



Translated for the Middle East Constitutional Forum and Right to Nonviolence
by Jordan Toone [no official translation].

National Transitional Council – Libya

Date

Ref.

Constitutional amendment Number 1 for the year 2012 regarding the amendment of some of the paragraphs of Article 30 of the constitutional declaration.

After reviewing the constitutional declaration issued on 3 Ramadan 1432 of the Hejri, corresponding to 8/3/2011, the text of Article 30 of the constitutional declaration is amended so that its text is as follows:

-The Temporary Transitional National Council is concluded according to the text of Article 18 of this declaration, and remains the highest authority in the Libyan state and responsible for the administration of the country until the election of the General National Congress.

-After the Declaration of Liberation, the Temporary Transitional National Council is transferred to its official headquarters in Tripoli, and a transitional government is formed during the period of thirty days maximum. During a period that does not exceed ninety days from the declaration of liberation, the council shall undertake the following:

1. Issuing a special law for the election of the General National Congress.
2. Appointing the High Commission for Elections.
3. Calling for the election of the General National Congress.

-The election of the General National Congress is completed within two hundred and forty days from the Declaration of Liberation.

-The General National Congress consists of two hundred members elected by the Libyan people, according to the special law for the election of the General National Congress.

-The Temporary Transitional National Council dissolves in its first convening and transfers all its jurisdiction to the General National Congress. The oldest member in age assumes responsibility of chairmanship, and the youngest member in age assumes responsibility of the reporter. During this session, the election of the president and the vice president of the General National Congress is completed through an immediate secret vote. The transitional government continues to fulfill its functions until the formation of a temporary government. In all cases, all of the decisions of the General National Congress are made by a majority of two-thirds of its members.



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-The General National Congress, in a period that does not exceed thirty days holds its first meeting as follows:

1. Appointing a prime minister, who undertakes in his role proposing names of his government, all of whom are able to gain the confidence of the General National Congress before assuming their functions as a temporary government. Therefore, the Congress undertakes the appointment of the heads of sovereign positions.

2. Choosing a constituent body of non-members to draft a constitution for the country, which shall consist of sixty members, similar to the Council of Sixty that was formed to prepare the constitution of the independence of Libya in 1951. In all cases, the constituent body releases decisions for the drafting of the constitution with a majority of two-thirds of its members, plus one that finishes the drafting of the constitution. This project depends on a period that does not exceed one hundred and twenty days from the convening of its first meeting.

-The draft constitution is submitted to a referendum (for or against) within thirty days from the date of its adoption. If the Libyan people agree on the draft with a majority of two-thirds of the voters, the constituent body ratifies and considers it the constitution of the country, and it is transferred to the General National Congress to issue it. If there is no agreement upon it, the constituent body drafts another constitution and submits it again to referendum within a period that does not exceed thirty days from the day of the announcement of the results of the first referendum.

-The General National Congress issues a special law for general elections according to the constitution within thirty days.

-General elections are held within one hundred and thirty days from the date of the issuance of the governing laws. Therefore, the General National Congress and the temporary government oversee the preparation of each of the requirements of the election process in a transparent and democratic manner.

-The Electoral High National Commission (which is re-formed before the General National Congress) carries out general elections under the supervision of the national judiciary and with the monitoring of the United Nations, as well as regional and international organizations.

-The Electoral High National Commission confirms the results and announces them, and calls for the legitimate authority to convene in a period that does not exceed thirty days from the date of the approval before the General National Congress. In its first session, the General National Congress is dissolved and the legitimate authority begins to perform its functions.

The Temporary Transitional National Council

Issued in Tripoli on 20 Rabi'a 1433 Hejri, corresponding to 3/13/2012.