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## Act on the Right of Association

	Page
First Chapter: Establishing Associations In General	
Second Chapter: In the Associations recognized for Public-Benefit	
Third Chapter: Associations of Federations and Universities	
Fourth Chapter: Political Parties and Association of Political Nature	
Fifth Chapter: Foreign Associations	
Sixth Chapter: Categories of fighting and armed groups	
Seventh Chapter: General and transient provisions	

## Chapter One

### Establishing Associations in General

#### Article 1

An association is an agreement to achieve a constant cooperation between two or many persons using their information or activities for a non-profit purpose.

These associations are subject to the legal rules being applied to the contracts and obligations

#### Article 2

(Changed by the Royal Decree which is considered the law No. 1.733.283, dated 6 Rabee Al Awal 1393 (10 April 1973),

Persons' associations can be freely established without a prior permission provided that the provisions of the Article 5 is to be observed.

#### Article 3

(Changed by the royal decree No 1.02.206 issued in 12 Jumad Al Awal (23 July 2002)

An association that is founded for illegal purpose or goal contrary to the public morals or that may aim at violating the Islamic religion or the unity of the national soil or the royal regime or may call on all forms of discrimination will be invalid.

#### Article 4

A member of an association that has not been founded for a specific period may withdraw at any time after conducting all his due involvement duties and the ones of the current year irrespective of any provision that contradicts what was mentioned.

#### Article 5

(Changed by the decree No. 1.73.383 issued on 6 Rabee Al Awal 1393 (10 April 1973- Article I- and by the decree No 1.02.206 issued on 12 Jumad Alawal (23 July 2002)- Article II.)

An association should present an application to the headquarters of the local administrative authority where the premises of the association is located or by a court assistance for which a receipt is to be delivered. This receipt should be signed and dated. The local authority addresses a copy of the application to the General Prosecution in the primary court, and also a copy of the documents attached thereto, as indicated in the paragraph 3 with purpose of enabling it to give its opinion when necessary.

When the application fulfills the procedures stated in the subsequent paragraph, the receipt is to be delivered within a period of 60 days and in case of not being delivered within this period, the association can practice its activities according to the objectives in its statutes.

The application includes the following:

- Name of the association and its objectives;
- A list of personal and families names and the nationality and the age and date, and professions and residence of the members of the office;
- Their titles with which they represent the association;
- Copies of their national ID or their residence ID for foreigners and copies of the IDs of the criminal register;
- Headquarters of the association;
- Number of association's branches and affiliated institutions working under its administration or that have constant relevance and aim to have common activity.

The basic laws are to be added to the indicated application in the first paragraph, and three copies of these documents to be provided to the headquarters of the local administrative authority, and one of which is to be addressed to the General Secretary of Government.

The applicant should sign his application and the attached documents and certifies they are authenticated, and the rights of TANABUR are imposed on the basic statutes and the list of the members assigned to manage the association.

Any change that occurs on the management or change that is introduced to the basic laws and creation of sub-institutions or separate institutions, should be permitted during the following month, under the same conditions, protests can be made for these changes and amendments only start in the date in which the permission is made.

In case there is no change in the association members, the concerned should declare that no change has been made, in the same date described under the basic laws.

A stamped and dated receipt should be delivered immediately for any application for change.

## **Article 6**

(Superseded and replaced by the law No. 1.02.206 issued on 12 Jumad Al Awal 1423 (23 July 2002- Article I).

Every association that is legally permitted, has the right to plead before courts and possess and dispose of the following:

1. Public subsidies;
2. Duties of its members involvement;
3. Annual contributions of its members;
4. Supports of the private sector;
5. The assistances the association can receive from foreign agencies or international agencies with consideration of the provisions of the two article 17 and 32 of this law.
6. Headquarters and resources allocated for operation and holding its members' sessions;
7. Properties necessary for achieving its objectives;

#### **Article 7**

(Changed by the law No. 1.73.283 issued on 6 Rabee Al Awal 1393 (10 April 1973) – article I- superseded and replaced by the Article I of the law No. 1.02.206 issued on 12 Jumad Al Awal 1423 (23 July 2002) Article I.

