

Libyan Constitution proposal
Local Governance Committee Local (Administration) Proposal

**Proposal Two
(Regions system)**

Includes sixteen constitutional articles that reflect some of the committee's members vision on local governance and have been articulated in consensus between the following members:

1. Dr. Ibrahim Faraj Albaba
2. Dr. Mustafa Abdelhamid Dalaf

**Article (1)
(State division and independence)**

Libya consists of three regions, Cyrenaica, Tripoli and Fazan. Each region shall enjoy within its administrative boundaries administrative and financial independence and full legal personality.

**Article (2)
(Administrative division of the regions)**

Each region is divided into a number of governorates and municipalities.

**Article (3)
(Regions' Councils)**

Regions' institutions are: Region's council and executive council of the region

**Article (4)
(Region's Council jurisdiction)**

The Region's Council shall have the following jurisdiction:

- Propose joint legislations requiring the approval of the State to the Parliament to be discussed.
- Enact legislations according to the Constitution and within the scope of the region.
- Monitor the performance of the Executive Council and hold it accountable in a manner consistent with State sovereignty.
- Prepare the region's annual budget and submitting it to the State's legislature
- Other functions conferred by the Constitution.

Article (5)

The Region's Council is authorized to enact legislations on the following issues:

1. Administrative division within the region and establishment of governorates and municipalities.
2. Urban planning and building and housing permits.
3. Public and utility works.

4. Public transport inside the Region.
5. Agriculture, Pastures, and livestock development.
6. Water and Electricity.
7. Traditional and small industries.
8. Culture, historical places and monuments.
9. Tourism Activities.
10. Fishing activities and marine resources.
11. Sports, recreation and public parks.
12. Social Aid and welfare.
13. Health and environmental protection.
14. Business, industrial and professional licenses.
15. Local economic development and promotion of national investment.
16. Higher education

Article (6)

The legislative authority of the State shall be competent in all that is not within the sole competence of regions under Article (5).

Article (7)

The Regional Executive Council shall exercise the following competencies:

- Implementation of policies on the sub-level of livelihood sectors within the region, without prejudice to sovereign laws and unity of State.
- Submission of proposals for new laws and legislations to the Regional Council for further submission to the parliament if needed for approval and adoption.
- Issuance of the administrative system necessary for management of the region and follow-up of governorates and municipalities as mandated and disciplined by the Constitution
- Chairman of Executive Council shall manage the policy of regional governance in sectors, and shall be subject to the supervision of regional council and state accountability mechanisms in coordination with the regional and sovereign legislature.
- Chairman of Executive Council shall manage the functions and affairs of the region in accordance with the provisions of this Constitution, as well as without prejudice to sovereignty of the government over its competences in implementation of state policy.

Article (8)

(Methods of selecting regions' institutions)

The Region's Council and Chairman of Executive Council of the region shall be elected through direct secret ballot. Fair representation of all Libyan social, cultural and linguistic components (Amazigh, Tabu, Twareg) shall be taken into account. This shall be regulated by law.

Article (9)

(Regions' funds)

The regions are entitled to 50% of its local revenues and projects' investments

Article (10)

Revenues of natural resources shall be distributed according to the following percentages:

30% to regions according to the population of each region.

30% shall be evenly distributed to all regions.

30% to national government.

10% to regions of production

Article (11)

(Fair distribution of institutions and higher positions between regions)

The State shall guarantee the equitable distribution of headquarters of institutions, corporations and public enterprises among regions.

Article (12)

The State shall ensure equal opportunities between regions' populations in leadership, higher and diplomatic positions.

Article (13)

The Audit Bureau, through its regional branches, shall review and examine accounts at the regional level.

Article (14)

The Region's Council and the Executive Council of the region shall be dissolved if the Constitution and sovereignty of the State is breached by clear acts. The decision shall be taken after seeking the opinion of a special committee of the House of Representatives and the Senate specifically formed to consider issues of Regions in these sovereign bodies.

Article (15)

The Region's Council may put to vote lack of confidence in its Executive Council through a clearly reasoned petition signed by one quarter of the Region's Council members and approved by an absolute majority of members through a public vote.

Article (16)

If the region's council issued a legislation against the State's constitution, the President of the State or the Prime Minister are allowed to challenge its constitutionality. The region's council is also allowed to challenge the legislations and processes by the legislature and executive within 60 days from its publication.

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