

No. 10713

**FRANCE
and
MOROCCO**

Convention concerning reciprocal legal assistance, grant of execution of judgements and extradition (with annexed protocol). Signed at Paris on 5 October 1957

Protocol relating to the above-mentioned Convention concerning the legal profession and juridical activities. Signed at Rabat on 20 May 1965

Exchange of notes constituting an agreement interpreting the above-mentioned Protocol of 20 May 1965. Rabat, 23 December 1968 and 8 April 1969

Authentic texts : French.

Registered by France on 3 September 1970.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN FRANCE AND MOROCCO
CONCERNING RECIPROCAL LEGAL ASSISTANCE,
GRANT OF EXÉCUTION OF JUDGEMENTS AND
EXTRADITION

The President of the French Republic and
His Majesty the King of Morocco,

Noting that effective co-operation has been established between France
and Morocco in legal matters;

Have decided to conclude this Convention concerning Reciprocal Legal
Assistance, Grant of Execution of Judgements and Extradition, together
with the annexed Protocol.

To that end, they have appointed as their plenipotentiaries :

The President of the French Republic :

His Excellency Mr. Emile Claparede, Secretary of State for Foreign
Affairs;

His Majesty the King of Morocco :

His Excellency Mr. Ahmed Balafrej, Minister for Foreign Affairs,

Who, having exchanged their full powers, found in good and due form,

Have agreed on the following provisions :

TITLE I

RECIPROCAL ASSISTANCE

Section 1

TRANSMITTAL AND SERVICE OF WRITS AND EXTRA-JUDICIAL DOCUMENTS

Article 1

Writs and extra-judicial documents, both in civil and commercial and
in criminal matters, without prejudice to the provisions governing the
system of extradition, to be served on persons resident in the territory of

¹ Came into force on 16 December 1959 by the exchange of the instruments of ratification,
which took place at Rabat, in accordance with article 49.

one of the Contracting Parties shall be transmitted direct by the competent authority to the *parquet* having jurisdiction over the person on whom the document is to be served.

The provisions of this article shall be without prejudice to the right of the Contracting Parties to cause writs and extra-judicial documents addressed to their own nationals to be served direct by their representatives or deputies. Where there is a conflict between the legislation of the two countries, the nationality of the addressee shall be determined by the law of the country in which service is to be effected.

Article 2

Writs or extra-judicial documents shall not be translated, but the covering letter or note shall be made out in the language of the requested authority and shall indicate the following :

- The authority issuing the document;
- The nature of the document in question;
- The name and status of the parties;
- The name and address of the addressee;
- And, in criminal matters, the designation of the offence.

Article 3

If the requested authority is not the competent body, it shall automatically transmit the document to the competent authority and inform the requesting authority immediately.

Article 4

The requested authority shall confine itself to having the document served on the addressee.

If the addressee accepts it voluntarily, proof of service shall consist either of a dated receipt signed by him, or of a certificate by the requested authority confirming that service has been effected and indicating the manner and date of service. One or other of these documents shall be sent direct to the requesting authority.

If an addressee refuses to accept the document, the requested authority shall return it to the requesting authority forthwith and shall state the reason why service could not be effected.

Article 5

The cost of serving writs and extra-judicial documents shall not be refunded.

Article 6

The provisions of the preceding articles shall, in civil and commercial matters, be without prejudice to the right of interested parties resident in the territory of one of the two Contracting Parties to have documents served, by law officials in the case of France and process-servers in the case of Morocco, on persons in one of the two States.

Section 2

TRANSMITTAL AND EXECUTION OF LETTERS ROGATORY

Article 7

Letters rogatory in civil and commercial matters to be executed in the territory of one of the two Contracting Parties shall be executed by the judicial authorities.

They shall be sent direct to the competent *parquet*. If the requested authority is not the competent body, it shall automatically transmit the letter rogatory to the competent authority and inform the requesting authority forthwith.

The provisions of this article shall be without prejudice to the right of the Contracting Parties to cause letters rogatory concerning the hearing of their nationals to be executed direct by their representatives or deputies. Where there is a conflict between the legislation of the two countries, the nationality of the person in respect of whom the hearing is requested shall be determined by the law of the State in which the letter rogatory is to be executed.

Article 8

Letters rogatory in criminal matters to be executed in the territory of one of the two Contracting Parties shall be transmitted through the diplomatic channel and executed by the judicial authorities.

