the Constitution. He shall be the Protector of the rights and liberties of the citizens, social groups and organisations.

The King shall be the guarantor of the Independence of the Nation and the territorial integrity of the Kingdom within all its rightful boundaries.

Article 20 - The Moroccan Crown and the constitutional rights thereof shall be hereditary and handed down, from father to son, to descendants in direct male line and by order of primogeniture among the offspring of His Majesty King Hassan II, unless the King should, during his lifetime, designate a successor among his sons apart from the eldest one. In case of failing descendants in direct male line, the right of succession to the Throne shall, under the same conditions, be invested in the closest male in the collateral consanguinity.

Article 21 - The King shall be considered minor until he turns sixteen. During the King's phase of minority, a Regency Council shall assume the powers and constitutional rights of the Crown, with the exception of those pertaining to the revision of the Constitution.

The Regency Council shall serve as an advisory board to the King until he turns twenty.

The Regency Council shall be presided over by the first President of the Supreme Court. It shall include, in addition to its Chairman, the President of the House of Representatives, the Chairman of the Rabat and Sala Ulama Council (of scholars), and ten dignitaries appointed with the King's own accord.

Rules of procedure of the Regency Council shall be governed by an organic law.

Article 22 - The King shall be entitled to a Civil List.

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

Article 24 - The King shall appoint the Prime Minister.

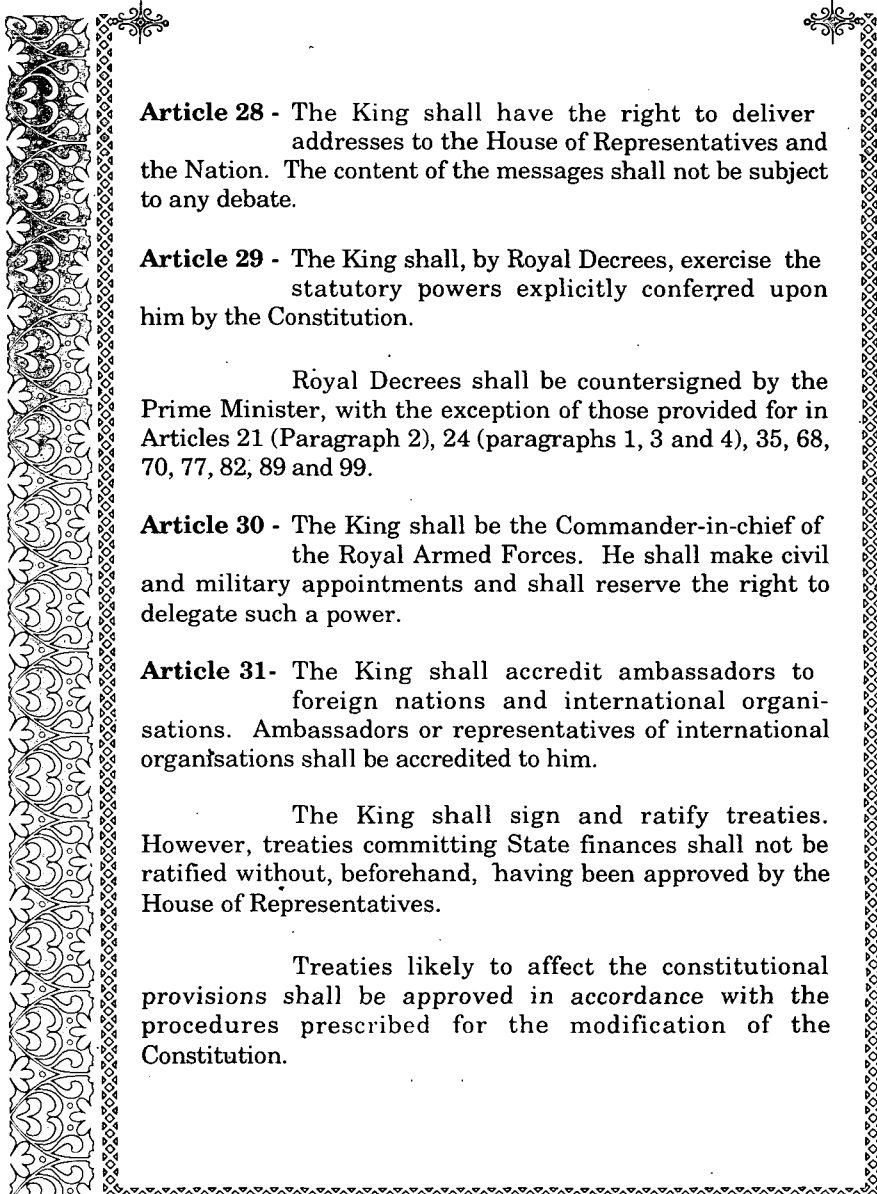
Upon the Prime Minister's recommendation, the King shall appoint the other Cabinet members as he may terminate their services.

The King shall terminate the services of the Government either on his own initiative or because of their resignation.

Article 25 - The King shall preside over Cabinet meetings.

Article 26 - The King shall promulgate a definitively adopted law within the thirty days following its receipt by the Government.

Article 27 - The King may dissolve the House of Representatives by Royal Decree, in accordance with the conditions prescribed in Articles 70 and 72 of Chapter Five.



Article 28 - The King shall have the right to deliver addresses to the House of Representatives and the Nation. The content of the messages shall not be subject to any debate.

Article 29 - The King shall, by Royal Decrees, exercise the statutory powers explicitly conferred upon him by the Constitution.

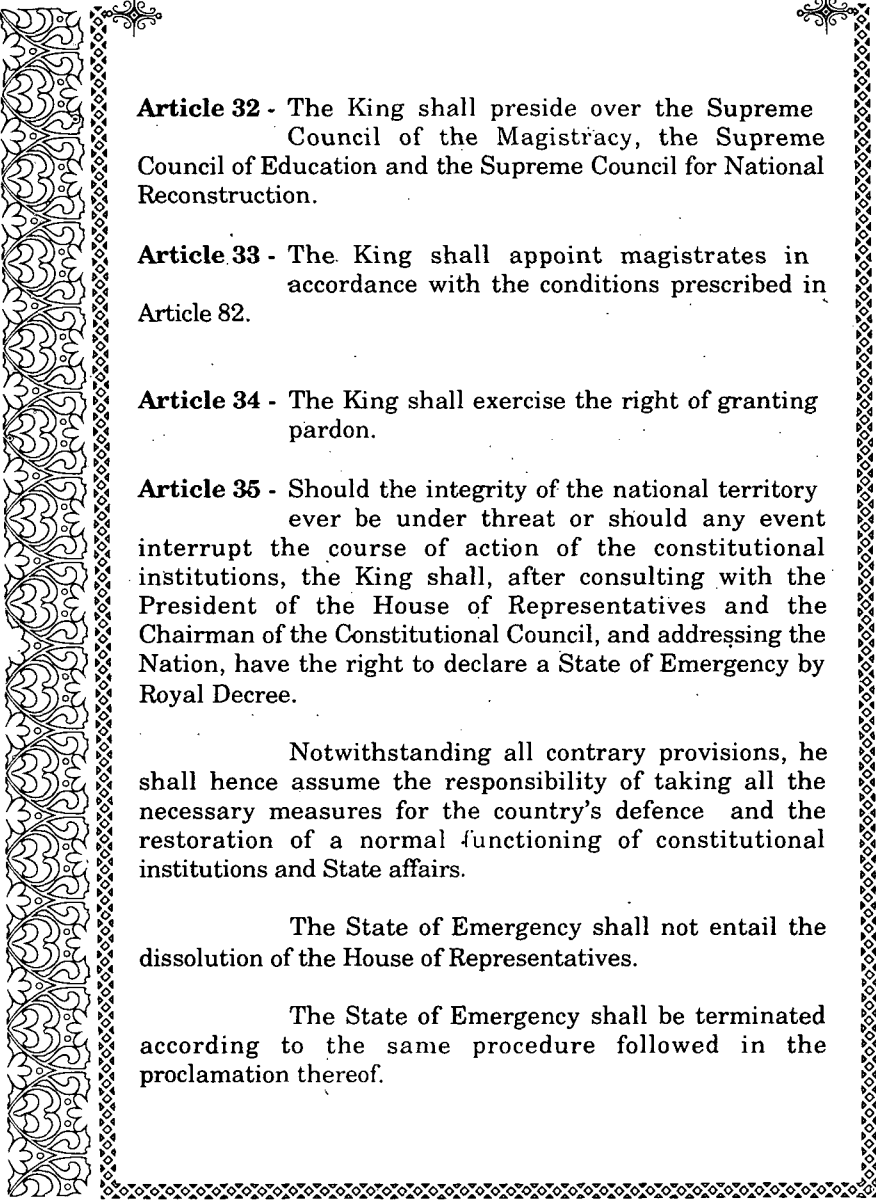
Royal Decrees shall be countersigned by the Prime Minister, with the exception of those provided for in Articles 21 (Paragraph 2), 24 (paragraphs 1, 3 and 4), 35, 68, 70, 77, 82, 89 and 99.

