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# Associations Act

**Act 90-31 of December 4, 1990 on associations  
(JORA<sup>1</sup> #: 053 of 05-12-1990)**

The President of the Republic,

In view of the Constitution, notably Articles 32, 39, 40, 53, 113, 115 and 117;

In view of order No. 66-156 of June 8, 1966, modified and completed, in support of the Criminal Code;

In view of order No. 75-58 of September 26, 1975, modified and completed, in support of the Criminal Code;

In view of Act 87-15 of July 21, 1987 on associations;

In view of Act 89-11 of July 5, 1989 on political associations;

In view of Act 90-08 of April 7, 1990 on the township;

In view of Act 90-09 of April 7, 1990 on the *wilaya*<sup>2</sup>;

After adoption by the National People's Congress;

Here by enacts the law with the following terms:

## **TITLE I GENERAL PROVISIONS**

Article 1. - The purpose of the present Act is to determine the methods of the set-up, organization and operation of associations.

Art. 2. - An association is an agreement governed by the applicable legislation in which individuals or legal entities form a group on a contractual basis for non-profit purposes.

For a defined or indefinite term, they combine their skills and methods for promoting professional, social, scientific, religious, educational, and cultural or sports activities.

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<sup>1</sup> Journal Officiel de la République Algérienne = Algerian Official Gazette

<sup>2</sup> Administrative unit in Algeria, equivalent to a district.

The purpose of the association shall be precisely established and it shall have a name that is compatible with its purpose.

Art. 3. - Unions, federations or confederations of associations are associations under the meaning of this present Act.

## **TITLE II ESTABLISHMENT AND OPERATION OF ASSOCIATIONS**

### **Chapter 1 - Establishment**

Art. 4. - Subject to the provisions of Article 5 of the present Act, all adult persons may found, administer or direct an association if they:

- are Algerian nationals;
- enjoy civil and civic rights;
- have not demonstrated conduct contrary to the interests of the fight for national liberation.

Art. 5. - Any association is ipso jure null and void if:

- it was founded for a purpose contrary to the established institutional system or to public order, public decency or the laws and regulations in force;
- its founding members do not meet the conditions set out in Article 4 of the present Act.

Art. 6. - An association shall be established freely through the will of its founding members as the result of a general statutory meeting attended by at least fifteen (15) founding members who adopt the statutes and nominate the officers of its managing boards.

Art. 7. - An association shall be lawfully established after:

- submission of a Declaration of Incorporation to the relevant public authority set out in Article 10 of the present Act;
- delivery of a registered receipt of the Declaration of Incorporation by the relevant public authority, at the latest sixty (60) days after submission of the file and after examination in accordance with the provisions of the present Act;

- publication, at the expense of the association, of a public notice in at least one nationally distributed daily newspaper.

Art. 8. - If the relevant authority determines that the association's establishment is contrary to the provisions of the present Act, a maximum of eight (8) days before the expiry of the term set out in the preceding article for delivery of the registered receipt, it shall bring the matter before the administrative chamber of the Court with jurisdiction in the territory, which must render a decision within thirty (30) days of referral to the Court.

If the matter is not brought before the Court, the association is considered to be lawfully established upon expiry of the term indicated for delivery of the registered receipt.

Art. 9. - The Declaration of Incorporation set out in Article 7 of the present Act shall be accompanied by a file containing:

- a list containing the name, signature, civil status, profession and address of each founding member and member of the managing boards;

- two (2) certified true copies of the statutes;

- the minutes of the statutory meeting.

Art. 10. - The Declaration of Incorporation of an association shall be filed, at the suit of its founding members, with the following relevant authorities:

- the *wali*<sup>3</sup> of the *wilaya* where the head office is located, for associations whose territorial coverage includes one or more townships in the same *wilaya*;

- the Minister of the Interior, for national or inter-*wilaya* associations.

## **Chapter 2 - Rights and Obligations**

Art. 11. - Due to their purpose, name and operation, associations differ from political associations and cannot maintain any institutional or structural relations with them, nor receive subsidies, gifts or donations in any form whatsoever from them, nor participate in their funding.

Art. 12. - Members of an association exercise the rights and are subject to the obligations set out in the applicable legislation within the limit of its statutes.

Art. 13. - Any member of an association is entitled to sit on the managing boards of the association within the framework of its statutes and the provisions of the present Act.

