

Peace Commission Bill 2021

In line with the provisions of the constitutional document for the transitional period of 2019, the Sovereign Council and the Cabinet of Ministers have jointly issued, and the Sovereign Council has signed, a law whose text is as follows:

Chapter 1

Preliminary Provisions

Name of the Law and its Entry into Force

1. This law is named “Law of the Peace Commission 2021” and comes into force from the date on which it is signed.

Glossary

2. For the purposes of this law, unless context dictates otherwise:

“The General Secretariat”	Refers to the General Secretariat of the Commission formed in accordance with article 13;
“The Secretary General”	Refers to the Secretary General of the Commission, appointed in accordance with article 13(2);
“Chairperson of the Commission”	Refers to the Chairperson of the Commission stipulated in the provisions of article 8;
“The Commission”	Refers to the Peace Commission founded in accordance with the provisions of article 4;

General Principles

3. When applying the provisions of this law, the following principles must be taken into account:
 - a. Working to implement the peace treaties in word and spirit and working to publish them as widely as possible
 - b. Asserting the importance of building a sustainable peace which brings real safety and stability and encourages opportunities for peaceful existence between different components of society;
 - j. The imperative to create a suitable environment and a healthy climate to treat the causes of the conflict and its fallout
 - d. Affirming that a comprehensive, sustainable peace will help to establish political stability and peaceful democratic change and will be a vital part of building the Sudanese state on a basis of freedom, justice and citizenship without discrimination;
 - h. Affirming that the active participation of stakeholders in the mechanisms of implementation of peace treaties is the soundest approach to building and

maintaining peace, ensuring that it spreads and that its beneficiaries take ownership of it in accordance with the peace treaties;

- w. Asserting the importance of recourse to experts competent in the field of conflict resolution in spreading a culture of peace;
- z. Asserting the importance of establishing safe and suitable conditions for the voluntary return of refugees and displaced people to their original homelands;
- H. The importance of fashioning a framework which allows all political powers and organisations within civil society to play an effective role in peacebuilding activities;
- T. Asserting the paramount importance that women should be involved at all stages of the peace process, and is a vital part of encouraging the values of peace;
- y. Ensuring that the Commission carry out its tasks in a transparent manner and ensures that all parties are involved in its activities in a manner which befits the spirit of the peace treaties;
- k. Asserting the importance of acknowledging and administering to Sudan's ethnic and cultural diversity.

Chapter 2

The Commission

Establishing the Commission, its headquarters and its responsibilities

- 4. (1) An independent commission shall be established under the name of "The Peace Commission" which shall have a legal personality and an official seal.
(2) The headquarters of the Commission shall be in Khartoum, and it shall have the right to establish branches or offices in any of the states or provinces as necessity should dictate.
(3) The Commission shall be answerable to the Sovereign Council in conducting its affairs.

Goals of the Commission

- 5. The Commission shall aim to achieve the following:
 - a. Implementing the clauses of the peace treaties through the mechanisms stipulated in these treaties, and in coordination with relevant entities;
 - b. Pursuing the establishment of the mechanisms stipulated in the peace treaties;
 - j. Promoting the peace treaties and putting ownership of them in the hands of the people;
 - d. Achieving social peace between components of society on a national level.

Formation of the Commission and its Length of Service

6. (1) Following a resolution by the Sovereign Council to consult with the Cabinet of Ministers and involve parties of the peace process, the Commission shall be formed of a full-time chairperson and a number of members representing the following entities:
- a. The heads of the mechanisms mentioned in the peace treaties;
 - b. A representative of the Ministry of Finance and Economic Planning;
 - j. A representative of the Ministry of Federal Government
 - d. A coordinator for security arrangements in the treaties;
 - h. The advisor of the Prime Minister for Matters of Peace.
- (2) The period of membership for the Chairperson of the Commission and its members shall be five years.