Article 30 - The King shall be the Commander-in-chief of the Royal Armed Forces. He shall make civil and military appointments and shall reserve the right to delegate such a power.

Article 31- The King shall accredit ambassadors to foreign nations and international organisations. Ambassadors or representatives of international organisations shall be accredited to him.

The King shall sign and ratify treaties. However, treaties committing State finances shall not be ratified without, beforehand, having been approved by the House of Representatives.

Treaties likely to affect the constitutional provisions shall be approved in accordance with the procedures prescribed for the modification of the Constitution.



Article 32 - The King shall preside over the Supreme Council of the Magistracy, the Supreme Council of Education and the Supreme Council for National Reconstruction.

Article 33 - The King shall appoint magistrates in accordance with the conditions prescribed in Article 82.

Article 34 - The King shall exercise the right of granting pardon.

Article 35 - Should the integrity of the national territory ever be under threat or should any event interrupt the course of action of the constitutional institutions, the King shall, after consulting with the President of the House of Representatives and the Chairman of the Constitutional Council, and addressing the Nation, have the right to declare a State of Emergency by Royal Decree.

Notwithstanding all contrary provisions, he shall hence assume the responsibility of taking all the necessary measures for the country's defence and the restoration of a normal functioning of constitutional institutions and State affairs.

The State of Emergency shall not entail the dissolution of the House of Representatives.

The State of Emergency shall be terminated according to the same procedure followed in the proclamation thereof.



Chapter Three:

Organisation of The House of Representatives



Article 36 - Members of the House of Representatives shall hold their mandate from the Nation. Their right to vote shall be personal and cannot be delegated.

Article 37 - No member of the House of Representatives shall be prosecuted, arrested, put into custody or brought to trial as a result of expressing opinions or casting a vote while exercising office functions, except when the opinions expressed may be injurious to the monarchical system and the religion of Islam or derogatory to the respect owed the King.

During parliamentary sessions, no member of the House of Representatives shall be subject to prosecution or arrest for criminal charges or felonies, besides those mentioned in the preceding paragraph, without permission from the House, except *flagrante delicto*.

Outside parliamentary sessions, no member of the House of Representatives shall be subject to arrest without permission from the Board of the House, except *flagrante delicto*, or in the case of authorised prosecution or final judgment.

The imprisonment or prosecution of a member of the House of Representatives shall be suspended if so required by the House, except *flagrante delicto* or in the case of authorised prosecution or final judgment.



Article 38 - The House of Representatives shall hold its meetings during two sessions a year. The King shall preside over the opening of the first session which shall begin on the second Friday in October. The second session shall begin on the second Friday in April.

When the House of Representatives convenes for at least two months during one session, the session may be closed by decree.

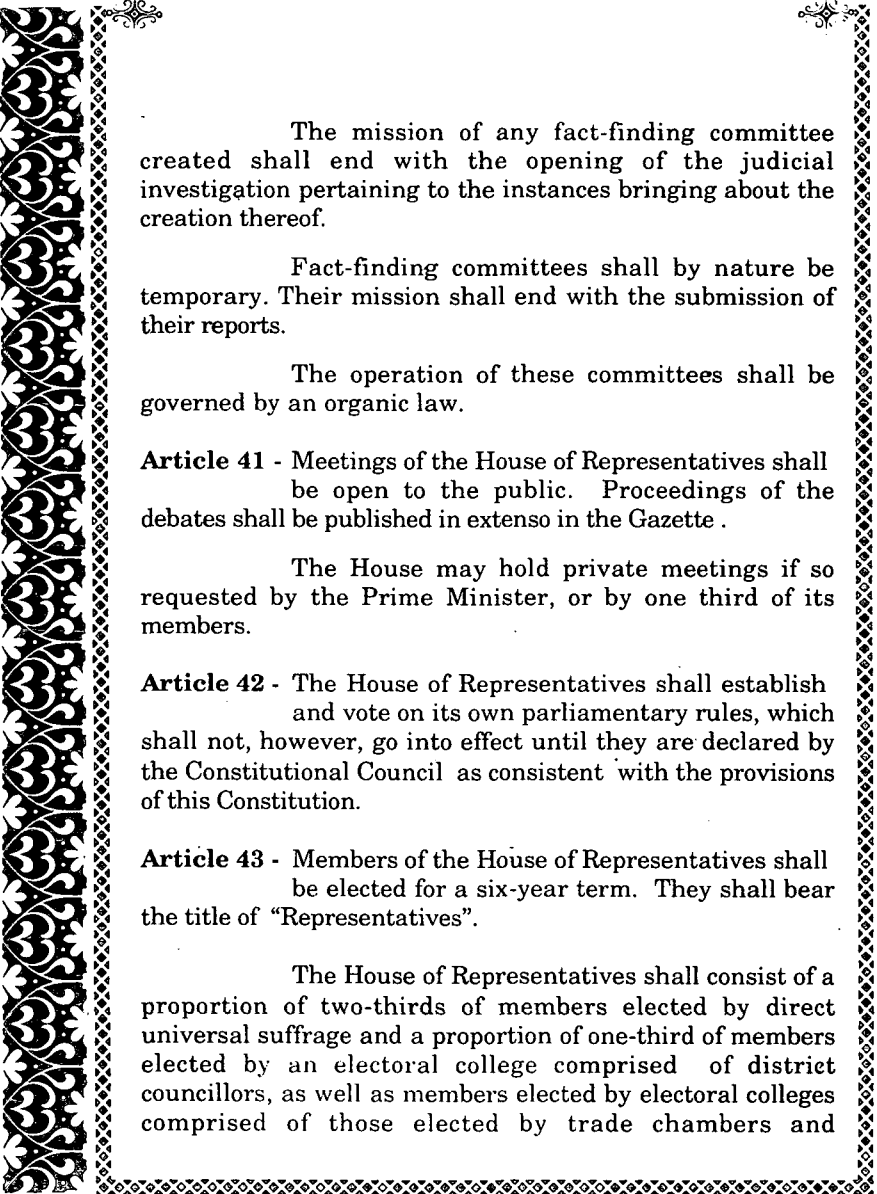
Article 39 - The House of Representatives may be convened in an extraordinary session either by request of the absolute majority of its members or by decree.

Extraordinary sessions of the House of Representatives shall be held on the basis of a defined agenda. Once the agenda exhausted, the session shall be closed by decree.

