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# REPUBLICAN ORDER No 5<sup>1</sup>

August 13, 1971

We the Revolution Command Council, on behalf of the Sudanese people and in accordance with their will, issue the following order for compulsory enactment: —

## CHAPTER I

### GENERAL RULES

1. This document shall be called Republican Order No. 5 and it incorporates basic rules which shall govern the country pending drafting of the permanent Constitution.

2. The provisions of this law shall take precedence over all Republican Orders and shall nullify all provisions contradicting it in such a way as to remove those contradictions.

3. The Sudanese Democratic Republic is a democratic socialist State whose sovereignty is founded on the alliance of the people's working forces.

4. Sovereignty belongs to the people's working forces and shall be practiced as mentioned in this Order.

5. The people's working forces consist of farmers, workers, soldiers, intellectuals and national capitalism.

6. (a) The people's working forces shall be organized in the Sudanese Socialist Union in a manner reflecting their national unity, mobilizing their revolutionary potentials and guarding their sound democratic values.

(b) The Sudanese Socialist Union is the only political organization allowed to be established in the Sudan.

(c) The President of the Republic shall issue a decree concerning the establishment of the Sudanese Socialist Union and its subsidiaries from the different popular organizations.

<sup>1</sup> *Provisional Constitution of Sudan*. Supplied in Arabic by the Ministry of Foreign Affairs, Khartoum, in April 1972. English text kindly furnished by United Kingdom Embassy in Khartoum. Ed.

7. The Arabic language is the official language of the Democratic Republic of the Sudan.

8. The economic system of the Democratic Republic of the Sudan is the socialist system which aims at the creation of the society of justice and abundance and prevents any type of exploitation.

9. The People's Armed Forces are the property of the people's working forces and are entrusted with protecting the people's revolution, socialist gains and the country's integrity and security.

10. Public funds are inviolable and their protection is the duty of every citizen.

## CHAPTER II

### BASIC RIGHTS

11. The Sudanese are equal before the law in their general duties and rights with no discrimination among them irrespective of race, sex or religion.

12. All persons enjoy freedom of belief and the right to practice their religious rites within the limits of law, morals and general order.

13. No person shall be arrested, imprisoned or deprived of using his property except in accordance with the provisions of law.

## CHAPTER III

### PRESIDENT OF THE REPUBLIC

14. The President of the Republic is the Head of State. He shall be a Sudanese of Sudanese parents, enjoying his civil and political rights and shall not be under 35 years.

15. The Sudanese Socialist Union shall nominate the President of the Republic and the nomination shall be put before the people for a plebiscite. However, the Revolution Command Council shall nominate the first President of the Republic for a plebiscite.

16. Tenure of the Presidency of the Republic is six years starting from the announcement of the result of the plebiscite.

17. The President of the Republic, before discharging any duties of his office, shall be sworn in before the People's Council. However, the first President of the Republic shall swear the oath before the Revolution Command Council and Members of the Sharia and Civil High Courts. The oath runs as follows:

"I swear by the Almighty to preserve sincerely the Revolutionary Socialist System, to respect the provisions of law, to shoulder my duty as President of the Republic with honesty, earnestness and sincerity and to maintain the country's independence and territorial safety."

18. The President shall appoint two or more Vice-Presidents and he can relieve them of their posts. The Vice-President shall be a Sudanese, born to Sudanese parents, enjoying his civil and political rights and shall not be under 25 years. The Vice-President shall take the undermentioned oath before the President before discharging his duties.

“I swear by the Almighty to preserve sincerely the revolutionary socialist system, to respect the provisions of law, and to maintain the country’s independence and territorial safety.”

19. The law shall define allocations of the President of the Republic and the Vice-President.

20. The President of the Republic and the Vice-President are banned during tenure of office from practising any profession or commercial business or entering directly or indirectly into commercial transactions with the State.

21. The President can resign his post by a letter directed to the People’s Council and the post shall fall vacant when the letter of resignation is read before the Council.

22. When a temporary disability hampers the President from discharging his duties, the first Vice-President shall take over his duties.

