

**Suggested constitutional articles
From the first thematic committee
For the chapter of
Form of State and Fundamental Cornerstones**

CHAPTER ONE
Form of State and Fundamental Cornerstones
Section I
Fundamental Cornerstones

Article 1
Name, Form and Capital of State

Libya is a free, independent, unified and undividable state. Its sovereignty may not be waived nor does any part of its territories. It shall be named the State of Libya and the capital shall be the city of Tripoli.

Article 2
State Borders

Borders of the State of Libya shall be:
North: the Mediterranean
East: Egypt and Sudan
South: Sudan, Chad, Niger, and Algeria
West: Tunis and Algeria

Article 3
State Flag

The national flag shall be in accordance with the following shape and dimensions:
Its length shall be twice the width. It shall be divided into three parallel colors on top of which is the red color followed by black and then green provided that the area of black color equals the total area of the other two colors and that it contains in the middle a white crescent with a white quinary star between its two ends.

Article 4
National Anthem

The national anthem of the State shall be the Independence Anthem (ya biladi) which accompanied 17 February Revolution. This shall be regulated by law.

Article 5
Emblem of State

The emblem, medals, insignia and official holidays of the State shall be defined by law.

Article 6
Sovereignty

God alone is sovereign and sovereignty, by His will, is the nation trust. The nation is the source of powers that shall be exercised directly by referendum, or indirectly through constitutional institutions.

Article 7 **Identity**

Libya is an Islamic state part of the grand Arab West and part of Africa built on comprehensive and diversified constants. It takes pride in all social and cultural components represented by the Arabs, Amazighs, Tuareg, Tebo and others. It shall establish the means to ensure maintenance thereof.

Article 8 **Sources of Legislation**

1. Islam shall be the religion of the State, and provisions of the Islamic Sharia shall be the source of all legislations. Any legislation in violation thereof may not be enacted. All legislations enacted in violation thereof shall be null and void.
2. The State shall be committed to enact the necessary legislations to prevent propagating and spreading beliefs contrary to the Islamic Sharia and practices contrary thereto.
3. The State shall be committed to enacting legislations that criminalize aggression on Islamic holy places or offenses against God, Holy Quran, Sunna, Prophets, Prophet Mohammed (PBUH), Mothers of Believers [Wives of Prophet Mohammed (BPUH)] or Prophet's Companions (May God be pleased with them).
(This Article may not be amended).

Article 9 **Supremacy of Law**

Supremacy of law shall be the basis for governance in State. This Constitution shall be the supreme law of State and public authorities, institutions and natural and legal persons shall commit to being subject thereto. All enactments in violation of its provisions shall be null and void.

Article 10 **Nationality**

1. Whosoever obtains the Libyan nationality in accordance with provisions of the Constitution of Libya issued on 07/10/1951 and laws enacted thereunder shall be Libyan national.
2. Whosoever born to a Libyan father or obtains the Libyan nationality subsequently under a law in force shall be Libyan national.

3. The Libyan nationality may be combined with any other nationality. However, the Libyan holding another nationality or a naturalized person who has not completed ten (10) years of naturalization may not assume the following positions:
 - President of State
 - Prime Minister, minister and deputy minister
 - Member of legislative and judicial authority
 - Governor and deputy governor of Libya Central Bank
 - Representative of permanent diplomatic missions
 - Qualitative and general Libyan Army Chief of Staff
 - Director of intelligence service, investigations, passports, customs, public security and police.
 - High electoral commission, head and member of independent constitutional bodies.
 - The Head of Civil register
 - Any other position set forth by law.

Article 11

Invalidation and withdrawal of Nationality

Invalidation of Libyan nationality for any reason whatsoever shall be prohibited. It may be withdrawn within twenty years following naturalization. Cases of withdrawal shall be established by law.

Article 12

Naturalization

1. Enacted law regulating granting the Libyan nationality shall take into account national interest considerations, maintenance of demographic structure regionally and nationally and ease of integration within the Libyan society.
2. Among the conditions for granting nationality shall be waiver of original nationality, legal entry and continuous legal residency for a period no less than 20 years unless the applicant is a unique and distinguished expertise at the regional and international level. The other requirements shall be defined by law.

