

**Proposal for a draft organic law on
Steps for establishing Amazigh
language as an official language and the
terms of its integration within
education and priority domains of
public life**

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**Proposal for a draft organic law for the
constitutionnalization of the Amazigh
language, developed by the Amazigh
Network for Citizenship
- Azetta Amazigh -**

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Preamble

Based on the historical role of the Amazigh language and culture in shaping the North African personality and, in particular, the Moroccan personality, given their vivid and active presence in the Moroccan culture;

Given the contribution of the Amazigh language, culture, identity, civilization and noble values for more than thirty-three centuries, and in order to allow the Amazigh resume its civilizational role in the construction of a better present and future for the Moroccan people and for all humanity;

Keen to capitalize on the academic, legal and literary experience of associative movements for over half a century of action, activism and advocacy, which helped to create greater awareness about the need to rehabilitate the Amazigh in the various components of the Moroccan society, while this language preservation and promotion became a national responsibility of all components of the Moroccan people, of all tendencies and references;

Inspired by the international human rights instruments ratified by the Moroccan State, and recommendations of relevant mechanisms, including the Committee on the Elimination of Racial Discrimination during the review of the 17th and 18th Reports submitted by the Moroccan State on August 18th, 2010 in Geneva, those of the Committee on Economic, Social and Cultural Rights and the 13th session of the Human Rights Council, held on May 22nd, 2012 in Geneva following the comprehensive periodic review of Morocco's Report (2008-2011) and the recommendations of Independent Expert in the

field of cultural rights approved by the Human Rights Council at its 20th session in part of the promotion and protection of all civil, political, economic, social and cultural human rights, including the right to development;

Under the principle of equity, based on the criteria of justice and equality between cultures and official recognition of cultural plurality, and inspired by some positive points of comparative experiences, either at the constitutional or legislative level or within their practical aspects related to the management of linguistic pluralism and its positive impact on the development of the people;

Based on the provisions of paragraph 4, article 5 of the Constitution of July 2011, promulgated by Dahir No. 1.11.91 and published in the Official Bulletin No. 5964 of July 30th, 2011, which states that:

"The Amazigh constitutes an official language of the state, as a common heritage of all Moroccans without exception.

An organic law will define the process of implementing the official status of this language, as well as the modalities of its integration in education and the priority domains in public life, with the aim of allowing the language to fulfill its function as an official language".

In accordance with the Preamble of the Constitution, which reaffirms, inter alia the following:

" A sovereign Muslim State, attached to its national unity and to its territorial integrity, the Kingdom of Morocco intends to preserve, in its plentitude and its diversity, its one and indivisible national identity. Its unity, is forged by the convergence of its Arab-Islamist,

amazighe, and Saharan-Hassanic components, nourished and enriched by its African, Andalusian, Hebraic and Mediterranean affluents."

Since the Amazigh language and Arabic are the official languages of the State;

Based on the Declaration of the Government presented to Parliament in early 2012, in which the government is committed, inter alia, to:

"... Give priority to structuring legislation, such as organic laws on government action, appointments in senior positions, to justice and to Amazigh. The guidelines laid down by the Constitution in this regard require a participatory approach based on the promotion of the two official national languages, Arabic and Amazigh, within a framework which guaranties unity and diversity ";

"... work in line with the improvement and development of the use of the Arabic language, the implementation of the official character of the Amazigh language through the establishment of an organic law defining the modalities of introduction and integration of Amazigh in education and public life, while preserving the achievements on a schedule that takes into account the priority domains and by adopting a participatory approach involving all stakeholders in the promotion of the Amazigh language and culture ";

We propose this draft organic law on the steps to establish the Amazigh language as an official language:

First Title

General provisions, principles and objectives

Chapter 1

General provisions

Article 1: The Amazigh language constitutes an official language of the Moroccan state.

Article 2: As part of this law, the Amazigh language includes all regional idioms, language repertoire of North Africa as well as the modern language and lexicographic product.

