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# CONSTITUTION of the KINGDOM OF MOROCCO<sup>1</sup>

March 9, 1972

## PREAMBLE

The Kingdom of Morocco, a sovereign Islamic State, with Arabic as its official language, 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 embodied in their Charters.

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.* The political parties, trade, unions, rural councils, and professional chambers shall participate in the organization of the state and the 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.

<sup>1</sup> *Royaume du Maroc. Constitution. Dahir no. 1-72-061 du 23 moharrem 1392 (10 mars 1972) portant promulgation de la Constitution.* Supplied by the Ministry of Foreign Affairs in January 1973. Translated by the Editor. Éd.

*Art. 6.* Islam is the religion of the State. The State guarantees the free exercise of religion to all.

*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, Country, King.

### **Political Rights of the Citizen**

*Art. 8.* Men and women shall enjoy equal political rights. All citizens of both sexes have the right to vote provided they are of age and enjoy their civil and political rights.

*Art. 9.* The Constitution guarantees to all citizens:

- freedom of movement 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 case and according to the forms prescribed by law.

The domicile is inviolable. Searches or investigations may only take place in the conditions and according to the forms prescribed by law.

*Art. 11.* Correspondence is secret.

*Art. 12.* Public and civil service posts shall be open to all citizens under the same conditions.

### **Economic and Social Rights of the Citizen**

*Art. 13.* All citizens have equal rights to education and to work.

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

An organic law shall specify the conditions and procedure exercising this right.

*Art. 15.* The right to property shall be guaranteed. The extent and exercise of this right may be restricted by law if the economic and social development planning of the nation makes its necessary.

Expropriation may not take place except in the circumstances and according to the procedures prescribed by law.

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

*Art. 17.* All citizens shall contribute in proportion to their means to the public expenditure, which shall be determined and allocated by law in accordance with the procedures laid down in this Constitution.

*Art. 18.* All citizens shall bear collectively expenditures arising out of national calamities.

## TITLE II

## ROYALTY

*Art. 19.* The King, *Amir Al Mouminine* (Commander of the Faithful), Supreme Representative of the Nation, symbol of its unity, guarantor of the existence 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 from father to son to the male descendants of His Majesty King Hassan II, in direct line and by order of primogeniture, unless, during his life, the King designates one of his sons other than his eldest son as his successor. 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, except those relating to revision of the Constitution. The Regency Council shall act as a consultative body to the King until he completes 22 years of age.

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 First President of the Supreme Court, the President of the Chamber of Representatives and of 7 personalities appointed by the King *intuitu personae*.

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 if they resign.

*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 *dahir* under the conditions prescribed in Title V, Articles 70 and 72.

*Art. 28.* The King may address messages to the Chamber of Representatives and to the Nation. The contents of such messages may not be the subject of any debate.

*Art. 29.* The King shall exercise by *dahir*\* the powers explicitly granted him by the Constitution.

*Dahirs* shall be countersigned by the Prime Ministers with the exception of those provided in Articles 21 (para. 2), 24, 35, 68, 78, 85, 95 and 100.

*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 the Chamber of Representatives.

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 Planning.

*Art. 33.* The King shall preside over the High Council of the Judiciary and the High Education Council. He shall appoint judges under the conditions prescribed in Article 78.

*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 jeopardize the functioning of the constitutional institutions, the King, after having consulted the President of the Chamber of Representatives and addressed a message to the Nation, may proclaim by *dahir* a state of emergency. 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, for the return to a normal functioning of the constitutional institutions, and for the conduct of the affairs of state.

He shall terminate the state of emergency by the same procedures as for its proclamation.

## TITLE III

### THE CHAMBER OF REPRESENTATIVES

#### **The Organization of the Chamber of Representatives**

*Art. 36.* Members of the Chamber of Representatives shall hold their office from the Nation. Their right to vote shall be personal and may not be delegated.

\* Decree. Ed.

*Art. 37.* No member of the Chamber of Representatives 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, except if such opinions question the regime of the monarchy, the Moslem religion, or constitute an infringement of the respect due to the King.

No member of the Chamber of Representatives may, during sessions, be prosecuted or arrested for crimes or misdemeanors other than those indicated in the preceding paragraph, without the authorization of the Chamber of Representatives except in *flagrante delicto*.

When the Chamber of Representatives is not in session, no member may be arrested without the authorization of the Secretariat of the Chamber, except in *flagrante delicto*, or in case of authorized prosecution or final conviction.

The detention or prosecution of a member of the Chamber of Representatives shall be suspended if the Chamber so demands except in *flagrante delicto*, in case of authorized prosecution or final conviction.

*Art. 38.* The Chamber of Representatives shall convene in two sessions a year. The King shall preside over the opening of the first session which shall begin on the second Friday of October. The second session shall open on the second Friday of April,

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

*Art. 39.* The Chamber of Representatives may be convened in extraordinary session at the request of an absolute majority of its members or by decree.

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

*Art. 40.* The ministers shall have access to the Chamber of Representatives and to its commissions. They may be assisted by commissioners appointed by them.