In urgent cases, they may be sent direct. They shall, in each instance, be returned through the diplomatic channel.

Article 9

The requested authority may refuse to execute a letter rogatory if, under its national legislation, the letter rogatory does not fall within its competence or is liable to impair the sovereignty, security or public policy of the State in which it is to be executed.

Article 10

Persons whose testimony is requested shall be invited to appear by a regular administrative notice; if they refuse to comply with such notice, the requested authority shall employ the means of coercion provided for in its national legislation.

Article 11

The requested authority shall, at the express wish of the requesting authority, with all due dispatch :

- (1) Execute the letter rogatory by means of a special formality, if that formality does not conflict with its national legislation;
- (2) Inform the requesting authority in good time of the date and place of execution of the letter rogatory, so that the interested parties may be present, in accordance with the legislation of the requested country.

Article 12

Letters rogatory in civil and commercial matters shall be accompanied by a translation in the language of the requested authority. The translation shall be certified by a sworn translator or a translator whose oath shall be taken in conformity with the laws of the requesting country.

Article 13

The execution of letters rogatory shall not give rise to the refunding of any costs save the fees of experts.

Section 3

APPEARANCE OF WITNESSES IN CRIMINAL MATTERS

Article 14

If, in a criminal case, the personal appearance of a witness is necessary, the Government of the country in which he is resident shall urge him to accept the invitation which will be extended to him. If he does, his travel expenses and subsistence allowance, which shall be calculated from his place of residence, shall be at least equal to those provided for under the

scales and regulations in force in the country in which the hearing is to take place; at his request, he shall be advanced all or part of the travel expenses by the consular authorities of the requesting country.

No witness, whatever his nationality, who is summoned in one of the two States and voluntarily appears before the judicial authorities of the other State may be prosecuted or detained in the latter State for offences or convictions antedating his departure from the territory of the requested State. This immunity shall cease thirty days after the date on which the testimony has been completed and/or the return of the witness has become possible.

Article 15

Requests for the sending of witnesses who are in custody shall be transmitted through the diplomatic channel.

Such requests shall be complied with, unless there are special objections, on the understanding that such persons in custody are returned promptly.

TITLE II

GRANT OF EXECUTION IN CIVIL AND COMMERCIAL MATTERS

Article 16

In civil and commercial matters, decisions in adversary and non-adversary proceedings rendered by the courts in France or Morocco shall automatically have the force of *res judicata* in the territory of the other country provided they satisfy the following conditions :

(a) The decision was rendered by a court which is competent under the rules of private international law which are admitted in the country in which the decision is to be executed, unless a firm waiver is entered by the party concerned :

(b) The parties have been duly summoned, represented or declared in default;

(c) The decision has, under the law of the country in which it was rendered, acquired the force of *res judicata* and is enforceable;

(d) The decision contains nothing contrary to the public policy of the country in which it is invoked or to the principles of public law applicable in that country. Moreover, it shall not conflict with a judicial decision which has been rendered in that country and has the force of *res judicata*.

Article 17

The decisions referred to in the preceding article may be enforced by the authorities of the other country or be the subject of a formal procedure initiated by those authorities, for example, by entries or corrections in the civil registers, only if they have been declared enforceable.

Article 18

Execution shall be granted at the request of an interested party by the competent authority, in accordance with the law of the country in which it is requested.

The procedure for requesting a grant of execution shall be governed by the legislation of the country in which execution is requested.

Article 19

The competent authority shall confine itself to establishing whether the decision for which a grant of execution is requested satisfies the conditions laid down in the preceding articles in order to have *ipso facto* the full legal force of *res judicata*. It shall automatically proceed with such an examination and record the outcome in the decision.

Execution may not be granted when an appeal against the decision for which a grant of execution is requested has been entered with the Court of Cassation.

In granting execution, the competent authority shall, where necessary, order the requisite measures to ensure that the decision of the other country is publicized in the same way as if it had been rendered in the country in which it is declared enforceable.

Execution may be granted for only part of the decision of the other country.

Article 20

The decision granting execution shall be binding on all parties concerned and throughout the territory to which these provisions apply.

It shall, as from the date on which the grant of execution is obtained, make it possible for the decision which has been rendered enforceable to have, in so far as enforcement measures are concerned, the same effect as if it had been rendered by the court which has granted execution on the date on which execution was granted.