Article 3: "Tifnagh" is the adopted character for the Amazigh language transcription.

Article 4: Under this organic law, and in order to maintain equality and equity, "Arabic" is followed by the expression "and the Amazigh language" in the laws in force.

Any law or legislatif texte which shall contravene the previous paragraph of this Article or the provisions of any other section of this organic law may be reviewed for its unconstitutionality.

Chapter 2

Constitutional principles and objectives

Section 1 : Constitutional principles

Article 5:

The State is committed to:

- a) Guarantee the Amazigh language, culture and civilization as an identity and common heritage of all Moroccans, without exception,

- b) Guarantee equality of both official languages without discrimination, and consider any depreciation or contempt of the Amazigh language as a form of racial or ethnic discrimination punishable by the law,
- c) Preserve and promote the Amazigh cultural and civilizational heritage.

Section 2: Constitutional objectives

Article 6: This Organic Law aims at the implementation of the provisions of paragraph 4 of Article 5 of the Constitution and that through establishing the modalities of the Amazigh language integration in education, information and public life domains, as well as the general rules for its use, promotion and preservation.

Article 7: This Organic Law aims at:

- a) Preserving and promoting the Amazigh language and culture so that they can contribute to sustainable human, environmental and space development;
- b) Ensuring the use of the Amazigh language by administrations, public authorities and elected councils;
- c) Ensuring the right to communicate in Amazigh language between all Moroccans and formally establish the State bilingualism;
- d) Strengthening cohesion and national solidarity by promoting positive values of Amazigh culture;
- e) Encouraging and highlighting the benefits of linguistic pluralism and cultural diversity.

Chapter 3

Mechanisms for establishing the Amazigh language as an official language

Article 8:

The establishment of the Amazigh language as an official language includes:

- a) Drawing administrative documents and reports from government agencies in the Amazigh language;
- b) Using one of the two official languages, Arabic or Amazigh, to address the Moroccans;
- c) Recognizing documents and correspondence established in Amazigh;
- d) The publication of a copy of the official Bulletin in Amazigh.

Article 9: The establishment of Amazigh as an official language and its integration involve:

The use of the Amazigh language in public services as well as in institutions wholly or partly relevant to public services. The provisions of the preceding article are necessarily included in the specifications clauses related to public services.

Article 10: The promotion and integration of the Amazigh language involve:

The preservation of Amazigh tangible and intangible heritage, the protection of historic sites across the Moroccan territory, highlighting the various facets and dimensions of the Amazigh civilization and culture and their integration into sustainable development system.

Title II

Sectoral establishment of the Amazigh language as an official language

First chapter

Integration of the Amazigh language in the education and training system

Section 1

Integration of the Amazigh language in literacy programs

Article 11: All Moroccans have the right to learn the Amazigh language.

Article 12: The Amazigh language, culture and civilization are integrated in all literacy and non-formal education programs.

The teaching and learning of the Amazigh language are integral part of literacy programs as they promote access to knowledge and empower the citizen to assume his/her social role.

The institutions responsible for the protection, promotion and integration of the Amazigh language contribute to the development, evaluation and implementation of the various programs and policies adopted in literacy and non-formal education, especially "the **National Agency for the Eradication of Illiteracy** " programs.

Section 2: Integration of the Amazigh language in elementary and primary education

Article 13: The teaching of the Amazigh language and culture is widespread at all levels of basic education, in

both public and private sectors, as well as educational institutions belonging to foreign missions.

Article 14: The State guarantees the right of Moroccans, inside and outside Morocco, to learn the Amazigh language.

The development of courses and curricula must ensure the devotion of values of citizenship and noble values of the Amazigh culture and civilization.

Article 15: Regional variants of the Amazigh language are adopted in elementary and primary education, according to the principle of gradual linguistic unity.

