

The Libyan Arab Republic Constitutional Declaration

The Revolutionary Command Council,

In the name of the Arab people in Libya:

Who pledge to regain their freedom, enjoy the wealth of their land, and live in a society where every loyal citizen is entitled to prosperity and well-being, who are determined to break all the chains restricting their movement and development, who will stand alongside their brethren from all parts of the Arab nation in their struggle to reclaim every inch of land desecrated by colonialism and to eliminate the obstacles that stand in the way of their unity from the Gulf to the Ocean.

As they believe that peace cannot be achieved without justice; as they recognize the importance of reinforcing the ties that unite them with all the peoples of the world who are struggling against colonialism; as they realize that the alliance of reactionism and colonialism is responsible for their underdevelopment despite the abundance of their natural resources and for the corruption plaguing the governmental body; and as they acknowledge their responsibility in the establishment of national, democratic, progressive, unitary governance; In the name of the popular will, which was expressed by the armed forces on 1 September 1969, which overthrew the monarchy and proclaimed the Libyan Arab Republic in order to protect and support their revolution to allow it to progress towards its goals of freedom, socialism and unity.

This constitutional declaration shall be the basis of the governing regime during the phase of completion of the democratic and national revolution, until a permanent constitution is drawn up which reflects the achievements of the revolution and outlines the milestones of its future path.

Chapter (1) The State

Article (1)

Libya is an Arab, democratic, and free republic in which sovereignty is vested in the people. The Libyan people are part of the Arab nation, and their goal is total Arab unity. The Libyan territory is a part of Africa. The name of the country is the Libyan Arab Republic.

Article (2)

Islam is the religion of the State and Arabic is its official language. The State protects religious freedom in conformity with established customs.

Article (3)

Social solidarity is the foundation of national unity. Family is the foundation of society; religion, ethics and patriotism are its pillars.

Article (4)

Labour in the Libyan Arab Republic is a right, a duty and an honour for every capable citizen. Public functions are the responsibility of those in charge of them. In exercising their duties, State employees aim to serve the people.

Article (5)

All citizens are equal before the law.

Article (6)

The State strives to achieve socialism through the adoption of social justice, which forbids all forms of exploitation.

Through its socialist relations with society, the State endeavours, to achieve self-sufficiency in production and fair distribution in order to peacefully eliminate the gaps between social classes and achieve a society of well-being, drawing inspiration in its application of socialism from its Islamic and Arab heritage, the humanitarian values thereof, and from the conditions of Libyan society.

Article (7)

The State shall endeavour to liberate the national economy from foreign dependency and influence to transform it into a productive national economy that is based on public ownership by the Libyan people and private ownership by its individuals.

Article (8)

Public ownership by the people is the basis of the society's development and growth and for self-sufficiency in production. Non-exploitative private ownership is protected and may only be taken away by law. Inheritance is a right governed by the Islamic Sharia.

Article (9)

The State shall establish a national planning system that covers all economic, social and cultural aspects, and that takes into account, in guiding the national economy, cooperation between the public and private sectors in order to achieve the goals of economic development.

Article (10)

Titles and civil ranks are forbidden. All titles granted to the former royal family and its retinue shall be abolished.

Article (11)

Extradition of political refugees is prohibited.

Article (12)

Homes are inviolable and may not be entered or searched except under the circumstances and by the methods stipulated by law.

Article (13)

Freedom of opinion is guaranteed within the limits of the people's interest and the revolution's principles.

Article (14)

Education is a right and duty for all Libyans. It is compulsory until the end of primary school. The State shall guarantee this right through the establishment of schools, institutes, universities, and educational and cultural institutions where education is free, and shall regulate by law the cases in which private schools are allowed.

The State shall give particular attention to the physical, intellectual and moral nurturing of youth.

Article (15)

Health care is a right guaranteed by the State through the establishment of hospitals and medical and health institutions in accordance with the law.

Article (16)

Defence of the nation is a sacred duty, and military service is an honour for Libyans.

Article (17)

Taxes shall only be imposed, modified or cancelled by law. No one shall be exempted from taxes except in cases stipulated by law. Fees and charges may only be levied within the limits of the law.