The Primary court is competent with consideration of the application of the nullity of the association as stated in the article three above.

It is also competent with the application of dissolution of the association if it is in violation of the law, whether by a request from the concerned or by initiative from the General Prosecution.

The court, though the means of challenge, has the right to order within its conservative procedures, to close the premises and prohibit the meetings of the association members.

#### **Article 8**

(Changed by the decree No. 1.73.283 issued on 6 Rabee Al Awal 1393 (10 April 1973)- article one- and superseded and replaced by the article one of the decree No. 1.02.206 issued in 12 Jumad Al Awal 1423 (23 July 2002- Article One).

A fine of 1,200 and 5,000 Dirhams is imposed on the persons who commit, after the foundation of the association, any action indicated in the Article 6 without consideration to the procedures stated in the Article 5, and in case of repetition of such a violation, the penalty will be doubled.

Any person who practices activities or re-establish an association illegally, will be punished by imprisonment of a period that ranges between one and six months and will be ordered to pay a fine that ranges between 10,000-20,000 Dirham or one of this punishment, after a ruling of dissolution has been issued.

The same penalties are to be applied to the persons who help in holding meetings for the association members after dissolution ruling.

## **Chapter Two**

### **Associations Recognized for Public Benefit**

#### **Article Nine**

(Superseded and replaced by the decree No. 1.02.206 issued on 12 Jumad Al Awal 1423 (23 July 202) Article I.

Every association, except for political parties and the association that has political nature, indicated in the Chapter Four of this law, can be recognized for public benefit according to a decree after presenting an application and the administrative authority should conduct an investigation of its objectives and resources.

Response to this application should be made in a period not later than six months that starts from date of request placed with the local administrative authority.

The necessary conditions for accepting the application for public benefit are determined by a regulating text.

The qualified sport universities according to the provisions of the article 17 of the law No. 06.87 related to the physical education and sports shall acquire, by the force of the law, the recognition for public benefit. This recognition is to be made by a decree.

The associations which enjoy public benefit should hold, according to the definite conditions by a regulating text, accounts that reflect a true profile of its accountability and financial position and its results, and should keep statements and documents that demonstrate the accounting entries and books for five years.

They should raise an annual report to the Secretary General of Government including all aspects of utilizing resources the association received within a year. This report should be certified by a chartered accountant enlisted on the board of Accountants who should certify the authenticity of the accounts with consideration of the law related to the code of the financial courts.

In case the association violates its financial obligations or the ones mentioned in its statute, the recognition for its public benefit can be withdrawn after warning it to fix its accounting position within a term of three months.

The association of public benefit, enjoys the privileges resulted in the following provisions afterward irrespective of the advantages stated in the chapter 6 above.

Except for the legislative texts related to the application for public support or any other authorized means that generate income, it is possible to state in the decree recognizing the public benefit, it is allowed for the association to apply for a public support or any other means. It should also declare that to the General Secretary of Government at least 15 days before the activity to be done. The indicated application should include the date and place of the activity and the estimated revenues and the purpose for which is dedicated.

The Secretary General of Government may within the mentioned term to object by a justified decision on the public support or any activity that may generate revenue if he saw it is inconsistent with the legislative and regulating provisions.

### **Chapter 10**

(Changed by the article II of the Royal decree No. 1.02.206 issued in 12 of Jumad Al Awal 1423 (23 July 2002).

Every association recognized for its public benefit can possess, within the described limits in the decree of recognition for public benefit, funds, properties and movables necessary for accomplishing its goal or targets.

### **Article 11**

(Changed by the article 2 of the Royal Decree No. 1.02.206 issued in 12 of Jumad Al Awal 1423 (23 July 2002)

Every association recognized for the capacity of public benefit can, within the defined conditions in its basic statute and after the permission issued by the Prime Minister, possess without compensation, properties, or values or movables.

