



National Front for the Salvation of Libya

VISION OF THE POLITICAL PROCESS DURING THE TRANSITIONAL PHASE

PROLOGUE

By the Grace of God and with the support of the Libyan people, the freedom fighters of February 17th 2011 fought and defeated the forces of the oppressive Ghaddafi regime in many parts of our beloved country. Through their heroic efforts and epic sacrifice, the flag of national independence was raised anew over Libya.

This achievement was the manifestation of the deep yearning of the Libyan people to have a dignified life under the shelter of democracy, constitutional legitimacy and the rule of law. For the past four decades, even prior to February 17th, thousands of Libyans have braved arrest, torture, exile and martyrdom for the sake of realizing this goal.

During this current period of crisis, the swift and skilled maneuvering demonstrated by the National Transitional Council and its military supporters to fill the void of authority must not be forgotten. Not only was their assumption of leadership met with widespread acceptance by the citizenry, but it also prompted the international community to implement a decisive political and military strategy that resulted in the preservation of the Libyan uprising for freedom.

As the struggle continues, we believe, God willing, that we are witnessing the final days of the Ghaddafi regime in the remaining parts of Libya. Upon its imminent defeat and collapse, it is understood that the Libyan nation will be ushered into a new transitional phase where it will confront the historic challenges and responsibilities that come with determining its political future.

It is self-evident that the transitional phase will require all Libyan men and women to engage in broad, ongoing and transparent dialogue with the aim of achieving a national consensus on the general principles and criteria that will govern the political process during this period. The ultimate goal will be the delivery of the country to a state of constitutional legitimacy and democratic political life.

Since its inception in 1981, **The National Front for the Salvation of Libya (NFSL)** has fought the Ghaddafi dictatorship with the aim of ending its rule and establishing a democratic alternative based on a national constitution. Because of its continued commitment to the fulfillment of this objective and given the current circumstances, the NFSL sees that it is its duty to articulate to the Libyan people its vision of the transitional phase as follows:

I. Nature and Aims of the Transitional Phase

The transitional phase is the political period that shall commence upon the complete fall of the existing regime and continue until a permanent constitutional authority and supporting political institutions are established. This phase, regardless of its length shall be temporary in nature and bound to the ultimate objective of transforming the nation from its current state to a democratic society.

This phase shall require the commitment by all involved parties to two basic principles:

- All parties representing the entire political and social landscape of Libya shall participate in discussions to reach wide agreement on the political process that shall follow.
- All necessary measures shall be taken to ensure that political authority is transferred to the people with all expediency while ensuring the integrity of the political process.

II. Path of the Political Process during the Transitional Phase

The NFSL proposes the transitional period lasts for 18 months and that the political process takes the following course:

- A **National Congress** composed of at least 200 members shall emerge from the National Transitional Council representing all regions of the country. The National Congress shall convene within 60 days of the fall of the regime.
- The National Congress shall be tasked with issuing a “**Declaration of Transitional Constitutional Principles**” to manage the process, forming a “**Transitional Presidential Council**” to serve as the temporary head of state and a “**Transitional Government**” that shall be comprised of a Prime Minister and Cabinet of Ministers.
- A “**National Founding Assembly**” shall be formed within 5 months of the fall of the regime through elections supervised by the Transitional National Congress and the Transitional Government under the observation of the United Nations.
- The main role of the National Founding Assembly shall be to draft a national constitution along with related legislation as needed during the transitional period.
- The transitional authorities (comprised of the **Transitional Presidential Council, the Transitional Government** and the **National Founding Assembly**) shall be entrusted with running the affairs of state in the transitional phase, supervising the presentation of the constitution for a popular referendum and running the general elections.

