

**Law No. (19) of 1369 FDP
on the reorganisation of non-governmental organisations**

The General National Congress

In execution of the Basic People's Congresses resolutions in its annual regular session;

Upon review of:

- The Declaration on the Establishment of the Authority of the People;
- The Great Green Charter of Human Rights of the Jamahiriyan Era;
- Law No. (20) of 1991 AD on the promotion of freedom;
- Law No. (1) of 1369 FDP on the People's Congresses and People's Committees;
- The Civil Code and the amendments thereof;
- Law No. (11) of 1970 AD on organisations;

has drafted the following law:

**Part (1)
General Provisions**

Article (1)

For the purpose of implementation of the provisions of this law, the term "non-governmental organisation" shall refer to any organisation that seeks to provide social, cultural, sports, charity or humanitarian services, whether at the district level or that of the Great Jamahiriya. This shall be within the framework of the law, decency, and public order, and such organisation shall not seek financial gain.

Article (2)

In order for an association to be established, by-laws shall be drafted therefor and signed by no less than fifty of the founding members. It shall also have a headquarters to undertake its activities.

Article (3)

The organisation's by-laws shall contain the following information:

1. The organisation's name, objectives and headquarters of activity.
2. The name, title, age, profession and domicile of each of the founding members.
3. The conditions for obtaining membership, as well as causes for the loss and forfeiture thereof.
4. The rights and duties of members.
5. The competencies of the organisation's congress, method of invitation, dates for convening the sessions thereof, and the quorum for the validity of its convening.
6. The work system of the organisation's people's committee, duration of membership therein, competencies thereof, powers of its secretary and members, as well as the compensation of the same and method of holding them accountable and dismissing them. This shall be within the limits prescribed by the executive regulation of this law.
7. Method of managing and approving the organisation's accounts.
8. The organisation's financial resources and the method of using and disposing of the same.
9. Rules for amending the organisation's by-laws.
10. Conditions for the establishment of the organisation's branches.
11. Means of financial oversight.

12. Bases for dissolving the organisation and the entity to which its funds shall revert.
13. Designation of the organisation's duration and method of its expiry.

The executive regulation of this law shall set forth a model by-laws that organisations may use as guidance in drafting their by-laws.

Article (4)

The organisation's by-laws may not stipulate the devolution of money or fixed or movable assets to the members, their inheritors or their families upon the dissolution thereof.

Article (5)

Any of the members may withdraw from the organisation at any time. Members that have withdrawn or been suspended shall not have any right to the organisation's funds or fixed or movable assets.

Article (6)

The organisation's by-laws shall be promulgated across the Great Jamahiriya by virtue of a decree issued by the Secretariat of the General People's Committee. The organisation's by-laws shall be promulgated on the district level by virtue of a decree issued by the district's People's Committee. In both cases, the promulgation shall be entered into a register designated for this purpose.

The legal personality of the organisation shall be established simply upon the issuance thereof, the promulgation decree and recording of its by-laws. This shall be in accordance with the stipulations of the executive regulation of this law.

Article (7)

A fee of fifty dinars shall be payable for announcing the organisation. This fee shall not be returned under any circumstances.

Article (8)

The provisions stipulated in Article (6) of this law shall be applicable to any amendment in the organisation's by-laws. The amendment shall be considered as if it had not been promulgated and no fees shall be payable therefor.

Article (9)

The name of the organisation and headquarters of its activities shall be mentioned in all records, publications and correspondence. Organisations may not adopt a name for themselves that would invoke confusion between its name and that of a different organisation.

Article (10)

All organisations for which a promulgation decree has been issued shall abide by the following procedures:

1. Record the name, title, age, nationality, profession and address of each member, the date they joined the organisation, as well as any change to this information, in a special register.
2. Record the minutes of the sessions of the organisation's congress and the organisation's people's committee as well as the decisions taken therein and decrees issued by the Secretary of the organisation's people's committee in special records designated for this purpose. Each member shall have the right to view these records.

3. Record its accounts in records, specifying therein all details related to expenses and revenue, including donations and gifts and the sources thereof. The Secretariat of the General People's Congress or the Secretariat of the district's People's Congress shall have the right to examine these records and documents.
4. Maintain the documents, correspondence and records pertaining thereto in its centre of administration. The executive regulation of this law shall specify the said records and method of maintenance thereof.

Article (11)

Each organisation shall have an annual budget composed of its membership subscriptions, returns on its activity and investments and donations and unconditional gifts received thereby. This budget, the final accounts, the organisation's People's Committee reports, and account auditing reports shall be shown to the organisation's members at least two weeks before the convening of its annual congress for the ratification thereof.