Any association with public benefit may not accept a gift of movable or property if its benefit is maintained for its giver.

### **Article 12**

(Changed by the article 2 of the royal decree No. 1.02.206 issued in 12 Jumad Al Awal 1423 (23 July 2002)

All the values of the association should be made in registered receipts in the name of the association and should be transferred or compensated for other values or properties only by a decisions from the Prime Minister.

### **Article 13**

Any property (a gift between those living or a will) that is not necessary for the operation of the association can be missed out within the formulas and terms stated in the document of permission in the chapter 11 above, and its price is to be paid to the association for use as stated in the above article.

### **Chapter 3**

#### **Federal Associations and Universities**

##### **Article 14**

(Changed by the royal decree 1.73.283 issued in 6 Rabee Awal 1393 (10 April 1973)- Chapter One).

Associations can make among themselves unions and universities

In this respect, an application should be presented, and to be made according to the provisions stated in the article 5 above. It should also contain the names of associations of which federations and universities and its objectives and headquarters.

The same system applied to the association can be applied to federations and universities.

### **Chapter 4**

#### **Political parties and associations of political nature**

##### **Article 15**

Associations of which political parties consisted or the ones that practice any political activity are subject to the provisions of the Royal Decree.

It will be a political activity in its sense as applied in the royal decree, every activity that may support directly or indirectly, the principles of the association in operating the public affairs, and that its representative work to apply them.

##### **Article 16**

Furthermore, the following special provisions are applied to the political parties and associations of political nature.

##### **Article 17**



(Changed and completed by the article II of the royal decree No. 1.02.206 issued in Jumad Al Awal 1423 (23 July 2002).

The political parties and the association of political nature shall be established unless be liable to the nullity stated in the article 3 and meet, further to the presentation of stated permission, the following provisions:

- Consist of only Moroccan citizens and to be open for all Moroccans without discrimination in terms of race, religion, or province.
- To be established and operated by national funds only,
- To have its own basic statutes that authorize its members the participation in managing the association;
- Not be open for military men, neither for judiciary people, nor influential employees, policemen, prisons' guards, officers, nor assistants of customs services.
- Not to be open for persons stripped of their national rights.

#### **Article 18**

Superseded and changed by the Royal Decree no. 1.02.206 issued in 12 of Jumad Al Awal 1423 (23 July 2002) article I.

The dissolution is to be made according to the provisions stated in the article 7 of the law, in case of violation of the provisions of chapter 3,5 and 17 above.

#### **Article 20**

(Changed by the Royal decree no. 1.02.206 issued in 12 Jumad Al Awal 1423 (July 2002) Article II.

A punishment is made to, irrespective of the penalties stated in the two articles 7 and 8, ranging between 1,200-10,000 Dirham, the persons who are involved, without the consideration to the sections 1,4,5 of the article 17, in a political party or in an association of political nature or those may accept intentionally the involvement of persons who do not fulfill the requirements stated in the same Article.

The same penalties are applied to the persons who pay and receive financial subsidies without consideration of the provisions of the article 18, and every one who receives financial support from a foreign country with intention of founding or operating a political party or association of political nature, will be punished by a fine that ranges between 10,000 and 50,000 Dirham.

### **Chapter Five**

#### **Foreign Associations**

#### **Article 21**

(Changed by the article II of the royal decree No. 1.02.206 issued on 12 Jumad Al Awal 1423 (23 July 2002)

They are considered associations by this chapter all entities which have features of an association and has a headquarter in outside or which has foreign operators or half of its members are foreigners or run by foreigners and whose headquarter in Morocco.

### **Article 22**

(Changed by the article 2 of the Royal decree No. 1.02.206 issued in 12 of Jumad Al Awal 1423 (23 July 2002)

Within the application of the provisions of the above chapter, the local authority may address at any time, to the administrators of every association that practices its activities within its jurisprudence, an application for all data relevant to the status of the association, its objectives, nationality of its members, and its actual administrators, within a period not later than one month.

The penalties stated in the article 8 above are applied to anyone who is not compliant to this or who may give false information.