Chapter (2)

System of Government

Article (18)

The Revolutionary Command Council is the supreme authority in the Libyan Arab Republic. It shall carry out the functions of national sovereignty, promulgate laws, and define the general policy of the State in the name of the people. As such, the Revolutionary Command Council shall make all decisions it deems necessary for the protection of the revolution and the regime, in the form of constitutional declarations, laws, orders or decisions. Any measure taken by the Revolutionary Command Council shall not be contested before any entity

Article (19)

The Revolutionary Command Council shall appoint a Cabinet composed of a Prime Minister and of ministers. It may appoint deputies for the Prime Minister and Ministers without portfolio.

The Revolutionary Command Council may dismiss the Prime Minister and ministers and accept their resignation.

Resignation of the Prime Minister entails the resignation of the Cabinet. The Cabinet ensures the execution of the State's general policy in accordance with the instructions of the Revolutionary Command Council. It shall be responsible for its actions before the Revolutionary Command Council, without prejudice to the joint and several liability of the Cabinet. Each Minister shall be responsible for his department before the Prime Minister.

Article (20)

The Cabinet shall study and prepare all draft laws according to the policy outlined by the Revolutionary Command Council, to which the said laws are submitted for examination and promulgation.

Article (21)

The general budget of the State shall be instituted by law and the final account of the State's budget shall be approved by the Revolutionary Command Council.

Article (22)

The Revolutionary Command Council shall hold a joint meeting with the Cabinet at the request of the Chairman of the Revolutionary Command Council or two of its members whenever deemed necessary.

Article (23)

The Revolutionary Command Council shall be in charge of declaring war, and concluding and ratifying treaties unless it authorizes the Cabinet to conclude and ratify same.

Article (24)

The Revolutionary Command Council shall appoint and dismiss political representatives of the Libyan Arab Republic abroad, and shall be the one to endorse the heads of foreign political missions and to institute public interests and appoint or discharge senior officers as stipulated by law.

Article (25)

Martial law or a state of emergency are declared by decision of the Revolutionary Command Council whenever there is a threat to the internal or external security of the State and whenever the Revolutionary Command Council deems it necessary for the protection and safety of the revolution.

Article (26)

The State alone is entitled to establish the Armed Forces.

The Armed Forces of the Libyan Arab Republic belong to the people and serve as a tool to protect the country, its security, the safety of its territory, its republican system, and its national unity. The Armed Forces shall be under the total supervision of the Revolutionary Command Council.

Article (27)

The judicial system aims, through its decisions, to protect the principles of society and the rights, dignity and freedom of individuals.

Article (28)

Judges shall be independent and shall not be subject to any authority in the exercise of their duties other than that of the law and conscience.

Article (29)

Verdicts are pronounced and executed in the name of the people.

Article (30)

Every person has the right to resort to courts in accordance with the law.

Article (31)

- 1) Crimes and penalties are only stipulated by law.
- 2) Penalties are personal.
- 3) The accused is presumed innocent until proven guilty and shall be provided with all necessary guarantees for the exercise of his right to defence. It is prohibited to subject the accused or the prisoner to any physical or mental harm.

Article (32)

Pardon or mitigation of penalties shall be decided by the Revolutionary Command Council. General amnesty shall be granted by law.

Chapter (3)

Miscellaneous and Transitional Provisions

Article (33)

The constitutional system issued by the Constitution of 7 October 1951, its amendments and related effects shall be annulled.

Article (34)

All provisions of existing laws and legislation which are not in conflict with the provisions of this Constitutional Declaration shall remain in effect.

References to the jurisdiction of the King and the Council of the Nation in these laws and legislation shall be regarded as references to the Revolutionary Command Council. Any reference to the kingdom shall be regarded as a reference to the Republic.

Article (35)

Decisions, statements, and orders issued by the Revolutionary Command Council since September 1969 and before the issuance of the present Constitutional Declaration shall have the power of law.

Any contrary provisions of laws in force before the issuance of such shall be null and void. They may be annulled or amended only in accordance with the procedure defined in this Constitutional Declaration.

Article (36)

Laws shall be published in the Official Gazette and shall enter into force as of the date of publication unless stated otherwise.

Article (37)

This Constitutional Declaration shall remain in effect until the promulgation of a permanent constitution, and shall only be amended through another constitutional declaration by the Revolutionary Command Council if deemed necessary in the interest of the revolution.

This Declaration is to be published in the Official Gazette.

Revolutionary Command Council

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