Art. 14. - The managing boards of the association are elected and renewed pursuant to democratic principles and the terms set out in the statutes.

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<sup>3</sup> Designation of person of authority.

Art. 15. - Except in cases explicitly established by the Act, any individual or legal entity is prohibited from interfering with the operation of an association.

Art. 16. - An association acquires juridical personality and legal capacity from the moment it is established, pursuant to Article 7 above, and consequently may:

- bring actions, suits or other legal proceedings, and exercise, notably before relevant jurisdictions, the rights reserved to the plaintiff as a result of events related to its purpose that have prejudiced the individual or collective interests of its members;
- represent the association before public authorities;
- enter into any contract, convention or agreement related to its purpose;
- acquire, free or for a fee, real and personal property to conduct its activities, as set out in its statutes.

Art. 17. - Associations must inform the relevant public authority, indicated in Article 10 of the present Act, of all modifications made to the statutes and all changes occurring to the managing boards within thirty (30) days following the decisions.

These modifications and changes shall prevail against third parties only on the day of their application in at least one nationally distributed daily newspaper.

Art. 18. - Associations are obligated to regularly provide to the relevant public authority all information regarding their workforce, source of funds and financial position, in accordance with the methods established by regulation.

Art. 19. - Within the framework of the applicable legislation, the association may issue and diffuse bulletins, reviews, information documents and brochures related to its purpose.

The primary bulletin must be written in Arabic in compliance with the applicable legislation.

Art. 20. - An association is obligated to contract insurance by way of security from financial consequences related to its public liability.

Art. 21. - Pursuant to the applicable legislative and regulatory provisions, only national associations may join international associations pursuing the same or similar goals.

This membership can only occur with agreement from the Minister of the Interior.

### **Chapter 3 – Association Statutes**

Art. 22. - The general assembly is the association's supreme governing body and is made up of all members who meet the voting conditions established in the association's statutes.

Art. 23. - The statutes of an association, under penalty of being struck null and void, must state:

- the purpose, name and head office of the association;
- the form of organization and the field of territorial jurisdiction;
- the rights and obligations of its members and their successors in interest, if applicable;
- the conditions and methods of membership, withdrawal, suspension and exclusion of members;
- the proposed conditions associated with the voting rights of members;
- the rules and methods of nomination of representatives at general assemblies;
- the role of the general assembly and the managing boards, and their operating procedure;
- the method of nomination and renewal of managing boards, as well as their term;
- the rules of the majority quorum requirement for decisions of the general assembly and managing boards;
- the rules and procedures of examination and approval of activity and control reports, and approval of the association's accounts;
- the rules and procedures for return of assets if the association is dissolved.

Art. 24. - Associations are prohibited from including in their statutes, or from practicing, any discrimination of members that adversely affects their civil liberties.

Art. 25. - Status as a member of an association is acquired by signing a membership certificate certified with a document delivered to the interested party by the association.

#### **Chapter 4 – Resources and Assets**

Art. 26. – An association's resources include:

- membership dues;
- revenue from activities;
- donations and gifts;

- possible Government, *wilaya* or township subsidies.

Art. 27. - Associations may retain revenue from their activities, subject to the condition that the aforementioned revenue is used exclusively to further the goals set out in the statutes and applicable legislation.

Art. 28. - Donations and gifts with charges and conditions shall not be accepted by associations, unless these charges and conditions are compatible with the stated goal in the statutes and with the provisions of the present Act.

Gifts and donations from foreign associations or agencies may only be received after agreement from the relevant public authority, who shall verify the source, amount, compatibility with the stated goal in the statutes of the association and any restrictions that may arise therefrom.

Art. 29. - Over and above the resources set out in Article 25 of the present Act, associations may have revenue from authorized public fundraising campaigns pursuant to the conditions and manners established by the applicable legislation and regulations.

Once fundraising has been completed, associations are obligated to declare, to the relevant public authority, the results of each authorized fundraising campaign.

Art. 30. - When the activity of an association is considered by the public authority to be of general and/or public interest, the relevant association may receive subsidies, material assistance and any other contributions, with or without associated conditions, from the State, *wilaya* or township.

When approved subsidies, assistance and contributions are accompanied by conditions, their granting may be subject to adherence of the beneficiary association to a pre-established contract specifying the activity programs and methods for their control, pursuant to the applicable legislation.

Art. 31. - Except on authorization from the relevant authority, use by the association of subsidies, assistance and contributions for purposes other than those pre-determined by the granting administration is a violation, and holds its directors liable.