### **Article 23**

Any foreign association may consist or proceed its activities in Morocco only after presenting a prior application within the provisions stated in the article five.

### **Article 24**

(Changed by the article II of the royal decree No. 1.02.206 issued in 12 of Jumad Al Awal 1423 (23 July 2002)

Within three months starting from the date indicated in the last receipt, the Government may reject the establishment of a foreign association as well as every amendment made into the basic statute or any change that is made to managing persons or the management itself or in creating branches or subsidiaries institutions for foreign associations.

### **Article 25**

Any foreign association may achieve the operations permitted by the article 6 only after the elapse of three months stated in article 24.

## **Article 26**

(Changed by the article II of the royal decree No. 1.02.206 issued in Jumad Al Awal 1423 (23 July 2002)

The provisions of the chapters 14, 23, 24 are applied to the foreign federations and universities and a permission for which should be made by a decree.

## **Article 27**

(Changed by the article II of the royal decree No. 1.02.206 issued in 12 Jumad Al Awal 1423 (23 July 2002).

When a foreign association is void as stated in the Article three or in violation of the provisions of the articles 14, 23 and 25 or its activities may harm the public security, so it might be dissolved by the provisions stated in the article seven.

The founders of association, or its managers, may be punished by the imprisonment for a term between three months and two years and by a fine that ranges between 10,000 and 50,000 Dirhams or by one of the two penalties.

## **Article 28**

All provisions of the royal decree are applied to foreign associations which are no contrary to the provisions of this Chapter.

## **Chapter Six Armed Groups**

### **Article 29**

Every association or entity is dissolved due to the following:

1. Inciting for armed demonstration on streets;
2. Have features of special armed groups;
3. May affect the unity of the national soil or taking over the helms of ruling by force or may assault the royal regime of the state.

### **Article 30**

(Changed by the royal decree No. 1.73.283 issued in Rabee Awal (10 April 1973)  
Article One.

An imprisonment of term between one and five years and fine of between 20,000-100,000 dirhams will be imposed on anyone who contributes to the continuity of an association or an entity indicated in the Article 29 or in re-establishing it directly or indirectly.

If the violator is foreign, the court has to issue its order to prevent him from residing on the Moroccan soil.

### **Article 31**

The confiscation is made to suits, badges belonging to the associations or entities which violate the law or the ones being re-established, and all arms and equipments which have been used by the mentioned entities and organizations.

The movables and property owned by the same association are to be withheld.

The liquidation of these properties and movables is made by the administration of store properties within the procedures and conditions as prescribed by the public interest.

## **Chapter 7**

### **General and Transitional Provisions**

#### **Article 32**

(Completed by the law No. 2.92.719 issued in 30 Rabee Awal 1413 (28 September 1992) and by the royal decree No. 1.02.206 issued in 12 Jumad Al Awal 1423 (23 July 2002- Article 3)

The associations which receive assistance from public groups should present its budget and its accounts to the ministries which grant it the above mentioned assistances.

The association-held account books should be controlled according a decision by the deputy minister of the National Economy in Finance, as well as by the conditions by which the budget and accounts are delivered to the Ministers. These accounts are subject to the inspections by the Ministry.

Every official is punished, for any violations of the decision stated in the paragraph above, by a fine of 120-1000 dirhams, and the association will be held accountable.

The political parties and associations of political nature which receive an assistance from the state in financing the election campaigns which are launched

in the general and legislative elections or supporting newspapers which they issue, should document them in its dates according to the procedures defined by the government and should be disbursed according to their grant's purposes.

The inspection of documents should be made by a committee headed by a representative of the Head of Higher Council of Accounts, to be appointed by the Head of this Council, in addition to:

- Head of Chamber in the Higher Council, appointed by the Minister of Justice;
- A representative by the Minister of Interior;
- Inspector from Ministry of Finance appointed by the Minister of Finance.

The committee should include the results of its activities in a report to be published in the Official Gazette.