Remit and Powers of the Commission

7. The Commission shall have the following remit and powers:
- k. Pursuing the implementation of the clauses and provisions featured in the peace treaties in accordance with the schedule and time limits shown in the implementation matrix;
 - q. Coordinating efforts, making connections and collaborating with all relevant entities on the national, regional and international level for the purposes of building and sustaining peace;
 - j. Overseeing and pursuing the tasks and activities of the mechanisms of implementation featured in the peace treaties which come within its powers, and offering technical and administrative support for them to undertake the tasks entrusted to it;
 - d. To put in place policies, plans and programmes linked to the activities of the Commission and coordinating efforts between different mechanisms of implementation;
 - h. Working in coordination with the Supreme National Committee to pursue implementation, as well as the Joint Supreme Committees for Pathways and the rest of the relevant entities for the purposes of implementing the agreements, and submitting periodic reports to these entities;
 - w. Receiving complaints concerning duties linked with the work and practical tasks of the mechanisms of implementation;
 - z. Attracting material support from official organisations and international partners in accordance with the implementation plan of the peace treaties;
 - H. Offering recommendations to state bodies on all levels to facilitate the implementation of the provisions of the peace treaties;

- T. Undertaking consultancy work and pursuing the implementation of strategies and policies concerning peace-related issues for the authorities and relevant institutions;
- y. Undertaking research and studies concerning peace and conflict resolution;
- k. Designing capacity-building programmes guided by the needs of local organisations affected by the conflicts;
- l. Determining the actual requirements necessary to implement plans and programmes and striving to cater to these;
- m. Coordinating with international partners and non-governmental organisations globally, regionally and locally to come up with strategies for implementing the peace treaties, as well as coming up with plans and strategies for implementation and having them authorised by the Sovereign Council.
- n. Pursuing the implementation of peace-related programmes and projects on the ground and observing the outcomes of these;
- s. Gathering information relevant to its tasks and storing this, as well as pursuing the implementation of memoranda of understanding signed by it;
- c. Preparing an annual budget to be made official within the general state budget;
- f. Coming up with an organisational and functional structure with the involvement of parties to the peace process and submitting this to the relevant entities for approval.
- S. Publishing an internal regulation to organise its work and meetings.

Remit of the Chairperson of the Commission

- 8. The Chairperson of the Commission holds executive responsibility for the running of the Commission in a manner which is consistent with past practices, and shall have the following remit:
 - t. Overseeing the implementation of the policies and programmes of the Commission and furthering executive, technical and administrative work;
 - n. Representing the Commission internally and externally;
 - j. Submitting periodic reports about the activity of the Commission to the Sovereign Council and other mechanisms.

Conditions of Appointment for the Chairperson and Members of the Commission

- 9. The Chairperson and members of the Commission must satisfy the following conditions:
 - a. Must be of Sudanese nationality;
 - b. Must have full legal eligibility;
 - j. Must hold a university qualification;

- d. Must possess experience in peace-related issues and conflict resolution;
- h. Must not have held political or constitutional under the regime of the 30th of June 1989.

Cases where a post is vacated and how to fill it

10. (1) The post of Chairperson of the Commission or any of its members shall be vacated in any of the following cases:

- a. Mental or physical health complications;
- b. Acceptance of resignation;
- j. Conviction by final judgement of a crime connected with honour or security;
- d. Repeated absence as defined by the regulations;
- h. Death.

(2) In the case that the post should be vacated for any of the reasons stipulated in clause (1) it shall be filled in the manner laid out in the provisions of article 9.

Allocations and Privileges of the Chairperson and Members of the Commission

11. The Sovereign Council shall determine the allocations and privileges of the Chairperson and members of the Commission.

The Oath

12. (1) Prior to assuming their posts, the Chairman of the Commission and its members shall swear the following oath before the Sovereign Council:

“I swear by Allah the Great that in my role as chairperson or member of the Peace Commission to be loyal and sincere in my allegiance to the Republic of Sudan; to perform my duties and responsibilities earnestly, honestly and transparently for the uplifting, wellbeing and advancement of the Sudanese people; to abide by the Constitution, defend it and maintain it, and to observe the laws of Sudan; to protect the sovereignty of the country; to establish upon its unity the solid pillars of democratic governance; and to preserve the dignity, pride of the Sudanese people, as Allah is my witness.”

(2) Adherents to other faiths shall swear the same oath given above in clause (1) adjusted to their faith.

