

Sudan Constitution

PART ONE: THE STATE, THE CONSTITUTION AND GUIDING PRINCIPLES **CHAPTER 1: THE STATE AND THE CONSTITUTION**

Nature of the State

1 (1) The Republic of the Sudan is an independent, sovereign State. It is a democratic, decentralized, multi-cultural, multi-lingual, multi-racial, multi-ethnic, and multi-religious country where such diversities co-exist.

(2) The State is committed to the respect and promotion of human dignity; and is founded on justice, equality and the advancement of human rights and fundamental freedoms and assures multi-partism.

(3) The Sudan is an all embracing homeland where religions and cultures are sources of strength, harmony and inspiration.

Sovereignty

2 Sovereignty is vested in the people and shall be exercised by the State in accordance with the provisions of this Constitution and the law, without prejudice to the autonomy of Southern Sudan and the states.

Supremacy of the Interim National Constitution

3 The Interim National Constitution shall be the supreme law of the land. The Interim Constitution of Southern Sudan, state constitutions and all laws shall comply with it.

Fundamental Bases of the Constitution

4 This Constitution is predicated upon and guided by the following principles:-

(a) the unity of the Sudan is based on the free will of its people, supremacy of the rule of law, decentralized democratic governance, accountability, equality, respect and justice,

(b) religions, beliefs, traditions and customs are the source of moral strength and inspiration for the Sudanese people,

(c) the cultural and social diversity of the Sudanese people is the foundation of national cohesion and shall not be used for causing division,

(d) the authority and powers of government emanate from the sovereign will of the people exercised by them through referenda and in free, direct and periodic elections conducted through universal adult suffrage, using secret ballot.

Sources of Legislation

5 (1) Nationally enacted legislation having effect only in respect of the Northern states of the Sudan shall have as its sources of legislation Islamic Sharia and the consensus of the people.

(2) Nationally enacted legislation applicable to Southern Sudan or states of Southern Sudan shall have as its sources of legislation popular consensus, the

values and the customs of the people of the Sudan, including their traditions and religious beliefs, having regard to Sudan's diversity.

(3) Where national legislation is currently in operation or is to be enacted and its source is religion or custom, then a state, and subject to Article 26 (1) (a) herein in the case of Southern Sudan, the majority of whose residents do not practice such religion or customs may:-

(a) either introduce legislation so as to allow practices or establish institutions, in that state consistent with their religion or customs, or

(b) refer the law to the Council of States to be approved by a two-thirds majority of all the representatives or initiate national legislation which will provide for such necessary alternative institutions as may be appropriate.

Religious Rights

6 The State shall respect the religious rights to:-

(a) worship or assemble in connection with any religion or belief and to establish and maintain places for these purposes,

(b) establish and maintain appropriate charitable or humanitarian institutions,

(c) acquire and possess movable and immovable property and make, acquire and use the necessary articles and materials related to the rites or customs of a religion or belief,

(d) write, issue and disseminate religious publications,

(e) teach religion or belief in places suitable for these purposes,

(f) solicit and receive voluntary financial and other contributions from individuals, private and public institutions,

(g) train, appoint, elect or designate by succession appropriate religious leaders called for by the requirements and standards of any religion or belief,

(h) observe days of rest, celebrate holidays and ceremonies in accordance with the precepts of religious beliefs,

(i) communicate with individuals and communities in matters of religion and belief at national and international levels.

Citizenship and Nationality

7 (1) Citizenship shall be the basis for equal rights and duties for all Sudanese.

(2) Every person born to a Sudanese mother or father shall have an inalienable right to enjoy Sudanese nationality and citizenship.

(3) The law shall regulate citizenship and naturalization; no naturalized Sudanese shall be deprived of his/her acquired citizenship except in accordance with the law.

(4) A Sudanese national may acquire the nationality of another country as shall be regulated by law.

Language

8 (1) All indigenous languages of the Sudan are national languages and shall be respected, developed and promoted.

(2) Arabic is a widely spoken national language in the Sudan.

(3) Arabic, as a major language at the national level and English shall be the official working languages of the national government and the languages of instruction for higher education.

(4) In addition to Arabic and English, the legislature of any sub-national level of government may adopt any other national language as an additional official working language at its level.

(5) There shall be no discrimination against the use of either

Arabic or English at any level of government or stage of education.

National Symbols

9 The law shall specify the national flag, national emblem, national anthem, public seal, medals, national festivals and commemorations of the State.