23. (a) In case of resignation or permanent disability of the President or his death, the first Vice-President shall take over, and the People’s Council shall determine by a two-thirds majority the vacancy of the post. A President for the Republic should then be elected within a period not exceeding 60 days from the date of vacancy of the post.

(b) If the People’s Council is not in existence at the time the post of the Presidency becomes vacant, the first Vice-President shall work for the establishment of the Council within 60 days. In this case the President of the Republic shall be elected within 3 months from the date when the post falls vacant.

24. The President of the Republic assumes the executive powers and exercises them in accordance with this Order and law.

25. The President is the Commander-in-Chief of the People’s Armed Forces and supervises the security forces and the civil service according to law.

26. The President of the Republic appoints Ambassadors and diplomatic representatives to foreign countries and accredits Ambassadors and diplomatic representatives of foreign countries to the Democratic Republic of the Sudan. He also appoints senior officials and Commanders of the Armed Forces according to the law.

27. The President has the right to grant special pardon and to reduce sentences although full amnesty is only permitted under a law.

28. The President of the Republic shall declare war with the concurrence of the People’s Council.

29. The President shall conclude and ratify treaties and notify the

People's Council. The treaties shall have the force of law following their conclusion and ratification. However armistices, treaties and alliances and all treaties entailing demarcation of State lands or those relating to sovereignty rights or involving the country's treasury in expenditures not mentioned in the budget can never be put into effect unless approved by the People's Council.

## CHAPTER IV

### THE COUNCIL OF MINISTERS

30. The President of the Republic shall appoint a Council of Ministers under his presidency or the presidency of any other person in order to assist him in carrying out his executive duties. The Prime Minister and the Ministers shall have the same qualifications as those required for a member of the People's Council.

31. The Prime Minister and each Minister shall be sworn-in before the President as follows:

"I swear by the Almighty to safeguard the revolutionary socialist system, respect the provisions of law, perform my duties with honesty, diligence and loyalty, fully to protect the interests of the people and safeguard the independence of the homeland and the integrity of her territory."

32. The Prime Minister or any Minister, while holding his post, may not engage in any professional or commercial work and may not enter into any commercial transaction with the State, and he shall inform the President of his interest in any commercial transaction with the State.

33. Each Minister shall be responsible to the Prime Minister for running the affairs of his Ministry.

34. The Council of Ministers quorum shall be half the Members and decisions shall be taken by absolute majority.

35. The President shall by decree fix the remuneration of the Prime Minister and the other Ministers.

36. The President may dismiss the Council of Ministers or any Minister in it, and accept the resignation of the Council of Ministers or any Minister.

## CHAPTER V

### THE PEOPLE'S COUNCIL

37. The President shall by decree fix the number of the People's Council's Members and the manner of their election and the Ministers shall be members thereof by virtue of their posts.

38. A person qualifies for membership of the People's Council if he

meets the following requirements:

- (1) of Sudanese nationality
- (2) in possession of sound faculties
- (3) more than 25 years of age
- (4) literate
- (5) enjoying his political rights

39. True representation of the various sections of the forces of the working people and the geographical regions of the Democratic Republic of the Sudan shall be taken into account in constituting the People's Council.

### **The Democratic Republic of the Sudan**

40. The President and the People's Council constitute the legislative power and its exercise shall be in accordance with the provisions of this order. However, the President may exercise by himself the legislative power, except in amending this order, until the People's Council is instituted.

41. The People's Council shall prepare the draft permanent Constitution which is to be ratified by a two-thirds majority within the period specified by the President of the Republic.

42. The President shall by decree fix the remuneration of the People's Council members.

43. Each member shall take the following oath before the People's Council on assumption of his duties.

"I swear by the Almighty to safeguard the Revolutionary Socialist System, respect the provisions of law, perform my duties with honesty, diligence and loyalty to protect fully the interests of the people and safeguard the independence of the country and the inviolability of its soil."

44. A member of the People's Council shall forfeit his membership if: —

- (1) he dies
- (2) does not meet one of the qualifying conditions
- (3) he submits his resignation in writing to the President of the People's Council
- (4) a decision is issued by the President of the Republic relieving him of his post.