Article (12)

The organisation shall deposit its cash money under the name by which it was announced in the bank designated by the organisation's People's Committee. The organisation shall notify the entity competent to promulgate it upon changing the bank within one week from the date of change.

Article (13)

The organisation, in undertaking its activities, may not exceed the purpose for which it was established.

Article (14)

Organisations may not belong to, participate in or join organisations, entities or clubs whose headquarters are outside of the Great Jamahiriya, nor may they accept donations or gifts from foreign entities, except after obtaining the approval of the Secretariat of the General People's Committee.

The executive regulation of this law shall specify the regulations for the participation of organisations in regional and international activities.

Article (15)

Organisations may only collect donations, through any means, within the limits of the purposes for which they work and after obtaining a permit therefor from the Secretariat of the General People's Committee or the People's Committee, according to circumstances. No amendments may be made to the purpose for collecting donations, nor to the by-laws or methods of expenditure thereof, except after the approval of the entity that permitted the same to collect donations. This entity shall investigate the source of the donation, the method of obtainment and objects of expenditure.

Article (16)

Organisations that are promulgated on the district level may establish branches on the level of the organisation's Basic People's Congresses. Organisations that are promulgated on the level of the Great Jamahiriya may also establish branches in the districts. The executive regulation of this law shall specify the regulations and conditions related thereto.

The organisation's by-laws shall set forth the method for managing these branches and their relations to the organisation's main headquarters.

Article (17)

Organisations that work on achieving joint objectives may form an activity-based federation on the level of the Great Jamahiriya. These federations shall have legal personality upon their publication in the record designated for this purpose by the Secretariat of the General People's Committee.

Each of the organisations that comprise the federation shall maintain the activity and legal personality thereof.

Article (18)

A federation may be established for all non-governmental organisations. It shall be formed and its work system determined by virtue of a decree issued by the Secretariat of the General People's Committee. It shall have a legal personality and its people's committee shall be selected by the federation's congress.

Article (19)

Each federation shall have by-laws that contain the method of the general formation of the federation's congresses, the method of managing and funding the federation, its relation to the organisations of which it is comprised, the method of participation therein, and the subscriptions collected from the organisations for its benefit, as well as its relation to other federations. This shall all be in accordance with the stipulations of this law and the executive regulation thereof.

Part (2)

The Organisation's Congress

Article (20)

The organisation's congress shall be composed of all members to which the conditions stipulated in the organisation's by-laws apply.

The organisation's founding members shall select a founding committee from amongst themselves. This committee shall be responsible for completing the procedures of founding, promulgating and calling the organisation's congress to convene during a period of no less than 45 days from the date of promulgation in order to draft the by-laws and select the organisation's People's Committee.

In all cases, the founding committee shall invite a delegate from the entity competent to attend the founding and promulgation procedures, as well as the founding meeting of the organisation's congress, without this having any effect on the quorum for the convening thereof or the resolutions adopted thereby.

Article (21)

The organisation's congress shall convene once a year within the three months following the end of the organisation's fiscal year, on the basis of an invitation from the organisation's People's Committee. The purpose thereof shall be to examine the organisation's activity report and its work program, as well as to determine the budget, final account, and account audit report.

Article (22)

The meeting of the organisation's congress shall be valid with the attendance of the absolute majority of members. If this number is not met, the meeting shall be postponed for a period of two weeks. The second meeting shall be valid regardless of the number of attending members. The same shall be indicated in the invitation letter.

Article (23)

Resolutions shall be adopted by the organisation's congress by consensus of the attending members. If consensus cannot be achieved, the resolution shall be adopted by two-thirds of attending members.

Article (24)

The resolutions of the organisation's congress shall only be valid if issued in regards to matters included in the schedule of the organisation's functions. Matters of an urgent nature may be considered if two-thirds of members attending the meeting agree thereon.

Article (25)

The Secretariat of the General People's Congress or the Secretariat of the district's People's Congress, according to the circumstances, or a number from the organisation's People's Committee may call the organisation's congress to an irregular meeting whenever necessary. One-fourth of the members may also request in writing that the organisation's People's Committee invite the congress to convene, with a statement of the purpose thereof. If the People's Committee fails to respond thereto within one month of the date of receiving the request, the invitation may be sent therefrom directly to members of the organisation's congress. In all cases, the schedules of functions shall be attached to the invitation letter.

Article (26)

Members of the organisation's congress may not, in cases other than the selection of the organisation's bodies, participate in meetings of the congress if they or one of their relatives up to the fourth degree have a personal stake in the resolution proposed, or if the topic of the resolution is a contract agreement therewith, filing of a case against him, or concluding a dispute between the member and the organisation.

