

The Interim National Constitution of the Republic of the Sudan (Amendment), 2015

Be it hereby approved by the both Assembly and council, of the National Legislature, and signed, by the President of the Republic, in accordance with the provisions of Articles 91(2)(a), and 224(1), of the Interim National Constitution of the Republic of the Sudan, 2005, the following Amendment of the Constitution:-

Title and commencement

1. This Constitution may be cited as the, "Interim National Constitution of the Republic of the Sudan (Amendment) 2015", and shall come into force, as of the date of signature.

Amendment

2. The Interim National Constitution of the Republic of the Sudan, 2005, shall be amended as follows :-
 - (a) the phrases, "autonomy of the states" and "autonomy of the state" , wherever they may appear, shall be omitted;
 - (b) in Article 25 : paragraph (a) shall be repealed;
 - (c) In Article 26: -
 - first : paragraph (1)(a)(i) shall be repealed;
 - second : after sub-article (2) the following new sub-Article (3) shall be inserted :-
- "(3) There shall be established by law, chambers for Federal Government, under supervision of the President of the Republic, which shall assume the activity of federal and state's government in co-ordination, communication and

consultation, between the Governors and state's organs, with the Presidency and the Federal Organs.";

(d) in Article 58(1):-

first : the provisions of sub-article (c) shall be repealed, and the following provisions shall be substituted therefor :-

"(c) appoint Governors of states and holders of constitutional, judicial and other legal posts, and commanders of the Armed Forces, Police and Security; and relive them, in accordance with provisions of the law;"

(e) in Article 85(1): the phrase," of two representatives from each state, elected", shall be omitted, and substituted by the phrase," of three representatives from each state, to be elected,";

(f) in Article 91(4) :-

first: in paragraph (a), the phrase, "issue the framework law for local government and ", shall be inserted, at the beginning of the paragraph;

second: in paragraph (g), the phrase "from Governors of the States and", shall be inserted, after the phrase, "request statements";

(g) the provisions of Article 148, shall be repealed; and substituted by the following provision :-

"Police Forces

148.(1) The Police Forces are disciplined forces, of national composition, whose mission is the service of security of the homeland and citizens, combating crime, protection of property, fending off disasters and preserving ethics, and morals of the society, and the public order .

(2) Police Forces shall be under charge of the Federal Organs; in planning, preparation and training; and the same shall supervise some sectors thereof; the states shall supervise the sectors subordinate thereto; and in the state of emergency, supervision of them all shall revert to the Federal Organs.

(3) The law shall specify the system of Police Forces, the functions, terms of service of the personnel thereof, and the relation, between their federal and states organs and sectors .

(4) The law shall organize establishment of Police courts, formations, jurisdictions, powers, procedure thereof; and the legal services of the same for trial of their affiliates.";

(h) In Article 151:-

first: Sub-article (2) and (3) shall be repealed, and substituted by the following two Sub-articles :-

"(2) The National Security Organ shall be a national disciplined force, whose mission is to care for the internal and external National Security, and monitor the events, relating to the same, and analyze the purport and danger thereof; and adopt the measures of protection therefrom,";

"(3) The National Security Organ shall strive to combat all political, military, economic and social threats and terrorism, in co-ordination with the other disciplined forces.";

second: after sub-article (3), the new sub-article (4) shall be inserted:-

"(4) The law shall organize establishment of the National Security Organ courts, the formations , jurisdictions, powers and procedure thereof ; and the legal services it provides for trial of affiliates of the organ, for violation of the law of the same.";

(i) in Article 178(2) :the provisions of sub-article (2) shall be repealed, and substituted by the following provision :-

"(2) The State shall strive to promote and strengthen the local government; and organization of the same shall be in accordance with the law; and elections of organs thereof shall be held, in accordance with the National Elections Act .";

(j) in Article 179: the provisions of sub-articles (1) and (2) shall be repealed; and substituted by following the two Sub-articles:-

"(1)(a) The state executive organ shall be headed by a Governor, to be appointed by the President of the Republic, from those satisfying competence, chastity and impartiality, in accordance with the provisions of this Constitution; and shall be responsible, for performance of

his tasks, to the President of the Republic and the State Legislative Assembly;

(b) To assume the tasks of the office, the Governor , shall take, upon appointment the following oath, before the President of the Republic :-

(I having been appointed a Governor, do hereby swear by Almighty Allah, to be at all times faithful to the Republic of the Sudan, to abide by, respect and preserve the Constitution; and comply with all laws of the homeland; faithfully defend its independence, strive for its unity, and entrench the democratic decentralized system of government, established by the Constitution, and truthfully exert my utmost effort to serve the people of the state, and the homeland, and Allah, to what I say, is the Witness.).