After using all or some assistance of the government's for purposes otherwise the ones for which they have been granted, as embezzlement, this will be punished according to the provisions of the criminal law.

#### **Article 32 (Repeated)**

Associations which receive foreign assistance should declare that to the General Secretary of Government along with specifying the amounts received and its resources within a term of thirty days from the date of this assistance.

Any violation of this article's provisions, will expose the concerned association to dissolution according to the provisions of the article 7.

#### **Article 32 (Repeated Two)**

The associations which receive subsidies whose amount exceeds 10,000 dirhams from local groups or public institutions or the companies which the state or the group or institutions contribute in its capital wholly or partly, should present its accounts to the donating agencies with consideration of the law related to the code of the financial courts.

The account books which should be held by the association as indicated in the above paragraph, are to be defined by a decision of the Minister of Finance, and they are to be inspected by the inspectors of the Ministry of Finance.

#### **Article 33**

Lawsuits related to the associations and entities that are indicated in the royal decree can be made by its head, whatever his nomination, except for the basic

statutes indicate otherwise provision that might obstruct the disciplinary procedures, and the same lawsuits can be made against the head.

In case a lawsuit was lodged against an association and its head disputed over it, or evaded by any means, the head of court to which the case was referred can issue an order to appoint a proxy in such a dispute, and the lawsuit can be made against this proxy, and, when necessary, someone else can be installed to dispose of the money retained.

#### **Article 34**

All contracts signed are considered void and ineffective, between those who live or by the will, whether compensated or uncompensated and the one achieved directly or by the other or by any means, the purpose of which is to help associations established legally or illegally, in evading the provisions of the articles 6,10,11,12,13 of this royal decree, and the case of nullity can be proceeded before the court by anyone who is concerned or by the Public Prosecution.

#### **Article 35**

(Completed by the royal decree No. 1.02.206 issued in 12 Jumad Al Awal 1423 (23 July 2002) article II.

The administrator/s of the association will be accountable for their actions by the imprisonment for terms that range between three months and two years and by a fine of 1,200 and 50,000 dirhams or by one of the two penalties if they make an incitement in meetings held by the association to commit felonies through their speeches or instigations or calls in any language or by posters on walls or publishing and distributing them or by presenting them on tapes, irrespective of penalties applicable on the persons of the association.

#### **Article 36**

(Superseded and replaced by the royal decree No. 1.02.206 issued in 12 Jumad Al Awal 1423 (23 July 2002)- Article 1.

Every association which practices an activity otherwise the one is stated in its basic statute, can be dissolved according to the procedures stated in the chapter 7, and the administrators of the association are to be punished by a fine that ranges between 1,200- 5,000 Dirhams irrespective of the penalties stated in the criminal legislation.

#### **Article 37**

(Completed by the royal decree No. 1.02.206 issued in 12 Jumad Al Awal 1423 (23 July 2002)- Article II.

When the association is dissolved, the transfer of its fund is made according to its basic statute or according the decision taken by the General Assembly when there are no governing laws in the basic statutes.

If the association was dissolved by a court order, this order should specify how the association should be liquidated according or contrary to the provisions of the basic laws.

For the associations that benefit from the assistances of the state or the local groups or from the public institutes or the company which the state contributes to its capital, wholly or partly, so its funds are to be handed over to the state's charity projects.

### **Article 38**

(Superseded and replaced by the Royal decree No. 1.02.206 issued in 12 Jumad Al Awal 1423 (23 July 2002- Article I.

The provisions related to the slight conditions to the violating the articles mentioned in this law.

### **Article 39**

(Changed and completed by the Article II of the Royal decree No. 1.02.206 issued in 12 Jumad Al Awal 1423 (23 July 2002)

All civil issues related to the association should be referred to the primary courts.

### **Article 40**

(Changed and completed by the Article II of the Royal decree No. 1.02.206 issued in 12 Jumad Al Awal 1423 (23 July 2002)

### **Article 41**

This royal decree applies to all the regions of the Kingdom and it supersedes any legislation related to the association.