Article (27)

The Secretariat of the General People's Congress or the Secretariat of the district's People's Congress, according to circumstances, must be notified of every meeting of the organisation's congress as well as the matters included in the schedules of functions thereof no less than one week before the convening thereof. A delegate from the Secretariat of the People's Congress related to the meetings of the organisation's congress may attend without having any effect on the necessary quorum for the convening thereof or on the adoption of resolutions.

A copy of the meeting minutes of the organisation's congress and the resolutions issued thereby shall be sent to the Secretariat of the General People's Congress or the Secretariat of the district's People's Congress, according to the circumstances, within fifteen days of the date of the meeting.

Part (3)

The Organisation's People's Committee

Article (28)

The organisation shall be administered by a People's Committee selected by the organisation's congress through direct selection. The executive regulation of this law shall specify the method for the formation thereof, the detailed competencies thereof, the rules for organising its meetings, the number of members thereof, the conditions that must be met for the selection thereof as well as the rights and duties thereof.

Article (29)

The organisation's People's Committee shall be responsible for implementation of the resolutions of the organisation's congress, appointing an executive director for the organisation and directing the affairs thereof. It may undertake the duties associated therewith, with the exception of duties that require, by virtue of the law or the organisation's by-laws, the approval of the organisation's congress prior to being conducted.

Part (4) Oversight of Organisations

Article (30)

The Secretariat of the General People's Congress or the Secretariat of the district's People's Congress, according to the circumstances, shall oversee the activity of organisations. In the event of urgency, it may suspend any resolution issued by the organisation's People's Committee or congress if it is in violation of the organisation's by-laws. In this case, it must file an action of annulment within thirty days of the date of the issuance of the suspension decree.

Article (31)

The annulment of resolutions and actions issued by the organisation's congress or People's Committee in violation of the provisions of the law or the organisations' by-laws shall be by virtue of a ruling issued by the court of first instance in whose jurisdiction the organisation's headquarters is located, on the basis of a request from the Secretariat of the General People's Congress or the Secretariat of the district's People's Congress, according to the circumstances, or a member of the organisation, or any other person with standing.

The case shall be filed within six months of the date of issuance of the resolution or action that is to be annulled. The case may only be filed against persons that have acquired rights in good faith pursuant to the said resolution or action.

Article (32)

The Secretariat of the General People's Committee or the district's People's Committee, according to the circumstances, may assign, by virtue of a reasoned decree, an interim steering committee to assume responsibility for the competencies prescribed for the organisation's People's Committee in its by-laws. This shall be done if the latter commits violations that require such measures or if the organisation's congress is unable to convene for any reason. They may assign all or part of the competencies prescribed for the organisation's congress to the interim steering committee if necessitated by the public interest.

The interim steering committee shall call the organisation's congress to convene within a period of no more than three months from the date of the assignment thereof in order to take the measures deemed necessary.

Article (33)

Members of the organisation's People's Committee and employees undertaking work therein shall proceed to submit all of the organisation's money, records, notebooks and documents to the interim steering committee mentioned in the preceding article.

Such submission shall not prejudice the debts they incur in accordance with the provisions of the law.

Article (34)

Upon necessity, the Secretariat of the General People's Committee or the district's People's Committee, according to the circumstances, may merge more than one organisation that it believes to be working on achieving a joint purpose. It shall respect the desires of both institutions as well as the purpose of the organisations and type of services it provides.

A reasoned decision shall be issued specifying the method of merger. The responsible personnel in the merged organisation shall hand over all of its private funds and documents to the organisation into which it is merged.

The merger decision may include the name selected for the organisation after merger.

Article (35)

The Secretariat of the General People's Committee, or the district's People's Committee, according to circumstances, shall issue a decree to close the headquarters of the organisation or its branches for a period of no more than three months. This period may be extended as a temporary measure preceding merger or dissolution.

Article (36)

The bodies competent to dissolve the organisation shall issue a reasoned decision for the dissolution thereof in the following cases:

1. If it commits a grave violation of the provisions of the law, public order or decency, or repeats its violations of the organisation's by-laws.
2. If its inability to achieve the purposes for which it was established is proven, or if it is unable to fulfil its obligations.
3. If it uses its money for purposes other than those for which it is allocated.
4. If the organisation's congress fails to convene for two consecutive years.
5. If this is required by the public interest.

The organisation's congress and People's Committee shall be notified of the dissolution decree immediately after it is issued.

Article (37)

Members and employees of the People's Committee of the organisation dissolved by virtue of a decree shall be prohibited from continuing their activity or using the funds or fixed or movable assets thereof. All persons shall be prohibited from participating in the activity of the organisation that was dissolved.