Article 40 - Cabinet members may attend the meetings of the House of Representatives and those of the committees thereof, as they shall, in this respect, have the right to commission their own assistants.

Apart from the standing committees referred to in the preceding paragraph, parliamentary fact-finding committees may be created on the King's initiative or upon the request of the majority of the House, with the mission of inquiring about specific facts and submitting findings thereon to the House.

There shall be no fact-finding committees in cases involving prosecutions, and as long as these are being conducted.



The mission of any fact-finding committee created shall end with the opening of the judicial investigation pertaining to the instances bringing about the creation thereof.

Fact-finding committees shall by nature be temporary. Their mission shall end with the submission of their reports.

The operation of these committees shall be governed by an organic law.



Article 41 - Meetings of the House of Representatives shall be open to the public. Proceedings of the debates shall be published in extenso in the Gazette .

The House may hold private meetings if so requested by the Prime Minister, or by one third of its members.

Article 42 - The House of Representatives shall establish and vote on its own parliamentary rules, which shall not, however, go into effect until they are declared by the Constitutional Council as consistent with the provisions of this Constitution.

Article 43 - Members of the House of Representatives shall be elected for a six-year term. They shall bear the title of "Representatives".

The House of Representatives shall consist of a proportion of two-thirds of members elected by direct universal suffrage and a proportion of one-third of members elected by an electoral college comprised of district councillors, as well as members elected by electoral colleges comprised of those elected by trade chambers and



representatives of wage-earners.

The number of representatives, as well as those elected by each electoral college, the mode of election, the conditions of eligibility and the criteria of incompatibility shall be determined by an organic law.

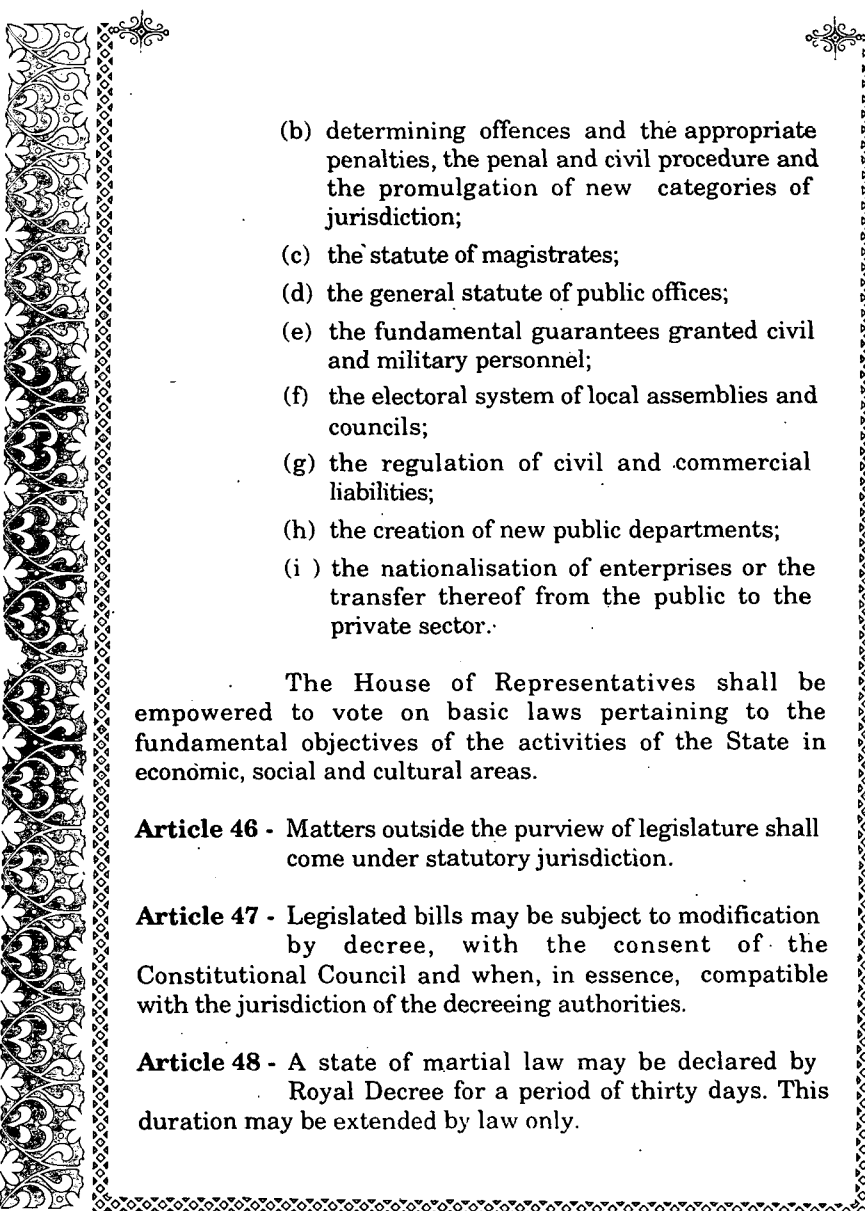
The House of Representatives shall elect its President for a three-year term. It shall elect its Board members for one year, on the basis of proportional representation of the parliamentary groups.

Powers of The House of Representatives

Article 44 - Legislation shall be voted on by the House of Representatives. For a limited period of time, and for a defined purpose, the House of Representatives may authorise the Government to take, by decree, measures normally falling within the purview of the law. Decrees shall become effective immediately after the publication thereof; however, they shall be submitted, for ratification, to the House of Representatives when the time allowed by the empowering law expires. Should the House of Representatives be dissolved, such a law shall become void.

Article 45 - In addition to jurisdiction matters explicitly assigned in other articles of the Constitution, the Legislative Power shall have competence in the following areas:

- (a) the individual and collective rights enumerated in Chapter One of the present Constitution;