45. Any member of the People's Council shall not be held to account for the ideas or opinions he expresses during the conduct of his work in the Council or in any of the Committees thereof, in accordance with the provisions of the internal regulations.

46. The legal quorum for the People's Council is half the members and in accordance with the provisions of article 41 of this order decisions shall be taken by absolute majority.

47. The president of the Republic shall issue the regulations that govern the work of the Council and its various committees.

48. The People's Council shall automatically be dissolved immediately upon ratification of the permanent constitution by the people, unless a decree dissolving it is issued by the President before this, and in this event another Council shall be set up within 60 days from the date of dissolution.

49. The premises of the People's Council shall be in the town of Khartoum, and may under exceptional circumstances, be convened in any other place in the Sudan with the concurrence of a two-thirds majority of its members.

## CHAPTER VI

### LEGISLATION

50. Draft laws shall be ratified in accordance with the procedures set out in the regulations issued in accordance with Article 47 of this order.

51. The President, the Council of Ministers, any Minister thereof or any member of the People's Council, may submit whatever draft laws he deems feasible to the People's Council, or expenditures, may be submitted or amended, unless approved in writing by the Minister of Treasury.

52. The Council shall examine the draft laws proposed by the President, the Council of Ministers or any Minister. But other laws shall be submitted to one of the Council's Committees, which shall determine the feasibility of submission of the draft to the Council for examination, and its decision in this respect shall be final.

53. The draft laws that are passed by the People's Council shall become effective upon signature by the President.

54. 1. The President may of his own accord or upon request by the Council of Ministers, issue in cases which he deems urgent, temporary orders that shall have the force of law.

2. The Council of Ministers shall submit each temporary order to the People's Council for approval or rejections as soon as practicable.

3. The temporary order shall become legal if passed by the People's Council but immediately becomes null and void if not passed by it. However, a draft law serving the same or similar purpose may be submitted.

4. Any law abrogated or amended by temporary order shall come again into force from the date of cancellation of that order and shall come into force as if that order had not been issued.

5. The cancellation of such order shall not be retroactive.

## CHAPTER VII

## FINANCE, LEVYING OF TAXES

55. Levying, amendment or cancellation of public taxes shall only be effected by law, and nobody shall be exempted from paying them except in cases provided by law, and no other persons shall be required to pay taxes and duties except in accordance with the provisions of the law.

56. The budget shall be passed in accordance with a law indicating all aspects of revenues and expenditures.

57. If the new budget is not passed before the commencement of the new fiscal year, the old budget shall be implemented until the passing of the new one.

## CHAPTER VIII

## AMENDMENT OF THIS ORDER

58. This order may not be amended except by concurrence of three quarters of all the members of the People's Council and the concurrence of the President in accordance with an amendment draft to be submitted by one third of all the members of the People's Council of the President.

**Transitional Provisions**

59. In accordance with the provisions of Article 2 of this Order, and except in instances where it is explicitly provided in this Chapter: —

1. All laws and Republican orders valid at the time of the issue of this order shall remain valid unless emended or cancelled by a competent authority; and every reference in these laws and Republican orders to the Revolution Command Council shall be considered as a reference to the President of the Republic.

2. All persons holding posts in the Democratic Republic of the Sudan shall continue to exercise their assigned duties unless a decision for their expulsion or suspension is issued by a competent authority.

60. The 1st Republican Order shall be automatically repealed and cease to be in force as soon as the President is constitutionally sworn-in.

Dissolution of the Revolution Command Council and the Council of Ministers.

61. As soon as the President has been constitutionally sworn-in the Revolutionary Command Council and the Council of Ministers shall become automatically dissolved.



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# SWAZILAND

## SUMMARY

### INTERNATIONAL STATUS

Swaziland is a member of the United Nations (1968), of the Commonwealth of Nations, the Organization of African Unity and other international organizations. It is in a customs and monetary and exchange union with South Africa. Swaziland became independent on September 6, 1968, by the Swaziland Independence Order of August 30, 1968.

The Swazi, in the 1840's, requested British protection against raids by Zulus who had already driven them from farther south into the present area of Swaziland. The King repeatedly gave land concessions to whites and