Chapter 3

The General Secretariat

13. (1) The Commission shall have a general secretariat headed by a secretary general, who shall be assigned a number of workers in accordance with the

organisational structure of the Commission, to whom the legal status of civil service employees shall be applied.

(2) The Secretary General shall be appointed at the decision of the Cabinet of Ministers at the recommendation of the Chairperson of the Commission in consultation with parties to the peace process. This decision shall determine his/her remit and powers, subject to him/her meeting the working requirements of the post.

(3) The conditions of appointment for the Secretary General shall be the same as for the appointment of the Chairperson and members of the Commission.

(4) The General Secretariat shall be overseen in its work by the Chairperson of the Commission by way of specialist technical administration in accordance with the organisational and functional structure of the Commission.

Remit and Powers of the Secretary General

14. The Secretary General shall have the following remit and powers:
- a. Implementation of the policies and programmes of the Commission;
 - b. Implementation of the decisions and instructions of the Chairperson of the Commission;
 - j. Signing contracts and treaties entered into by the Commission;
 - d. Appointing workers in accordance with the provisions and rules which govern this matter;
 - h. Taking minutes at the meetings and deliberations of the Commission;
 - w. Drawing up an annual budget and submitting this to the Commission for approval;
 - z. Undertaking any other tasks which must be fulfilled in the line of work.

Duties and Immunities of the Chairperson, Members and Employees of the Commission

15. The Chairperson, members and employees of the Commission commit to:
- a. The principles of neutrality, integrity and independence;
 - b. The duty of confidentiality; they shall be forbidden from disclosing the workings of the Commission or publishing information about them outside of the reports and data which it publishes. This applies to all employees and includes the duty of maintaining the secrecy of anything that comes to their attention, whether documents, data, testimonies, information or materials surrounding issues referred for the scrutiny of the Commission;
 - j. The duty of confidentiality applies to members after their resignation, partners and contractors of the Commission;
 - d. The Chairperson and members of the Commission must declare their assets and the assets of their spouses and children to the proper entities;

h. The Chairperson, members and employees of the Commission must avoid any activities or behaviour which could damage the esteem and prestige of the Commission.

Protecting Those Working on the Commission

16. Whilst performing their duties, the Chairperson, members and employees of the Commission shall be afforded protection via the following arrangements:
- a. The Chairperson, members and employees of the commission shall not be pursued for or in connection with any felony or misdemeanour committed while conducting their duties until immunity has been lifted from them following a reasoned decision by two thirds of the members of the Commission. If caught in the act of committing a crime, the member concerned may be arrested and the Chairperson of the committee must be informed immediately.
 - b. The Chairperson, members and employees of the Commission are to be considered public officials. It is up to the state to afford them protection from all forms of threat or assault to which they may be subjected while carrying out their duties to the Commission or in connection with it, and after these duties end. An assault on any one of them is to be considered an assault on a public official performing his/her role, and the punishment stated in the penal code shall be applied.

Chapter 4

Financial Provisions

Financial Resources of the Commission

17. The Commission's financial resources shall consist as follows:
- a. Financial allocations from the State;
 - b. Grants, gifts and donations;
 - j. Any other financial resources.

Budget of the Commission

18. The Commission shall have an independent budget calculated in accordance with good accounting practice.

Accounts and Auditing

19. (1) The Commission must keep orderly and correct accounts in accordance with good accounting practice.
- (2) The Commission shall deposit its funds in the Central Bank of Sudan or any other bank agreed upon.

(3) The Commission shall submit an annual report to the proper entities at the end of each financial year.

(4) The National General Auditing Office shall audit the accounts of the Commission, or this may be done by any auditor agreed on and overseen by the Auditor General.

The Power to Issue Regulations

20. The Commission may publish the necessary regulations to implement the provisions of this law.

Testimony

I hereby bear witness that the Sovereign Council and the Cabinet of Ministers have approved the Law of the Peace Commission 2021 in sitting number () on day of month in the year 1442 (Hijri), corresponding to day of month in the year 2021 (Gregorian).

General Abdul Fattah Abdul Rahman Al Burhan

Chairman of the Sovereign Council

You can send notes and comments to the email below:

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