(2) The President of the Republic may relieve the Governor from office, out of his own motion, or upon recommendation of two-thirds of the vote of all members of the State Legislative Assembly." ;

(k) in Article 180 : the provision of sub-article (1) shall be repealed; and substituted by the following sub-article :-

"(1) Every state shall have a State Legislative Assembly consisting of members; the number of whom shall be specified by the National Elections Act; and their election shall be as such as may be determined by the National Elections Commission.

(l) Article 186 shall be repealed; and substituted by the following new Article :-

" Land regulation

186(1) Regulation of land tenure, usage and exercise of rights thereon shall be a concurrent competence, exercised at the government level concerned, in accordance with the provisions of law.

(2) The President of the Republic may, from time to time, issue presidential decrees, for defining such land, as may be used for investment purposes; and the manner of disposal of the return of investment thereof; and determine the government level concerned, for management, and exercise of rights thereon.

(3) The National Legislature shall approve the National Investment Map.";

(m) after article 196 the following new Article shall be inserted:-

"Localities revenue resources

196A. The states and localities may, make such state's laws and financial local orders, as the case may be, to levy the following taxes and fees, to be resources of revenue for localities, namely :-

- (a) real estates proceeds ;
- (b) sales tax;
- (c) agricultural and animal production tax;
- (d) local land and river means of conveyance fees ;
- (e) local industrial and crafts production fees;
- (f) local services for mining fees;
- (g) any other local resources.";

(n) Article 226 shall be renumbered to be 227; and the following new Article 226 shall be inserted :-

" the Doha Document for Peace in Darfur inclusion"

226. Without inconsistency with the provisions of this Constitution, the Doha Document for Peace in Darfur inclusion shall be deemed an integral part thereof.";

(o) Schedules of powers shall be amended as follows :-

first: in Schedule (A): National Powers :-

(1) Provision of item (1) shall be omitted and substituted by the following provision :-

(2)"(1) Defence, Armed Forces, Police, Security, Disciplined People's Forces and Protection of Borders;"

(3) : item (8) shall be omitted;

(4): the provision of item (9) shall be omitted; and substituted by the following provision :-

"(9) Macro policy and framework law of civil service, preparation of organizational charts and scales of posts, specification of wages and increments of civil service officials, and other officials; and providing wages and increments for National Government officials;"

(5): at the end of item (15) the phrase " and land of the National Investment Map, and such as may be specified by Presidential Decrees", shall be inserted;

(6) at the beginning of item (28), the phrase; " Human Affairs and", shall be inserted;

- (7) in item (34), after the word," and the publications", the phrase, " and electronic media, broadcasting and television transmission and censorship of the contents;";
- (8) after item (38), the following two new items shall be inserted:-

"(39) Social Security Funds;"

"(40) Demographic policy and family planning.";

second: in Schedule (C): Powers of States :-

- (1) items (2) and (3) shall be repealed ;
- (2) in item (5) the phrase, "including state pensions", shall be omitted; and the phrase," in accordance with the Framework Law", shall be inserted, at the end of the item;
- (3) at the end of item (8), the phrase,
"excluding contents of the Investment Map, and such as may be specified by Presidential Decrees";
- (4) item (26) shall be omitted .

third: in Schedule (D): Concurrent Powers :-

- (1) item(14) shall be repealed;
- (2) in item (16) the phrase "and telecommunications" set out after the phrase, "Broadcasting", shall be omitted;

(3) at the end of item (32) the phrase, "other than the land of the National Investment Map, and such as may be specified by Presidential Decrees", shall be inserted;

(4) after item (32), the following new items shall be inserted :-

" (33) Local Government.

(34) Civil Service."

Certificate

I hereby certify that both chambers of the National Legislature, have approved the Draft Interim National Constitution of the Republic of the Sudan (Amendment), 2015, in two separate sittings, dated the 13 Rabi'e I, 1436, A.H., being the 4th. January, 2015, A.D.

(Signed)

Dr. Elfatih Izzedin El Mansur

Speaker of the National Legislature

(Signed)

I assent

Field Marshal Omar Hassan

Ahmad El Basheir

President of the Republic

Date: 13/3/1436, A.H.

Being: 4/1/2015, A.D.