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LAW NO. 154 OF 1959

Dated Nov. 7th 1959 on Associations

In the name of the people

We, Al-Habib Burqiba, President of the Republic of Tunisia

Upon review of articles 8 and 64 of the Constitution,

The order dated September 15th 1888 on associations,

The order dated August 6th 1939 in associations and the amendments thereof

And based on the proposals of the Minister of State for Interior and the Minister of State for Presidency Affairs,

We hereby issue the following:

PART ONE

CREATION AND MANAGEMENT

Chapter One

Normal Associations

ARTICLE 1:

An association is an agreement between two individuals or more through which their experience and activity are shared on permanent basis and for purposes other than the financial ones and generating profits thereof.

Associations shall be subject, in their creation, to the public principles in transactions and civil contracts.

ARTICLE 2:

It shall not be possible in any way to have the purpose for which the agreement was conducted or the goal thereof contradictory to the laws and morals or leading to disrupting public order, undermining the unity of national soil or the State's Republican regime.

The founders or directors of associations may not have been formerly convicted of any felony against good morals.

ARTICLE 3:

Those who may wish to form an association shall file the following in the Province head offices or the district in which the social department of the organization exists:

First: A statement indicating the following:

- 1) The name of the association, objectives and address of the head office;
- 2) Names and titles of the association founders, or those who had been in charge of it, their dates of birth, places of birth and nationalities; and
- 3) Number and social premises of its branches, divisions, detached entities or subsidiary organizations it created, had under its management or is in constant contact with for one purpose. The names of directors, titles, DOBs and POBs, nationalities, profession and premises of each of them shall also be indicated.

Second: Five copies of the Articles of Association and an equal number of lists shall be provided stating the names, titles, DOBs and POBs, profession and premises of every member assigned as a deputy or mandated to run the association or handle any of its affairs under any title whatsoever.

The statement and the attached documents shall be signed by two or more of the founders and stamped, except for two copies. And a receipt shall be produced thereof.

ARTICLE 4:

No association may legally exist unless upon approving its Articles of Association by the Minister of State for Interior.

Non-reply by the competent department within four months starting from the date of submitting the documents indicated in article 3 may be deemed as a refusal.

The Minister of State for Interior shall have an absolute right to grant or withhold such license.

ARTICLE (5):

An association that has been legally created may not acquire legitimacy unless an announcement is placed by its directors in the official gazette of the Republic of Tunisia stating its name, objective, social premises, number and date of its license.

ARTICLE 6:

Any amendment inflicted upon the Articles of Association thereof during its term of activity shall be approved and announced likewise.

Every association shall, within one month, report all the changes made to its board of directors. Such act of reporting shall also cover the branches, divisions, detached entities or subsidiary groups that are to be formed as provided for in article 3.

Such changes may not apply or enter force until the date of announcement or advertisement as the case may be.

Had no changes occurred to the board of directors or managers, these shall announce such condition within a month.

ARTICLE 7:

Each member of an association that hasn't been created within a specific term may withdraw at any point following payment of the year's subscription. Any agreement in contradiction to this shall be deemed insignificant.

ARTICLE 8:

Associations that have been created legally may, without a special permit, receive, acquire, possess and dispose the following:

- 1) Subscriptions paid by members or funds extracted therefrom. Such subscriptions may not be of more than 30 Dinars;
- 2) Premises and equipment of the association and for the meeting of its members; and
- 3) The necessary real-estate to realize the established objective except for the donations from the government and the public institutions.

The first aid or charity associations may accept contributions upon the approval of the Minister of State for Interior.

ARTICLE 9:

Each association receiving regular subsidies from the government or the public institutions shall annually submit its budget and accounts to the Ministries or authorities that provided such and have them subjected to the audit of the Ministry of Finance and Commerce.

Each subsidy disbursed by the government and is not spent within a year as earmarked for shall be transferred back to the State's treasury.

ARTICLE 10:

Each association created in contradiction with articles 2, 3, 4, 5 and 6 above shall be deemed inexistent by the competent court which shall look into the case brought up by prosecutors, the Minister of State for Interior or the Attorney General.

The Minister of State for Interior shall maintain the right to shut down the organization's premises and ban its meetings by a reasoned decision until a final verdict is issued provided that the case is brought before the court within no more than eight days.

ARTICLE 11:

Associations that have been legally created may merge or come together under one framework.

The associations' union or mergence shall be pursuant to the procedures above and such shall also announce the premises and objectives of the associations thereof.

Any subsequent breakup of the associations, unions or combination shall be announced in the same manner and month.

Chapter two

Associations of national interests

ARTICLE 12:

It shall be allowed by virtue of an order issued by proposal of the Minister of State for Interior to grant an association the national interest following the administrative authority's examination of its objective and activity.

A national interest may not be awarded to associations that are less than two years old.

ARTICLE 13:

An association that may wish to acquire a national interest shall address the Minister of State for Interior with a request signed by all those authorized by the general assembly to do so.

Such request shall be supplemented by five articles of association extracted from the typical articles of association executed by the Minister of State for Interior.

ARTICLE 14:

Any association that has been granted the national interest may undertake all the civil procedures allowed by its articles of association. However, it may not own or purchase real-estates that are not crucial for the purpose it was established for.

The funds of these associations shall be deposited under the name of the government or the government institutions.

The associations' acceptance of grants and donations shall be permitted by a decision of the Minister of State for Interior.