*Art. 41.* The meetings of the Chamber of Representatives shall be public. An *in extenso* report of the debates shall be published in the *Official Bulletin*. The Chamber may sit in secret committee at the request of the Prime Minister or of one third of its members.

*Art. 42.* The Chamber of Representatives shall draw up and vote upon its rules of procedure. These may not, however, be put into force until the Constitutional Chamber of the Supreme Court has declared them consistent with the provisions of this Constitution.

*Art. 43.* The members of the Chamber of Representatives shall be elected for four years. They shall bear the name of Representatives. Two thirds of the Representatives shall be elected by direct universal suffrage and one third shall be elected by an electoral college composed of communal counsellors and by an electoral college composed of representatives of the professional chambers and of wage earners.

The number of Representatives including those representatives elected by each of the electoral colleges, the method of election, the conditions of eligibility and the offices incompatible with membership shall be determined by an organic law.

The President and the members of the Secretariat of the Chamber of Representatives shall be elected at the beginning of the October session each year. The Secretariat shall be elected according to proportional representation of groups.

### The Powers of the Chamber of Representatives

*Art. 44.* All laws shall be passed by the Chamber of Representatives. It may authorize the government, for a limited period and a particular purpose, to take by decree measures which normally fall within the domain of law. Decrees shall enter into force upon publication but must be submitted to ratification by the Chamber of Representatives 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. 45.* 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 definition of infractions and the penalties applicable thereto, criminal and civil procedure and the establishment of new jurisdictions;
- the statute of magistrates;
- the general statute of the civil service;
- basic guarantees granted to civil and military personnel;
- the electoral system for local assemblies and councils;
- the system of civil and commercial obligations;
- the establishment of public bodies;
- the nationalization of enterprises and the transferral of enterprises from the public to the private sector.

The Chamber of Representatives is empowered to pass laws establishing the frame work of the basic objectives of the States economic, social and cultural activity.

*Art. 46.* Matters other than those that fall within the domain of law shall be of a regulatory character.

*Art. 47.* Legislative texts may be modified by *dahir* after endorsement by the Constitutional Chamber of the Supreme Court if they fall within the sphere of the regulatory authority.

*Art. 48.* Martial law may be declared for a period of thirty days by a *dahir* taken in the Council of Ministers. This time limit may be prolonged only by law.

*Art. 49.* The Chamber of Representatives 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 the Chamber of Representatives. 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 by decree make the funds available which are needed for the public services and for the exercise of its mission as proposed in the budget bill submitted for approval.

In such an event, receipts shall continue to be collected in accordance with the legislative and regulatory provisions in force save for those whose abolition is proposed in the finance bill. Those for which a reduced rate is proposed shall be collected at the newly proposed rate.

*Art. 50.* Bills and amendments introduced by members of the Chamber of Representatives shall not be considered when their adoption would result, in relation to the finance law, either in a diminution of public financial resources or in the creation or increase of public expenditure.

### **The Functioning of the Legislative Powers**

*Art. 51.* The Prime Minister and the members of the Chamber of Representatives alike shall have the right to initiate legislation.

Bills shall be tabled with the Secretariat of the Chamber of Representatives.

*Art. 52.* The Government may reject any 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. 53.* Bills shall be sent to commissions for examination. Their activity shall continue between sessions.

*Art. 54.* 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 the Chamber of Representatives.

*Art. 55.* The agenda of the Chamber of Representatives 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 the Chamber of Representatives and for answers by the Government.



*Art. 56.* Member of the Chamber of Representatives 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 of Representatives 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. 57.* Organic laws shall be passed or amended under the following conditions: the bill shall be submitted to the deliberation and vote of the Chamber of Representatives only at the expiration of a period of ten days following its introduction.

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

*Art. 59.* 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 Chamber of Representatives and present the program he intends to apply.

This program must set out the general direction of the action the Government proposes to take in different sectors and, in particular, in the realms of economic, social, cultural and external policy.

*Art. 60.* The Government shall ensure the implementation of the laws. It shall have the administration of its disposal.

*Art. 61.* The Prime Minister shall have the right to initiate legislation. No bill may be filed by him with the Secretariat of the Chamber of Representatives before it has been deliberated in the Council of Ministers.

*Art. 62.* The Prime Minister shall exercise the regulatory power. Regulatory acts of the Prime Minister shall be countersigned by the ministers responsible for their execution.

*Art. 63.* The Prime Minister may delegate some of his powers to ministers.

*Art. 64.* The Prime Minister shall be responsible for the coordination of ministerial activities.

*Art. 65.* The Council of Ministers shall, before any decision is taken, be apprised of:

- questions concerning the general policy of the State;
- a declaration of martial law;

- a declaration of war;
- a motion of confidence in the Government to the Chamber of Representatives;
- bills before they are tabled with the Chamber of Representatives;
- regulatory decrees;
- the decrees provided in Articles 38, 39, 44 and 54 of this Constitution;
- the draft Plan;
- proposed amendments to the Constitution.