A. The National Congress

1. The National Congress shall be composed of no less than 200 members.

2. The United Nations, in consultation with the existing political entities shall lay down the foundation and criteria for selecting members of the National Congress. They shall guarantee representation of all the various regions, political orientations and segments of society including the youth and women.
3. The National Congress shall convene its first meeting within 60 days of the fall of the regime.
4. The National Congress shall establish its own internal rules and procedures to govern its proceedings.
5. The National Congress shall issue the Declaration of Transitional Constitutional Principles that will govern the transitional authorities defining their roles, functions and inter-relations.
6. The National Congress shall form the Transitional Presidential Council and the Transitional Government, i.e. the Prime Minister and Cabinet within seven days of its first session. .
7. The National Congress shall approve the final accounts and reports submitted by the Transitional National Council and the Executive Committee covering the period up to the convening of the National Congress.
8. The National Congress shall oversee the handover of authority and responsibility from the Transitional National Council and the Executive Office to the Transitional Presidential Council and the Transitional Government.
9. The National Congress shall cease to exist upon the completion of the above listed duties.

B. The Transitional Presidential Council

The Transitional Presidential Council is an entity that shall emerge from the deliberations and decisions of the National Congress as a governing body charged with conducting the general political affairs of Libya during the transitional period and in accordance with the Declaration of Transitional Constitutional Principles.

1. Composition of the Transitional Presidential Council

- a. The National Congress shall announce the formation of an entity that shall be known as the “Transitional Presidential Council”.
- b. Members of the Transitional Presidential Council shall be selected by a two-thirds majority of the National Congress.

- c. The Transitional Presidential Council shall be composed of a suitable number to be determined.
- d. The National Congress shall choose a President for the Transitional Presidential Council to preside over it and to act as its spokesperson. The remaining Council members shall be announced after the designation of the President.
- e. Decisions of the Council shall be passed by a simple majority vote.
- f. The Transitional Presidential Council shall establish its own rules and procedures to govern its proceedings.

2. General Tasks of the Presidential Council

- a. The execution of acts of sovereignty on behalf of the people throughout the transition period.
- b. The ratification of the executive government agenda submitted by the Transitional Government.
- c. The activation of the election law of the National Founding Assembly.
- d. The ratification of the general budget during the transitional period.
- e. Oversight of the implementation of the approved agenda of the Transitional Government.
- f. While preserving the principle of an independent judiciary, the President of the Council shall oversee the “Supreme Council of Judicial Bodies” existing in the country prior to the fall of the regime.
- g. Promulgation of necessary laws and presidential decrees.

C. The Transitional Government

The National Congress shall undertake the task of forming the Transitional Government composed of a Prime Minister and a Cabinet of Ministers.

1. Composition of the Transitional Government

- a. A Prime Minister shall be selected by the National Congress one week from its formation.
- b. The Prime Minister shall form a Cabinet by submitting candidates to the National

Congress for approval.

- c. The Prime Minister shall serve as the link between the Presidential Council and the Cabinet and shall have the right to attend all meetings of the Presidential Council.

2. Tasks of the Transitional Government

- a. Formulation of the general government agenda to be presented to the Presidential Council for ratification.
- b. Coordination with the Transitional Presidential Council in implementing the basic principles of the internal and foreign policies for the country.
- c. Activation of the election law forming the National Founding Assembly.
- d. Proposal and implementation of laws, decrees and regulations governing the functioning of local government during the transition phase.
- e. Preparation of the draft general budget for the transitional phase and presenting it to the Presidential Council for ratification.
- f. Proposal of laws and resolutions that will regulate the function of the state and their submission to the appropriate authorities for approval.
- g. Implementation of the general policies of the government agenda efficiently and in accordance with declared schedules.
- h. Begin immediate consideration and restitution of rights in all cases of injustice and infringement by the previous regime without delay.
- i. Begin an immediate investigation with the purpose of tracing and recovering all Libyan funds, assets, properties and other wealth stolen by the Ghaddafi regime within the country and abroad in order to safeguard the rights of the Libyan people.
- j. Appoint and dismiss senior officials in public office where issuance of presidential decrees is not required for such action.
- k. Work to establish and maintain law and order for the preservation of public safety, security and stability.
- l. Launch an urgent economic and social stimulus program whose objective is to create employment opportunities for all and to compensate the Libyan citizenry for years of poverty and deprivation.