### **TITLE III SUSPENSION AND DISSOLUTION**

Art. 32. - Without prejudice to the applicable legislation and regulations, on motion of the relevant public authority and under the conditions set out in Article 33 of the present Act, the relevant jurisdictions may suspend all activity of the association and any provisional measures regarding the administration of assets.

The aforementioned measures shall cease ipso jure, if rejected by the relevant jurisdiction of the motion, notwithstanding any right of appeal.

Art. 33. - The dissolution of an association may be voluntary or court-ordered.

Art. 34. - Voluntary dissolution is ordered by members of the association or their lawfully nominated representatives, in accordance with statutory provisions.

When the relevant association carries out an activity of general and/or public interest, the relevant public authority, previously notified, has complete freedom to take or order appropriate measures to ensure the continuance of the activity under consideration.

Art. 35. - The court-ordered dissolution of an association may occur on request from the public authority or as the result of a third-party complaint, when the association carries out activities that violate the applicable legislation or activities other than those set out in its statutes.

Art. 36. - Without prejudice to other provisions in the applicable legislation, the Court may order, on motion of the Attorney General's Office, any provisional measures or the confiscation of assets of the association that is subject to judicial dissolution.

Art. 37. - Subject to the provisions of Article 35 of the present Act, voluntary or judicial dissolution entails the devolution of real or personal property in accordance with statutes.

However, an appeal lawfully filed against the judicial decision of dissolution suspends the devolution of the association's property until a final judicial decision has been issued.

Art. 38. - Notwithstanding the provisions of the present Act, the organization and operation of associations that have been authorized to support the government in the organization of public relief in times of war and peace are determined by regulation.

#### **TITLE IV SPECIFIC PROVISIONS ON FOREIGN ASSOCIATIONS**

Art. 39. - Any association, regardless of its structure or purpose, that has its head office abroad or that, having its head office in the national territory, is managed in full or in part by foreigners, is considered to be a foreign association.

Art. 40. - Subject to the condition of nationality, the conditions for establishing and operating foreign associations are those set out in the present Act.

The establishment of any foreign association is subject to pre-approval by the Minister of the Interior.

Art. 41. - Only persons who have regularized their status under the applicable legislation on foreigner visitors in Algeria may found or be members of a foreign association.

Art. 42. - Without prejudice to the application of other provisions of the applicable legislation and regulations, the approval granted to a foreign association may be suspended or withdrawn by decision of the Minister of the Interior when it carries out activities other than those set out in its statutes, or if its activity adversely affects:

- the established institutional system;

- the integrity of the national territory, national unity, the religion of the State or national language;

- law and order and public decency.

Suspension or withdrawal of approval may also be ordered if the association refuses to provide to the relevant authority the documents and information required on its activities, funding, administration and management.

Art. 43. - Any modification of the purpose, statutes and implementation of the foreign association, as well as any changes to its managing boards or boards of directors, must be pre-approved by the relevant public authority, under penalty of suspension or withdrawal of approval.

Art. 44. - Upon notification of suspension or withdrawal of approval, the foreign association shall cease all activities.

If approval has been withdrawn, the association is considered to be dissolved.

## **TITLE V PENAL PROVISIONS**

Art. 45. - Whomever directs, administers or promotes within a non-accredited, suspended or dissolved association, or who encourages the meeting of members of a non-accredited, suspended or dissolved association, shall be punished with a prison sentence of three (3) months to two (2) years and a fine of 50,000 DA to 100,000 DA, or one of these sanctions only.

Art. 46. - The use of the association's property for personal reasons or purposes other than those set out in its statutes constitutes a breach of trust and is punishable as such, pursuant to the Penal Code provisions.

Art. 47. - Refusal to provide the information set out in Article 18 above is punishable with a fine of 2,000 DA to 5,000 DA.

## **TITLE VI FINAL PROVISIONS**

Art. 48. - Associations lawfully established on the date of the present Act are not bound to any other obligation other than ensuring their statutes comply with the provisions of the present Act, before June 30, 1991.

Art. 49. - All provisions contrary to those in the present Act, notably Act 87-15 of July 21, 1987 on associations, are hereby repealed.

Art. 50. - The present Act shall be published in the Official Gazette of the Democratic and Popular Republic of Algeria.

**Algiers, December 4, 1990.**

**Chadli BENDJEDID.**