Article 13

Citizenship

Male and female citizens are equal before the law. They are equal in civil, political, economic, social and cultural rights as well as in duties and common costs in accordance with the provisions of the Constitution.

Article 14

Political Pluralism

The political system shall be based on principles of political and partisan plurality; peaceful succession to power; separation, balance and integration of powers, and exercise of power on basis of good governance built on transparency, monitoring and accountability in accordance with the provisions of the Constitution.

Article 15 International Relations

The relations of the State shall be based on the principle of good neighborliness and non-interference in internal affairs of other states and on basis of joint interest, reciprocity and peaceful settlement of disputes.

Article 16 Foreign Policy

The foreign policy shall be based on the independence and sovereignty of state, guarantee of national interests, development of cordial relations with other states and cooperation with regional and international organizations within the norms of international law.

Article 17 International Treaties and Agreements

The State shall commit itself to the international treaties and agreements which it ratifies, with emphasis on the principle of reciprocity. These shall be supra-legal and infra-constitutional provided that they are not contrary to the Islamic Sharia.

Article 18 Political Asylum

Extradition of political refugees to their country of origin or any other country they express unwillingness to go to shall be prohibited. Conditions and situations of political asylum shall be regulated by law.

Section II
Economic Cornerstones

Article 19
Economy

1. The State shall work to establish a diversified national economy that achieves prosperity and well-being and raises living standards. It shall be based on standards of transparency, quality, and accountability and consumer protection.
2. The State shall encourage the private sector to ensure competition and innovation to enable fulfilment of its social responsibility in serving the national economy.
3. The State shall be keen to provide employment opportunities and prevent monopoly practices and corruption.

Article 20
Development

The State shall ensure comprehensive, sustainable, balanced and locational development based on development indicators and fair distribution in order to fulfill the basic needs of citizens and sustain social welfare.

Article 21
Investment

1. The State shall encourage private, public and joint investment in order to fulfil society needs and ensure balance of comprehensive and locational development utilizing mechanisms that guarantee sustainment of such balance.
2. The State shall encourage foreign investment while preventing foreign control on national economy. Foreign investment contracts including utilization of real estates may not exceed a period of thirty (30) years.
3. Foreign investments contracts for natural wealth must be submitted to the legislative authority for endorsement.
4. Ownership of real estates by non-Libyan natural persons shall be regulated according to the principle of reciprocity. This shall be regulated by law.

Article 22

Agriculture, Industry and Tourism

Agriculture, industry and tourism are considered fundamental components of national economy. The State shall enact legislations and take the necessary measures for the support, encouragement, development and protection thereof.

Article 23

Zakat

Zakat is essential to the society. The State shall oversee its payment and spending on legal disbursements in accordance with the provisions of Islamic Sharia.

Article 24

Natural Wealth

Natural wealth belongs to the people on behalf of whom the State shall exercise sovereignty over. The State shall work towards its utilization, protection, development and investment ensuring public interest, prosperity and fair benefit to all areas.

Article 25

Public Ownership

Public funds and properties shall be inviolable and may not be seized. The State and society shall protect, maintain and develop thereof. Violation, aggression or disposal thereof contrary to the provisions of Constitution and law shall be prohibited. This shall be considered a crime to which there shall be no statute of limitation.

Article 26

Environment

Protection, safety and development of environment shall be an obligation on the State and all people residing therein.

Section III
Social and Cultural Cornerstones

Article 27
Language

The first proposal is submitted by the majority (except for members of components) stating the following:

Article ()
Official Language

The Arabic language – language of the Holy Quran- shall be the official language of the State.

Article ()
National Languages

Arabic, Amazighi, Tuaregi, Tebu, Hosa, Ghadamsi and other languages spoken by part of the Libyan people and considered part of its cultural and social legacy shall be national languages. The State shall commit to giving attention and teaching thereof and shall work towards perceiving these languages by all Libyans as part of their collective heritage.

The second proposal is submitted by the components and states the following:

Article ()

1. Arabic shall remain the official language of the State.
2. Tawerghi, Tebu and Amazighi shall also be official languages being a joint legacy for all Libyans. The official nature of Tawerghi, Tebu and Amazighi languages shall be activated in stages and according to a mechanism defined under a regulating law in that regard to be approved during the first parliamentary session. The provisions of this law shall ensure integration of Tawerghi, Tebu and Amazighi languages in the educational structure and other fields of public life to enable future fulfillment of function as official languages.