- m.** Launch a comprehensive and urgent initiative to address the widespread cases of rape and abuse of women since the uprising of February 17th. This shall include medical and psychological treatment, counseling and any other aid needed to help them resume their lives and place in society with good physical and psychological health, emotional stability and dignity free from the stigma of the crimes committed against them.
- n.** Launch a comprehensive and urgent initiative to care and provide for the needs of the families of the fallen martyrs, missing persons and the injured.
- o.** Prepare a national program to empower women to engage, participate, contribute and realize their full potential and equal rights in all aspects of social, economic and political life.

D. The National Founding Assembly

The National Founding Assembly shall be formed within 5 months of the fall of the regime.

1. The Composition of the National Founding Assembly

- a.** The National Founding Assembly shall be formed through elections supervised by the Presidential Council and the Transitional Government and by the United Nations.
- b.** The National Founding Assembly shall have no more than 120 members.

2. Tasks of the National Founding Assembly

- a.** Drafting a constitution and preparing it for a popular referendum within 4 months before the end of the transitional period.
- b.** Drafting a body of electoral laws.
- c.** Drafting a law for the creation, establishment and registration of political parties.
- d.** Developing an anti-corruption law.
- e.** Laying the foundations and controls for the “general national reconciliation”.
- f.** Drafting a law for the “reorganization of the armed forces”.
- g.** Drafting any other legislation needed during the transitional period.
- h.** Participating in the execution of necessary measures for presidential and legislative elections to take place under the international observation of the United Nations, the

Arab League, the Organization of the Islamic Congress, the African Union, the European Union, and the international and regional organizations that are concerned with democracy and human rights.

- i. Exercising financial and administrative oversight of the bodies of the transitional authority through an auditor general to confirm transparent and appropriate use of public funds.
- j. Establishing its own internal guidelines for carrying out its duties.
- k. The National Founding Assembly shall accomplish these tasks during the transitional period which shall last for 18 months from the fall of the regime.

III. Principles Governing the Political Process

The NFSL presents herewith principles governing the political process which shall be divided into two parts; the first relating to the transitional period and the second relating to the political process in general.

A. Principles Specific to the Transitional Period

1. Commitment to a declared and comprehensive plan with clearly outlined steps bound to a specific duration of time lasting 18 months from the fall of the Ghaddafi regime that shall culminate with the establishment of full constitutional legitimacy and a pluralistic political system under the constitution.
2. The National Congress shall issue the Declaration of Transitional Constitutional Principles that will govern the transitional authorities, defining their functions and inter-relations.
3. No permanent or binding legislative or executive decisions relating to the formulation of policy of the state shall be made. The entering into any international treaties or conventions shall be left to the elected constitutional bodies.
4. Investigation of urgent complaints and grievances suffered by the Libyan people, and the abolition of any unjust rulings and judgments.
5. Investigation of persons and organizations that were allegedly involved or participated in activities and crimes of the former regime, to be followed by appropriate legal action.
6. Preparation of a general national reconciliation program excluding those who committed serious crimes, including those crimes committed by the regime and its instruments since the 17th of February 2011.

7. Launch of a comprehensive and urgent care system for all the families of the martyrs, missing persons, and the injured, to provide for all their needs and well being.
8. The launch of a comprehensive and urgent initiative to address the widespread cases of rape and abuse of women since the uprising of February 17th. This shall include medical and psychological treatment and counseling and any other aid needed to help them resume their lives and place in society with good physical and psychological health, emotional stability and dignity free from the stigma of the crimes committed against them.
9. Preparation of a national program to empower women to engage, participate and realize their full potential and equal rights in all aspects of social, economic and political life.
10. The launch of a comprehensive and urgent economic and social stimulus program whose objective shall be to create employment opportunities for all and to compensate the people for years of poverty and deprivation.
11. Assurance and protection of equal rights and duties for all Libyans (men and women) for citizenship, opportunity and justice before the law, ensuring fundamental rights and freedom for all.
12. Assurance and protection of the freedom of expression, the right to assembly and the formation of political parties for all the citizens.
13. The establishment and maintenance of law and order for the preservation of public safety, security and stability.

