

Constitutional Amendment No. (6) General National Congress

Upon review of:

- The Constitutional Declaration issued on 3/8/2011 and its amendments;
- The rules of procedure of the General National Congress (GNC);
- The decisions of the GNC in its ordinary session no. (163) held on Monday 3 Rabi' al-Akher 1435 AH corresponding to 3/2/2014 AD;

Issued the following amendment:

Article (1)

Article (30) of the Constitutional Declaration shall be amended to the following:

1. The Interim National Transitional Council (NTC) shall be fully established as per Article (18) of the present Declaration, and it shall remain the highest governing authority in the State of Libya and responsible for the administration of the country until the election of the General National Congress.
2. After the Liberation Declaration, the interim NTC shall relocate to its headquarters in Tripoli to form a transitional government within a maximum period of thirty days. Within a maximum period of ninety days from the Liberation Declaration, the NTC shall:
 - a. Issue an election law for the GNC.
 - b. Appoint the High National Elections Commission (HNEC).
 - c. Call for the election of the GNC.
3. The GNC shall be elected within 270 days from the Liberation Declaration.
4. The GNC shall be composed of 200 members elected from the entire Libyan people in accordance with the GNC election law.
5. The NTC shall be dissolved at the first session of the GNC, and all its powers shall be transferred to the GNC. The oldest member shall preside over the session, while the youngest member shall serve as rapporteur. During the said session, the president of the GNC and his two deputies shall be elected by direct secret ballot. The transitional government shall continue to exercise its functions until an interim government is formed.
6. Legislation shall be issued by the GNC by a majority of at least 120 members in the following matters:
 - a. Approving the general budget and the State's final accounts.
 - b. Declaring and lifting a state of emergency.
 - c. Declaring and ending war.
 - d. Dismissing the GNC president, his deputies or any members of the GNC.
 - e. Withdrawing confidence from the government.
 - f. Ratifying international treaties.
 - g. Legislation regulating local administration affairs and general elections.
 - h. Legislation that places financial liabilities on the public treasury that are not included in the general budget.

7. Votes on political and administrative isolation laws shall pass by a majority of 101 GNC members.
8. GNC members may move to require a 120 member majority for an issue under discussion. The motion may only be put to a vote upon obtaining the support of five members. The resolution to require such a majority shall pass with a simple majority of members present.
9. Except in the preceding cases, legislation shall pass with a simple majority of members present.
10. Within a maximum of 90 days from its first session, the GNC shall:
 - a. Appoint a prime minister, who shall nominate his government's ministers, provided that all such members are granted confidence by the GNC before exercising their function as an interim government. The GNC shall also appoint the heads of sovereign functions.
 - b. Reconstitute the HNEC to elect a constituent assembly, called the Constitutional Drafting Assembly (CDA), through direct free ballot from among non-members, in order to draft a permanent constitution for the country. It shall be composed of sixty members after the model of the Committee of Sixty, which was established to draft the constitution of Libya's independence in 1951. Pursuant to a special law, the GNC shall be responsible for setting the criteria and rules for its election, taking into account the need for the distinct linguistic and cultural components of Libyan society to be represented.
11. Within the month of February 2014, the GNC shall form a committee to draft a constitutional amendment for presidential and parliamentary elections, provided that such committee concludes its work within 30 days from its date of formation. Based on this amendment, an election law shall be drafted which shall only enter into force after the CDA reports at the middle of its term, in accordance with the content below in Paragraph (12), Item (b).
12. The CDA shall finish drafting the constitution within 120 days from the start of its first session (in March 2014). No later than 60 days from its first session, it shall submit a report to the GNC (in May 2014) indicating whether it will be possible to complete the draft constitution within the above deadline.
 - a. If the CDA reports that it will be possible, the draft constitution shall be submitted to a yes-or-no referendum upon completion within 30 days of the approval thereof.
 - If the Libyan people approve the draft constitution by a majority of two-thirds of voters, the CDA shall ratify the same as the country's Constitution and it shall be referred to the GNC for promulgation.
 - If the draft is not approved, the CDA shall revise it and submit it again for referendum within a period of 30 days from the date that the first referendum's results are announced.
 - The GNC shall issue a general election law in accordance with the constitution within 30 days from the date that the constitution is promulgated.
 - General elections shall be held within 120 days from the date that the organizing laws are issued. The GNC and the interim government shall oversee

the preparation of all requirements for holding elections democratically and transparently.

- The HNEC (which shall be reconstituted by the GNC) shall be responsible for conducting general elections under the supervision of the national judiciary and the oversight of the United Nations and international and regional organizations.
 - The HNEC shall endorse and announce the results, and the new legislature shall be called to session within no more than 30 days from the date that the GNC endorses the results. At its first session, the GNC shall be dissolved and the legislature shall perform its duties.
- b. If the CDA reports that it will not be possible to draft a constitution within the period specified above, the GNC shall implement the constitutional amendment and election law referred to in Paragraph (11) in May 2014.

In all cases, the third transitional phase shall not exceed eight months from the first session of the CDA. This phase may only be extended by a popular referendum.

Article (2)

This amendment shall enter into force from its date of issue, and it shall be published in the Official Gazette.

General National Congress -- Libya

Issued in Tripoli

5 Rabi' al-Akher 1435 AH

Corresponding to 5/2/2014 AD