Article 28
Family

1. The family formed by legal marriage between a man and a woman is the cornerstone of society being based on religion, ethics and patriotism. Its care and protection from all that is contrary to Islam and public morals shall be guaranteed by the State to ensure its coherence and stability. The State shall encourage marriage and shall develop all possible means to facilitate it.

2. The State shall ensure maternity and child care and shall also ensure harmonization between duties of the woman towards her family and work.
3. The State shall ensure social welfare and education for children of unknown descent ensuring their integration in society.

Article 29

Children and Youth

The State shall ensure child and youth care and shall provide the conditions necessary for development of their educational, scientific, psychological and innovative capacities and participation in building the State. It shall take the necessary measures to protect children and youth from all negative phenomena.

Article 30

Disabled People

The State shall commit itself to safeguarding the rights of disabled people medically, socially, educationally, economically and recreationally, ensure their protection from any discrimination, provide suitable job opportunities, prepare public facilities and surrounding environment and all means and capabilities that ensure their full and effective integration into society.

Article 31

Martyrs, Missing, Injured and War inflicted People

The State shall safeguard the rights of martyrs, missing people, injured and war inflicted people as well as their wives, children and parents. It shall work to acknowledge them in a manner consistent with their sacrifices for Libya. This shall be regulated by law.

Article 32

Social Justice

The State shall commit itself to achievement of social justice and encouragement of social solidarity to ensure equal opportunities, prosperity, welfare and decent lives for all citizens.

Article 33

Education

1. Education is an essential to society. The State shall work to promote all levels of education throughout the country, and shall encompass an appropriate environment

thereto. The State shall also ensure inviolability of educational institutions, and independency of universities, higher learning institutes and scientific research centers.

2. The State shall support and ensure freedom of scientific research to encourage creativity and innovation. It shall sponsor researchers and inventors and shall commit itself to allocating a progressive percentage of 1% of the national income as defined by law in order to keep pace with global quality standards.

Article 34

Health

1. The State shall develop policies to upgrade the level of health services and combat and prevent epidemic diseases according to internationally accepted standards.
2. The State shall commit itself to improving the situations of physicians, pharmacists, nurses and assistant medical staff.
3. Abstinence from providing various forms of treatment to each and every individual in cases of emergency or danger to life shall be prohibited.
4. The State shall commit itself to allocating a percentage of national income for government expenditure on health sector in order to sustain global quality standards as determined by law.

Article 35

Housing

The State shall commit itself to developing plans and policies for the provision of appropriate housing that takes into account the Libyan particularity to achieve balance between population growth rates and available resources, support self-initiatives and regulate utilization of State territory for reconstruction purposes for the public interest.

Article 36

Social Welfare

The State shall guarantee social welfare for citizens, mothers, children, youth and elderly people and in cases of disability, work injury, unemployment, orphanage, widowhood and others to ensure a decent life therefor. It shall also protect the rights of legal residents within the limits as regulated by law.

The State shall guarantee the rights of retirees to ensure proportionate pensions and retirement benefits for peers in legal positions regardless of the date of referral to retirement. It shall commit itself to maintaining financial contributions and develop thereof for their benefit.

Article 37

Sports

The State shall foster sports and shall work towards its development, support and promotion of level. It shall guarantee independence of sports bodies and clubs and shall resolve sports disputes in accordance with the international norms and conventions. This shall be regulated by law.

Article 38
Endowments

Charitable endowment shall be inviolable. They shall only be disposed of by an authorization from the competent court in the best interest of the endowment and within limits as permitted by the provisions of the Islamic Sharia.

The State shall oversee, run the affairs, invest and monitor endowments to ensure development, achievement of goals and legal objectives thereof within the limits of law.

Article 39
Historical Monuments

The State shall commit itself to protecting, preserving, protecting the areas of, exploring, maintaining and regaining usurped monuments. Monument offering, violation, or trading shall be considered a crime for which there is no statute of limitation.

In case a private property is deemed of a historical nature, the relation of owners with the State shall be regulated by a special law that guarantees their legal rights.