Article 21

The party invoking the authority of a judicial decision or requesting its execution shall produce :

- (a) A duly certified copy of the decision;
- (b) The original of the certificate of service of the decision or of any other equivalent document in lieu;
- (c) A certificate of the competent clerk of court establishing that there is no objection to or appeal against the decision;
- (d) A certified copy of the summons served on the defaulting party;
- (e) A full translation of the above-mentioned documents, certified by a sworn translator.

Article 22

Arbitral awards validly rendered in either country shall be recognized in the other country and may be declared enforceable in that country if they fulfil the conditions of article 16, where such conditions apply.

Execution shall be granted in the manner laid down in the preceding articles.

Article 23

Legal instruments, including notarized documents, which are enforceable in one of either country shall be declared enforceable in the other country by the competent authority in accordance with the law of the country in which they are to be executed.

The said authority shall merely ascertain whether the instruments meet the requirements for authenticity in the country in which they have been received and whether enforcement of their provisions is contrary to the public policy or principles of public law of that country.

Article 24

Land mortgage contracts concluded in either country shall be registered and shall be valid in the other only when the documents containing the agreement are rendered enforceable by the competent authority in accordance with the law of the country in which registration is requested. The

said authority shall merely ascertain that the documents and the pertinent powers of attorney meet the requirements for validity in the country in which they are received.

The foregoing provisions shall also apply to documents recording the satisfaction or reduction of mortgages made out in either country.

Article 25

The provisions of this title shall apply whatever the nationality of the parties.

Article 26

All the provisions of this Convention shall apply to companies which are set up in accordance with the laws in force in France and Morocco and have their main office in one of those countries.

TITLE III

EXTRADITION

Article 27

The Contracting Parties undertake to surrender to each other, in accordance with the rules and conditions laid down in the following articles, persons in the territory of either State who are the subject of proceedings or have been sentenced by the judicial authorities of the other State.

Article 28

The Contracting Parties shall not extradite their own nationals. Nationality shall mean the nationality at the time of commission of the offence for which extradition is requested.

The requested Party undertakes, however, in so far as it is competent to judge them, to institute proceedings against any of its nationals who, in the territory of the other State, have committed offences which are punishable as crimes or correctional offences in the two States, when it has received from the other Party through the diplomatic channel a request for proceedings which is accompanied by the files, documents, exhibits and information in its possession. The requesting Party shall be informed of the result of its request.

Article 29

The following shall be subject to extradition :

(1) Persons against whom proceedings are being taken for crimes or offences punishable under the laws of the Contracting Parties by at least two years' imprisonment;

(2) Persons who, for crimes or offences punishable under the law of the requested State, are sentenced *audiatur et altera pars* or in default by the courts of the requesting State to at least two months' imprisonment.

Article 30

Extradition shall not be granted if the offence in respect of which it is requested is regarded by the requested Party as a political offence or as an offence allied to a political offence.

Article 31

Extradition may be refused if the offence in respect of which it is requested consists solely of the non-fulfilment of military obligations.

Article 32

Extradition shall be granted, under the conditions laid down in this Convention, in matters relating to taxes, duties, customs and foreign exchange, when so decided by a simple exchange of letters for each specially designated offence or category of offences.

Article 33

Extradition shall be refused :

(a) If the offences in respect of which it is requested have been committed in the requested State;

(b) If final judgement on the offences has been rendered in the requested State;

(c) If the act or the sentence falls under the statute of limitations in accordance with the legislation of the requesting State or of the requested State at the time of the latter's receipt of the request;

(d) If the offences have been committed outside the territory of the requesting State by a person who is not a national of that State and the

legislation of the requested country does not authorize proceedings to be taken in connexion with such offences when they are committed outside its territory by an alien;

(e) If amnesty has been declared in the requesting State or if amnesty has been declared in the requested State, provided, in the latter case, that the offence is one for which proceedings may be instituted in that State when it has been committed outside the territory of that State by an alien.

Extradition may be refused if the offences are the subject of proceedings in the requested State or judgement on them has been rendered in a third State.

Article 34

A request for extradition shall be sent through the diplomatic channel.

It shall be accompanied by the original or a certified copy of either an enforceable sentence or a warrant of arrest or any other document having the same force and issued in the manner prescribed by the legislation of the requesting State. The circumstances of the acts in respect of which extradition is requested, the time and place of their commission, their designation in law and references to the legal provisions applicable thereto shall be stated as accurately as possible. A copy of the relevant legal provisions shall also be attached and, so far as possible, the particulars of the person claimed and any information which will help to establish his identity and nationality.