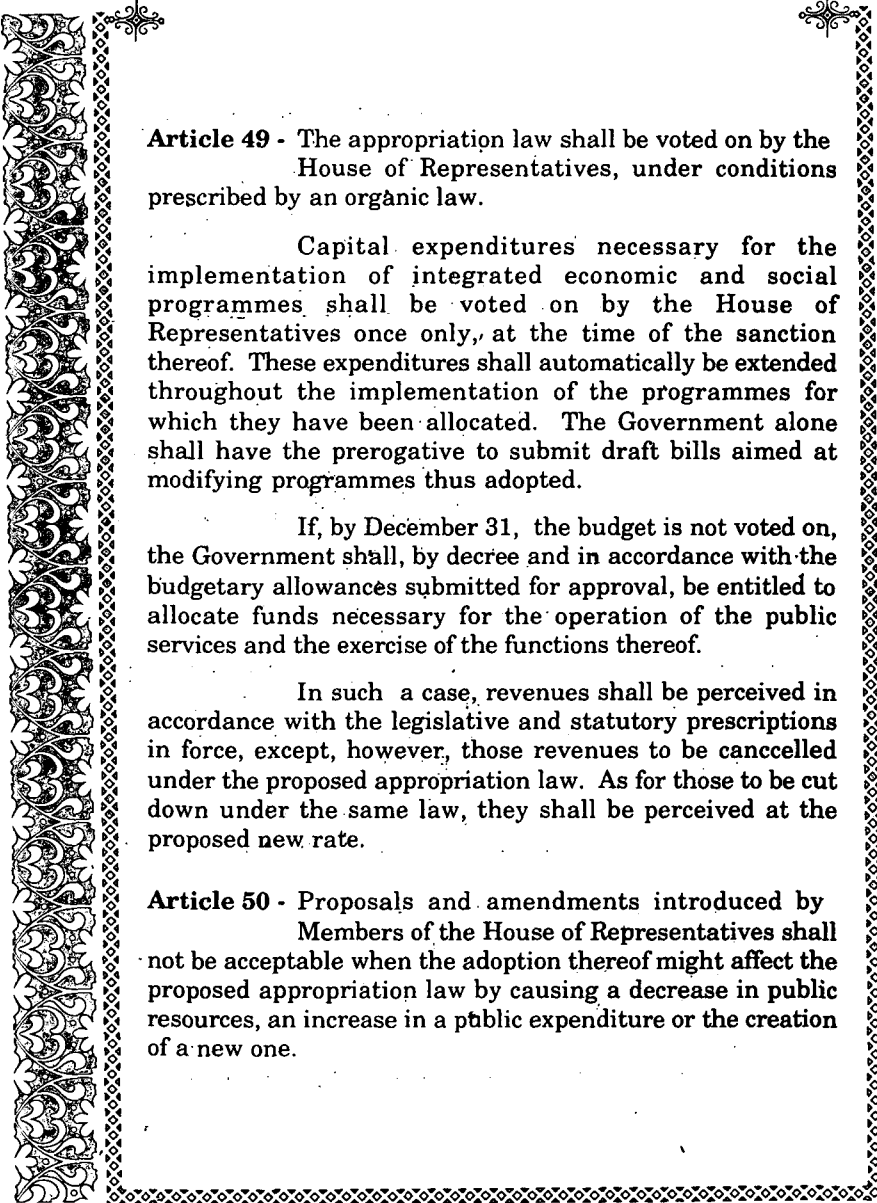
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- (b) determining offences and the appropriate penalties, the penal and civil procedure and the promulgation of new categories of jurisdiction;
 - (c) the statute of magistrates;
 - (d) the general statute of public offices;
 - (e) the fundamental guarantees granted civil and military personnel;
 - (f) the electoral system of local assemblies and councils;
 - (g) the regulation of civil and commercial liabilities;
 - (h) the creation of new public departments;
 - (i) the nationalisation of enterprises or the transfer thereof from the public to the private sector.

The House of Representatives shall be empowered to vote on basic laws pertaining to the fundamental objectives of the activities of the State in economic, social and cultural areas.

Article 46 - Matters outside the purview of legislature shall come under statutory jurisdiction.

Article 47 - Legislated bills may be subject to modification by decree, with the consent of the Constitutional Council and when, in essence, compatible with the jurisdiction of the decreeing authorities.

Article 48 - A state of martial law may be declared by Royal Decree for a period of thirty days. This duration may be extended by law only.



Article 49 - The appropriation law shall be voted on by the House of Representatives, under conditions prescribed by an organic law.

Capital expenditures necessary for the implementation of integrated economic and social programmes shall be voted on by the House of Representatives once only, at the time of the sanction thereof. These expenditures shall automatically be extended throughout the implementation of the programmes for which they have been allocated. The Government alone shall have the prerogative to submit draft bills aimed at modifying programmes thus adopted.

If, by December 31, the budget is not voted on, the Government shall, by decree and in accordance with the budgetary allowances submitted for approval, be entitled to allocate funds necessary for the operation of the public services and the exercise of the functions thereof.

In such a case, revenues shall be perceived in accordance with the legislative and statutory prescriptions in force, except, however, those revenues to be cancelled under the proposed appropriation law. As for those to be cut down under the same law, they shall be perceived at the proposed new rate.

Article 50 - Proposals and amendments introduced by Members of the House of Representatives shall not be acceptable when the adoption thereof might affect the proposed appropriation law by causing a decrease in public resources, an increase in a public expenditure or the creation of a new one.



The Exercise of The Legislative Power

Article 51 - The right to introduce laws shall equally be granted the Prime Minister and Members of the House of Representatives.

Draft bills shall be laid on the table of the House of Representatives.

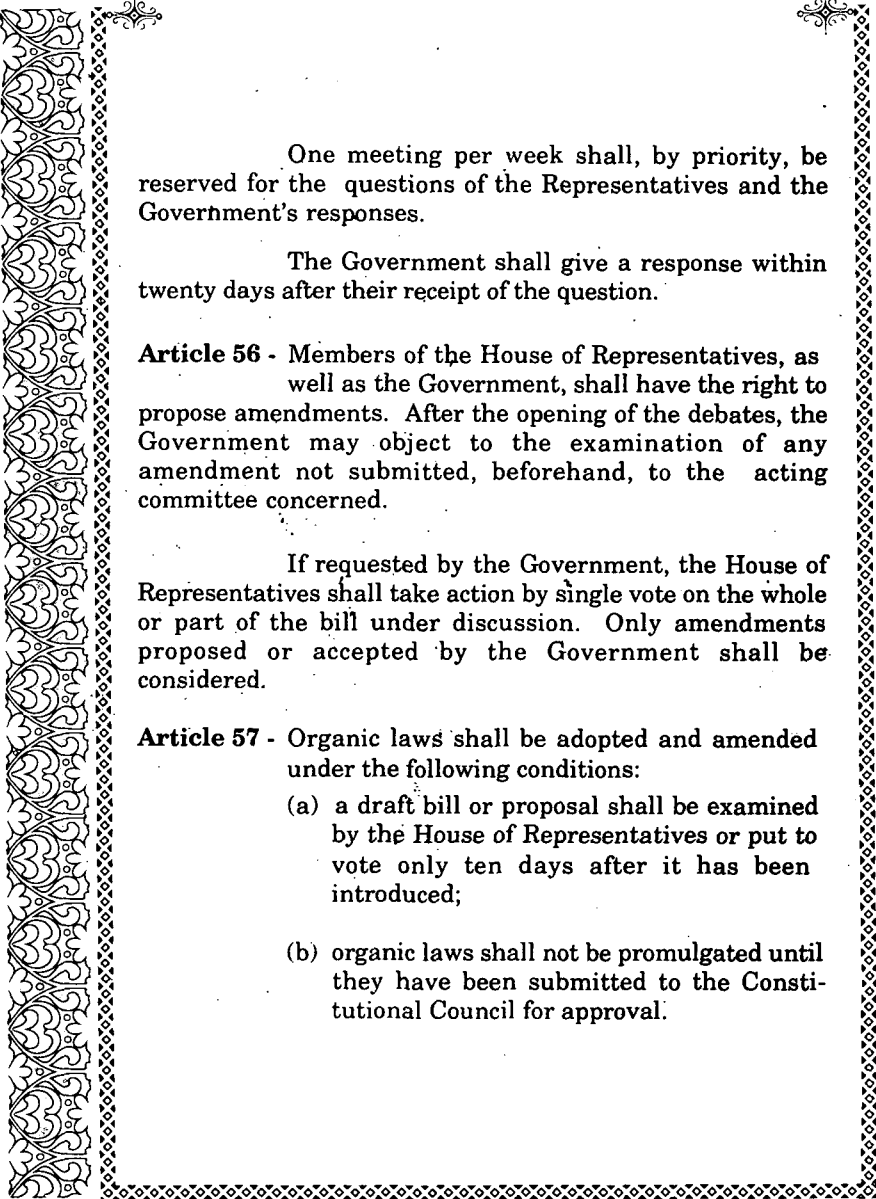
Article 52 - The Government may declare the unsuitability of any proposal or amendment considered outside the purview of the legislative power.

In case of disagreement, the Constitutional Council shall take action within a period of eight days upon request of the House of Representatives or the Government.

Article 53 - Draft bills and proposals shall be examined by the acting committees whose work shall continue during the interval between the sessions.

Article 54 - During the recess periods, the Government may, in agreement with the committees concerned, adopt ordinances which shall be submitted, for ratification, during the following regular session of the House of Representatives.