## TITLE V

### RELATIONS BETWEEN THE POWERS

#### **Relations between the King and the Chamber of Representatives**

*Art. 66.* The King may ask the Chamber of Representatives for a second reading of any bill.

*Art. 67.* The request for a second reading shall be formulated in a message and may not be refused.

*Art. 68.* The King, by *dahir*, may submit any bill, after a second reading, to referendum except where it has been approved or rejected after the second reading, by a majority of two thirds of the members of the Chamber of Representatives.

*Art. 69.* The results of a referendum shall be binding on all.

*Art. 70.* 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 *dahir*.

*Art. 71.* The election of a new Chamber of Representatives shall take place at latest three months following the dissolution. The King shall in the meantime, to fill the vacuum, exercise the powers assigned by this Constitution to the Chamber of Representatives in addition to his own powers.

*Art. 72.* When there has been dissolution of the Chamber of Representatives, the new Chamber may not be dissolved less than one year after its election.

*Art. 73.* Declaration of war shall take place after it has been communicated to the House of Representatives.

#### **Relations between the Chamber of Representatives and the Government**

*Art. 74.* The Prime Minister 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 motion of confidence has been tabled.

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

*Art. 75.* 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 quarter 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 tabled.

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. 76.* The judicial authority shall be independent of the legislative and executive powers.

*Art. 77.* Judgment shall be rendered and implemented in the name of the King.

*Art. 78.* Magistrates shall be appointed by *dahir* upon the proposal of the High Council of the Judiciary.

*Art. 79.* Magistrates may not be removed from office.

*Art. 80.* The High Council of the Judiciary shall be presided over by the King. It shall be composed, of:

- the Minister of Justice, Vice-President;
- the First President of the Supreme Court;
- the Attorney General of the King 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 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. 81.* The High Council of the Judiciary shall supervise the appli-

cation of the guarantees granted to magistrates with respect to their advancement and their discipline.

## TITLE VII

### THE HIGH COURT

*Art. 82.* The members of the Government shall be criminally liable for crimes and misdemeanors committed in the exercise of their functions.

*Art. 83.* They may be indicted by the Chamber of Representatives and committed for trial before the High Court.

*Art. 84.* 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. 85.* The High Court shall be composed of members elected from its midst by the Chamber. Its President shall be appointed by *dahir*.

*Art. 86.* An organic law shall determine the number of members of the High Court, the method of their election, and the procedure to be followed before it.

## TITLE VIII

### THE TERRITORIAL UNITS

*Art. 87.* The territorial units of the Kingdom are the prefectures, the provinces and the communes. Other territorial units may be created by law.

*Art. 88.* They shall elect assemblies to administer their affairs democratically under the conditions stipulated by law.

*Art. 89.* In the prefectures and provinces, the Governors shall execute the decisions of the prefectorial and provincial assemblies. They shall, furthermore, coordinate the activities of the administrations and supervise the implementation of the laws.

## TITLE IX

### THE HIGH COUNCIL OF NATIONAL PROMOTION AND PLANNING

*Art. 90.* There shall be instituted a High Council of National Promotion and Planning.

*Art. 91.* The High Council of National Promotion and Planning shall be presided over by the King. An organic law shall determine its composition.

*Art. 92.* The High Council of National Promotion and Planning shall be informed of the draft plan in order to study it.

*Art. 93.* The draft Plan shall be submitted to the Chamber of Representatives for approval.

## TITLE X

### THE CONSTITUTIONAL CHAMBER OF THE SUPREME COURT

*Art. 94.* 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. 95.* It shall include, among others:

- three members appointed by *dahir* for a term of four years;
- three members appointed by the President of the Chamber of Representatives, after consulting with the groups, at the beginning of each legislature.

*Art. 96.* An organic law shall determine the rules of organization and procedure of the Constitutional Chamber and the activities incompatible with its membership.

*Art. 97.* The Constitutional Chamber shall exercise the attributes devolving from the articles of the Constitution or from provisions of organic laws. It shall, moreover, rule upon the elections of the members of the Chamber of Representatives and the operations of referenda.

## TITLE XI

### AMENDMENT OF THE CONSTITUTION

*Art. 98.* The King shall have the right to initiate amendment of the Constitution.

The King may submit the amendment he has proposed directly to referendum.

*Art. 99.* An amendment of the Constitution proposed by a member of the Chamber of Representatives may be adopted only by a two-thirds majority of its members.

*Art. 100.* Bills of amendment shall be submitted to referendum by *dahir*. An amendment of the Constitution shall become definite after it has been approved by referendum.

*Art. 101.* Neither the monarchic form of the State nor the provisions relating to the Moslem religion may be the subject of a constitutional amendment.

## TITLE XII

## SPECIAL PROVISIONS

*Art. 102.* Until the installation of the Chamber of Representatives, provided by this Constitution, 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.

*Art. 103.* The Constitution promulgated by *dahir* No. 1-70-177 of 27 Jomada I 1390 531 July 1970 is abrogated.

Done at Rabat, the seat of the Supreme Court, on March 9, 1972

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