Article 35

In an emergency, provisional arrest shall be made at the request of the competent authorities of the requesting State, pending receipt of the request for extradition and the documents referred to in the second paragraph of article 34.

A request for provisional arrest shall be sent to the competent authorities of the requested State either direct by post or telegraph or by any other means affording evidence in writing. It shall, at the same time, be confirmed through the diplomatic channel. It shall state that one of the documents mentioned in the second paragraph of article 34 exists and that it is intended to send a request for extradition. It shall state the offence in respect of which extradition is requested, when and where it was committed, and the particulars of the person claimed, which shall be as accurate as possible. The requesting authority shall be informed without delay of the results of its request.

Article 36

Provisional arrest may be terminated if, within a period of 20 days after the arrest, the requested Government has not received any of the documents mentioned in the second paragraph of article 34.

Release shall not prejudice re-arrest and extradition if a request for extradition is received subsequently.

Article 37

Where supplementary information is essential to ensure that the conditions laid down in this Convention are fulfilled, the requested State, when it feels that the omission can be rectified, shall advise the requesting State through the diplomatic channel before it refuses the request. A time-limit may be set by the requested State for the receipt of such information.

Article 38

If extradition is requested concurrently by more than one State, either for the same offence or for different offences, the requested State shall make its decision freely, having regard to all the circumstances and especially the possibility of subsequent extradition between the requesting States, the respective dates of the requests, the relative seriousness and the place of commission of the offences.

Article 39

Where there are grounds for extradition, all property which has been acquired as a result of the offence or may serve as evidence and is found at the time of his arrest in the possession of the person claimed or is discovered subsequently shall, at the request of the requesting State, be confiscated and handed over to the authorities of that State.

The property shall be handed over even if extradition cannot be carried out because of the escape or death of the person claimed.

However, any rights which third parties may have acquired in the said property shall be preserved and, where such rights exist, the property shall be returned to the requested State as soon as possible and without charge on completion of the proceedings in the requesting State.

The requested State may keep confiscated property temporarily, where it considers that it is needed for criminal proceedings. It may, in forwarding such property, also reserve the right to have it sent back for the same reason, while undertaking, in turn, to return it as soon as possible.

Article 40

The requested State shall inform the requesting State through the diplomatic channel of its decision with regard to extradition.

Reasons shall be given for any complete or partial rejection.

If the request is agreed to, the requesting State shall be informed of the place and date of surrender.

Unless otherwise agreed, the person extradited shall be conducted by requested State to the place designated by the diplomatic mission of the requesting State.

Except as provided for in the last paragraph of this article, the requesting State shall have its agents take over the person to be extradited within a period of one month from the date determined in accordance with the third paragraph of this article. Once that period has expired, the person shall be released and cannot be claimed again for the same offence.

If exceptional circumstances prevent the person who is to be extradited from being surrendered or taken over, the State concerned shall inform the other State before the period expires. The two States shall agree on another date for surrender and the provisions of the preceding paragraph shall apply.

Article 41

If the person claimed is the subject of proceedings or has been sentenced in the requested State for an offence other than the one giving rise to the request for extradition, the latter State shall none the less take a decision on the request and inform the requesting State of its decision regarding the extradition, in the manner prescribed in the first and second paragraphs of article 40. If the request is agreed to, surrender shall, however, be deferred until the legal requirements of the requested State have been met.

Surrender shall take place on a date to be determined in accordance with the third paragraph of article 40 and the fourth, fifth and sixth paragraphs of the said article shall then apply.

The provisions of this article shall not prevent the person concerned from being sent temporarily to appear before the judicial authorities of the requesting State, on the express condition that he shall be returned once those authorities have rendered their judgement.

Article 42

A person who has been extradited may not be the subject of proceedings or be sentenced or detained for the purpose of carrying out a sentence for any offence committed prior to his surrender other than the offence which has given rise to the extradition, except in the following cases :

(1) When the person who is extradited, having been free to leave the territory of the State to which he has been surrendered, has not done so within 30 days of his final discharge, or has returned to that territory after leaving it;

(2) When the State which has surrendered him consents; a request for consent shall be submitted, accompanied by the documents referred to in the second paragraph of article 34 and by a legal record of any statements by the extradited person on the extension of the extradition and mentioning the opportunity afforded him to submit a memorandum in his own defence to the authorities of the requested State.