B. Tenets Governing the Political Process

The National Front for the Salvation of Libya seeks to present the following general principles for compliance by the authorities that shall manage the transitional period (the National Congress, the Presidential Council, the National Transitional Government, and the National Founding Assembly) in order to guide the political process and control its path.

1. Libya is a civil, sovereign, independent and democratic state that respects the national identity of its people including their cultural, linguistic, religious and ethnic affiliations.
2. Full commitment to the rule of law and its supremacy and the strengthening and support of its independent judiciary with the compliance of all citizens and authorities before it.
3. The national unity and cohesiveness of Libyan society is the crucible for all its components, rooted in a sense of belonging and loyalty to Libya while protecting the dignity, integrity and fundamental rights of its citizenry.

4. The drafting of a constitution for the Libyan state through a National Founding Assembly. The draft shall be presented to the people for approval in a general referendum based on specific principles, rules and controls.
5. The constitution shall specify the rules and provisions for the system of government and exercise of sovereignty. It shall specify the relationship between the three branches of government (legislative, executive and judicial) including the separation of powers and a system of checks and balances.
6. Commitment to establishing a political system that safeguards against one man rule while ensuring a democratic political process, commitment to political pluralism and a multi-party system as a means of expressing the will of the people. Commitment to a peaceful transfer of power through free and fair elections, respect of election results and commitment to integrity and fair political competition.
7. Commitment to providing full and equal opportunity for all individuals, groups, political currents to present their vision through any legal means of their choosing as long as they employ peaceful means, fair competition and democratic dialogue for resolving differences.
8. Recognition and fulfillment of the economic and social aspirations of the Libyan people through the following initiatives:
 - a. Launch of a broad and comprehensive economic development program.
 - b. Guarantee of social justice and cohesion.
 - c. The eradication of poverty.
 - d. Provision of health insurance and access to high quality health care for all citizens.
 - e. Access to high quality public education at all levels for all citizens.
 - f. Launch and support of intellectual, scientific and cultural initiatives and research and the adoption of disciplined educational standards to elevate human development and knowledge.
 - g. Adoption of a comprehensive national program for the protection of the environment and increasing awareness in the necessity of protecting the environment and achieving sustainable development.

- 9.** Ensuring the right to form civil political parties and associations, civil society organizations and other non-profit groups and associations
- 10.** Electoral legislation to ensure proper representation, fairness and equal opportunities for candidates and to ensure impartiality of legal and political conduct and the prevention of negatives practices. This shall facilitate representation of citizens from all social strata guaranteeing wide and active participation in the political arena.
- 11.** Guarantee and protection of the freedom and independence of the press and other media and the availability, dissemination and access to information while ensuring freedom of opinion, expression, assembly and peaceful protest as fundamental rights.
- 12.** Guarantee of citizenship rights and duties and equal opportunity and protection of the law for all Libyan men and women.
- 13.** Oil and all natural resources shall be state-owned.
- 14.** Organizing and preparing the armed forces under a central command. Development of its equipment and weapon systems and strategic capabilities to ensure safety of its territory and protection of all borders (land, sea, air.) Emphasis on non-interference in the internal affairs of other countries. Prohibition of the establishment of any military units outside the command of the armed forces.
- 15.** Prohibition of the abuse of the state of emergency and special laws except in cases of disasters or to defend the integrity and unity of the homeland. Such instances shall be limited by a specified and disciplined manner.
- 16.** Constructing a foreign policy based on the following principles:
 - a.** Libya shall be an active participant in its regional and international spheres of influence and shall enjoy positive, mutually beneficial with the international community.
 - b.** The conduct of foreign policy, based on a commitment to upholding international peace and security while opposing any internal or external threats to this policy.
 - c.** Cooperation and strengthening of ties with neighboring Arab, African and Mediterranean countries based on mutual respect and common interests.
 - d.** Respect for the national choices of other countries and establishing relations with their governments based on mutual respect and non-interference in internal affairs.

- e. An active role in matters of regional and international integration that is peaceful in nature. Support for democracy, human rights and dialogue across all societies.
- f. Development of cultural, scientific, artistic, technical, and economic cooperation. Commitment to existing agreements and international obligations relating to environmental and climate protection and sustainability.

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