Real-estates included in the donations and grants contracts which are not crucial for the association's activity may be accepted subject to the terms and methods provided for in the text related to acceptance of grants.

The value shall be released to the association's fund.

An association may not accept movables or real-estates unless if utilized for the benefit of the giver.

Every other ownership in contradiction with the provisions of this article shall be deemed void.

Article (15): It shall be possible, by virtue of an order, to withdraw the national interest from any association that has breached its lawful and statutory obligations.

Chapter three

Foreign Associations

ARTICLE 16:

A foreign association shall be defined, no matter what nature it may develop, as an organization having the same features of normal associations and a social premise abroad or inside Tunisia and is supervised by a board of directors with at least half of members being foreigners.

ARTICLE 17:

A foreign association may not be found or exert any activity inside Tunisia unless following the approval of its Articles of Association by the Minister of State for Interior and following the opinion of the Minister of State for Foreign Affairs.

ARTICLE 18:

All foreign associations shall be subject to the provisions of chapter one of part one herein. The foreign directors of the association shall possess valid IDs.

ARTICLE 19:

The license awarded by the Minister of State for Interior may be temporary or regularly renewable.

Certain requirements may be observed thereof. And it may be withdrawn by a resolution at any time.

ARTICLE 20:

Foreign associations of whatever nature that haven't been licensed as above shall be deemed void.

The Minister of State for Interior shall determine on such revocation.

ARTICLE 21:

Refusal to license or the resolution requiring withdrawal of the associations' licenses that allow continuation of activity or the revocation decision may all be enforced by all available means.

During the month in which such decision is issued or published, the properties of these organizations shall be liquidized.

ARTICLE 22:

Whoever bears responsibility or persists at any capacity in bearing the responsibility of running the unlicensed foreign associations or institutions shall be punished with a one to five years imprisonment and a fine of ten to one hundred dinars.

Whoever participates in running these associations and affiliates shall be punished with imprisonment for six months to three years and a fine of ten to fifty dinars.

These penalties shall apply to directors, facilitators and whoever taking part in the activity of the associations or institutions working without consideration to the license requirements or those that exceeded the expiry date.

PART TWO

DISSOLUTION, PENALTIES AND ENFORCEMENT

ARTICLE 23:

Each association whose activity contradicts with the requirements of article 2 above or rather deviated from its established objective stated in the Articles of Association shall be dissolved by a rule of court upon a request from the prosecutors, the attorney general of the Minister of State for Interior.

ARTICLE 24:

A temporary dissolution of the association in the manner indicated in the former article may be executed by a request of the general prosecution or permitted for a definite term not to exceed the period of issuing the final rule by the court of injunction. The decision may be implemented before the rule.

ARTICLE 25:

Every association that proves to have an objective, activity or conduct that is contradictory to the public order and morals shall be dissolved by virtue of a reasoned decision of the Minister of State for Interior.

ARTICLE 26:

The association's properties may be transferred upon the agreement of its members to dissolve it as per the Articles of Association. If such articles of association do not address the manner of transfer, such can be decided in the general assembly.

In case the transfer hasn't been processed as per the conditions above, the association's properties shall be transferred to the State's possession which shall earmark them for emergency or precautionary projects notwithstanding the right to retrieve such properties by a claim in accordance with article 28 below. In case the association has received regular subsidy from the government or public institutions, its properties shall be liquidized by the State Property Administration.

The liquidation outcome shall be awarded to projects of social interest.

ARTICLE 27:

It shall be imperative to liquidize the association upon its judicial or administrative dissolution through the State Property Administration.

The liquidation net outcome shall be awarded to projects of social interest.

ARTICLE 28:

The donor, heirs or successors may retrieve their contributions, assets or stocks, for associations upon their dissolution unless such have been already given to an emergency project.

In case such funds and stocks have been intended for an emergency project, they may not be retrieved as long as they are used for the purpose they were intended for.

It shall be allowed to file a lawsuit or a claim for retrieval against the liquidator within the six months starting from the date of the rule issuance or the dissolution decision. The sentence in absentia may be challenged against the liquidator through which the authority of the property in question has been confiscated.

ARTICLE 29:

A breach of the provisions stipulated herein shall require an imprisonment of one to six months or a fine of fifty to five hundred dinars.

Such penalties may be inflicted upon those who pay assistance in the convention of an association that hasn't been recognized or has already been dissolved.

ARTICLE 30:

Whoever takes part either directly or indirectly in maintaining or re-creation of associations that had not been recognized or had been dissolved by one to five years in prison and a fine of one hundred to one thousand or either one.

ARTICLE 31:

Any association director who voluntarily incited, during meetings, any acts of crime and felonies either through rhetoric, incitement, writing, announcing, dissemination, distribution, writing or presentation shall be fined of ten to one hundred dinars and three months to one year imprisonment in addition to other harsher penalties defined by the effective law to be inflicted upon those who are personally responsible for such incitement. In no way will such people be charged any less than those convicted from the association's directors as above.

ARTICLE 32:

All acts in contradiction with this law have been amended particularly the orders dates Sept. 15th 1888 and August 6th 1936.

ARTICLE 33:

This law shall enter into force as of January 1st 1960.

ARTICLE 34:

The associations indicated above which are operational until December 31st 1959 shall abide by the provisions herein and the executive bylaws by June 30th 1930.

ARTICLE 35:

This law shall be published in the Republic of Tunisia's official gazette and shall be applied as a State act.

Issued at the Presidency of the Republic of Tunisia

November 7th 1959

President: Al-Habib Burqiba