Article 55 - The Board of the House of Representatives shall prepare the agenda of the House. Priority shall be given, in the order defined by the Government, to the discussion of draft bills it introduces and proposed laws accepted by it.



One meeting per week shall, by priority, be reserved for the questions of the Representatives and the Government's responses.

The Government shall give a response within twenty days after their receipt of the question.

Article 56 - Members of the House of Representatives, as well as the Government, shall have the right to propose amendments. After the opening of the debates, the Government may object to the examination of any amendment not submitted, beforehand, to the acting committee concerned.

If requested by the Government, the House of Representatives shall take action by single vote on the whole or part of the bill under discussion. Only amendments proposed or accepted by the Government shall be considered.

Article 57 - Organic laws shall be adopted and amended under the following conditions:

- (a) a draft bill or proposal shall be examined by the House of Representatives or put to vote only ten days after it has been introduced;
- (b) organic laws shall not be promulgated until they have been submitted to the Constitutional Council for approval.



Chapter Four : **The Government**

Article 58 - The Government shall be composed of the Prime Minister and Ministers.

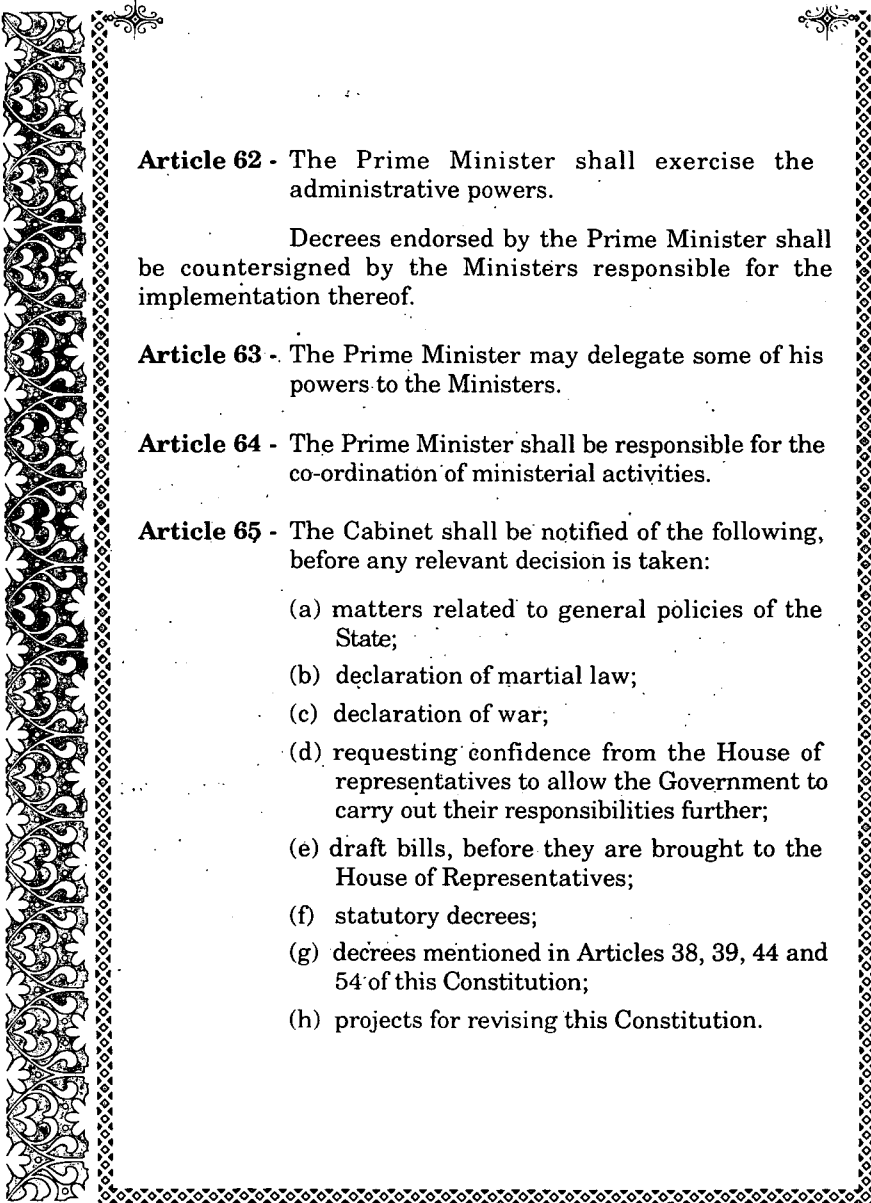
Article 59 - The Government shall be answerable to the King and the House of Representatives.

After the appointment of the Cabinet members by the King, the Prime Minister shall appear before the House of Representatives, to submit the programme to be carried out. Such a programme shall clearly outline the policy to be adopted by the Government in various areas of national activity, namely in economic, social, cultural and foreign affairs.

Following a debate, this programme shall be voted on in accordance with the provisions stipulated in paragraphs 2 and 3 of Article 74, and with the implications accounted for in the last paragraph of the same Article.

Article 60 - Under the Prime Minister's responsibility, the Government shall ensure the execution of the laws. All public facilities shall be placed at their disposal.

Article 61 - The Prime Minister shall have the right to introduce bills. No draft bill shall be laid, by his Department, on the table of the House of Representatives before it is debated in a Cabinet meeting.



Article 62 - The Prime Minister shall exercise the administrative powers.



Decrees endorsed by the Prime Minister shall be countersigned by the Ministers responsible for the implementation thereof.

Article 63 - The Prime Minister may delegate some of his powers to the Ministers.

Article 64 - The Prime Minister shall be responsible for the co-ordination of ministerial activities.

Article 65 - The Cabinet shall be notified of the following, before any relevant decision is taken:

- (a) matters related to general policies of the State;
- (b) declaration of martial law;
- (c) declaration of war;
- (d) requesting confidence from the House of representatives to allow the Government to carry out their responsibilities further;
- (e) draft bills, before they are brought to the House of Representatives;
- (f) statutory decrees;
- (g) decrees mentioned in Articles 38, 39, 44 and 54 of this Constitution;
- (h) projects for revising this Constitution.



Chapter Five:

Relations Between The Branches Relations between the King and The house of Representatives

Article 66 - The King may request a second reading, by the House of Representatives, of any draft bill or proposed law.