Section 3: Integration of the Amazigh language in secondary education

Article 16: The teaching of the Amazigh language and culture is extended to all the secondary schools in both public and private sectors, as well as educational institutions belonging to foreign missions.

Article 17: The Amazigh language, culture and civilization are listed as core subjects in the curricula and programs planned for all levels of education mentioned in the previous article. The language is adopted as the language of teaching and learning.

Section 4: Integration of the Amazigh language in the vocational training schools

Article 18: The Amazigh language, culture, civilization and identity are listed as core subjects for training and learning in different vocational training institutions.

Section 5: Integration of the Amazigh language in higher education and management training institutions

Article 19: As a culture, civilization, identity and unified normative language, Amazigh is registered as a main subject in examinations or entrance examinations at various academic and management training institutions.

Article 20: As a culture, civilization, identity and unified normative language, Amazigh is registered in the curricula of universities, higher education institutes, schools and training centers, both public and private.

Article 21: As a culture, civilization, identity and unified normative language, Amazigh is registered as a main subject in graduation examination of different institutions of university education and management training.

Article 22: Departments of Amazigh studies and relevant research centers are established in each higher education institute and university. Amazigh language training modules are also integrated into the programs of different departments.

Article 23: Budget items were created for researchers to teach the Amazigh language in different universities and higher education institutes, as well as in the regional educational and training centers.

Article 24: The Amazigh is adopted as a condition of employment or education in the institutions mentioned in this organic law.

Chapter 2: Integration of the Amazigh language in the written and broadcast media

Article 25: Integration of the Amazigh language and culture in the curricula of training institutes in the field of information and communication.

Article 26: The Amazigh language is integrated and used in the various bodies and information institutions, both public and private.

Article 27: The government extends to 24 hours the broadcasting time of the Amazigh chain and radio. It also guarantees their coverage of the whole country and facilitates reception both inside and outside Morocco.

Regional television channels are established in order to promote the local culture and specificities.

Article 28: Public mass assign, as of 2014, at least 50% of their budget to make or assist in the implementation of Amazigh programs and productions.

The provisions of the paragraph above are taken into account in the development of specifications of channels and audio-visual media.

The rules of good governance and quality standards are taken into account in supervising the development and presentation of Amazigh programs and thematic material.

Article 29: Official statements and speeches of officials are broadcasted or translated in Amazigh.

Article 30: The constitutional sessions and weekly oral questions of both Houses of Parliament are broadcasted in Amazigh on public radio and television channels or accompanied by simultaneous translation in Amazigh.

Monthly meetings of the Head of Government are also transmitted in accordance with the provisions of the preceding paragraph.

Article 31: A body is created within the Société Nationale de Radiodiffusion et de Télévision (SNRT) (The National Broadcasting Company) and other media institutions to monitor and control the proper integration of Amazigh in their programs and projects.

Article 32: The State supports and contributes to the upgrading and development of Amazigh press.

Article 33: The the High Authority of Audiovisual Communication assumes its powers and prerogatives to ensure the correct application of articles provided by this organic law.

Chapter 3: Integration of the Amazigh language in the cultural and artistic programs

Article 34: The Amazigh language can be used in all public cultural and artistic programs.

Article 35: The State guarantees its support for the use of the Amazigh language in the cultural and artistic creativity.

Article 36: The State encourages the rehabilitation and development of the Amazigh cultural and artistic heritage.

Chapter 4: Integration of the Amazigh language in the public administration and agencies

Section 1: Integration of the Amazigh language in public signage and spaces

Article 37: The Amazigh language must be used in:

Boards and traffic signs on roads and airports as well as in all public places.

Article 38: The name of institutions, facilities and public places must consider the Amazigh meanings and cultural, civilizational and historical dimensions.

Article 39: Boards and panels fixed on the facades of ministries and public or semi-public institutions and services which fall within or are under their supervision, are established in the Amazigh language, in accordance with the provisions of Article 38 above.