When the designation of the offence is altered in the course of the proceedings, the person extradited shall be the subject of proceedings or be sentenced or detained only in so far as the factors constituting the newly designated offence permit extradition.

Article 43

Except in cases where the person concerned has remained in the territory of the requesting State under the conditions laid down in the preceding article or is returned to that territory under such conditions, the consent of the requested State shall be required to enable the requesting State to hand over the person surrendered to it to a third State.

Article 44

Extradition involving transit through the territory of one of the Contracting Parties of a person surrendered to the other Party shall be granted on the application transmitted through the diplomatic channel. The necessary documents shall be furnished in support of such a request in order to establish that the offence gives rise to extradition. The conditions laid down in article 29 relating to the amount of the sentences shall be disregarded.

If air transport is used, the following provisions shall apply :

(1) When no stopover is scheduled, the requesting State shall notify the State over whose territory the flight is to be made and shall certify that one of the documents mentioned in the second paragraph of article 34 exists. In the case of an unscheduled landing, such notification shall have the effect of a request for provisional arrest as referred to in article 35 and the requesting State shall submit a request for transit under the conditions laid down in the preceding paragraphs.

(2) When a landing is scheduled, the requesting State shall submit a request for transit.

When the requested State also requests extradition, transit may be interrupted until such time as the person claimed has fulfilled the requirements of the law of that State.

Article 45

Expenses incurred under the extradition procedure shall be borne by the requesting State, it being understood that no claim shall be made for the costs of proceedings or of imprisonment.

TITLE IV

GENERAL PROVISIONS

Article 46

In this Convention, the term "national" means :

- In the case of France, all French nationals and nationals of the territories the international interests of which are represented by France;
- In the case of Morocco, Moroccan nationals.

Article 47

This Convention shall apply :

(1) In the case of France, to the territory of the French Republic and the territories the international interests of which are represented by France.

However, its application to the French overseas territories and the territories the international interests of which are represented by France shall be determined by an exchange of letters between the two Governments.

(2) In the case of Morocco, to Moroccan territory.

Article 48

A protocol annexed to this Convention shall govern matters relating to the waiving of security for costs and penalties by foreign plaintiffs (*cautio judicatum solvi*), to legal aid and to the exchange of judicial records for nationals of either State.

Article 49

This Convention shall be ratified and shall enter into force on the exchange of the instruments of ratification, which shall take place as soon as possible.

It shall remain in force for a period of one year from the date on which either Contracting Party expresses the wish to denounce it.

IN WITNESS WHEREOF the Plenipotentiaries have signed this Convention concerning Reciprocal Legal Assistance, Grant of Execution of Judgements and Extradition, and the annexed Protocol, and they have affixed their seals thereto.

DONE in Paris, on 5 October 1957, in two copies.

For France :
Emile CLAPAREDE
Christian PINEAU

[SEAL]

For Morocco :
Ahmed BALAFREJ

[SEAL]

PROTOCOL ANNEXED TO THE CONVENTION CONCERNING
RECIPROCAL LEGAL ASSISTANCE

TITLE I

SECURITY FOR COSTS AND PENALTIES BY FOREIGN PLAINTIFFS
(« CAUTIO JUDICATUM SOLVI »)

Article 1

No security or deposit of any kind may be imposed, by reason of their status as foreigners or the absence of domicile or residence in the country in question, upon French nationals in Morocco and Moroccan nationals in France.

The preceding paragraph shall apply to bodies corporate set up or authorized in accordance with the laws of either country.

TITLE II

LEGAL AID

Article 2

The nationals of either country shall, in the territory of the other, be entitled to legal aid on the same basis as nationals of that country, provided they comply with the law of the country in which the aid is requested.

Article 3

The certificate of need shall be issued to the applicant by the authorities at his normal place of residence, if he is resident in the territory of either country. If the person concerned is resident in a third country, the certificate shall be issued by the appropriate consul of his country for the territory concerned.

Where the person concerned is resident in the country in which the request is made, additional information may be sought from the authorities of the country of which he is a national.

TITLE III

EXCHANGE OF JUDICIAL RECORDS

Article 4

The two Contracting Parties shall report to each other all convictions for crimes and offences pronounced by their judicial authorities against nationals of the other Party.

The reports shall be transmitted through the diplomatic channel.

DONE in Paris, on 5 October 1957, in two copies.