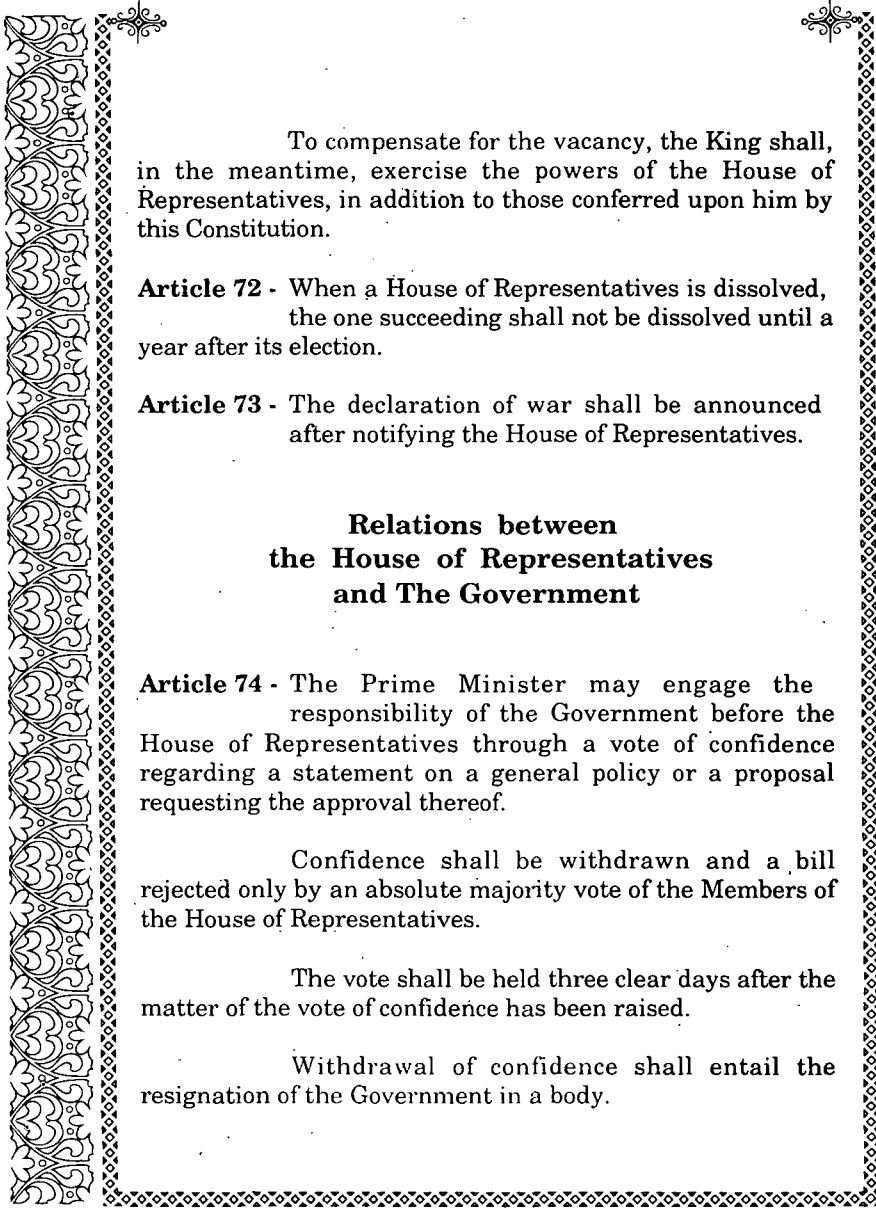
Article 67 - A second reading shall be requested in a message. Such a new reading shall not be refused.

Article 68 - After a second reading, the King may, by Royal Decree, submit any draft bill or proposed law to referendum, except in the case of those submitted for a new reading which shall have been adopted or rejected by a two-third-majority of the Members of the House of Representatives.

Article 69 - The results of the referendum shall be binding upon all.

Article 70 - After consulting with the Chairman of the Constitutional Council and addressing the Nation, the King may decree the dissolution of the House of Representatives.

Article 71 - The election of the new House of Representatives shall take place, at the latest, three months after such a dissolution.



To compensate for the vacancy, the King shall, in the meantime, exercise the powers of the House of Representatives, in addition to those conferred upon him by this Constitution.

Article 72 - When a House of Representatives is dissolved, the one succeeding shall not be dissolved until a year after its election.

Article 73 - The declaration of war shall be announced after notifying the House of Representatives.

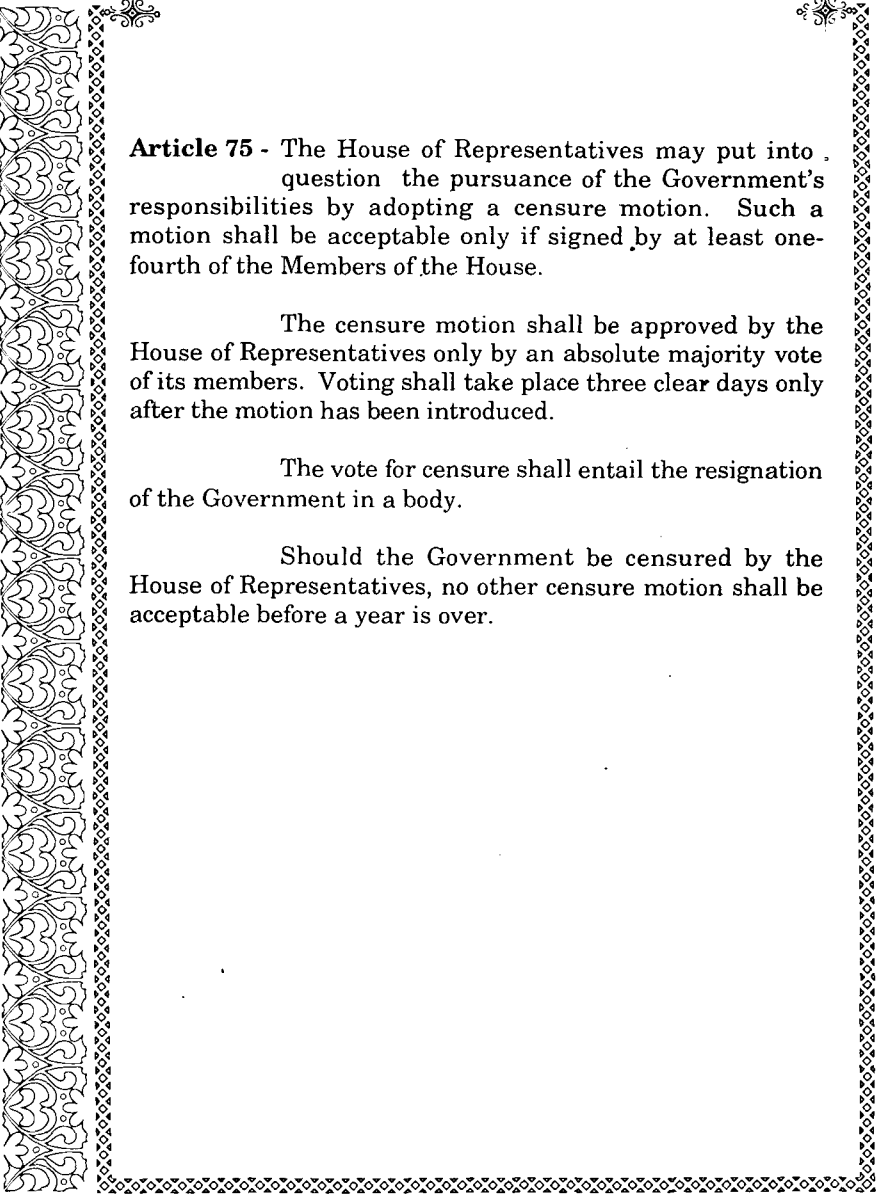
Relations between the House of Representatives and The Government

Article 74 - The Prime Minister may engage the responsibility of the Government before the House of Representatives through a vote of confidence regarding a statement on a general policy or a proposal requesting the approval thereof.

Confidence shall be withdrawn and a bill rejected only by an absolute majority vote of the Members of the House of Representatives.

The vote shall be held three clear days after the matter of the vote of confidence has been raised.

Withdrawal of confidence shall entail the resignation of the Government in a body.





Article 75 - The House of Representatives may put into question the pursuance of the Government's responsibilities by adopting a censure motion. Such a motion shall be acceptable only if signed by at least one-fourth of the Members of the House.

The censure motion shall be approved by the House of Representatives only by an absolute majority vote of its members. Voting shall take place three clear days only after the motion has been introduced.

The vote for censure shall entail the resignation of the Government in a body.

Should the Government be censured by the House of Representatives, no other censure motion shall be acceptable before a year is over.



Chapter Six :
The Constitutional Council

Article 76 - A Constitutional Council shall be established.