Article 40: Boards and panels fixed on the facades of Morocco's embassies and consulates abroad, as well as services and administrations under their responsibility, are established in the Amazigh language.

Article 41: Public institutions and administrations are required to communicate in Amazigh language on their websites.

Section 2: Integration of the Amazigh language in official publications

Article 42: The following official publications are written in Amazigh:

1. Official publications of ministries or public or semi-public institutions;
2. Personal forms or surveys conducted by public or semi-public authorities or at their request;
3. All publications on the same authorities or associated to the same authorities as the aforementioned documents.

Section 3: Integration of the Amazigh language in correspondence and administrative documents

Article 43: Administrative documents are drawn up in both official languages of the State, and in particular:

- Documents and certificates established or submitted by civil status officers;
- All documents and certificates established or submitted by Moroccan embassies and consulates.

Article 44: The answers to correspondence sent in Amazigh language in any administration, public institution or elected body should be in the language of origin.

The provisions of the preceding paragraph shall apply to enterprises running utilities or public services or within the context of delegated management. This right must be included in the clauses of the specifications.

Section 4: Integration of the Amazigh language in the sovereignty and identity documents

Article 45: The establishment of the Amazigh language as an official language includes the following:

Its integration in the different documents symbols of national sovereignty, such as coins and banknotes, stamps and the different government's seals and publications.

Article 46: The official data of the following identity documents are also transcribed in Amazigh language:

1. The national identity card and passport;
2. Driving licenses of all types;

3. Residence permits issued to foreigners residing in Morocco.

Section 5: Integration of the Amazigh language in the areas of public services

Article 47: The Amazigh language is integrated within all the working tools, communication and public services, particularly the following functions and services:

1. National Security, Royal Gendarmerie, Civil Defence and Auxiliary Forces;
2. Health and hospital facilities;
3. Public transportation, including vehicles, ships and aircraft and other means of public transportation or authorized as such.

Chapter 5: Integration of the Amazigh language in the judicial system

Section 1: Integration of the Amazigh language in the independent judiciary

Article 48: The independent judiciary shall take into account, in its deliberations and in the adoption of legal policies and recognised powers which, the official dimension of the Amazigh language and customary laws.

Section 2: Integration of the Amazigh language in the judicial system

Article 49: The Amazigh language, culture and customs should be taken into account in the national legislations.

Article 50: Provided they are compatible with international human rights, the Amazigh customs and

customary laws are one of the sources of Moroccan legislation.

Section 3: The Amazigh language and the right to access to justice

Article 51: The Amazigh language is also the procedural language and a language to access to justice and to all other legal professions. Legal actions and proceedings are undertaken in either official languages.

Article 52: The Amazigh language rights are taken into consideration in the appointment of officials and similar executives, and in assessing their functional and professional performance.

Article 53: The different stakeholders and judiciary staff receive special training and development sessions in the field of the Amazigh language, culture and customs.

Article 54: The the Higher Judicial Council shall ensure that linguistic justice is a criterion in the exercise of its powers in the appointment of judges and the assessment of their professional performance.

Title III: The Higher Institute of Amazigh Studies

Chapter 1: Establishment and classification

Article 55: An institute of strategic objectives and of a full legal capacity and financial independence, named **Higher Institute of Amazigh Studies**, hereinafter "the institute" is hereby established;

Article 56: "The Institute" is classified among the strategic institutions referred to in the last paragraph of Article 49 of the Constitution, in article 1, paragraph 1 and in article 2, paragraph 1 of the Organic Law of 02/2012 promulgated by Dahir of July 17th, 2012

relating to the appointment to highest offices in accordance with articles 49 and 92 of the Constitution. “**The Institute**” is added to the establishments listed in Annex 1 (a) referred to in article 2, paragraph 1 of this organic law.

Chapter 2: Structure and Administration

Article 57: A Director and a Board of Directors assume the management of the "**the institute**".

The Institute has a head office, but can, however, have local and regional branches responsible for implementing policies and guidelines in the light of local circumstances and needs.