For France :
Émile CLAPAREDE
Christian PINEAU

For Morocco :
Ahmed BALAFREJ

PROTOCOL¹

The Government of the French Republic, on the one hand,
The Government of the Kingdom of Morocco, on the other,

Desiring, in view of the reorganization of the legal system in Morocco, to establish new conditions for the exercise of juridical activities by nationals of either State in the territory of the other, having regard to article 5 of the Act of 26 January 1965 concerning the Unification of Moroccan Courts, have agreed on the provisions of this Protocol, which shall replace the provisions of article 4 of the Legal Convention of 5 October 1957² and shall be considered as forming an integral part of the Convention concerning Reciprocal Legal Assistance.³

1. French *avocats* members of the French bar may be authorized by the competent Moroccan authorities to assist or represent parties before all Moroccan courts.

Moroccan *avocats* members of the Moroccan bar may be authorized by the competent French authorities to assist or represent parties before all French courts.

2. French *avocats* current members of the Moroccan bar shall automatically be entitled to practise their profession in Moroccan territory. If they do not speak Arabic, they shall arrange to be replaced in all oral proceedings by a colleague who speaks that language, and they shall not be prevented thereby from attending such proceedings.

Moroccan *avocats* current members of the French bar shall automatically be entitled to practise their profession in French territory. If they do not speak French, they shall arrange to be replaced in all oral proceedings by a colleague who speaks that language, and they shall not be prevented thereby from attending such proceedings.

Nationals of either country may apply for membership in the bar of the other country provided they satisfy the requirements for such membership in the country in which it is applied for, and they shall not be subject to any discrimination. They may practise as *avocats*, the sole condition being that they comply with the law of the country, and they shall be eligible for all positions in the Council of the Ordre des Avocats, except that of *bâtonnier*.

¹ Came into force on 1 January 1966, in accordance with its provisions.

² See p. 213 of this volume.

³ See p. 247 of this volume.

3. Moroccan nationals holding a degree of Bachelor of Laws may be admitted for training in the French bar and shall not be required to show proof that they have obtained a certificate qualifying them for the profession of *avocat*, in which case, however, their training in France shall not count towards membership in the French bar.

4. French nationals may enter the legal profession in Morocco under the same conditions as Moroccan nationals and they shall not be subject to any discrimination.

Moroccan nationals may enter the legal profession in France under the same conditions as French nationals and they shall not be subject to any discrimination.

5. Each Contracting Party shall, in view of the close relations between the two States, reserve the special status established in this Protocol for nationals of the other Party. Nationals of a third State may not automatically benefit from these provisions.

This Protocol shall enter into force on 1 January 1966.

DONE at Rabat, in two copies, on 20 May 1965.

For the Government
of the French Republic :

Robert GILLET
French Ambassador to Morocco

For the Government
of the Kingdom of Morocco :

Abdelhadi BOUTALEB
Minister of Justice

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN FRANCE AND MOROCCO INTERPRET-
ING THE PROTOCOL OF 20 MAY 1965² CONCERNING
THE LEGAL PROFESSION AND JURIDICAL ACTI-
VITIES

I

FRENCH EMBASSY IN MOROCCO

No. 5411/CJ.

Rabat, 23 Décembre 1968

The French Embassy presents its compliments to the Ministry for Foreign Affairs and has the honour to state the following with regard to the interpretation of certain provisions of the Franco-Moroccan Protocol of 20 May 1965² concerning the Legal Profession and Juridical Activities.

A. *Authorities competent to issue the authorization
referred to in item 1 of the Protocol*

Under item 1 of the Franco-Moroccan Protocol of 20 May 1965 concerning the Legal Profession and Juridical Activities: "French *avocats* members of the French bar may be authorized by the competent Moroccan authorities to assist or represent parties before all Moroccan courts. Moroccan *avocats* members of the Moroccan bar may be authorized by the competent French authorities to assist or represent parties before all French courts".

In this provision, the terms "competent Moroccan authorities" and "competent French authorities" shall mean, respectively, the Minister of Justice of the Moroccan Government, and the Keeper of the Seals, the Minister of Justice, of the French Government.