Article 77 - The Constitutional Council shall consist of :

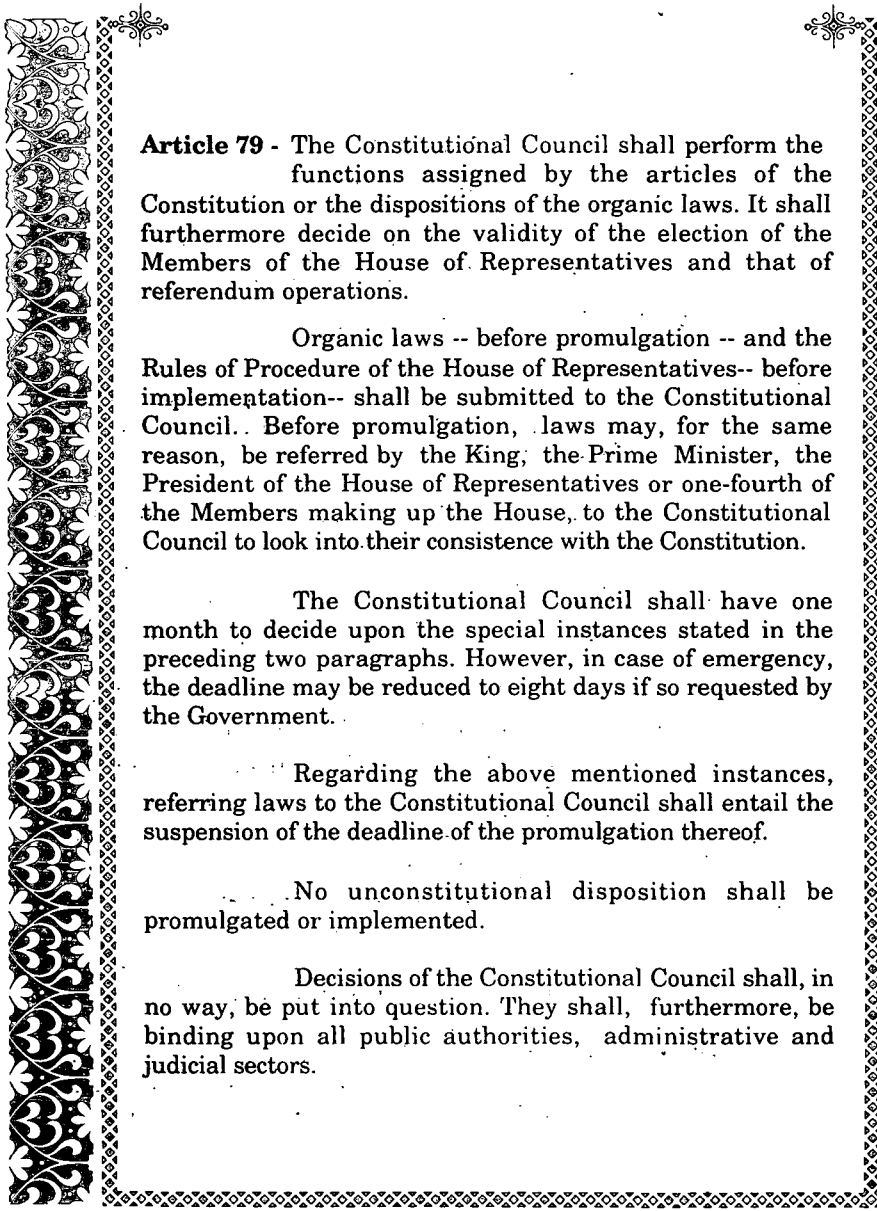
- (a) four members appointed by the King for a period of six years;
- (b) four members appointed by the President of the House of Representatives for the same period, upon consultation with the Parliamentarian groups.

Apart from the above mentioned members, the King shall appoint the Chairman of the Constitutional Council for the same period.

Half of each category of the members of the Constitutional Council shall be renewed every three years.

Article 78 - An organic law shall govern the organization and work of the Constitutional Council, as well as the procedure it shall adopt, particularly with respect to deadlines set for referred disputes.

Likewise, this organic law shall determine the functions which may not be compatible with that of Council member, the conditions of the first renewal of half the members of the Council, as well as the procedure of replacing inactive members, either as a result of resignation or death during their mandate.



Article 79 - The Constitutional Council shall perform the functions assigned by the articles of the Constitution or the dispositions of the organic laws. It shall furthermore decide on the validity of the election of the Members of the House of Representatives and that of referendum operations.

Organic laws -- before promulgation -- and the Rules of Procedure of the House of Representatives-- before implementation-- shall be submitted to the Constitutional Council. Before promulgation, laws may, for the same reason, be referred by the King, the Prime Minister, the President of the House of Representatives or one-fourth of the Members making up the House, to the Constitutional Council to look into their consistence with the Constitution.

The Constitutional Council shall have one month to decide upon the special instances stated in the preceding two paragraphs. However, in case of emergency, the deadline may be reduced to eight days if so requested by the Government.

Regarding the above mentioned instances, referring laws to the Constitutional Council shall entail the suspension of the deadline of the promulgation thereof.

No unconstitutional disposition shall be promulgated or implemented.

Decisions of the Constitutional Council shall, in no way, be put into question. They shall, furthermore, be binding upon all public authorities, administrative and judicial sectors.



Chapter Seven: The Judiciary

Article 80 - The Judiciary shall be independent from the legislative and executive branches.

Article 81 - Sentences shall be passed and executed in the King's name.

Article 82 - Upon recommendations made by the Supreme Council of Magistracy, Magistrates shall be appointed by Royal Decrees.

Article 83 - Magistrates in the bench shall be removed or transferred only by law.

Article 84 - The Supreme Council of Magistracy shall be presided over by the King. It shall further consist of :

- (a) the Minister of Justice as Vice-President;
- (b) the First President of the Supreme Court;
- (c) the Prosecutor General in the Supreme Court;
- (d) the President of the First Chamber of the Supreme Court;
- (e) two representatives elected among the magistrates of the Court of Appeal;
- (f) four representatives elected among the magistrates of first degree courts.

Article 85 - The Supreme Council of Magistracy shall ensure the implementation of the guarantees granted magistrates regarding their promotion and discipline.



Chapter Eight: The High Court of Justice



Article 86 - Members of the Government shall be penally responsible for crimes and felonies they may commit while exercising their functions.

Article 87 - They may be indicted by the House of Representatives and referred to the High Court of Justice for trial.

Article 88 - The case shall be decided upon by secret ballot and a two-third-majority of the Members of the House of Representatives, with the exception of those members called upon to take part in conducting the prosecution and the investigation process, and giving the verdict.

Article 89 - The High Court of Justice shall consist of members elected from the House of Representatives. Its President shall be appointed by Royal Decree.

Article 90 - An organic law shall determine the number of the High Court members, the method of their election and the rules of procedure to be adopted.



Chapter Nine:
The Economic and Social Council

Article 91 - An Economic and Social Council shall be established.

Article 92- The Economic and Social Council may be consulted by the Government, as well as the House of Representatives, on all matters of economic or social nature. It shall give its opinion on the general guidelines pertaining to the national economy and training programmes.

Article 93 - The constitution, organisation; prerogatives and rules of procedure of the Economic and Social Council shall be determined by an organic law.





Chapter Ten: Local Government

Article 94 - The local government of the Kingdom shall consist in establishing regions, prefectures, provinces and communes. No other form of local government may be established except by law.

Article 95 - Local assemblies shall be elected to be responsible for the conduct of their affairs on the basis of democratic principles and in accordance with provisions defined by law.

Article 96 - In the prefectures and provinces, governors shall assume the co-ordination of the work of the various public departments, and look after the reinforcement of the law and the implementation of the decisions of the Assemblies of the prefectures and provinces.



Chapter Eleven: Revising The Constitution

Article 97- The King and the House of Representatives shall have the right to initiate a revision of the Constitution.