Article (38)

The entity that issued the dissolution decree shall appoint a liquidation committee. The decree shall specify the period of this appointment and the compensation prescribed for the president and members thereof. The persons responsible for managing the organisation shall submit the organisation's money, documents and records to the liquidation committee. The entity in which the organisation's money was deposited and the delegates thereof shall be prohibited from disposing of any of the organisation's affairs or rights without a written order from the liquidation committee.

Article (39)

After completion of the liquidation, the liquidation committee shall take action in regards to the remaining funds in accordance with the provisions prescribed in the organisation's by-laws. If the

organisation's by-laws fail to stipulate the said provisions, or stipulates such provisions but the method of disposal stipulated therein becomes impossible, the liquidation committee shall donate this money to the social solidarity fund.

Article (40)

Members of the organisation's People's Committee that are found to be responsible for the violations that led to the dissolution of the organisation may not be selected to be members of the People's Committee of any other organisation for a period of five years from the date of issuance of the decree to dissolve the organisation.

Part (5) Penalties

Article (41)

Without prejudice to any more severe penalty stipulated in the Penal Code or any other law, the persons stipulated below shall be sentenced to imprisonment for a period of no more than three months and a fine of no more than 500 LYD, or either of these two penalties:

1. Anyone that knowingly writes, submits or maintains a piece of writing or record that he is required by law to submit or maintain containing incorrect information, intentionally provides a statement without the competence to do so, or intentionally conceals a statement that he is required by law to submit.
2. Anyone that performs activity for the organisation before it is promulgated in accordance with the provisions of this law.
3. Anyone that performs activity for the organisation that oversteps the purpose for which it was established, or spends the funds thereof in a way that does not further this purpose.
4. Anyone that allows a person that is not a member of the organisation's congress, the names of which are registered in the records, to participate in the management thereof or in the deliberations of the organisation's congress.
5. Anyone that continues to undertake the activity of an organisation that was either dissolved or merged with another organisation, or the funds of which were spent in any other way after the issuing of a dissolution or merger decree in its regard.
6. Anyone that continues to perform the activity of an organisation that was liquidated in accordance with the provisions of this law.
7. Anyone that collects donations on behalf of an organisation or obtains money on behalf thereof in violation of the provisions of this law. The donations collected thereby shall be confiscated and donated to the social solidarity fund.
8. Any members or employees of the organisation's People's Committee that fail to hand over the organisation's money, records, documents and assets to the persons stipulated in the law or to the interim steering committee.

Article (42)

Anyone that commits any other violation of the provisions of this law, the executive regulation thereof or the decrees issued pursuant thereto shall be sentenced to a fine of no less than 500 LYD.

The Secretariat or members of the organisation's People's Committee shall be sentenced to double the penalty if the violation occurs due to their neglect or negligence in performing the duties of their position.

Article (43)

Employees designated by virtue of a decree issued by the Secretary of the General People's Committee for Justice and Security shall have the title of "judicial law enforcement officer" to apprehend any violations that occur against the provisions of this law, the executive regulation thereof and the decrees issued pursuant thereto.

Part (6)

Final and Transitional Provisions

Article (44)

The executive regulation of this law shall specify the privileges enjoyed by organisations, such as the impermissibility of seizing their funds, whether in whole or in part, the non-possession of this money by virtue of the expiration thereof, permission to exempt them from fees and duties and permission for the competent administrative entity to donate public benefit property to projects undertaken by the organisation. Furthermore, the said regulation may impose any necessary measures related to oversight procedures.

Article (45)

Existing non-governmental organisations, institutions and committees and the like shall settle their status in accordance with the provisions of this law within six months from the date it enters into force. Non-governmental organisations, institutions and committees and the like that have not submitted applications to settle their status within the period mentioned in the preceding paragraph of this article shall be dissolved *ispo jure*.

Article (46)

The first instance court in whose jurisdiction the headquarters of the organisation is located shall have sole jurisdiction over adjudicating cases brought by and against the organisation.

Article (47)

The provisions of this law shall not apply to academic organisations or organisations that are organised by special laws issued in their regard.

Article (48)

Permission to publicise Arab or foreign public non-governmental institutions and organisations inside the Great Jamahiriya and Brotherhood and friendship organisations between the people of the Great Jamahiriya and other peoples, as well as to approve the by-laws thereof, shall be granted by virtue of a decree issued by the Secretariat of the General People's Congress.

Article (49)

The executive regulation of this law shall be issued by virtue of a decree issued by the Secretariat of the General People's Congress.

Article (50)

The aforementioned Law No. (111) of 1970 and the amendments thereof shall be repealed. Any provision contrary to the provisions of this law shall also be repealed.

Article (51)

This law shall enter into force from its date of issuance and shall be published in the Legal Register.

The General People's Congress – Libya

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