Article 58: The Director of “**the Institute**” is appointed and his functions and duties are defined by a Dahir issued pursuant to Article 1, first paragraph of the Organic Law relevant to appointment to the highest offices, provided for in the article 49 of the Constitution.

Members of the “**Institute**”’s Board of Directors are appointed by a decree in accordance with the appointment procedure stipulated in Article 1, paragraph 2 of the organic law on the appointment to the highest offices, in accordance with Article 92 of the Constitution.

Article 59: The composition of “**the Institute**”’s Board of Directors is defined by a decree.

The members of the “**the Institute**”’s Board of Directors are appointed according to criteria taking in consideration of the provisions of Article 4 a of the organic law on the appointment to highest offices, pursuant to article 92 of the Constitution.

The appointment should also take into account a balanced representation of government sectors and agencies, and institutions under their supervision, as well as the representation of civil society.

Membership to the “**the Institute**” should also take into account the representation of authorities, constitutional institutions and good governance bodies provided for in the Constitution.

Article 60: The Director of “**the Institute**” and the members of the Board of Directors shall be appointed for four year, renewable once.

Article 61: The Board of Directors of “**the Institute**” prepare the Statutes governing its functions. Subsequent to their approval by the Board of Directors, the Statutes are submitted to the Constitutional Court to check its constitutionality.

The Statutes are published in the Official Bulletin after decision of the Constitutional Court and in compliance with the decision thereof.

Chapter 3: Duties and Responsibilities

Article 62: “**The Institute**” contributes, with government authorities and institutions, in the development and implementation of strategic policies of the State, as well as the national programs aimed at the promotion and integration of Amazigh in all areas of public life.

Article 63: “**The Institute**” conducts studies and scientific research with the goal of promoting the Amazigh language, culture, civilization and identity and helps consolidate its position and integration it in all areas of public life.

Article 64: “**The Institute**” is in charge of:

1. Coordinating with the National Library, particularly in services of legal deposit, in accordance with the law governing publications and compositions.
2. Contributing to the development of baseline and assessment studies on training and continuing education programs for executives responsible for teaching Amazigh, and for the benefit of officers and employees required to use the Amazigh language in the performance of their duties and, in general, for all those who wish to learn it.
3. Coordinating with universities and other academic institutions for the organization of Amazigh research and linguistic and cultural development centers, as well as training, continuing education, training of trainers and award of diplomas.
4. Eestablishing cooperative relationships with national and international bodies and institutions concerned with cultural and scientific matters, with similar objectives.

Article 65: The Director of “**the Institute**” prepares a detailed annual report on the Institute’s future activities and projects and submit it to the Board of Directors for discussion and approval.

The report refferred to in the above paragraph is presented to the Head of the Government, for submission to the Government Council, in accordance with Article 92 a of the Constitution.

“**The Institute**”’s annual report of is published in the Official Bulletin, together with the comments and proposals of the Government Council or some of its members.

Chapter 4: Academic Duties

Article 66: “The Institute” exercises the powers assigned to it, such as:

- 1) Developing academic research and studies on the Amazigh language, culture, civilization and identity;
- 2) Supervising the development of research and specialized university theses on Amazigh, in coordination with the academic and scientific institutions;
- 3) Ensuring the follow-up and collection of studies and publications of academic nature on the Amazigh and encouraging researchers and experts in related fields.

Title IV

Monitoring and evaluation mechanisms of the establishment of the Amazigh language as an official language, and of its integration and promotion

Chapter 1

Role of good governance bodies in monitoring and evaluating the integration and promotion of Amazigh language

Section 1: Assessment Mission

Article 67: The provisions of this organic law takes into account the principles and general rules of good governance set out in the Constitution, including its preamble and Articles 1, 6, 37, and 154-160.