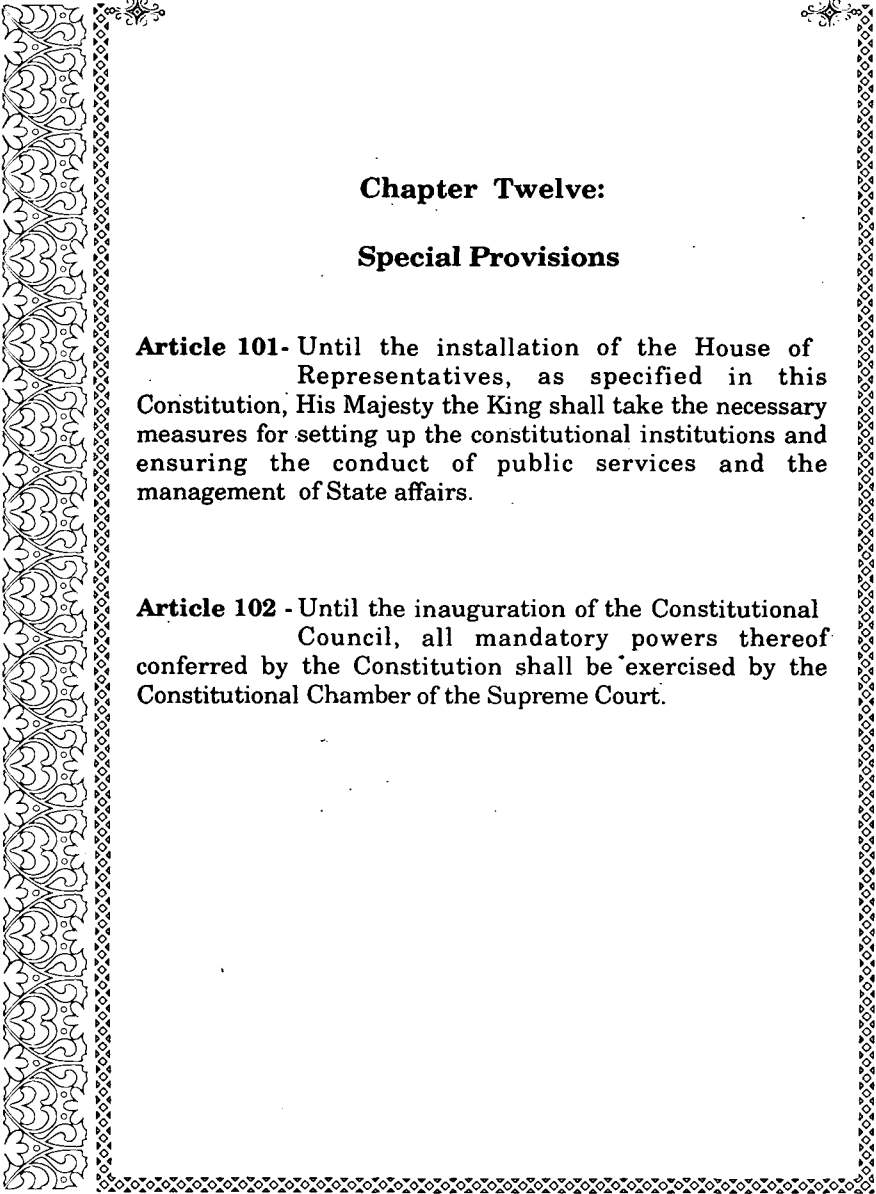
The King shall have the right to submit, directly for referendum, the revision project he may initiate.

Article 98- A proposal for revision submitted by one or more Members of the House of Representatives shall be adopted only if voted on by a two-third-majority of the Members of the House.

Article 99 - Revision projects and proposals shall be submitted to the Nation for referendum by Royal Decree.

A revision of the Constitution shall be definitive after approval by referendum.

Article 100- Neither the State system of monarchy nor the prescriptions related to the religion of Islam may be subject to a constitutional revision.

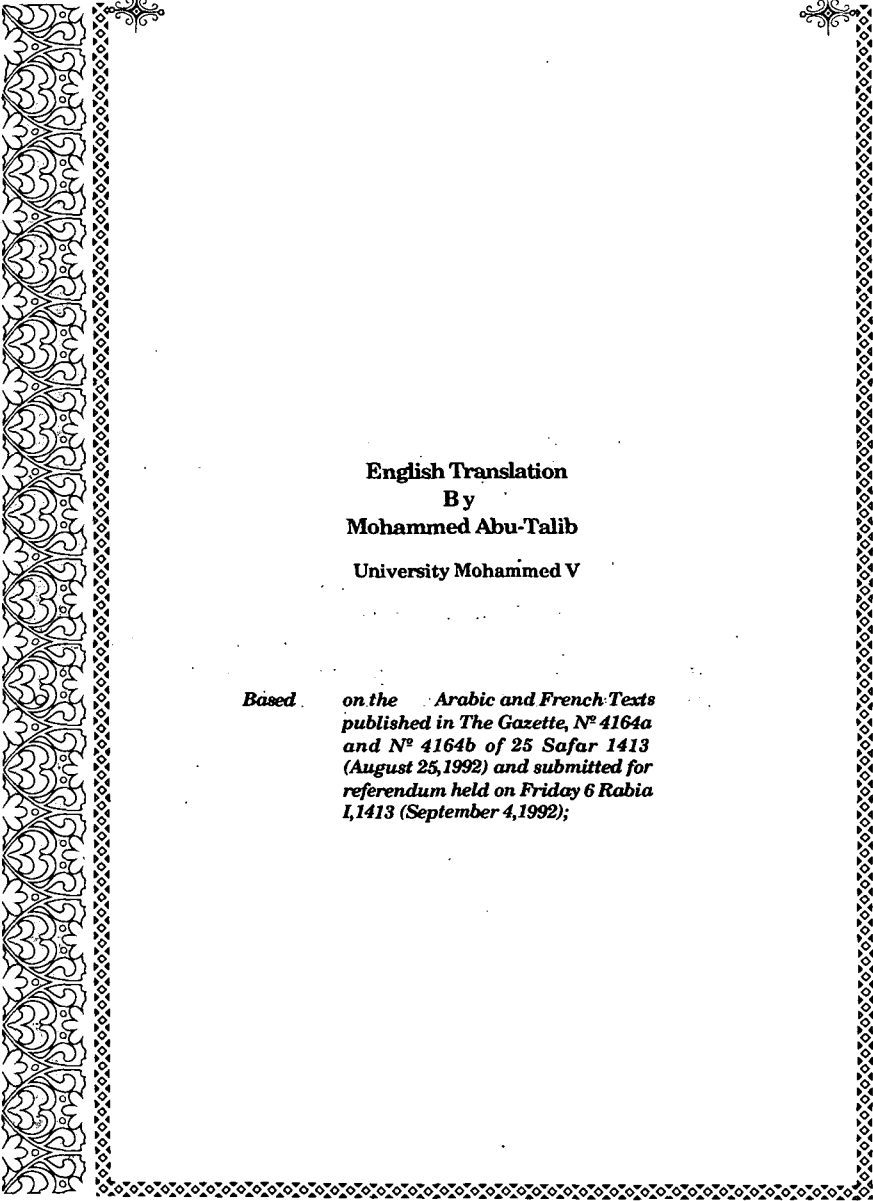


Chapter Twelve:

Special Provisions

Article 101- Until the installation of the House of Representatives, as specified in this Constitution, His Majesty the King shall take the necessary measures for setting up the constitutional institutions and ensuring the conduct of public services and the management of State affairs.

Article 102 - Until the inauguration of the Constitutional Council, all mandatory powers thereof conferred by the Constitution shall be exercised by the Constitutional Chamber of the Supreme Court.



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