B. *Nationals of Morocco and nationals of France who, on the date of signature of the Protocol, were not members of the bar of the other country and wish to enter*

The situation of such persons is governed by the third paragraph of item 2 of the Franco-Moroccan Protocol of 20 May 1965 concerning the Legal Profession and Juridical Activities, which states that: "Nationals of either country may apply for membership in the bar of the other country provided they satisfy the requirements for such membership in the country in which it is applied for, and they shall not be subject to any discrimination. They may practice as *avocats*, the sole condition

¹ Came into force on 8 April 1969 by the exchange of the said notes.

² See p. 279 of this volume.

being that they comply with the law of the country, and they shall be eligible for all posts in the Council of the *Ordre des Avocats*, except that of *bâtonnier*".

This provision shall be taken to mean that the membership of a Moroccan national in the French bar or of a French national in the Moroccan bar cannot be refused because he does not speak French or Arabic. If he does not speak the language of the country in which he intends to practice his profession, the person concerned shall, like *avocats* referred to in the first and second paragraphs of item 2 of the Protocol, arrange to be replaced, in all oral proceedings, by a colleague who speaks that language and he shall not be prevented thereby from attending such proceedings.

The Embassy would be grateful if the Ministry for Foreign Affairs would indicate whether it agrees to the foregoing.

If so, this note and the reply of the Ministry for Foreign Affairs shall constitute an exchange of notes interpreting the Franco-Moroccan Protocol of 20 May 1965 concerning the Legal Profession and Juridical Activities. This exchange of notes will be published in the *Bulletin officiel* of the Kingdom of Morocco and the *Journal officiel* of the French Republic.

The French Embassy takes this opportunity, etc.

JM. G.

Ministry for Foreign Affairs
Rabat

II

KINGDOM OF MOROCCO MINISTRY FOR FOREIGN AFFAIRS

Division of European and American Affairs

No. D.A.P./3/MAE

Rabat, 8 April 1969

The Ministry for Foreign Affairs presents its compliments to the French Embassy and, further to the Embassy's note, No. 5411/CJ, dated 23 December 1968, has the honour to state the following :

A. *Authorities competent to issue the authorization referred to in item 1 of the Protocol*

The Embassy has informed the Minister for Foreign Affairs that : "Under item 1 of the Franco-Moroccan Protocol of 20 May 1965 concerning the Legal Profession

and Juridical Activities : French *avocats* members of the French bar may be authorized by the competent Moroccan authorities to assist or represent parties before all Moroccan courts. Moroccan *avocats* members of the Moroccan bar may be authorized by the competent French authorities to assist or represent parties before all French courts”.

“In this provision”, the Embassy goes on to say, “the terms competent Moroccan authorities and competent French authorities shall mean, respectively, the Minister of Justice of the Moroccan Government, and the Keeper of the Seals, the Minister of Justice, of the French Government”.

B. *Nationals of Morocco and nationals of France who, on the date of signature of the Protocol, were not members of the bar of the other country and wish to enter*

The text of the Embassy’s note states, moreover, that : “The situation of such persons is governed by the third paragraph of item 2 of the Franco-Moroccan Protocol of 20 May 1965 concerning the Legal Profession and Juridical Activities, which states that : “Nationals of either country may apply for membership in the bar of the other country provided they satisfy the requirements for such membership in the country in which it is applied for, and they shall not be subject to any discrimination. They may practice as *avocats*, the sole condition being that they comply with the law of the country, and they shall be eligible for all posts in the Council of the Ordre des Avocats, except that of *bâtonnier*”.

“This provision”, the Embassy states, “shall be taken to mean that the membership of a Moroccan national in the French bar or of a French national in the Moroccan bar cannot be refused because he does not speak French or Arabic. If he does not speak the language of the country in which he intends to practice his profession, the person concerned shall, like *avocats* referred to in the first and second paragraphs of item 2 of the Protocol, arrange to be replaced, in all oral proceedings, by a colleague who speaks that language and he shall not be prevented thereby from attending such proceedings”.

Having taken note of the foregoing, the Ministry for Foreign Affairs wishes to inform the French Embassy that the Moroccan authorities agree to the various above-mentioned provisions.

Accordingly, this note together with that of the Embassy, as recapitulated above, shall constitute an exchange of notes interpreting the Franco-Moroccan Protocol of 20 May 1965 concerning the Legal Profession and Juridical Activities. This exchange of notes will, as agreed, be published in the *Bulletin officiel* of the Kingdom of Morocco and the *Journal officiel* of the French Republic.

The Ministry for Foreign Affairs takes this opportunity, etc.

Y. N.

French Embassy in Morocco
Rabat