Article 68: The institutions and bodies referred to in articles 161, 162, 163 and 164 of the Constitution shall

insure, each within its powers and functions, the monitoring of the promotion, integration and use of the Amazigh language in the various public services, this monitoring being the core functions and powers of those institutions and bodies.

Public authorities shall be responsible for the proper application of the provisions of this organic law, each according to its areas of competence and prerogatives.

Section 2: Control Mission

Article 69: Institutions and bodies mentioned in articles 161, 162, 163 and 164 of the Constitution provide control, evaluation and guidance necessary for the proper application of this organic law, and that, as part of their competence and responsibilities defined in the above-mentioned articles.

Section 3: The Amazigh language integration and promotion Financial control

Article 70: The Court of Accounts and Regional Courts of Accounts shall provide, each according to its competence and responsibility, control and evaluation of the establishment of the Amazigh language as an official language, and its integration and promotion by all institutions and bodies subject to their control, especially the Special Account referred to in Article 80 below.

Chapter 2

Annual report of the Head of Government on the implementation of the provisions of this Law

Article 71: The Head of the Government submitted to both Houses of Parliament a report on the implementation of the provisions of this organic law in each constitutionally defined sector, and that, in the

exercise of his powers and responsibilities. This report will be published in the Official Bulletin.

Chapter 3

Observation and fight against all forms of discrimination or opposition to the establishment of the Amazigh language as an official language

Section 1: Establishment of the National Forum for the protection and promotion of Amazigh language

Article 72: A national institution called the **National Authority for the protection and Promotion of the Amazigh language** is hereby created.

The institution mentioned in the previous paragraph is designated in the articles of this chapter under the name “**Authority**”.

Article 73: The “**authority**” has full legal capacity and financial and administrative autonomy. It is established on the basis of the Paris Principles relating to the status and functioning of national institutions for human rights protection and promotion.

Section 2: Components and Structure

Article 74: The president of “**the authority**” is appointed from among persons who are interested in language pluralism, cultural diversity and the protection and promotion of Amazigh.

Article 75: “**The authority**” made of representatives of institutions, constitutional councils, governance bodies and civil society.

The balance between civil society, institutions, constitutional councils, and governance bodies representatives should be taken into account.

“The Authority” adopts a participatory approach in its relations with the civil society organizations and contributes to their capacity strengthening in terms of the Amazigh language protection, development, integration and promotion.

Section 3: Duties and Competences

Article 76: “The Authority” shall carry out the following duties:

1. Observe and follow-up all discrimination forms or tools against the Amazigh language, as well as the failure of its integration and promotion programs;

2. Follow-up the proper application of the provisions of this organic law and enable its content;

3. Participate in the conception of visions, general policy and programs proposals dedicated to the protection, integration and promotion of the Amazigh language;

4. Follow-up and monitor the implementation of government programs and plans for the protection, integration and promotion of the Amazigh language;

5. Propose draft laws to ensure the proper exercise of its functions.

Article 77: “The Authority” may, for any matter within its sphere of competence, take the following actions:

- a) Bring the matter to the attention of the Public Prosecutor's Office for any criminal act falling within its competences;
- b) Recourse to the law in the framework of a civil proceedings or as a civil party in a subsequent civil proceedings.

Article 78: “The Authority” draw an annual report which describes the results of its activities and the recorded failures, along with its general or sectoral proposals.

This report is presented before both Houses of Parliament and published in the Official Bulletin.

Article 79: The annual report, subject of the hereinbefore article 72, is also presented to the Chief of the Government for consideration by different government sectors so that each sector brings its answers to relevant questions or comments.

Title V: Special provisions

Article 80: A special account for the promotion of the Amazigh language, culture and civilization is adopted in the Finance Act for each fiscal year.

Article 81: Mechanisms to ensure the proper application of the provisions of this organic law by all sectors of government, public institutions and territorial administration shall be established.

Article 82: This organic law renders obsolete any legislative act contrary to its provisions and content.

Article 83: This organic law comes into force on the date of its publication in the Official Bulletin.